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Federal Register

Monday
April 30, 1979

Highlights

Telecommunications Device for the Deaf—Office of the Federal Register provides a new service for deaf or hearing impaired persons who need information about documents published in the **Federal Register**. See the Reader Aids section for the telephone listing.

25194 **Banks** FDIC adopts rules on requirements applicable to insured State nonmember institutions for establishing and operating foreign branches and for acquiring and holding ownership interests in foreign entities; effective 5–30–79

25193 FDIC amends certain regulations to conform them with Financial Institutions Regulatory and Interest Rate Control Act and new regulation regarding foreign activities of insured State nonmember banks; effective on 4–30 and 5–30–79

25216 **Excise Taxes on Buses** Treasury/IRS issues temporary regulations relating to floor stocks refunds and credits

25284 **Treasury Notes** Treasury/Secy announces interest rate of 9¾ percent on notes designated Series S–1981

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Highlights

25366 **Federal Energy Management and Planning Program** DOE proposes methodology and procedures for life cycle cost analysis of Federal buildings; comments by 6-29-79; hearings on 5-17, 6-4, and 6-19-79 (Part IV of this issue)

25388 **Highway Beautification** DOT/FHWA considers reassessment of program and announces public hearings on 6-5, 6-12, 6-19, 6-26, and 7-10-79; comments by 7-15-79 (Part VI of this issue)

25238 **Hazardous Materials Transport** DOT/MTB renews exemptions for carriage by aircraft of small quantities of low-level radioactive materials; effective 5-3-79

25256 **Railroad Rebuilding** ICC proposes to revise accounting regulations for identifying expenditures; comments by 6-12-79

25384 **Endangered Species** ESSA specifies procedures for making 1979-80 export findings regarding American alligator, bobcat, lynx, river otter, Alaskan wolf, Alaskan brown bear and American ginseng (Part V of this issue)

25274 **Outer Continental Shelf** Interior/BLM requests nominations for areas on Bering Sea-Norton Sound for possible oil and gas leasing; nominations and comments by 11-1-79

25243 **Federal Coal Management Program** Interior/BLM announces availability of final environmental statement

25257 **Bumper Standards** DOT/NHTSA solicits views on effectiveness test program; comments by 5-15-79

25284 **Sugars and Syrups From Canada** Treasury/Secy initiates antidumping investigation; effective 4-30-79

25283 **Tuna Fish** Treasury/Customs establishes tariff-rate quota for calendar year 1979; effective 1-1-79

25278 **Agency Forms** OMB issues list of forms under review

25354 **Improving Government Regulations** Commerce issues addendum to semiannual agenda of regulations (Part II of this issue)

25350 **Sunshine Act Meetings**

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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 918

Fresh Peaches Grown in Georgia; Grade and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes minimum grade and size requirements for fresh peaches grown in Georgia for the 1979 season. These requirements are designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based on information submitted by the Industry Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act. The regulation has not been determined significant under USDA criteria for implementing Executive Order 12044.

The committee met on April 18, 1979, to consider supply and market conditions and other factors affecting the need for regulation. It recommended minimum grade and size requirements for shipments of fresh peaches grown in Georgia, except for those shipped in bulk to adjacent markets, which it deemed advisable for the 1979 season. The exception of peaches shipped in bulk to adjacent markets from grade, size, and inspection requirements follows the practice of prior years. It is designed to permit shipment of peaches which are of a quality and size acceptable in the adjacent markets but are not suitable for distribution in more distant markets in competition with peaches from other areas.

The committee reports that it expects 1,800 carlots of inspected peaches to be shipped this season, compared with 1,590 carlots in 1978. It also reports that the developing crop is of good quality, and the fruit is sizing well. Shipment of this season's Georgia peach crop is expected to begin about May 1, and ample supplies of peaches meeting the following requirements are expected to be available to satisfy the demand. Peaches failing to meet these requirements may be marketed in Georgia, shipped to adjacent markets, or utilized in processing.

The following regulations reflect the Department's appraisal of the need for regulation based on the current and prospective crop and market conditions.

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.

§ 918.321 Peach Regulation 1.

(a) No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) During the period May 1 through August 31, 1979, do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well-healed hail marks or split pits not scored as serious damage, or peaches with not more than 1 percent decay, may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period May 1 through August 31, 1979, are smaller than 1⅝ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count of such peaches in any container in such lot, may be smaller than 1⅝ inches in diameter.

(b) The inspection requirement contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets, except for peaches in closed containers, during the period May 1 through August 31, 1979.

(c) The maturity regulations contained in § 918.400 of this part are hereby suspended with respect to shipments of peaches to all destinations other than those in the adjacent markets during the period May 1 through August 31, 1979.

(d) As used in this section, "handler", "adjacent markets", "peaches", "peaches in bulk", and "ship" mean the same as defined in this marketing order, and "U.S. No. 1" and "diameter" mean the same as defined in the United States Standards for Peaches (7 CFR 2851.1210–2851.1233).

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

Dated: April 25, 1979.

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

[Peach Reg. 1]
[FR Doc. 79-13362 Filed 4-27-79; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 991

Handling of Hops of Domestic Production; Salable Quantity and Allotment Percentage for the 1979–80 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the quantity of hops that may be freely marketed from the 1979 crop. This action is taken under the marketing order for domestic hops to promote orderly marketing conditions.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, (202) 447–4722.

SUPPLEMENTARY INFORMATION: Notice was published in the March 28, 1979, issue of the **Federal Register** (44 FR 18513) of a proposal to establish, for the 1979–80 marketing year, beginning August 1, 1979, a salable quantity of 63,233,500 pounds, and an allotment percentage of 105 percent. This action is based on the recommendation of the Hop Administrative Committee in accordance with provisions of Marketing Order No. 991, as amended (7 CFR 991), regulating the handling of hops of domestic production. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee's recommendation is based on the following estimates for the marketing year beginning August 1, 1979.

(1) Total domestic consumption of 39,000,000 pounds of hops;

(2) Minus imports of 12,000,000 pounds of hops to result in domestic consumption of U.S. hops of 27,000,000 pounds;

(3) Plus total U.S. exports of 27,000,000 pounds of hops to equal 54,000,000 pounds total usage of U.S. hops;

(4) Plus 3,000,000 pounds to adjust for weight loss for hops processed into pellets and extract;

(5) Plus and adjustment of 6,233,500 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Therefore, the salable quantity during the 1979–80 marketing year will be 63,233,500 pounds.

The salable percentage of 105 percent is computed by substracting from this salable quantity 1,000,000 pounds referable to the additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138, and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the additional allotment bases for Fuggle variety hops.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1979–80 marketing year (August 1, 1979—July 31, 1980) are established as follows:

§ 991.217 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1979.

The allotment percentage during the marketing year beginning August 1, 1979, shall be 105 percent, and the salable quantity shall be 63,233,500 pounds.

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

This regulation has not been determined significant under the USDA criteria implementing Executive Order 12044.

Dated: April 25, 1979.

D. S. Kuryloski,

Acting Deputy Director Fruit and Vegetable Division.

[FR Doc. 79-13381 Filed 4-27-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Red Carpet Airlines, Inc., to Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final Rule.

SUMMARY: This is an amendment of the regulations of the Immigration and Naturalization Service to add a carrier to the list of transportation lines which have entered into agreements with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATE: April 6, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment contained in this order adds a transportation line to the listing and is editorial in nature.

On April 6, 1979, the Commissioner of Immigration and Naturalization concluded an agreement with Red Carpet Airlines, Inc., to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries pursuant to section 238(d) of the Immigration and Nationality Act and 8 CFR 238. Accordingly, 8 CFR 238.3(b) will be amended by adding "Red Carpet Airlines, Inc." to the listing in alphabetical sequence.

In the light of the foregoing, the following amendment is hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit,* the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, "Red Carpet Airlines, Inc."

(Sec. 103 and 238(d), 8 U.S.C. 1103 and 1228(d)).

Effective date: The amendment contained in this order becomes effective on April 6, 1979.

Dated: April 25, 1979.

Leonel J. Castillo,

Commissioner of Immigration and Naturalization.

[CO 845-P]

[FR Doc. 79-13314 Filed 4-27-79; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 515

Office of Management and Budget Clearance for Data Collection

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Office of Management and Budget Clearance of Regulations in Part 515 for Data Collection.

SUMMARY: On March 15, 1979, the Economic Regulatory Administration (ERA) issued Revised Interim Rules to Permit Classification of Certain Powerplants and Installations as Existing Facilities (44 FR 17464, March 21, 1979). The Office of Management and Budget has reviewed these regulations and has notified ERA that Part 515 has been cleared for data collection purposes until October 31, 1979.

EFFECTIVE DATE: April 30, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Gurney, Regulations and Emergency Planning, Economic Regulatory Administration, Department of Energy, Room 2130, 2000 M Street, NW., Washington, D. C. 20461, [202–254–9766.

Issued in Washington, D. C., April 20, 1979.

Richard B. Herzog,
Deputy Administrator for Policy, Economic Regulatory Administration.

[Docket No. ERA–R–78–21]
[FR Doc. 79–13342 Filed 04–26–79; 8:45 am]
BILLING CODE 6450–01–M

FEDERAL ELECTION COMMISSION

11 CFR Chapter IX

Presidential Election Campaign Fund; Presidential Primary Matching Fund

AGENCY: Federal Election Commission.

ACTION: Transmittal of Regulations: Correction.

SUMMARY: On Friday, April 13, 1979, the Commission published a correction (44 FR 22407) of a Transmittal of Regulations to Congress. The correction contained the text of 11 CFR § 9034.2 but omitted the final subparagraph (c)(4) of that subpart.

EFFECTIVE DATE: Further action including the announcement of an effective date will be taken by the Commission after the regulations have been before the Congress 30 legislative days in accordance with 26 U.S.C. § 9039(c).

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Ann Fiori, Assistant General Counsel, Regulations and Legislation, 1325 K Street, NW., Washington, D.C. 20463, (202) 523–4143.

SUPPLEMENTARY INFORMATION: The text of 11 CFR § 9034.2(c)(4) is set forth below and should be added to the correction appearing at 44 FR 22407.

§ 9034.2 Matchable campaign contributions.

* * * * *

(c) * * *

(4) Contributions in the form of checks written on partnership accounts or accounts of unincorporated associations or businesses are matchable contributions, so long as:

(i) The checks are accompanied by documentation which specifies that the contribution is made by a specific individual or individuals;

(ii) Such documentation is signed by the individual or individuals; and

(iii) The aggregate amount of the contributions drawn on a partnership or unincorporated association or business does not exceed $1,000 to any one Presidential candidate seeking nomination.

Dated: April 24, 1979.

Joan D. Aikens,
Chairman, Federal Election Commission.

[FR Doc. 79–13272 Filed 4–27–79; 8:45 am]
BILLING CODE 6715–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 304, 332

Applications, Requests, Submittals, Forms, Instructions, Reports, and Powers Inconsistent With Purposes of Federal Deposit Insurance Law

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rules.

SUMMARY: The Federal Deposit Insurance Corporation is amending §§ 303.2, 303.9, 303.11(a), 303.14(b), 303.14(d), 304.3(g) and 332.1 of its regulations to: (1) conform them with the provisions of Section 301 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (FIRIRCA) and the newly adopted FDIC regulation pertaining to the foreign activities of insured State nonmember banks (Part 347), and (2) to correct typographical errors in a recently published amendment to its regulations relating to remote service facility procedures.

EFFECTIVE DATE: Section 303.14(d) becomes effective on April 30, 1979; the remainder becomes effective on May 30, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, Legal Division (202–389–4237) or Hugh W. Conway, Review Examiner (202–389–4349), 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: The amendments are summarized below.

1. In § 303.2, the definition of the term "branch" has been changed to include foreign branches as defined in Section 301 of FIRIRCA.

2. In § 303.9, a paragraph has been added to outline the application procedures that are referred to in § 347.4 regarding the acquisition and holding of ownership interest in foreign entities by insured State nonmember banks.

3. In § 303.11(a), a new paragraph has been added that delegates to the Director of FDIC's Division of Bank Supervision the authority to approve insured State nonmember bank acquisitions of interests in foreign entities that result in less than 25 percent ownership.

4. In § 303.14(b)(1)(ii)(A) has been amended to allow notice of an application to establish a foreign branch to be published only in the community in which the main office is located.

5. In the § 303.14(d) amendment published in the **Federal Register** on March 26, 1979 (44 FR 17995), sentences which were published out of sequence have been deleted from one location and added in another.

6. In § 304.3(g), a new paragraph has been added to identify the application form to be used for establishing foreign branches.

7. In § 332.1, a phrase has been added to allow foreign branches of insured State nonmember banks the authority to guarantee debts of its customers or otherwise agree for the customers' benefit to make payments as provided in § 347.3(c)(1).

Since the changes are procedural in nature or necessitated by statutory amendments, the Board of Directors of the Federal Deposit Insurance Corporation has determined, under § 302.6 of its rules and regulations (12 CFR § 302.6), that notice of, and public participation in, this rulemaking is unnecessary.

Accordingly, 12 CFR §§ 303.2, 303.9, 303.11, 303.14, 304.3 and 332.1 are amended as follows:

PART 303—APPLICATIONS, REQUEST AND SUBMITTALS

§ 303.2 [Amended]

1. Footnote 2 in 12 CFR § 303.2 is amended to read:

The term "branch" includes any "domestic branch" or "foreign branch" as the terms are defined in Section 3(o) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(o)).

2. 12 CFR § 303.9 is amended by designating the existing paragraph as paragraph (b) and adding a paragraph (a) to read as follows:

§ 303.9 Other applications.

(a) Applications under Section 347.4 of this title for consent of the Corporation to acquire or hold stock or other evidence of ownership in a foreign bank or other financial entity shall be submitted to the Regional Director in letter form and, unless otherwise directed by the Corporation, shall contain full information concerning the foreign bank or other financial entity

including (unless previously furnished): (1) The cost, number, class of shares to be acquired, and the proposed carrying value of such shares on the books of the insured State nonmember banks; (2) Recent balance sheet and income statement of the foreign bank or other financial entity; (3) Brief description of the foreign bank's or other financial entity's business (including full information concerning any direct or indirect business transacted in the United States); (4) Lists of directors and principal officers (with address and principal business affiliation of each) and of all shareholders known to the issuing bank holding 10 percent or more of any class of the foreign bank's or other financial entity's stock or other evidences of ownership, and the amount held by each; and (5) Information concerning the rights and privileges of the various classes of shares outstanding.

* * * * *

3. 12 CFR 303.11 is amended by adding a new paragraph (a)(11) to read:

§ 303.11 Delegation of authority to act on certain applications.

(a) * * *

(11) Applications for the acquisition and holding of stock or other evidences of ownership in a foreign bank or other financial entity that result in less than 25 percent ownership interest in such bank or entity.

4. 12 CFR § 303.14(b)(1)(ii)(A) is amended to read:

§ 303.14 Application procedures.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) Applications to establish a branch—

Domestic Branch: In the communities in which the home office and the domestic branch to be established are located;

Foreign Branch: In the community in which the home office is located.

§ 303.14 [Amended]

5. 12 CFR § 303.14(d)(2) as it appeared in the **Federal Register** on March 26, 1979 (44 FR 17995) is corrected by:

(a) Adding at the end of the text of the first notice the following sentence: "A copy of this notice has been sent to the applicant.";

(b) Inserting as the first paragraph following the first notice the following sentence: "Where notice has been sent pursuant to this paragraph, the Regional Director shall send a copy to the applicant.";

(c) Deleting the first sentence in the paragraph formerly following the first notice and inserting the balance of the paragraph as the second paragraph; and

(d) Deleting the paragraph following the second notice.

PART 304—FORMS, INSTRUCTIONS AND REPORTS

§ 304.3 [Amended]

6. 12 CFR § 304.3(g) is amended by:

(a) Adding "Form 6210/10," at the beginning of the subject heading.

(b) Adding the word "domestic" before the word "branch" in the first sentence of subparagraph (1).

(c) Adding a new subparagraph (4) to read: (4) Form 6210/10 is an application to establish a foreign branch under Section 347.3.

PART 332—POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

§ 332.1 [Amended]

7. 12 CFR § 332.1 is amended by adding the words, "except as provided in § 347.3(c)(1)." after the word "others" at the end of the paragraph.

By Order of the Board of Directors, April 23, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Acting Executive Secretary.

[FR Doc. 79-13336 Filed 4-27-79; 8:45 am]

BILLING CODE 6714-01-M

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12 CFR Part 347

Requirements for Establishing and Operating Foreign Branches and for Acquiring and Holding Ownership Interests in Foreign Entities

AGENCY: Federal Deposit Insurance Corporation

ACTION: Final rule

SUMMARY: FDIC adopts a new regulation that implements Section 301 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Public Law 95-630 ("FIRIRCA"). The regulation gives FDIC control over the establishment and operation of foreign branches and the acquisition of the shares of foreign entities by insured State-chartered banks that are not members of the Federal Reserve System (nonmember banks). The requirements are similar to those exercised by the Federal Reserve Board with respect to foreign branches and foreign acquisitions by banks which are members of the Federal Reserve System (member banks).

EFFECTIVE DATE: May 30, 1979

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, Legal Division (202-389-4237) or Hugh W. Conway, Review Examiner (202-389-4349), Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

On January 31, 1979 FDIC published for public comment a proposed regulation pertaining to the foreign activities of insured State nonmember banks (44 FR 6130). The regulation was proposed to implement Section 301 of FIRIRCA which requires insured State nonmember banks to obtain FDIC approval before establishing and operating a foreign branch or acquiring and holding ownership interest in foreign entities.

Three matters were raised in the sole letter of comment received in response to the invitation for comment. First, it was suggested that the 30-day comment period be extended to permit additional time for thought on the FDIC proposal and the proposed changes to Part 213 of the Federal Reserve Board regulations (12 CFR Part 213—Regulation M) after which the FDIC proposal was patterned. FDIC confined the comment period for its proposed regulation to the 30-day statutory requirement so that it could promptly implement the requirements of Section 301 of FIRIRCA which became effective on March 10, 1979. Although the formal comment period has ended and the new regulation has been adopted, FDIC still welcomes comments regarding the regulation as it does with respect to any of its other regulations.

Regarding the proposed amendments to Regulation M of the Federal Reserve Board regulations, the FDIC staff has reviewed the proposal and does not contemplate that the FDIC regulation will change in any significant manner, if at all, as a result of any provisions which may be adopted by the Federal Reserve Board from its proposal.

Accordingly, FDIC has concluded that there is no necessity for it to delay issuing its regulations until after the Federal Reserve Board has finalized amendments to Regulation M.

The comment letter also requests that FDIC clarify the provisions of § 347.3(c) of the FDIC proposal entitled "Further powers of foreign branches." It notes that the section's heading is misleading because it suggests that additional powers are being granted when in fact the provisions, like those of Regulation M, restrict bank activity more than the State banking laws under which the banks are chartered. Further, it contends

that such a restriction was not intended by Congress.

FDIC acknowledges that § 347.3(c) establishes limitations on foreign banking activities which could be more restrictive than those under State banking laws and has modified the section's heading in the final regulation to read: "Powers of foreign branches." However, FDIC does not agree that the restrictive nature of the section conflicts with congressional intent. The legislative history of Section 301 of FIRIRCA clearly indicates that Congress desired to bring the foreign banking activities of insured banks which are not members of the Federal Reserve System under Federal controls that were similar, but not necessarily identical, to those in Regulation M which govern the foreign banking activities of banks belonging to the Federal Reserve System. The provisions of Section 347(c) of the FDIC proposal and final regulation are substantially the same as those found in Regulation M.

Finally, the comment letter recommends that FDIC eliminate the burden of the application requirements in §§ 347.3(b) and 347.4(c) for existing foreign branches and ownership interests in foreign banks or other financial entities. In response, FDIC has changed the final regulation to grant its general consent for a bank to retain without application for specific approval, its existing foreign branches and ownership interests in foreign banks or other financial entities provided the entities are not engaged in any activity prohibited by the new part and certain information is submitted.

In addition to the changes noted above, the following significant changes were made in the final regulation:

1. In § 347.2(d), the definition of the term "other financial entities" was changed: (a) to indicate, as provided in FIRIRCA, that the entities must not be engaged in any significant activity in the United States and (b) to permit FDIC the latitude to include within the definition an entity that is engaged in an activity not specifically cited in the definition if the activity is consistent with the purpose of the regulation.

2. In § 347.3(a), the notice requirement for establishing additional foreign branches in a country and for moving foreign branches has been included. Further, a provision has been included that requires an insured State nonmember to advise FDIC when it closes a foreign branch.

3. In § 347.3(c), the introductory paragraph has been changed to clearly indicate that a foreign branch cannot engage in any activity prohibited under State law. Also, subparagraph (1) has been changed to require that a foreign branch's guarantees of customer debts or agreements to make payments for customer benefit be subject to specific State or Federal limitations on the liabilities or, in the absence of such law, be aggregated with standby letters of credit and loans for the purpose of any legal loan limitations. Further, subparagraph (6) that contained a limitation on loans to executive officers for construction of quarters has been eliminated because of appropriate limitations imposed under Title I of FIRIRCA. In addition, a new paragraph was added at the end of the section to allow a bank to apply for permission for its foreign branch to engage in activities not specifically listed.

4. In § 347.4(a), a sentence was added to expressly state that insured State nonmember banks may not acquire or hold ownership interest in a foreign entity except as provided in the section.

5. In § 347.6, paragraph (b) was changed to require an annual report of condition for each foreign branch.

In consideration of the foregoing, the regulation is adopted as set forth below, effective May 30, 1979.

PART 347—FOREIGN ACTIVITIES OF INSURED STATE NONMEMBER BANKS

Sec.
347.1 Authority and scope.
347.2 Definitions.
347.3 Foreign branches.
347.4 Acquisition and holding of stock in foreign banks or other financial entities.
347.5 Loans or extensions of credit to foreign banks or other financial entities.
347.6 Conditions.

Authority: Secs. 3(o), 18(d) and 18(*l*) of the Federal Deposit Insurance Act, as amended by Sec. 301, Pub. L. No. 95–630, 92 Stat. 3641 (12 U.S.C. §§ 1813(o), 1828(d), 1828(*l*)).

§ 347.1 Authority and scope.

Under sections 3(o), 18(d) and 18(*l*) of the Federal Deposit Insurance Act, as amended by section 301, Pub. L. No. 95–630, 92 Stat. 3641 (12 U.S.C. 1813(o), 1828(d), 1828(*l*)), the Federal Deposit Insurance Corporation (the "Corporation") prescribes the following regulation relating to (a) foreign branches of insured State nonmember banks, (b) the acquisition and holding of stock in foreign banks and other financial entities, and (c) loans or extensions of credit to or for the account of such foreign banks or other financial entities.

§ 347.2 Definitions.

For the purposes of this part—

(a) "Foreign branch" means any office or place of business of an insured State nonmember bank located outside the United States, its territories, Puerto Rico, Guam, American Samoa, or the Virgin Islands, at which banking operations (excluding representative offices solely concerned with new business development or public relations) are conducted.

(b) "Foreign country" means any foreign nation or colony, dependency, or possession thereof.

(c) "Foreign bank" means a bank organized under the law of a foreign country or any dependency or insular possession of the United States which is principally engaged in a commercial banking business and not engaged, directly or indirectly, in any activity in the United States except as in the judgment of the Federal Deposit Insurance Corporation, shall be incidental to the international or foreign business of such foreign bank.

(d) "Other financial entity" means a foreign institution other than a foreign bank which is: (1) Organized under the law of a foreign country or any dependency or insular possession of the United States, (2) not engaged, directly or indirectly, in any activity in the United States except as is incidental to its foreign business, and (3) engaged solely in the business of holding the shares of foreign banks, performing nominee, fiduciary, or other banking services incidental to the activities of a foreign branch or banking affiliate of an insured State nonmember bank, or performing other financial activities approved by the Corporation as being consistent with this Part.

§ 347.3 Foreign branches.

(a) *Establishing, moving, or closing foreign branches.* A foreign branch may not be established or operated by an insured State nonmember bank without the prior written consent of the Corporation. This consent may be obtained through the branch application procedures set forth under Part 303. If an insured State nonmember bank has established an authorized foreign branch, it may, unless otherwise advised by the Corporation, establish other branches and move authorized existing branches in that country after *thirty days'* notice to the Corporation concerning each such branch. The notice shall be submitted by letter to the Regional Director of the region in which the main office exists and contain the following information:

(1) Establishing a branch—proposed name and location of the branch, proposed fixed asset investment, lease terms, security arrangements, estimated deposit volume, projected time required

to operate profitably, date branch is to be established and status of required governmental approvals.

(2) Moving a branch—location to which the branch is to be moved; reason for the relocation; any substantial change in fixed assets, anticipated deposit volume, or branch earnings; the expected date for relocation; and status of required governmental approvals.

At the time of the closing of a foreign branch, the insured State nonmember bank shall by letter advise the Regional Director of the name, the location, and the date of the closing of the branch.

(b) *Existing foreign branches.* The Corporation hereby grants its general consent for any insured State nonmember bank with a foreign branch that was established prior to March 10, 1979 to continue operating such branch without application for specific approval, provided the activity does not conflict with the provisions of this Part and the following information regarding the branch is submitted (unless already submitted) within 90 days from April 30, 1979: name and location; statement of condition; earnings statement, with year-to-date and last two full years' data; estimated time when branch will be profitable if it is not; description of policies and management procedures designed to ensure safe and sound operation; and description of services offered.

(c) *Powers of foreign branches.* In addition to its general banking powers and to the extent consistent with its charter, the banking practices in the country where it does business, and the provisions of this Part, a Branch may:

(1) Guarantee customer's debts or otherwise agree for their benefit to make payments on the occurrence of readily ascertainable events [1] if the guarantee or agreement specifies its maximum monetary liability thereunder. The guarantee or agreement shall be combined with all standby letters of credit and loans for purposes of applying any legal limitation on loans of the bank: *Provided,* That if the guarantee or agreement is subject to separate limitation under State or Federal law, the separate limitation shall apply in lieu of the loan limitation.

(2) Accept drafts or bills of exchange drawn upon it.

(3) Acquire and hold securities (including certificates or other evidences of ownership or participation) of the central bank, clearinghouses, governmental entities, and development banks of the country in which it is located, but the total investment in such securities (exclusive of securities held as required by the law of that country or as authorized for national banks under 12 U.S.C. 24) shall not exceed 1 percent of its total deposits on the preceding year-end call report date (or on the date of such acquisition in the case of a newly approved branch which has never reported);

(4) Underwrite, distribute, buy, and sell obligations of the national government of the country in which it is located;[2] but no bank may hold, or be under commitment with respect to, obligations of such a government as a result of underwriting, dealing in, or purchasing for its own account, in an aggregate amount exceeding 10 percent of its capital and surplus;

(5) Take liens or other encumbrances on foreign real estate in connection with its extensions of credit, whether or not of first priority and whether or not such real estate is improved or has been appraised;

(6) Pay to any officer or employee of the branch a greater rate of interest on deposits than that paid to other depositors on similar deposits with the branch;

(7) Act as insurance agent or broker. An insured State nonmember bank that is of the opinion that other activities are usual in connection with the transaction of the business of banking in the places where its branches transact business, may apply to the Corporation for permission to engage in such activities.

(d) *Limitations.* Nothing in paragraph (c) of this section shall authorize a foreign branch to engage in the general business of producing, distributing, buying, or selling goods, wares, or merchandise, or, except as permitted by paragraph (c)(4) of this section, to engage or participate, directly, or indirectly, in the business of underwriting, selling, or distributing securities.

(e) *Suspending operations during disturbed conditions.* The officer in charge of a foreign branch may suspend its operations during disturbed conditions which make conduct of operations impracticable; but every effort shall be made before and during such suspension to serve its customers. Full information concerning any suspension shall be promptly reported to the branch's main office, which shall immediately send a copy thereof to the Regional Director of the region in which the main office exists.

[1] Including, but not limited to, events such as nonpayment of taxes, rentals, customs duties, or costs of transport and loss or nonconformance of shipping documents.

[2] Including obligations issued by an agency or instrumentality, and supported by the full faith and credit, of such government.

§ 347.4 Acquisition and holding of stock in foreign banks or other financial entities.

(a) *General.* No insured State nonmember bank may acquire or hold, directly or indirectly, ownership interest in a foreign bank or other entity except as provided in this section. When authorized by State law, an insured State nonmember bank may, with the prior written consent of the Corporation and subject to the provisions of this Part, acquire and hold, directly or indirectly, the stock or other evidences of ownership in one or more foreign banks or other financial entities without regard to the provisions of 12 U.S.C. 1828(j): Provided, that the aggregate amount invested directly or indirectly (other than through a corporation organized under section 25(a) of the Federal Reserve Act) in the stock or other evidences of ownership of all foreign banks and other financial entities, taken together with investments by the bank in the shares of corporations organized under section 25(a) of the Federal Reserve Act, shall not exceed 25 percent of the bank's capital and surplus.

(b) *Acquisitions to prevent loss.* Nothing contained in this Part shall prevent the acquisition and holding of stock or other evidences of ownership in a foreign bank or other financial entity where such acquisition is necessary to prevent a loss upon a debt previously contracted in good faith; but such stock or other evidences of ownership shall be disposed of within 12 months from the date of acquisition unless the time is extended by the Corporation.

(c) *Limitations.* Stock or other evidences of ownership in a foreign bank or other financial entity shall be disposed of as promptly as practicable if (1) such bank or other financial entity should engage in the business of underwriting, selling, or distributing securities in the United States or (2) the insured State nonmember bank is advised by the Corporation that its holding is inappropriate under this Part. The terms "stock", "shares", and "evidences of ownership" in this section include any right to acquire stock, shares, or evidences of ownership, except that prior Corporation consent is not required for the acquisition and exercise of stock rights in lieu of dividends which are declared on shares already held by an insured State nonmember bank and which do not result in an increase in percentage ownership of the foreign bank or other financial entity.

(d) *Required information.* An insured State nonmember bank may apply for the consent of the Corporation to

acquire and hold, directly or indirectly, the stock or other evidences of ownership in a foreign bank or other financial entity by filing the information specified in § 303.9. The Corporation hereby grants its general consent for any insured State nonmember bank having stock or other evidence of ownership in a foreign bank or other financial entity that was acquired prior to March 10, 1979 to continue holding such stock or evidence without application for specific approval provided it does not conflict with the provisions of this Part and the following information is submitted (unless already submitted) within 90 days from April 30, 1979: name and location of bank or other financial entity; number, type and par value of shares held, percentage of total voting shares outstanding, and, if different, percentage of total equity, historical cost, current carrying value and any premium paid that has not been amortized; description of the company activities, principal locations, subsidiaries and affiliates (including company locations, subsidiaries and affiliates in the United States), and any activity that is not of a banking or financial nature; recent balance sheets and income statements; and amount of any credit extended to the subsidiary or affiliate and description of any contracts with company (including management or service contracts).

(e) *Reports.* An insured State nonmember bank shall immediately inform the Corporation, through the Regional Director of the region in which the bank is located, of any acquisition or disposition of stock in a foreign bank or other financial entity, including the cost and number of shares acquired pursuant to this section.

§ 347.5 Loans or extensions of credit to foreign banks or other financial entities.

An insured State nonmember bank which holds directly or indirectly [3] stock or other evidences of ownership in a foreign bank or other financial entity may make loans or extensions of credit to or for the account of such foreign bank or other financial entity without regard to the provisions of 12 U.S.C. 1828(j).

§ 347.6 Conditions.

(a) *Records, controls and reports.* An insured State nonmember bank exercising any powers under this Part shall maintain a system of records, controls and reports that, at minimum, provide for the following:

(1) *Risk assets.* To permit assessment of exposure to loss, information furnished or available to the main office should be sufficient to permit periodic and systematic appraisals of the quality of loans and other extensions of credit. Coverage should extend to a substantial proportion of the risk assets in the branch or subsidiary, and include the status of all large credit lines and of credits to customers also borrowing from other offices of the bank. Information on credit extensions should include (i) a recent financial statement of the borrower and current information on the borrower's financial condition; (ii) credit terms, conditions, and collateral; (iii) data on any guarantors; (iv) payment history; and (v) status of corrective measures employed.

(2) *Liquidity.* To enable assessment of local management's ability to meet its obligations from available resources, reports should identify the general sources and character of the deposits, borrowing, etc., employed in the branch or subsidiary with special reference to their terms and volatility. Information should be available on sources of liquidity—cash, balances with banks, marketable securities, and repayment flows—such as will reveal their accessibility in time and any risk elements involved.

(3) *Contingencies.* Data on the volume and nature of contingent items such as loan commitments and guaranties or their equivalents that permit analysis of potential risk exposure and liquidity requirements.

(4) *Controls.* Reports on the internal and external audits of the branch or subsidiary in sufficient detail to permit determination of conformance to auditing guidelines. Such reports should cover (i) verification and identification of entries on financial statements; (ii) income and expense accounts, including descriptions of significant chargeoffs and recoveries; (iii) operations and dual-control procedures and other internal controls; (iv) conformance to head office guidelines on loans, deposits, foreign exchange activities, proper accounting procedures, and discretionary authority of local management; (v) compliance with local laws and regulations; and (vi) compliance with applicable U.S. laws and regulations.

(b) The bank shall submit an annual report of condition for each foreign branch pursuant to instructions provided by the Corporation.

(c) The Corporation may from time to time require an insured State nonmember bank to make and submit such reports and information as may be necessary to implement and enforce the provisions of this Part.

By order of the Board of Directors, April 23, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Acting Executive Secretary

[FR Doc. 79-13337 Filed 4-27-79; 8:45 am]

BILLING CODE 6714-01-M

[3] Whether through a corporation organized under section 25(a) of the Federal Reserve Act, or otherwise.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

Airworthiness Directives; Bell Model 206A Series and 206B Series Helicopters With Pop-Out Float Landing Gear and Alaskan Sky-Craft External Load Carrying Device Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires either removal of the Alaskan Sky-Craft external load carrying devices or replacement of the pop-out float landing gear with the Bell high skid landing gear on certain Bell Model 206A series and 206B series helicopters which have both the Bell pop-out float landing gear and an external landing device installed. Related requirements concerning the Flight Manual Supplement and installation of the external load carrying device for further use are also included. The AD is needed to prevent deflation of the pop-out floats by puncturing from rough or sharp edges on the external load carrying device which could in turn result in the helicopter capsizing or sinking.

DATES: Effective: May 14, 1979. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Alaskan Sky-Craft Company, Inc., Box 6206, International Airport, Anchorage, Alaska 99502. A copy of the service bulletin is contained in the rules docket for this Amendment in Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Dayton O. Curtis, Chief, Engineering and Manufacturing Field Office, Federal Aviation Administration, 4610 International Airport Road, Anchorage, Alaska 99502, Telephone: 907-243-1260.

SUPPLEMENTARY INFORMATION: There have been reports that interference exists between the activated pop-out float landing gear on certain Bell Models 206A series and 206B series helicopters and the undersides and outboard edges

of the Alaskan Sky-Craft (ASC) external load carrying device installed in accordance with Supplemental Type Certificates (STCs) SH515AL, SH474AL, or SH309AL. Thus, in the event of a forced landing in water, the pop-out floats may bear against the undersides and outboard edges of the external load carrying devices. Any rough or sharp edges on the external load carrying devices could puncture one or more cells of the pop-out floats resulting in deflation of the float. Prolonged wave action would increase the possibility of puncture and could result in the helicopter capsizing or sinking. Since this condition is likely to exist or develop on other helicopters of the same type design, an AD is being issued to require either removal of the external load carrying device or replacement of the pop-out float landing gear with a high skid landing gear on Bell Model 206A series and 206B series helicopters which have the pop-out float landing gear and an external load carrying device installed. Related requirements concerning removal or replacement of the Flight Manual Supplement are also provided. Contined use of the external load carrying device also requires installation of that device in accordance with the amended STCs which include revised drawings.

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

Adoption of the Amendment

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

Bell. Applies to Models 206A series and 206B series helicopters certificated in all categories, with an Alaskan Sky-Craft external load carrying device and Bell pop-out float landing gear installed in accordance with Supplemental Type Certificate (STC) SH515AL, SH474AL, or SH3090AL.

Compliance is required as indicated, unless already accomplished.

To prevent possible puncturing of the Bell pop-out floats, (P/N 206-706-010), by Alaskan Sky-Craft (ASC) external load carrying devices, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, either—

(1) Remove the ASC external load carrying device and the ASC Flight Manual Supplement from the Rotorcraft Flight Manual; or

(2) Remove the Bell pop-out floats (P/N 206-706-010), install the Bell high skid landing gear (P/N 206-706-031), and replace the applicable ASC Rotorcraft Flight Manual Supplement with the appropriate supplement, all in accordance with ASC Service Bulletin No. 2 dated November 28, 1978 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) After compliance with paragraph (a)(2) of this AD, before further flight with an ASC external load carrying device installed, ensure that the external load carrying device is installed in accordance with STC SH515AL, as amended May 2, 1978, STC SH309AL, as amended May 8, 1978, or STC SH474AL, as amended May 8, 1978, as appropriate.

Note.—The appropriate revised ASC drawing which is part of the amended STC is referenced in paragraph A.(3), B.(3), or C.(3) of the Service Bulletin.

This amendment becomes effective May 14, 1979.

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

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

Issued in Washington, D.C., on April 20, 1979.

J. A. Ferrarese,
Acting Director, Flight Standards Service.

[Docket No. 18960; Amdt. 39-3456]
[FR Doc. 79-13033 Filed 4-27-79; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

Boeing Model 747 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) to require that the thrust lever actuated switch which operates the takeoff warning system be inspected and, as necessary, rigged to the correct setting. This AD is necessary because at temperatures up to +50 degrees Fahrenheit the takeoff aural warning system will not be activated to indicate an unsafe takeoff condition.

DATES: Effective date May 10, 1979. Compliance required within 500 hours time-in-service after the effective date of this AD unless already accomplished.

ADDRESS: The Boeing service bulletin specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Weston B. Slifer, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Two operators have reported three instances in which the takeoff aural warning switch was found misrigged to a throttle position of about 35 degrees from idle stop. Subsequent inspection of in-service airplanes has resulted in seven additional misrigged switch reports. If the aural warning switch is misrigged, takeoff thrust could be achieved at temperatures up to +50 degrees Fahrenheit with the aural warning system not activated to indicate an unsafe takeoff condition. Since this condition is likely to exist or develop in other Boeing Model 747 airplanes, action is taken herein to require a one-time check of the aural warning system and if necessary, corrective action.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to all Model 747 series airplanes certificated in all catergories. Compliance required within 500 hours time-in-service after the effective date of this AD unless already accomplished.

To prevent takeoff with a takeoff aural warning system that would not indicate an unsafe takeoff condition, accomplish the following:

Perform a one-time check of the aural warning system and, as necessary, adjust and re-check the aural warning activation switch, the auto-brake deactivation and auto-speedbrake retraction switches in accordance with Boeing Alert Service Bulletin 747-31A2056, Rev. 1, dated April 6, 1979, or later FAA approved revisions, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective May 10, 1979.

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

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

Issued in Seattle, Washington, on April 19, 1979.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. Walk, Jr.,
Director, Northwest Region.

[Docket No. 79-NW-9-AD; Amdt. 39-3454]
[FR Doc. 79-13036 Filed 4-27-79; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

Airworthiness Directive; Cessna Model 441 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Model 441 airplanes. The AD requires additional drain holes to be incorporated in the ailerons in accordance with the instructions provided by Cessna Propjet Service Information Letter PJ 79-3. This action will assure adequate drainage of water that may enter the aileron and prevent possible flutter with ensuing engine and/or wing separation that could result from aileron unbalance caused by trapped water.

EFFECTIVE DATE: May 7, 1979.
Compliance: Within the next 100 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Propjet Service Information Letter PJ 79-3, dated March 5, 1979, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. A copy of this service information letter is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 east 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Earsa L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: A recent incident occurred where a Cessna Model 441 airplane encountered in-flight aileron vibration or flutter. Following this incident the airplane was landed safely. During a post-flight inspection, the left aileron drained approximately ½ cup of water when the trailing edge was deflected upward. Investigation of this incident showed that prior to the flight, the airplane was washed in a heated hangar and then immediately taken outside into 11°F temperature. It was concluded that water entered the aileron during the airplane washing, became trapped between the rib bays and froze when the airplane was rolled into the below-freezing temperature. The in-flight vibration or flutter was caused by aileron unbalance that resulted from the trapped water or ice.

To correct this condition Cessna issued Propjet Service Information Letter PJ 79-3 which provides instructions needed to drill drainage holes in the ribs of the ailerons and elevators installed on this model. This letter recommended incorporation of these additional drain holes within the next 100 hours of operation.

The FAA has determined that trapped water or ice in the aileron will result in it becoming unbalanced, thereby changing its flutter speed with possible disastrous results, such as an engine and/or wing separation. FAA has also determined that the elevators have adequate drainage and therefore water or ice will not be trapped in these control surfaces.

Accordingly, since an unsafe condition is likely to develop in the ailerons installed on other airplanes of the same type design, an AD is being issued applicable to Cessna Model 441 airplanes making compliance with the aileron provisions of the Cessna Propjet Service Information Letter mandatory.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new AD.

Cessna: Applies to Model 441 (Serial Numbers 441-0001 through 441-0090) airplanes.

Compliance: Required as indicated, unless already accomplished.

To assure proper drainage of the aileron control surfaces, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Incorporate additional drainage of the ailerons by drilling new drain holes in accordance with the instructions provided in Cessna Propjet Service Information Letter PJ 79-3, dated March 5, 1979.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Note.—The FAA has determined that there is insufficient justification to require mandatory compliance with the elevator portion of Cessna Service Information Letter PJ 79-3. Therefore, this AD is not applicable to elevator drainage improvements provided by that letter.

This amendment becomes effective May 7, 1979.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing Earsa L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3446.

Issued in Kansas City, Missouri on April 18, 1979.

C. R. Melugin, Jr.,
Director, Central Region.

[Docket No. 79-CE-5-AD; Amdt. 39-3454]

[FR Doc. 79-13038 Filed 4-26-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

Airworthiness Directives; Beech Model 76 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech Model 76 airplanes. The AD requires the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual (Beech P/N 105-590000-5) provided with the airplane as required equipment to be revised by inserting Beech revision P/N 105-590000-5A1, dated March 1979. This action provides procedures needed to detect a failed engine starter relay which may result in a complete loss of electrical power. It also provides a means for restoring partial electrical power should an in-flight electrical failure occur. This action is necessary to prevent hazards to operation of the airplane that may result from a loss of electrical power.

EFFECTIVE DATE: May 7, 1979. Compliance: Within 25 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instructions Number 1050, referenced in this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the service instructions cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Earsa L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: There have been four incidents involving Beech Model 76 airplanes where a starter relay failure has caused the starter motor to be continously energized and thereby resulted in a complete loss of airplane electrical power. Investigation of these failures has shown that this condition could have been averted had the pilot been aware of the relay failure. Therefore, the manufacturer has developed a revision to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual which provides a means of detecting a failed starter relay prior to takeoff. In addition, this revision also provides an emergency procedure for restoring partial electrical power, should a complete loss of electrical power occur in flight.

Accordingly, since an unsafe condition is likely to exist in other aircraft of the same type design, an AD is being issued applicable to certain serial numbers of Beech Model 76 airplanes, making insertion of Revision A1 (P/N 105-590000-5A1), dated March 1979, in the airplane Pilot's Operating Handbook and FAA Approved Airplane Flight Manual mandatory.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

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

Beech: Applies to Model 76 (Serial Numbers ME-1 through ME-182) airplanes.

Compliance: Required as indicated unless previously accomplished.

To preclude undetected failures of the engine starter relay and probable loss of electrical power, within the next 25 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Insert into the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual, P/N 105-590000-5 (which was supplied with the airplane as required equipment) revision P/N 105-590000-5A1 dated March 1979, a copy of which is enclosed herewith and operate the airplane in accordance with these revised instructions.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instructions Number 1050 covers the subject matter of this AD.

The Interim Addendums previously supplied by Beechcraft Executive Airplane Safety Communique 76-49 do not meet the requirements of this AD.

This Amendment becomes effective May 7, 1979.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Earsa L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

Issued in Kansas City, Missouri on April 19, 1979.

C. R. Melugin, Jr.,
Director, Central Region.

[Docket No. 78-CE-6-AD; Amendment 39-3455]

[FR Doc. 79-13037 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

Airworthiness Directives; Short Brothers Limited—SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal of the propellor blade angle pitch mechanism support bracket on certain SD3-30 airplanes to inspect for cracks, replacement of bracket if cracks are found, and repetitive inspections until installation of a modified bracket. This AD is necessary to prevent failure of the bracket which could cause inflight shutdown of the engine because propeller blade angles higher than required for flight can result in engine overtemperature damage.

DATES: Effective May 14, 1979. Compliance required as indicated.

ADDRESSES: The applicable service bulletins may be obtained from: Product Support Department, Short Brothers Limited, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland.

A copy of each service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513,38.30, or C. Christie, Chief, Technical Standards Branch, AFS–110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: There have been reports of failure of the low blade angle pitch mechanism support bracket, P/N SD3–49–0784 or P/N SD3–49–0784xB, on certain Short Brothers Limited SD3–30 airplanes. Failure of the bracket results in an undetermined increase of the propeller blade angle beyond that required for normal flight and an inability to control the blade angle within the limits established for proper engine operation, thereby requiring inflight shutdown of the engine to prevent damage due to exhaust gas overtemperature. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires inspection of the low blade angle pitch mechanism support brackets, P/N SD3–49–0784 or P/N SD3–49–0784xB, for cracks, replacement of the bracket if cracks are found, and repetitive inspection of the bracket until modified bracket is installed.

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

Adoption of the Amendment

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

Short Brothers Limited.

Applies to Model SD3–30 airplanes, S/N SH3002 through SH3019, certificated in all categories, which have low blade angle pitch mechanism support bracket, P/N SD3–49–0784 or P/N SD3–49–0784xB installed.

Compliance is required as indicated, unless already accomplished.

To prevent propeller blade angle from increasing beyond the flight setting, accomplish the following:

(a) Within the next 30 hours time in service after the effective date of this AD, remove each low blade angle pitch mechanism support bracket, P/N SD3–49–0784 or P/N SD3–49–07834xB, and inspect it for cracks using the dye penetrant procedure or an equivalent FAA-approved procedure, in accordance with paragraph 2.A., "Accomplishment Instructions", of Short Brothers Service Bulletin No. SD3–61–A05, dated August 2, 1978, or an FAA-approved equivalent.

(b) Within the next 300 hours time in service after bracket reinstallation in accordance with paragraph (c)(1) of this AD or bracket replacement in accordance with paragraph (d)(1) of this AD, and thereafter at intervals not to exceed 300 hours from the last inspection, visually inspect support bracket, P/N SD3–49–0784 or P/N SD3–49–0784xB, for cracks in accordance with paragraph 2.A.10 of the Short Brothers Service Bulletin No. SD3–61–A05 dated August 2, 1978, or an FAA-approved equivalent.

(c) If, during any inspection required by paragraph (a) of this AD, no cracks are found—

(1) Reinstall support bracket, P/N SD3–49–0784 or P/N SD3–49–0784xB in accordance with Short Brothers Service Bulletin No. SD3–61–A05 dated August 2, 1978, or an FAA-approved equivalent and accomplish the repetitive inspections required by paragraph (b) of this AD; or

(2) Install a modified support bracket, P/N SD3–49–0902 or P/N SD3–49–0902xA in accordance with Short Brothers Service Bulletin No. SD3–61–05 dated September 27, 1978, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region.

(d) If, during any inspection required by this AD, any cracks are found, remove the cracked bracket from service and—

(1) Replace the cracked support bracket with a crack-free, new or used support bracket of the same part number, and accomplish the repetitive inspections required by paragraph (b) of this AD. (Before installation of a used support bracket, inspect it in accordance with the method specified in paragraph (a) of this AD to ensure that it is crack-free); or

(2) Replace the cracked bracket with a modified support bracket, P/N SD3–49–0902 or P/N SD3–49–0902xA, in accordance with Short Brothers Service Bulletin No. SD3–61–05 dated September 27, 1978, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region.

(e) Upon installation of a modified support bracket, P/N SD3–49–0902 or P/N SD3–49–0902xA, in accordance with Short Brothers Service Bulletin No. SD3–61–05 dated September 27, 1978, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, inspections required by paragraph (b) of this AD may be discounted.

(f) Upon request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region, c/o American Embassy, Brussels, Belgium, may adjust the repetitive inspection interval specified in paragraph (b) of this AD or approve modifications equivalent to that specified in paragraphs (c), (d), and (e) of this AD provided that such requests are made through an FAA maintenance inspector and the request contains substantiating data to justify the request for that operator.

This amendment becomes effective May 14, 1979.

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

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

Issued in Washington, D.C., on April 20, 1979.

J. A. Ferrarese,

Acting Director, Flight Standards Service.

[Docket No. 18961, Amdt. 39–3457]

[FR Doc. 79–13269 Filed 4–27–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 121

Crewmember Training and Pilot Certificates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the training requirements for crewmembers. The FAA has determined that to require crewmembers to jump into emergency evacuation slides during alternate recurrent training can lead to injuries and is not in the public interest. This rule also corrects an inadvertent omission regarding pilot certificates.

DATE: Effective date is April 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. D. A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202–755–8715.

SUPPLEMENTARY INFORMATION:

Amendment to § 121.417

Amendment No. 121–148 (43 FR 46230; October 5, 1978) amended the crewmember emergency training provisions of § 121.417 by clarifying that the emergency drill requirements prescribed for crewmembers apply to both initial and recurrent training and that each crewmember is required to participate in one emergency evacuation using a slide during initial training and each 24 calendar months during recurrent training.

By letters dated November 6, 1978, and March 16, 1979, the Air Transport Association (ATA), on behalf of its members, petitioned the Administrator for a reconsideration of this requirement for each crewmember to use an emergency evacuation slide during recurrent training. ATA's petition is based on the questionable benefit of such recurrent training considering past injuries to persons using evacuation slides during training. To support their contention, ATA cites that 26 injuries occurred to crewmembers during slide jumps in 1976 and 1977. From January 1978 to the present, of the 23 airlines reporting, 23 serious injuries have occurred as well as considerable minor injuries (burns, abrasions, etc.) which required no hospitalization.

Of the air carriers that have commenced jumping into slides for recurrent training, the most serious injuries that have occurred consist of a fractured coccyx, a broken leg, a broken ankle and one flight attendant received injuries that have left that flight attendant permanently paralyzed from the waist down.

Although the possibility of injuries is present, the air carriers recognize the need for this risk in the initial training of crewmembers and concur with jumping into an evacuation slide on a one-time basis.

However, the air carriers do not believe that the value of recurrent jumps exceeds the loss suffered due to injuries.

Accordingly, § 121.417(c) is amended to delete the requirement for each crewmember to use a slide in an emergency evacuation during recurrent training.

Based on the extent of the injuries incurred during the slide jumps and to prevent additional injuries anticipated when each air carrier begins the recurrent phase of its training program, the FAA has concluded good cause exists for this amendment and that notice and public procedure are unnecessary and contrary to the public interest and that this amendment may be made effective without notice.

Amendment to § 121.437

Amendment No. 121–148 (43 FR 46230; October 5, 1978) amended § 121.437(b) effective December 4, 1978, to require a pilot, other than a pilot in command, to hold a commercial pilot certificate with appropriate category and class ratings and an instrument rating after July 1, 1980. The amendment did not provide for a second in command to hold at least the certificate requirements of § 121.437(b) in effect prior to December 4, 1978. This provision was inadvertently omitted in the rulemaking process and therefore § 121.437 is hereby amended by reinstating the requirement for a second in command to hold a commercial pilot certificate with an instrument rating until July 1, 1980. Since this change corrects and clarifies the current requirements and does not impose a burden on the public, notice and public procedure are unnecessary. This change is adopted as noted.

Adoption of the Amendments

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended as follows, effective April 23, 1979.

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

§ 121.417 [Amended]

1. By amending § 121.417(c) by deleting the phrase "* * * and each 24 calendar months during recurrent training." at the end on the second sentence and ending the second sentence after the words "initial training."

§ 121.437 [Amended]

2. By amending § 121.437 by redesignating paragraph (b) as paragraph (c) and by adding a new paragraph (b) to read as follows:

* * * * *

(b) Each pilot who acts as a pilot in a capacity other than those specified in paragraph (a) of this section must hold at least a commercial pilot certificate and an instrument rating.

* * * * *

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044, and set forth in the "Department of Transportation Regulatory Policies and Procedures" published in the Federal Register February 26, 1979 (44 FR 11034).

Issued in Washington, D.C., on April 23, 1979.

Langhorne Bond,
Administrator.

[Docket No. 18883; Amdt. No. 121–151]
[FR Doc. 79–13292 Filed 4–27–79; 8:45 am]
BILLING CODE 4910–14–M

CIVIL AERONAUTICS BOARD

14 CFR Part 234

Flight Schedules of Certificated Air Carriers; Realistic Scheduling Required

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Editorial Amendment.

SUMMARY: This rule clarifies the applicability of the Board's regulations for on-time arrival to make it clear that they apply to carriers certificated under the new dormant authority and automatic entry provisions of the Act.

DATES: Effective: May 20, 1979. Adopted: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5442.

SUPPLEMENTARY INFORMATION: The Airline Deregulation Act of 1978 (Pub. L. 95–504) amended section 401 of the Act by providing for certificate applications to provide air transportation where the present certificated carrier has not provided minimum service and the route authority is thereby dormant (401(d)(5)). The newly certificated carrier must then provide the minimum scheduled service. It also provided for certification under an automatic entry program (401(d)(7)).

Since these dormant authority and automatic entry carriers will be providing essentially the same service under sections 401(d)(5) and 401(d)(7) of the Act, respectively, as those certificated under sections 401(d)(1) or 401(d)(2) of the Act, the Board's on-time arrival regulations under Part 234 (14 CFR Part 234) should apply to them.

These carriers must thus meet the same elapsed-time standards and file the same on-time arrival reports as do other certificated route carriers to which Part 234 applies.

In order to conform these regulations to the deregulation amendments, the

applicability section (§ 234.2) under part 234 is amended to include those carriers certificated under sections 401(d)(5) and 401(d)(7) of the Act.

Section 234.2 also includes a reference to supplemental air carriers, stating that the requirements of this part do not apply to them. The term "supplemental air carrier" has been changed to "charter air carrier" by the Airline Deregulation Act, and these carriers are being considered for scheduled service. Since the intent of the reference in § 234.2 is to exempt charter flights from coverage of the part, the last sentence of the section is being changed to clarify this intent.

This amendment, which is editorial and conforming in nature, is issued pursuant to the delegation of authority from the Board to the General Counsel in § 385.19 of the Organization Regulations. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

The Board amends § 234.2 of Part 234 (14 CFR 234.2) to read as follows:

§ 234.2 Applicability.

This part applies to any route air carrier certificated under paragraphs (d)(1), (d)(2), (d)(5), or (d)(7) of section 401 of the Federal Aviation Act insofar as it is engaged in air transportation, other than helicopter service, or intra-Alaska service conducted with aircraft whose maximum certificated takeoff weight is 12,500 pounds or less, within or among any of the States of the United States and the District of Columbia with respect to all flights, other than all-cargo flights, scheduled and performed in such transportation. This part does not apply to charter flights.

(Secs. 204(a), 401, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended); (49 U.S.C. 1324, 1371). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; (49 U.S.C. 1324 (note)) Pub. L. 95-504.)

By the Civil Aeronautics Board.

Philip J. Bakes, Jr.
General Counsel.

[Reg. ER-1116; Amdt. 9]
[FR Doc. 79-13357 Filed 4-27-79; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 289

Exemption of Air Carriers from Agreement Filing Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Editorial Amendment.

SUMMARY: This rule clarifies the applicability of the Board's exemption from certain agreement filing requirements under section 412 of the Act to make it clear that it applies to carriers certificated under the dormant authority and automatic entry provisions of the Act.

DATES: Effective: May 20, 1979. Adopted: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: The Airline Deregulation Act of 1978 (P.L. 95-504) amended section 401 of the Act by providing for certificate applications to provide air transportation where the present certificated carrier has not provided minimum service and the route authority is thereby dormant. The newly certificated carrier must then provide a minimum level of scheduled service. It also provides for certification under an automatic entry program.

Since these dormant authority and automatic entry carriers will be providing essentially the same service under sections 401(d)(5) and 401(d)(7) of the Act, respectively, as those certificated under sections 401(d)(1) or 401(d)(2) of the Act, the Board's exemption under Part 289 (14 CFR Part 289) should also be given to them. This means that certain types of agreements, such as those for ground services and facilities, free or reduced-rate transportation, and pick-up and delivery, need not be filed with the Board under section 412(a), unless they fall into a few limited categories.

In order to conform these exemption regulations, the definition of "certificated route air carrier" is being amended to include those carriers certificated under sections 401(d)(5) and 401(d)(7) of the Act.

This amendment, which is editorial and conforming in nature, is issued pursuant to the delegation of authority from the Board to the General Counsel in § 385.19 of the Organization Regulations. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR § 385.50 through 385.54).

The Board amends the definition of "certificated route carrier" in § 289.1 of Part 289 (14 CFR 289.1) to read as follows:

§ 289.1 Definition.

For the purpose of this part:

(a) "Certificated route air carrier" means any air carrier which holds a certificate of public convenience and necessity issued under paragraphs (d)(1), (d)(2), (d)(5), or (d)(7) of section 401 of the Federal Aviation Act of 1958 authorizing unlimited regularly scheduled route service between specified points or, in case of foreign air transportation, along a general route or routes, designated in the certificate.

* * * * *

(Secs. 204(a) and 401, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, (as amended); (49 U.S.C. 1324, 1371). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; (49 U.S.C. 1324 (note).) Pub. L. 95-504.)

By the Civil Aeronautics Board.

Philip J. Bakes, Jr.,
General Counsel.

[Reg. ER-1117; Amdt. 3]
[FR Doc. 79-13356 Filed 4-27-79; 8:45 am]
BILLING CODE 6320-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 200

Employee Responsibilities and Conduct; Revisions in Conflict of Interest Requirements

Correction

In FR Doc. 79-12521 appearing at page 23823 in the issue for Monday, April 23, 1979, the effective date, now given as "May 23, 1979", should have been "April 23, 1979".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 235

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation; Correction

AGENCY: Department of Housing and Urban Development.

ACTION: Correction of final rule.

SUMMARY: On December 26, 1978, at 43 FR 60155, the Secretary adopted miscellaneous amendments to 24 CFR Part 235. Item 11, Supplementary Information, advised that "Section 235.2(e) is being deleted in order to allow for continuation of assistance payments to eligible assumptors of mortgages insured on or after January 5, 1976." This change was inadvertently

omitted from the rule submitted to the **Federal Register** for publication.

EFFECTIVE DATE: December 26, 1978.

FOR FURTHER INFORMATION CONTACT: Julius Williams, Director, Single Family Loan Servicing Division, Room 6142, Office of Single Family Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–5752. (This is not a toll free number.)

Accordingly, 24 CFR Part 235 is amended as follows, effective as of December 26, 1978, the date the final rule was published:

§ 235.2 Basic program outline.

* * * * *

(e) [Deleted]

(12 U.S.C. 1715b; 12 U.S.C. 1715z)

Issued at Washington, D.C., April 19, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[Docket No. R–78–358]

[FR Doc. 79–13304 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

24 CFR Part 1914

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.[1]

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) 638–6220.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or toll-free-line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

[1] The functions of the Federal Insurance Administration, U.S. Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979)

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), 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 Administrator 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 sixth 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
Colorado	Delta	Unincorporated areas	080041–A	Apr. 4, 1979, emergency	May 10, 1977.
Michigan	Saginaw	St. Charles, village of	260593–B	Apr. 16, 1979, emergency.	Oct. 8, 1976 and Nov. 19, 1976.
Minnesota	Mower	Rose Creek, city of	270598–A	do	June 10, 1977.
Mississippi	Lamar	Unincorporated areas	280304	do	Dec. 2, 1977.
Missouri	Cass	Lake Winnebago, city of	290877—New	Apr. 16, 1979, emergency.	
New Mexico	Valencia	Unincorporated areas	350086–A	Apr. 13, 1979, emergency.	May 30, 1978.
Texas	Victoria	do	480637–A	Apr. 16, 1979, emergency.	May 2, 1978.
Do	Denton	Shady Shores, town of	481135–A	do	Mar. 18, 1977.

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 17, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI 5377]

[FR Doc. 79–12972 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

24 CFR Part 1917

Final Flood Elevation Determinations for The City of Huntsville, Madison County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in The City of Huntsville, Madison County, Alabama. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Huntsville, Alabama.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Huntsville, are available for review at City Planning Commission, City Hall, Huntsville, Alabama.

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 final determinations of flood elevations for the City of Huntsville, Alabama.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed Tributary to the Tennessee River.	Redstone Road	575
Aldridge Creek	Green Cove Road	575
	Green Mountain Road—50 feet*.	595
	Lily Flagg Road—100 feet*	615
	Four Mile Post Road—25 feet*.	627
Huntsville Spring Branch.	Louisville & Nashville Railroad (downstream crossing)—100 feet*.	579
	Drake Avenue—100 feet*	597
	Sears Avenue—25 feet*	609
Pinhook Creek	West Clinton Avenue—25 feet*.	612
	Pratt Avenue—25 feet*	627
	North Memorial Parkway—100 feet*.	648
East Fork Pinhook Creek.	Medaris Road—50 feet*	687
	Winchester Road—25 feet*	702
Blue Spring Creek	Timbercrest Drive—100 feet*	668
	Spring Road—25 feet*	680
	Springfield Road—25 feet*	694
Dallas Branch	Washington Street	629
	Southern Railway—50 feet*	641
	Windham Street—50 feet*	657
Unnamed Tributary to Pinhook Creek (Dallas Branch Bypass).	Church Street—100 feet*	622
	Dallas Street—25 feet*	634
Fagan Creek	Pollard Street	610
	California Street—50 feet*	626
Broglan Branch	Governors Drive—100 feet*	606
	University Drive—100 feet*	646
	Broadmor Road—25 feet*	679
Dry Creek	Brandon Town Road—100 feet*.	672
	Oakwood Road—100 feet*	689
McDonald Creek	Centour Boulevard—100 feet*.	583
	Bob Wallace Avenue—25 feet*.	630
	Technology Drive—25 feet*	648
	Bradford Boulevard—50 feet*.	662
	Holmes Avenue-Athens Pike—25 feet*.	674
Unnamed Tributary to McDonald Creek.	Bob Wallace Avenue	625
	Southern Railway—25 feet*	643
Sherwood Branch	Southern Railway—25 feet*	639
	Rideout Road (downstream crossing)—100 feet*.	663
	Rideout Road (upstream crossing)—25 feet*.	680
Indian Creek	Madison Pike—100 feet*	626
	Farrow Road—25 feet*	642
Bradford Creek	Walltriana Highway—100 feet*.	596
	Southern Railway—25 feet*	614
Betts Spring Branch	Lady Ann Dam	576
Tennessee River	Hobbs Island Road—1000 feet east of Heart of Dixie Highway (Memorial Parkway).	575
	Green Grove Road—6000 feet west of Heart of Dixie Highway (Memorial Parkway).	575

* Upstream of 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, P.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: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4293]

[FR Doc. 79–13114 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determination for the City of Moulton, Lawrence County, Alabama

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Moulton, Lawrence County, Alabama. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Moulton, Lawrence County, Alabama.

ADDRESS: Maps and other information showing the detailed outlines of the

flood-prone areas and the final elevations for the City of Moulton, Lawrence County, Alabama, are available for review at the City Clerk's office, City Hall, 202 West Street, Moulton, Alabama.

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 final determinations of flood elevations for the City of Moulton, Lawrence County, Alabama.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Almon Branch	Just upstream of Court Street (Alabama Hwy. 24).	626
	Just upstream of Byler Road.	630
Crow Branch	Benson Street (Extended)	620
	Just upstream of Court Street	627
	Just upstream of College Street.	629
Lateral No. 8–14	Just upstream of Main Street.	625
	Just upstream of East Street.	634
	Just upstream of Court Street (Alabama Hwy. 24).	640
Lateral No. 12	Approximately 530 feet upstream of confluence with Lateral No. 8–14.	629
	Just upstream of Betty Street	644
Lateral No. 11	Just upstream of Main Street.	627

(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 rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4938]
[FR Doc. 79–13115 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determinations for the City of Calistoga, Napa, County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Calistoga, Napa County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Calistoga, California.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Calistoga, are available for review at Planning Department, City Hall, 1232 Washington Street, Calistoga, California.

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 final determinations of flood elevations for the City of Calistoga, California.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Napa River	Dunweal Lane—40 feet*	323
	Lincoln Avenue—20 feet**	349
	Third Street—100 feet*	353
	Confluence with Cyrus Creek.	359
	Confluence with Garnett Creek.	367
	Confluence with Blossom Creek—70 feet*	371

*Downstream of centerline
**Upstream of 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, P.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: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4044]
[FR Doc. 79–13116 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determinations for the City of Laguna Beach, Orange County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Laguna Beach, Orange County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Laguna Beach, are available for review at City Hall, 505 Forest Avenue, Laguna Beach, California.

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 final determinations of flood elevations for the City of Laguna Beach, California.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
aguna Canyon	Forest Street—50 feet*	33
	Loma Terrace—20 feet*	37
	Laguna Canyon Road—30 feet*.	52
	Woodland Drive—50 feet*	70
	Milligan Drive—50 feet*	75
	Canyon Acres Drive—30 feet*.	78
	El Toro Road—30 feet*	234
	Laguna Frontage Road—50 feet*	238
Bluebird Canyon	Glenneyre Street—20 feet*	56
	Catalina Street—40 feet*	59
	Carmelita Street—30 feet*	66
	Santa Cruz Street—40 feet**	80
	Santa Cruz Street—40 feet*	108
	Bluebird Canyon Street—30 feet*	122
Laguna Canyon	Area along Laguna Canyon Road approximately 4300 feet upstream of the intersection of Laguna Canyon Road and El Toro Road.	2

*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 rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4743]
[FR Doc. 79–13117 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determinations for the Town of Superior, Boulder County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Superior, Boulder County, Colorado. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Superior, Colorado.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Superior, are available for review at Town Hall, 211 South 4th Avenue, Louisville, Colorado.

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 final determinations of flood elevations for the Town of Superior, Colorado.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coal Creek	First Avenue (Downstream Corporate Limits).	5486
	Most Upstream Corporate Limits.	5500

(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, P.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: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4402]
[FR Doc. 79–13116 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01

24 CFR Part 1917

Final Flood Elevation Determination for the Town of East Hampton, Middlesex County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of East Hampton, Misslesex County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of East Hampton, Middlesex County, Connecticut.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of East Hampton are available for review at the Town Hall, 20 East High Street, East Hampton, Connecticut.

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 final determinations of flood elevations for the Town of East Hampton, Middlesex County, Connecticut.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Connecticut River	Southern Corporate Limits	18
	Northern Corporate Limits	20
Salmon River	Southern Corporate Limits	30
	0.7 mile Upstream of Southern Corporate Limits.	31
Pocotopang Creek	Just Upstream of Old Chestnut Hill Road.	288
	0.25 mile Downstream of Skinner Street.	296
	Just Upstream of Skinner Street.	301
	Just Upstream of Middletown Avenue.	305
	Just Downstream of the Dam located 0.35 mile Upstream of Middletown Avenue.	341
	Just Upstream of the Dam, located 0.35 mile Upstream of Middletown Avenue.	353
	0.15 mile Upstream of the Dam located 0.35 mile Upstream of Middletown Avenue.	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; P. 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: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4789]

[FR Doc. 79–13119 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determination for the Town of Newington, Hartford County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Newington, Hartford County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of Newington, Hartford County, Connecticut.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Newington are available for review at the town engineer's office, Newington, Connecticut.

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 final determinations of flood elevations for the town of Newington, Hartford County, Connecticut.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Webster Brook	Downstream corporate limits	45
	Just upstream of Kalsey Street.	50
	Approximately 1,000 feet below New Britain Avenue.	62
	Just downstream of New Britain Avenue.	63
Rockhole Brook	Mouth at Webster Brook	50
	Just downstream of Stonehedge Drive.	54
	Just upstream of Stonehedge Drive.	56
	740 feet upstream of Stonehedge Drive at upstream side of footbridge.	64
	Approximately 1,740 feet above Stonehedge Drive.	72
	Approximately 200 feet below Church Street.	80
	Just upstream of Church Street.	84
	Upstream limit of study below Willard Avenue.	85

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mill Brook	Mouth of Piper Creek	53
	Just upstream of Hartford Avenue.	54
	Just upstream of Main Street	54
	Just downstream of Dowd Street.	55
	Just downstream of Cedar Street.	60
	Just upstream of Cedar Street.	63
	Just upstream of Mill Pond Dam.	75
	Just upstream of Wilson Avenue.	77
	Just downstream of Robbins Avenue.	79
	Just upstream of Robbins Avenue.	81
Piper Brook	Downstream corporate limit	53
	Just upstream of Main Street	55
	Just upstream of Willard Avenue.	58
	Approximately 2,600 feet above Willard Avenue.	60
	Just upstream of the Conrail Railroad Bridge.	65
	Just downstream of Cedar Street.	71
	Upstream corporate limits	80

(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, P.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: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4790]

[FR Doc. 79–13120 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determinations for the City of Macon-Bibb County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Macon-Bibb County, Georgia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Macon-Bibb County, Geogia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Macon-Bibb County, are available for review at Southern Trust Building, 10th Floor, 682 Cherry Street, Macon, Georgia.

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 final determinations of flood elevations for the city of Macon-Bibb County, Georgia.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaverdam Creek	Arkwright*	320
	Wesleyan Drive*	321
	Bass Road*	334
	Interstate 75*	360
Beaverdam Creek Tributary 1.	Forsyth road*	351
Boggy Branch	Interstate 16*	295
	Southern Railway (25 feet downstream).	304
	Southern Railway (centerline of tracks).	324
	Masseyville Road*	327
Ocmulgee River Tributary 2.	Arkwright Road*	318
	Sheraton Drive*	321
	Forest Hill Road (100 feet upstream).	359
Rocky Creek	Interstate 75—25 feet**	288
	Rocky Creek Road*	292
	Williamson road*	308
	Columbus Road—50 feet**	328
	Log Cabin Drive*	334
	Tucker Road—200 feet**	370
	Lamar Road—200 feet**	403
Rocky Creek Tributary 1.	Edna Place—200 feet**	354
	Burton Avenue*	368
Rocky Creek Tributary 2.	Rocky Creek Road (100 feet downstream of centerline).	290
	Rocky Creek Road—200 feet**.	297
	Ell Street (50 feet upstream)	373
	Dempsey Avenue*	412
Colaparchee Creek	Greentree Parkway*	400
	Colaparchee Road-150 feet**.	432
Wolf Creek	Mumford Road—150 feet**	341
	Tucker Road (50 feet upstream).	374
	Zebulon Road*	406
	Forsyth Road—25 feet**	414
	Bass Road*	441
Savage Creek	Northside Drive (25 feet downstream of centerline).	315
	Northside Drive-100 feet**	320
	Matthews Drive-100 feet**	329
	Forest Hill Road-50 feet**	339
	Guerry Drive-50 feet**	385
	Wesleyan Drive-150 feet**	395
Savage Creek Tributary 1.	50 feet downstream of Dam located 1950 feet above the mouth.	327
	50 feet upstream of Dam located 1950 feet above the mouth.	335
	50 feet upstream of Dam located 2700 feet above the mouth.	338
	Northside Drive*	347
Savage Creek Tributary 2.	Old Lundy Road—200 feet**.	341
	Forest Hill Road (100 feet downstream of centerline).	347
	Forest Hill Road—100 feet**.	364
Savage Creek Tributary 3.	Forest Lake Drive South (100 feet downstream of centerline).	349
	Forest Lake Drive South 125 feet**.	358
	125 feet downstream of Dam located 1350 feet above the mouth.	361
	150 feet upstream of Dam located 1350 feet above the mouth.	372
	Forest Lake Drive North (25 feet downstream of centerline).	374
	Forest lake Drive North 200 feet**.	382
	Beechwood Drive*	383
Savage Creek Tributary 4.	Greenview Terrace—25 feet**.	360
	Timberlane and Marlowe Drives—50 feet**.	374
	Sprucewood Drive*	389
Savage Creek Tributary 5.	Timberlane Drive (50 feet downstream of centerline).	402
	Timberlane Drive—200 feet**.	408
	50 feet downstream of Dam located 3900 feet above the mouth.	418
	200 feet upstream of Dam located 3900 feet above the mouth.	426
Stone Creek	Interstate 16—100 feet**	294
	Seaboard Coastline Railroad—100 feet**.	340
	Davis Road—50 feet**	378
Donnan Branch	Davis Road—approximately 50 feet**.	387
	Donnan Road*	420
Hall Branch	Seaborad Coastline Railroad (50 feet upstream of center of tracks).	328
	Jeffersonville Road*	375
Swift Creek	Seaboard Coastline Railroad (center of tracks).	290
	100 feet upstream of Dam located 5400 feet above the mouth.	305
	Riggins Mill Road—50 feet**.	314
	Irwington Road—approximately 20 feet**.	354
Tobesofkee Creek	Interstate 75*	302
	Eisenhower Parkway*	324

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Tobesofkee Dam (200 feet downstream).	338
	Tobesofkee Dam (100 feet upstream).	365
	Thomaston Road—50 feet**.	377
Tobesofkee Creek Tributary 1.	Interstate 475 (100 feet downstream of centerline).	318
	Interstate 475—100 feet**	326
	Chambers Road—50 feet**	335
Walnut Creek	Interstate 16—100 feet**	294
	Emery Highway—200 feet**	304
	Shurling Drive—approximately 20 feet**.	311
	Gray Highway (State Highways 11, 22 and U.S. Highway 129)—25 feet**.	321
	Old Clinton Road-100 feet**	322
Dry Bone Creek	800 feet above mouth	318
	4900 feet above mouth	331
Echeconnee Creek	Hawkinsville Road—200 feet** (Georgia Highway 247).	266
	Houston Road (Georgia Highway 41)—25 feet**.	286
	Interstate 75—25 feet**	296

* Centerline.
** Upstream of 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, P.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: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4304]
[FR Doc. 79–13121 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determinations for the City of Lincoln, Logan County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Lincoln, Logan County, Illinois.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Lincoln, Logan County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lincoln are available for review at the Logan County Regional Planning Commission, 529 South McClain Street, Lincoln, Illinois.

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 final determinations of flood elevations for the city of Lincoln, Logan County, Illinois.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brainard Branch	Just upstream of State Route 121.	564
	Just upstream of Jefferson Street.	564
	Just upstream of State Street	566
	Just downstream of Palmer Avenue.	568
	Just upstream of Oglesby Avenue.	569
	Just downstream of Union Street.	570
	Just upstream of Illinois Central Gulf Railroad.	574
	Northern corporate limit	575

(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, P.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: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4859]
[FR Doc. 79–13122 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determination for the Town of Brownsburg, Hendricks County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Brownsburg, Hendricks County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Brownsburg, Hendricks County, Indiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Brownsburg, Hendricks County, Indiana, are available for review at the Brownsburg Town Hall, East Main Street, Brownsburg, Indiana.

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 final determinations of flood elevations for the Town of Brownsburg, Hendricks County, Indiana.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White Lick Creek	Confluence with West Fork	847
	County Road—(500 North)	852
	U.S.—136	859
	Conrail	864
	Stonebrook Drive	868

(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, P.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: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4080]

[FR Doc. 79–13123 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determinations for the City of Lake Charles, Calcasieu Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in City of Lake Charles, Calcasieu Parish, Louisiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Lake Charles, Louisiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lake Charles, are available for review at City Hall, Lake Charles, Louisiana.

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 final determinations of flood elevations for the City of Lake Charles, Louisiana.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Calcasieu River	Interstate 10	8
	Southern Pacific Railroad	10
English Bayou	Highway 171	11
Bayou Contraband	Prien Lake Road	8
	Ryan Street (Upstream Side)	12
	Kirkman Street	14
East Branch Bayou Contraband.	East McNeese Street	14
	Common Street	15
South Branch Bayou Contraband.	West McNeese Street	12
	University Drive	14
Pithon Coulee	Lakeshore Drive	8
	West 6th Street	10
Little Bayou	Lake Street	8
	West 18th Street	10
Kayouche Coulee	Interstate 10	11
	Fruge Street	12
	Interstate 210	13
West Branch Kayouche Coulee.	Southern Pacific Railroad	11
	King Street	12
	4th Avenue	13

(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, P.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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–3690]

[FR Doc. 79–13124 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determination for the Town of Lonaconing, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Lonaconing, Allegany County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Lonaconing, Allegany County, Maryland.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Town of Lonaconing, Allegany County, Maryland, are available for review at the Town Hall, Lonaconing, Maryland.

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 final determinations of flood elevations for the Town of Lonaconing, Allegany County, Maryland.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Georges Creek	Downstream Corporate Limits.	1,473
	Union Street	1,490
	Confluence of Koontz Run	1,503
	"A" Street	1,517
	East Main Street	1,536
	Upstream Corporate Limits	1,550
Jackson Run	Island Avenue	1,481
	Union Street	1,492
	Alley # 4	1,500
	Hanekemp Street	1,520
	Robin Street	1,534
	Jackson Street	1,615
	Upstream Corporate Limits	1,647
Koontz Run	East Main Street	1,511
	Scotch Hill Road	1,567
	Beechwood Road	1,582

(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, P.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: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4866]
[FR Doc. 79–13125 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determination for the Town of Thurmont, Frederick County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Thurmont, Frederick 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Thurmont, Frederick County, Md.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Thurmont, Frederick County, Md., are available for review at the Town Office, Thurmont, Md.

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 final determinations of flood elevations for the Town of Thurmont, Frederick County, Md.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rouzer Creek	Water Street	465
	Approximately 540 feet upstream from Water Street.	470
	Approximately 690 feet downstream from Park Lane.	475
	Approximately 310 feet downstream from Park Lane.	480
	Approximately 130 feet downstream from Park Lane.	485
	Park Lane	492
	East Main Street	496
	Approximately 180 feet upstream from East Main Street.	500
	Approximately 415 feet upstream from East Main Street.	505
	Approximately 330 feet downstream from Woodside Avenue.	510
	Woodside Avenue	517
	Approximately 160 feet upstream from Woodside Avenue.	520
	Approximately 270 feet upstream from Woodside Avenue.	525
	Sabillasville Road—State Route 81.	531
	Emmitsburg Road	539
Hunting Creek	Downstream Corporate Limits.	434
	Moser Street	436
	Hagerstown & Frederick Railroad.	444
	Approximately 420 feet downstream from confluence of Rouzer Creek.	453
	Confluence of Rouzer Creek	457
	Approximately 270 feet upstream from confluence of Rouzer Creek.	465
	At unnamed road approximately 720 feet upstream from confluence of Rouzer Creek.	476
	Approximately 720 feet downstream from Frederick Road.	481
	Approximately 210 feet downstream from Frederick Road.	490
	Frederick Road	492
	Approximately 530 feet upstream from Frederick Road.	500
	Approximately 860 feet upstream from Frederick Road.	505
	Approximately 880 feet downstream from U.S. Route 15.	510
	Approximately 600 feet downstream from U.S. Route 15.	517
	U.S. Route 15	528
	Approximately 660 feet upstream from U.S. Route 15.	538
	Approximately 460 feet downstream from Foxville Road.	545
	Foxville Road	557
	Upstream Corporate Limits	566

(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, P.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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4867]
[FR Doc. 79–13128 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

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24 CFR Part 1917

Final Flood Elevation Determinations for the Township of Cedarville, Menominee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Cedarville, Menominee 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Cedarville, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Cedarville, Menominee County, Michigan, are available for review at Cedarville Township Hall, Cedar River, Michigan.

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 final determinations of flood elevations for the Township of Cedarville, Michigan.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Green Bay	Confluence with Deer Creek	584
	Confluence with Olsen Creek	584
Cedar River (Backwater from Green Bay).	200 feet west from the junction of State Highway 35 and River Road.	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).

Note.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: January 12, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4344]
[FR Doc. 79–13127 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

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24 CFR Part 1917

Final Flood Elevation Determinations for the Township of Ingallston, Menominee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Ingallston, Menominee 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Ingallston, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Ingallston, are available for review at Township Hall, 2511 10th Street, Menominee, Michigan.

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 final determinations of flood elevations for the Township of Ingallston, Michigan.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Green Bay	State Highway M–35, 250 feet northeast from intersection with Johnson Lane.	584
	Birch Creek Road (extended) 125 feet east of intersection with State Highway 35.	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).

Note.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4521]
[FR Doc. 79–13128 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

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24 CFR Part 1917

Final Flood Elevation Determinations for the City of Southfield, Oakland County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Southfield, Oakland 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Southfield, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Southfield, are available for review at City Hall, 26000 Evergreen Road, Southfield, Michigan.

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 final determinations of flood elevations for the City of Southfield, Michigan.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Main River Rouge	Eight Mile Road (Westbound)—50 feet*.	628
	Beech Road Bridge (First Crossing)—50 feet*.	630
	Nine Mile Bridge—20 feet*	632
	Beech Road Bridge (Second Crossing)—50 feet*.	638
	Ten Mile Road Bridge—50 feet*.	642
	Telegraph Road Bridge—20 feet*.	643
	Franklin Road—50 feet*	646
	Southeast Bound Northwestern Highway Bridge—40 feet*.	649
	Northwest Bound Northwestern Highway—40 feet*.	653
	Twelve Mile Road Bridge—30 feet*.	659
Evan Ditch	Dam Plum Hollow Golf Club—90 feet*.	632
	Nine Mile Road Bridge—50 feet*.	633
	Lasher Road Bridge—20 feet*.	645
	Ten Mile Road Bridge—60 feet*.	658
Tamarack Drain	Tamarack Trail—90 feet*	648
	Michigan Division State Highways-Retention Pond Outlet—70 feet*.	662
Carpenter Branch	Nine Mile Road Bridge—80 feet*.	692
	Lake Ravnees Street—40 feet*.	645
	Carpenter Lake Dam—40 feet*.	651
Farmington Branch	Nine Mile Road Bridge—50 feet*.	692
Pebble Creek	Ten Mile Road Bridge—50 feet*.	643
	Eleven Mile Road—80 feet*	667
	South Bound Interstate 696—30 feet*.	687
Franklin Branch	Twelve Mile Road Bridge—50 feet*.	661

* 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 rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4702]
[FR Doc. 79–13129 Filed 4–27–79; 8:45 am]
BILLING CODE 4210–01–M

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24 CFR Part 1917

Final Flood Elevation Determinations for the City of Waltham, Mower County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Waltham, Mower County, Minnesota.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Waltham, Mower County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Waltham are available for review at the City Hall, Waltham, Minnesota.

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 final determinations of flood elevations for the City of Waltham, Mower County, Minnesota.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this

determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Waltham Creek	At West Corporate Limits	1,311
	Just downstream of Atlantic Street.	1,316
	Just downstream of First Street.	1,319
	Just upstream of First Street.	1,323
	Eastern Corporate Limits	1,326

(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, P.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: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4956]

[FR Doc. 79–13130 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determinations for Butte-Silver Bow, Mont.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Butte-Silver Bow, Montana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Butte-Silver Bow, Montana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Butte-Silver Bow, are available for review at Butte-Silver Bow Courthouse, Butte-Silver Bow, Montana.

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 final determinations of flood elevations for Butte-Silver Bow, Montana.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Silver Bow Creek	Fairmont Road*	5088
	Fairmont Road**	5090
	Depot Road	5375
	Civic Center Road	5473
Gregson Creek	Butte, Anaconda and Pacific Railroad.	5115
	County Road to Fairmont Hot Springs*.	5127
	County Road to Fairmont Hot Springs**.	5130
	Golf Cart Bridge (furthest upstream crossing).	5202
Blacktail Creek	Lexington Avenue	5447
	Elizabeth Warren Avenue	5478
	U.S. Highway 10	5610
Grove Gulch Creek	I-90	5442
	Montana Avenue**	5473
	Farm Access Road	5706
Sand Creek	Evans Avenue	5455
	Lowell Avenue**	5493
	Lowell Avenue**	5497
	Chicago, Milwaukee, St. Paul and Pacific Railroad Bridge*.	5539
	Chicago, Milwaukee, St. Paul and Pacific Railroad Bridge**.	5540
Basin Creek	I-90 and 15	5460
	Elizabeth Warren Avenue*	5476
	Elizabeth Warren Avenue**	5478
	U.S. 10*	5529
	U.S. 10**	5531
	Chicago, Milwaukee, St. Paul and Pacific Railroad.	5623
Reese Canyon	Sheridan	5497
	Continental Drive	5519
	Interstate 15	5602
Tramway Gulch	Burlington Northern Railroad	5610
Brookside Canyon	Burlington Street	5514
	I-90	5591
	Frontage Road	5599
Mode-S Canyon	County Road	5502
	Continental Drive	5536
	I-90	5557
Big Hole River	County Road*	5166
	County Road**	5167

*Downstream side.
**Upstream side.

(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, P.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: March 30, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–3988]

[FR Doc. 79–13131 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Final Flood Elevation Determinations for the City of Franklin, Merrimack County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Franklin, Merrimack County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Franklin, Merrimack County, New Hampshire.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Franklin, Merrimack County, New Hampshire, are available for review at the Franklin Planning Office, Franklin City Hall, Franklin, New Hampshire.

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 final determinations of flood elevations for the city of Franklin, Merrimack County, New Hampshire.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River	Confluence of Pemigewasset and Winnipesaukee Rivers.	272
	Confluence of Shaw Brook	270
	Corporate Limits (Downstream).	268
Pemigewasset River	Franklin Falls Dam (Downstream).	309
	Eastman Falls Dam (Upstream).	309
	Eastman Falls Dam (Downstream).	279
	Confluence w/Merrimack River.	272
Winnepesaukee River	Upstream Corporate Limits	407
	Cross Mill Road Bridge	406
	Corporate Limits 1,795 feet downstream from Cross Mill Road Bridge.	366
	Abandoned Railroad Trestle 1,320 feet upstream from Breached Dam.	359
	Breached Dam (Upstream)	345
	Breached Dam (Downstream)	337
	Central Street (Upstream)	324
	J. P. Stevenson Company Dam (Upstream).	323
	J. P. Stevenson Company Dam (Downstream).	302
	Public Service Company Dam (Upstream).	301
	Public Service Company Dam (Downstream).	291
	Sulloway Mills Dam (Upstream).	286
	Sulloway Mills Dam (Downstream).	273
Chance Pond Brook	Carr Street (Upstream)	400
	Webster Lake Dam (Upstream).	400
	Webster Lake Dam (Downstream).	395
	Kimball Street Bridge (Upstream).	369
	Boston and Maine Railroad	364
	Unnamed Dam 164 feet upstream from North Main Street (Upstream).	309
	Unnamed Dam 164 feet upstream from North Main Street (Downstream).	297
	292 North Main Street	Pemigewasset River 276
Webster Lake	The entire perimeter of Webster Lake's water-surface elevation is at an elevation of 405 feet.	

(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, P.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: March 28, 1979

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4798]

[FR Doc. 79–13132 Filed 4–27–79; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 138

Temporary Excise Taxes; Floor Stocks Refunds and Credits and Consumer Refunds and Credits with Respect to Buses.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to floor stocks refunds and consumer refunds with respect to the excise tax on buses. Changes in the applicable tax law were made by the Energy Tax Act of 1978. These regulations affect all manufacturers, dealers, and consumers of buses and provide them with the guidance needed to comply with the law.

DATE: The regulations relating to floor stocks refunds and credits apply to buses sold to a dealer on or before November 9, 1978, and held by the dealer on November 10, 1978. The regulations relating to consumer refunds and credits apply to buses sold to a consumer after April 19, 1977, and before November 10, 1978.

FOR FURTHER INFORMATION CONTACT:
Robert H. Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T 202–566–3328 not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to floor stocks refunds and credits and consumer refunds and credits under section 231 of the energy Tax Act of 1978 Pub. L. 95–618 (92 Stat. 3187) ("Act") with respect to the excise tax on buses. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

Statutory Provisions

Section 4061 of the Internal Revenue Code of 1954 imposes a tax on the sale of automobile bus bodies and automobile bus chassis by a manufacturer, producer, or importer. Prior to the Act, section 4063 exempted the sale of local transit buses from the tax imposed by section 4061. Section 231 of the Act amends that section to exempt the sale of all automobile bus chassis and automobile bus bodies from the tax imposed by section 4061.

Floor Stocks Refunds

Section 138.1–1 provides rules relating to floor stocks refunds and credits with respect to the excise tax on buses under section 231(b) of the Energy Tax Act of 1978.

Consumer Refunds

Section 138.1–2 provides rules relating to consumer refunds and credits with respect to the excise tax on buses under section 231(c) of the Energy Tax Act of 1978.

Determining Amount of Tax Paid on Each Article

Section 138.1–3 provides the rule for determining the amount of tax paid with respect to an article for purposes of

claiming floor stocks and consumer refunds and credits.

Demonstrator Vehicles

Section 138.1–4 provides rules relating to the treatment of "demonstrator vehicles" as new vehicles held by a dealer for purposes of the floor stocks provisions or as new vehicles sold to consumers for purposes of the consumer refund provisions.

Manufacturer Treated as Consumer

Section 138.1–5 provides rules relating to the treatment of a manufacturer as the consumer of an article which is subject to tax under section 4061(a) by reason of section 4218(a).

Waiver of Procedural Requirements of Treasury Directive

There is need for expeditious adoption of the provisions contained in this document because of the need for immediate guidance to manufacturers, producers and importers of bus bodies and chassis in obtaining floor stock refunds and credits and consumer refunds and credits. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Drafting Information

The principal author of this regulation is Robert H. Waltuch 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, a new part 138, Temporary Excise Tax Regulations under the Energy Tax Act of 1978, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are adopted:

PART 138—TEMPORARY EXCISE TAX REGULATIONS UNDER THE ENERGY TAX ACT OF 1978

Sec.

138.0 Scope of regulations.
138.1–1 Credit or refund in respect of floor stocks; buses.
138.1–2 Credit or refund in respect of certain consumer purchases.
138.1–3 Determining amount of tax paid on each article.
138.1–4 Demonstrator vehicles.
138.1–5 Certain uses by manufacturer.
138.1–6 Date of sale.

Authority: Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805), and by sections 231 (b) and (c) of the Energy Tax Act of 1978 (Pub. L. 95–618; 92 Stat. 3174).

§ 138.0 Scope of regulations.

The regulations in this part (Part 138, Subchapter D, Chapter 1, Title 26 (1954), (Code of Federal Regulations) are designated "Temporary Excise Tax Regulations under the Energy Tax Act of 1978". The regulations in this part, with respect to the subject matter within the scope thereof, apply notwithstanding the provisions of any other regulations which are inconsistent herewith.

§ 138.1–1 Credit or refund in respect of floor stocks; buses.

(a) *In general*—(1) *Credit or refund.* A manufacturer, producer, or importer ("manufacturer") who has paid a tax imposed under section 4061(a) with respect to a tax-repealed article which is held by a dealer as floor stocks is entitled to a credit or refund of that tax to the extent and subject to the conditions provided by section 231(b) of the Energy Tax Act of 1978 ("Act") and by this § 138.1–1. See paragraph (b) § 138.1–1 for definitions.

(2) *Computation of the amount of floor stocks credit or refund.* The amount of floor stocks credit or refund which may be claimed by the manufacturer under section 231(b) of the Act may not exceed the tax paid by the manufacturer on its sale of the article. No interest is allowable with respect to any amount of tax credited or refunded under section 231(b) of the Act. In applying the floor stocks credit or refund provisions, the time the manufacturer paid the tax with respect to the article held as floor stocks is not relevant. Thus, the period of limitations provided in section 6511 of the Internal Revenue Code does not apply.

(3) *Limitation.* No credit or refund is allowable under section 231(b) of the Act for an amount paid as tax which may be credited or refunded under any provision of law other than section 231(b) of the Act.

(4) *Relationship between credits or refunds for floor stocks and credits or refunds for price readjustments.* The amount which may be credited or refunded for floor stocks and for price readjustments on an article may not in the aggregate exceed the tax paid in respect of such article. The manufacturer shall keep readily available for inspection sufficient records to enable examining internal revenue officers to ascertain the correctness of any claim for credit or refund for a price readjustment of an article on which a floor stocks refund was claimed.

(5) *Other provisions applicable.* All provisions of law, including penalties, applicable with respect to the tax imposed by section 4061(a) shall, insofar as applicable and not inconsistent with section 231(b) of the Act, apply in respect of the credits and refunds provided for in section 231(b) of the Act to the same extent as if the credits and refunds are overpayments of the tax. For provisions relating to the imposition of the taxes, see Part 48 (Manufacturers and Retailers Excise Taxes). For provisions under which timely mailing is treated as timely filing, and for provisions applicable to the time for performance of acts when the last day falls on Saturday, Sunday, or a legal holiday, see §§ 301.7502–1 and 301.7503–1 of the regulations on Procedure and Administration respectively.

(b) *Definitions.* For purposes of this section—

(1) *Floor stocks.* The term "floor stocks" means a tax-repealed article which has been sold by the manufacturer and is held by a dealer on the first moment of November 10, 1978, and which is intended for sale and has not been sold prior to November 10, 1978, and except as provided in § 138.1–4, has not been used.

(2) *Tax-repealed article.* The term "tax-repealed article" means an automobile bus chassis or an automobile bus body for which a tax is imposed by section 4061(a) on the sale before November 10, 1978.

(3) *Tax paid.* A tax is considered paid if it was paid or was an offset by an allowable credit on the return on which it was reported.

(4) *Dealer.* The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(5) *Held by a dealer.* An article is considered as "held by a dealer" if title thereto has passed to the dealer (whether or not delivery to him has been made) and if, for purposes of consumption, title to such article, or possession, or right to possession thereof has not at any time been transferred to any person other than a dealer. The determination as to the time title passes or possession is obtained for purposes of consumption shall be made under applicable local law.

(c) *Participation of dealers.* Before June 1, 1979, a dealer may submit to a manufacturer a request with respect to a credit or refund allowable under section 231(b) of the Act for tax paid by such manufacturer with respect to articles held by such dealer as floor stocks. The

request may be submitted either directly to the manufacturer or through another dealer in the chain of distribution, provided the request is received by the manufacturer or its authorized agent before June 1, 1979. No amount of credit or refund under section 231(b) of the Act may be claimed by a manufacturer ("claimant") with respect to articles held by a dealer as floor stocks unless—

(1) The amount claimed is based on a request submitted by the dealer and received by the claimant before June 1, 1979;

(2) The amount claimed is paid by the claimant to the dealer or the dealer's written consent to allowance of the credit or refund has been received by the claimant prior to September 5, 1979; and

(3) The request by the dealer is supported by an inventory statement signed by the dealer or by the dealer's authorized representative. The statement shall declare it is made under penalties of perjury and shall set forth the following information:

(i) The name and address of the dealer and of the claimant;

(ii) The identification number of the articles, such as the serial or stock number;

(iii) A brief description and model number, if any, of the article;

(iv) The gross vehicle weight rating of the vehicle, unless such rating is indicated in the serial number of the article as shown on the inventory statement; and

(v) The quantity of articles held by the dealer as floor stocks.

Payment may be made directly to the dealer or to the dealer's authorized agent or representative by the claimant or by the claimant's authorized agent or representative. Where a claimant pays a dealer through the claimant's agent or representative, the evidence must show that the dealer actually received the payment. Where a dealer authorizes the claimant to pay him through the dealer's agent or representative, evidence showing receipt of the payment by that agent or representative will be accepted as proof of actual payment to the dealer. Payment may be made in cash, by check or by credit to the dealer's account as maintained by the claimant. The amount of the payment which may be made by crediting such account may not exceed the undisputed debit balance due at the time payment is made. However, payment may be made, at the dealer's option with the concurrence of the claimant, in merchandise. The date on which any act described in this paragraph is performed by an agent or representative on behalf of a claimant or dealer is to be deemed the date on which the act is performed by the principal. For provisions relating to the record of dealers' inventories to be kept by the claimant, see § 138.1–1(e)(2). For provisions permitting a dealer to include a vehicle, with respect to which the dealer is eligible for reimbursement as a consumer, in its floor stocks inventory, see § 138.1–2(d).

(d) *Procedure for claiming credit or refund*—(1) *In general.* Each claim for credit or refund under section 231(b) of the Act shall be filed before September 1, 1979 in the manner and subject to the conditions stated in the Act, § 138.1–1, and in § 301.6402–2 of the regulations. Either credit or refund, or a combination thereof, may be claimed, but the amount which may be claimed as credit on a return (Form 720) filed on or after June 1, 1979, shall not exceed the total tax liability shown on that return, reduced by the amount of the deposits of excise taxes shown on the return and by any amount of credit claimed on the return under any provision of law other than section 231(b) of the Act. If credit is claimed, the amount shall be entered as a credit on a return filed before September 1, 1979. If the total amount which may be claimed exceeds the amount which may be claimed as credit on a return, the excess amount may be claimed either as a credit on a subsequent return or as a refund on a claim (Form 843) filed before September 1, 1979.

(2) *Supporting evidence to be submitted by the manufacturer.* No credit or refund shall be allowed unless a statement, signed by the claimant, is submitted in support of the claim for credit or refund. The statement shall describe in general terms the articles covered by the claim, shall set forth the method of computation of the amount claimed (including a description of the procedure used), and shall state that—

(i) The claimant paid the tax for which the credit or refund is claimed;

(ii) The total amount claimed represents payments requested by dealers before June 1, 1979;

(iii) The total amount claimed either was paid by the claimant to the dealers or the claimant received the written consent of the dealers to the allowance of the amount claimed;

(iv) The claimant has in his possession, and available for inspection by internal revenue officers, the evidence with respect to inventories required by § 138.1–1(e) and any written consents referred to in (iii) of this subparagraph; and

(v) No other claim for credit or refund under section 231(b) of the act has been or will be made by the claimant with respect to any amount covered by the claim.

Where the claim for refund is filed before the dealer has been reimbursed or the consent is obtained under (iii) then no refund will be made to the claimant unless the dealer is reimbursed or the dealer's consent is received before September 5, 1979, and a statement to that effect is submitted to support the claim before September 5, 1979. No credit may be claimed on Form 720 if the dealer has not been reimbursed or the dealer's consent has not been obtained before Form 720 is filed. Since the credit must be claimed before September 1, 1979, the credit may not be taken on Form 720 if it is filed after August 31, 1979. In addition, the statement shall show the amount and date of filing of each previous or concurrent claim for credit or refund under section 231(b) of the Act and whether or not any future claims are expected to be filed.

(e) *Supporting evidence to be retained in the manufacturer's record*—(1) *In general.* Every person filing a claim for credit or refund under section 231(b) of the Act must keep the evidence required by this paragraph as part of his records.

(2) *Inventories.* Every person filing a claim for credit or refund under section 231(b) of the Act must retain the dealer's inventory statements required by § 138.1–1(c)(3) to the extent that the articles in the inventory statement are covered by the claim. In addition, the claimant must retain records of such articles held by each dealer showing (i) the name and address of the dealer, (ii) the quantities of each article held by the dealer as floor stocks, (iii) the amount of tax considered as paid with respect to each article held by the dealer, (iv) the total amount of reimbursement due the dealer, (v) the date on which the claimant received a request (described in § 138.1–1(c)) from the dealer, unless payment is made to the dealer before June 1, 1979, and (vi) the date and amount of each payment to a dealer or the date of the receipt of written consent by the claimant from a dealer. In addition the claimant must retain any such written consent as part of his records.

(3) *Sample written consent.* No particular form is prescribed or required for the written consent of the dealer. However, the following is an example of an acceptable consent statement by a dealer:

Consent Statement of Dealer

(For use by dealer in requesting manufacturer, producer, or importer to obtain credit or refund with respect to floor stocks under section 231(b) of the Energy Tax Act of 1978.)

I hereby consent to the allowance to the manufacturer, producer, or importer of the floor stocks credit or refund of the excise tax imposed by the Internal Revenue Code of 1954 with respect to the buses in my inventory on November 10, 1978, that are eligible for such credit or refund.

_____
(Name)

By _____
(Signature of Officer)

_____
(Title)

_____
(Date)

(f) *Special rules where the presumed manufacturer is the agent of the actual manufacturer.* For purposes of this section, if a manufacturer sells articles tax-paid to a second manufacturer for resale by the second manufacturer under its own brand name, the second manufacturer may perform any acts and keep any records which are a prerequisite to the first manufacturer filing a claim for floor stocks credit or refund with respect to such articles. If this procedure is followed, the claim filed by the first manufacturer shall include a statement indicating the name and address of the second manufacturer and the amount of the claim which relates to articles sold to the second manufacturer.

§ 138.1-2 Credit or refund in respect of certain consumer purchases.

(a) *Credit or refund*—(1) *In general.* A manufacturer, producer, or importer ("manufacturer") who has paid a tax imposed under section 4061(a) with respect to a tax-repealed article which is sold as a new article to an ultimate purchaser after April 19, 1977, and before November 10, 1978, is entitled to a credit or refund for the tax paid to the extent and subject to the conditions provided by section 231(c) of the Energy Tax Act of 1978 ("Act") and by this section.

(2) *Computation of the amount of consumer purchase credit or refund.* The amount of credit or refund which may be claimed by the manufacturer under section 231(c) of the Act may not exceed the tax paid by the manufacturer on its sale of the article. No interest is allowable with respect to any amount of tax credited or refunded under section 231(c) of the Act. In applying the consumer purchase credit or refund provisions, the time the manufacturer paid the tax with respect to the sale of the article is not relevant. Thus, the period of limitations provided in section 6511 of the Code does not apply.

(3) *Limitation.* No credit or refund is allowable under section 231(c) of the Act for an amount paid as tax which may be credited or refunded under any provision of law other than section 231(c) of the Act.

(4) *Relationship between credit or refund for consumer purchases and credit or refund for price readjustments.* The amount which may be credited or refunded with respect to a consumer purchase and for price readjustments on an article may not in the aggregate exceed the tax paid in respect of such article. The manufacturer shall keep readily available for inspection sufficient records to enable examining internal revenue officers to ascertain the correctness of any claim for credit or refund for a price readjustment of an article on which a credit or refund with respect to a consumer purchase was claimed.

(5) *Other provisions applicable.* All provisions of law, including penalties, applicable with respect to the tax imposed by section 4061 (a) shall, insofar as applicable and not inconsistent with section 231(c) of the Act, apply in respect of the credits and refunds provided for in section 231(c) of the Act to the same extent as if the credits and refunds are overpayments of the tax. For provisions relating to the imposition of the taxes, see Part 48 (Manufacturers and Retailers Excise Taxes) of this chapter. For provisions under which timely mailing is treated as timely filing, and for provisions applicable to the time for performance of acts when the last day falls on Saturday, Sunday, or legal holiday, see §§ 301.7502-1 and 301.7503-1 (Regulations on Procedure and Administration), respectively, of this chapter.

(b) *Definitions.* For purposes of this section—(1) *Sale.* A sale of a tax-repealed article to an ultimate purchaser takes place when either possession or the right to possession passes to the purchaser, as determined under applicable local law.

(2) *Ultimate purchaser.* The term "ultimate purchaser" means a consumer of a new tax-repealed article. The term includes a dealer with respect to a demonstrator (unless sold or held for sale, as a new article) or any other bus owned by the dealer and used in the dealer's business and a lessor with respect to a leased bus, with the exception of a lease by a manufacturer which is covered under leases in § 138.1-6.

(3) *Tax-repealed article.* The term "tax-repealed article" has the same meaning as is provided for that term by § 138.1-1(b)(2)

(4) *Tax paid.* A tax is considered paid if it was paid or was offset by an allowable credit on the return on which it was reported.

(c) *Procedure for claiming credit or refund*—(1) *In general.* Each claim for credit or refund under section 231(c) of the Act shall be filed before September 1, 1979 in the manner and subject to the conditions stated in the Act, in this section, and in § 301.6402-2 of this chapter (Regulations on Procedure and Administration). Either credit or refund, or a combination thereof, may be claimed, but the amount which may be claimed as credit on a return (Form 720) shall not exceed the total tax liability shown on the return, reduced by the amount of the deposits of excise taxes shown on the return and by any amount of credit claimed on the return under the provision of law other than section 231(c) of the Act. If the total amount which may be claimed exceeds the amount which may be claimed as credit on a return, the excess amount may be claimed either as a credit on a subsequent return or as a refund on a claim (Form 843) filed before September 1, 1979.

(2) *Conditions.* No amount of credit or refund under section 231(c) of the Act may be claimed by a manufacturer unless—

(i) The claim is filed by the manufacturer ("claimant") before September 1, 1979;

(ii) The claim is based upon information submitted to the claimant before June 1, 1979, by the persons who sold the articles covered by the claim to the ultimate purchasers of the articles;

(iii) The ultimate purchasers of the articles are reimbursed for the tax paid prior to September 5, 1979;

(iv) The requirements of paragraphs (3) and (4) of this section are satisfied. Reimbursement for the tax paid may be made either in cash or by check, provided it is made as a separate payment. A reduction or discount in the price for which the article is sold or a credit to the ultimate purchaser's account will not qualify as reimbursement. Nothing in this section precludes a payment to an ultimate purchaser in an amount larger than the excise tax reduction to effect a greater price reduction, although any credit or refund to the manufacturer will be limited to the amount of the tax reduction.

(3) *Supporting evidence to be submitted by the manufacturer.* No credit or refund shall be allowed under section 231 (c) of the Act unless a statement, signed by the manufacturer ("claimant"), is submitted in support of the claim for credit or refund. The statement shall describe in general terms the articles covered by the claim, shall set forth the method of computation of the amount claimed (including a description of the procedure used), and shall state that—

(i) The claimant paid the tax for which the credit or refund is claimed;

(ii) The claim is based upon information submitted to the claimant before June 1, 1979, by the persons who sold the articles covered by the claim to the ultimate purchasers;

(iii) The ultimate purchasers of the articles have been reimbursed for the total amount claimed;

(iv) The claimant has in his possession and available for inspection by internal revenue officers the evidence required by paragraph (c) (4) of this section; and

(v) No other claim for credit or refund under section 231 (c) of the Act has been or will be made by the claimant with respect to any amount coverd by the claim.

(vi) Where the claim for refund is filed before the ultimate purchaser has been reimbursed under (iii) then no refund will be made to the claimant unless the ultimate purchaser is reimbursed before September 5, 1979 and a statement to that effect is submitted to support the claim before September 5, 1979. No credit may be claimed on (Form 720) if the ultimate purchaser has not been reimbursed before the claim is filed. In addition, since the credit must be claimed before September 1, 1979, the credit may not be taken on Form 720 if it is filed after August 31, 1979.

In addition, the statement shall show the amount and date of filing of each previous or concurrent claim for credit or refund under section 231(c) of the Act and whether or not any future claims are expected to be filed.

(4) *Supporting evidence to be retained in the manufacturer's record.* Every manufacturer filing a claim for credit or refund under section 231(c) of the Act must retain a record of each article covered by the claim showing (i) the name and address of the ultimate purchaser of the article, (ii) the name and address of the dealer or other person from whom the ultimate purchaser purchased the article, (iii) the date of sale to the ultimate purchaser, (iv) the number of the invoice or sales slip on which the sale to the ultimate purchaser was recorded, except in the case of a reimbursement to the ultimate purchaser made directly by the manufacturer or in the case of a dealer who does not use numbered invoices in the ordinary course of his business, (v) the serial or identification number of the bus, and (vi) the date and amount of the reimbursement. If reimbursement to the ultimate purchaser is made in cash directly by the manufacturer, or if reimbursement is made either in cash or by check by a person other than the manufacturer, the manufacturer must retain in his records a receipt or statement or a copy thereof signed by the ultimate purchaser setting forth the date and amount of reimbursement. If reimbursement to the ultimate purchaser is made by check directly from the manufacturer, the manufacturer must retain the cancelled check in his records. In addition to the evidence which must be retained in the records of the manufacturer, if reimbursement is made in cash to the ultimate purchaser by a person other than the manufacturer, that person must also retain in his records a receipt or statement or a copy thereof signed by the ultimate purchaser setting forth the date and amount of reimbursement. If reimbursement is made by the check of a person other than the manufacturer, that person should retain the cancelled check in his records.

(d) *Treatment as floor stocks if a dealer is the consumer.* If a dealer is eligible for reimbursement as the ultimate purchaser of a tax-repealed article, the dealer may, with the consent of the manufacturer, choose to include the article in the dealer's floor stocks inventory rather than request separate reimbursement under the provisions of this section. If the article is included in the floor stocks inventory of the dealer, the provisions of § 138.1–1 shall apply with respect to that article except that the records required to be retained by the manufacturer under § 138.1–1(e)(2) shall also indicate the date on which the article was sold to the dealer.

§ 138.1–3 Determining amount of tax paid on each article.

For purposes of computing the credits and refunds described in §§ 138.1–1 and 2, the tax paid on each article must be computed separately and after the credit for the tax imposed under section 4071 on tires and tubes.

§ 138.1–4 Demonstrator vehicles.

(a) *In general.* The floor stocks and consumer purchase refunds and credits provided under §§ 138.1–1 and 138.1–2 are available only in the case of "new" vehicles which are held by a dealer for sale on November 10, 1978, or are sold to an ultimate purchaser during the applicable period prescribed in §138.1–2. Under this section, certain "demonstrator" vehicles may be considered to be new vehicles. For purposes of this section, a demonstrator vehicle is a bus used by a dealer or his employees for a period of time and then sold. For purposes of §§ 138.1–1 and 138.1–2, a demonstrator vehicle will be considered to be a new vehicle if, on November 10, 1978, (in the case of floor stocks) or on the date sold to the ultimate purchaser (if that date is earlier), it was covered by the manufacturer's warranty and more than 50 percent of the time and mileage under the warranty was then unexpired.

(b) *Definitions.* For purposes of this section—

(1) The terms "floor stocks", "tax-repealed article", and "held by a dealer", have the same meaning as is provided for such terms by § 138.1–1(b).

(2) The term "ultimate purchaser" has the same meaning as is provided for that term by § 138.1–2(b)(2).

(c) *Extension of manufacturer's warranty.* For purposes of determining if more than 50 percent of the time and mileage under a warranty is unexpired under paragraph (a) the total time and mileage provided under the manufacturer's warranty shall only include the original time and mileage warranty.

(d) *Resale of vehicle.* In no case will the resale of a vehicle to an ultimate purchaser be considered to be a sale of a new vehicle. A vehicle held for resale by a dealer on November 10, 1978 will not be considered a new vehicle for purposes of the floor stock refund provisions. For example, a retail sale of a vehicle, made after an earlier sale to an ultimate purchaser, is not considered to be a sale of a new article, even though more than 50 percent of the time and mileage provided under the manufacturer's warranty may be unexpired on the date the vehicle is sold. For purposes of this paragraph, the term "resale" does not include the first sale at retail of an article unless the manufacturer has previously used the article in a manner whereby such use is considered a sale under section 4218. See § 138.1–5 for rules relating to certain uses by a manufacturer.

(e) *Treatment of dealer as ultimate purchaser of a vehicle.* If a demonstrator vehicle does not qualify for treatment as a new vehicle under the provisions of § 138.1–4(a) on November 10, 1978, in the case of floor stocks, or, if earlier, on

the date sold to an ultimate purchaser, the dealer is considered to be the consumer of such vehicle and is eligible for reimbursement of the excise tax as a consumer, provided the dealer purchased the vehicle during the applicable period prescribed in § 138.1–2(a)(1).

§ 138.1–5 Certain uses by manufacturer.

Where, under the provisions of section 4218(a), a manufacturer, producer, or importer paid a tax under section 4061(a) (as in effect on November 9, 1978) on account of his use of a tax-repealed article (as defined by § 138.1–1(b)(2)), the manufacturer, producer, or importer is considered to be the consumer of such article. The manufacturer, producer, or importer is entitled to refund or credit of the tax paid with respect to any such article first used by such person during the applicable period prescribed under § 138.1–2(a)(1). Claim for credit or refund of any tax deemed to be an overpayment of tax under section 231(d) of the Energy Tax Act of 1978 and § 138.1–5 must be made in accordance with the provisions of section 301.6402–2 of the regulations.

§ 138.1–6 Date of sale.

(a) *In general.* For purposes of this section, an article shall be considered to be sold before April 20, 1977, only if possession or the right to possession passes to the purchaser before that date.

(b) *Leases and installment or conditional sales entered into before November 10, 1978*—(1) *In general.* If a tax-repealed article (as defined by § 138.1–1(b)(2)) is leased or sold by a manufacturer in a taxable transaction entered into before November 10, 1978, under—

(i) A contract for the sale of an article where it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments;

(ii) A conditional sale; or

(iii) A chattel mortgage arrangement wherein it is provided that the sale price shall be paid in installments,

payments made on or after November 10, 1978, with respect to the article leased or sold shall be treated as payments made with respect to an article purchased on or after that date, if the lessor or vendor establishes that the amount of the remaining payments made or payable on or after that date, with respect to such article, has been reduced by an amount equal to the aggregate amount of the tax applicable with respect to the remaining payments. If the lessor or vendor does not establish that the payments have been so reduced, they will be treated as payments made in respect of an article sold before November 10, 1978.

(2) *Methods of reimbursement and records to be retained.* The requirement that the payment made on or after November 10, 1978, must be reduced by the amount of the tax reduction will be met if the manufacturer reimburses its purchaser or lessee in cash by the amounts of the tax, makes a reduction for the tax in the amounts due as remaining payments, or reduces one or more of the remaining payments, by the aggregate amount of the tax. A manufacturer shall retain in its records for inspection by internal revenue examining officers sufficient evidence of the reimbursement or the reimbursement obligation. Until such time as the reimbursement is made or is a binding obligation of the manufacturer under applicable local law and is made known to its purchaser or lessee, the manufacturer shall continue to report the payments and pay the tax (which, except for the amendment made by section 231 (a) of the Energy Tax Act of 1978, would be due) with respect to the payments made on and after November 10, 1978.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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), and by sections 231 (b) and (c) of the Energy Tax Act of 1978 (Pub. L. 95–618; 92 Stat. 3174).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: April 19, 1979.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[T.D. 7615]

[FR Doc. 79–13355 Filed 4–27–79; 8:45 am]

BILLING CODE 4830–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1610

Availability of Records; Address Corrections

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: Effective January 29, 1979, the Commission adopted a reorganization of its field offices. The addresses of the Commission's district offices have appeard in the Commission's Availability of records regulation, 29 CFR 1610.4, and have been referenced in the Commission's Procedural regulations, 29 CFR 1601.8. In order to reflect its field reorganization, the Commission is hereby amending its regulations to provide the current addresses of its district offices.

EFFECTIVE DATE: April 30, 1979.

FOR FURTHER INFORMATION CONTACT: Constance L. Dupre, Associate General Counsel, Legal Counsel Division, Office of General Counsel, 2401 E Street, NW., Washington, D.C. 20506, (202) 634–6595.

These regulations have been reviewed in accordance with Executive Order 12044. These regulations are not "substantial regulations" under section 2(e) of that Order nor do they require regulatory analysis under section 3 of that Order.

By virture of the authority vested in the Commission under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, the Equal Employment Opportunity Commission hereby publishes the following amendments to its regulations, to be effective April 30, 1979.

Signed at Washington, D.C., this 24th day of April, 1979.

For the Commission.

Eleanor Holmes Norton,
Chair.

§ 1610.4 [Amended]

29 CFR 1610.4(c) is revised to read as follows:

* * * * *

(c) The Commission's District Offices are:

Atlana District Office, Citizens Trust Building, 10th Floor, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.
Baltimore District Office, Rotunda Building, Suite 210, 711 West 40th Street, Baltimore, Maryland 21211.
Birmingham District Office, 2121 Eighth Avenue, North, Birmingham, Alabama 35203.
Charlotte District Office, 403 N. Tryon Street, 2nd Floor, Charlotte, North Carolina 28202.
Chicago District Office, Federal Building, Room 234, 536 S. Clark Street, Chicago, Illinois 60605.
Cleveland District Office, Engineers' Building, Room 402, 1365 Ontario Street, Cleveland, Ohio 44114.
Dallas District Office, Corrigan Tower, 6th Floor, 212 N. St. Paul, Dallas, Texas 75201.
Denver District Office, 1531 Stout Street, 6th Floor, Denver, Colorado 80202.

Detroit District Office, Federal Building & Old Courthouse, 231 W. Lafayette Street, Room 461, Detroit, Michigan 48226.
Houston District Office, Federal Building, Room 1101, 2320 LaBranch, Houston, Texas 77004.
Indianapolis District Office, Federal Building, U.S. Courthouse, 46 E. Ohio Street, Room 456, Indianapolis, Indiana 46204.
Los Angeles District Office, 3255 Wilshire Blvd., 9th Floor, Los Angeles, California 90010.
Memphis District Office, 1407 Union Avenue, Suite 502, Memphis, Tennessee 38104.
Miami District Office, DuPont Plaza Center, Suite 414, 300 Biscayne Blvd. Way, Miami, Florida 33131.
Milwaukee District Office, 342 N. Water Street, Room 612, Milwaukee, Wisconsin 53202.
New Orleans District Office, F. Edward Hebert Federal Building, 600 South Street, New Orleans, Louisiana 70130.
New York District Office, 90 Church Street, Room 1301, New York, New York 10007.
Philadelphia District Office, 127 N. 4th Street, Suite 200, Philadelphia, Pennsylvania 19106.
Phoenix District Office, 201 N. Central Avenue, Suite 1450, Phoenix, Arizona 85073.
San Francisco District Office, 1390 Market Street, Suite 325, San Francisco, California 94102.
Seattle District Office, Dexter Horton Building, 710 Second Avenue, Seattle, Washington 98104.
St. Louis District Office, 1601 Olive Street, St. Louis, Missouri 63103.

[FR Doc. 79-13289 Filed 4-27-79; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Implementation Plans; Approval of Revision of the District of Columbia Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This notice announces the Administrator's approval of amendments to the District of Columbia's air pollution control regulations as a revision of the District of Columbia Implementation Plan (SIP). The amendments consist of changing the regulations governing control of particulate emissions from fuel burning equipment (which are currently expressed in the form of a chart), adding a definition for "distillate oil", and exempting new gas-fired and distillate oil-fired fuel burning equipment which as a capacity of 5 mmbtu/hr. or less heat input from the permit process requirements.

EFFECTIVE DATE: May 30, 1979.

ADDRESSES: Copies of the SIP revision and accompanying support documentation are available for public inspection during normal business hours at the following offices: U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, Pennsylvania, Attention: Mr. Harold A. Frankford (3AH12); District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook Avenue SW., Washington, D.C. 20032 Attention: Mr. John V. Brink; Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12) Air Programs Branch, U.S. Environmental Protection Agency, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106; telephone: (215) 597-8392.

SUPPLEMENTARY INFORMATION:

I. Background

On May 25, 1978, the District of Columbia submitted to the Regional Administrator, EPA Region III, amendments to its Air Quality Control Regulations and requested that they be reviewed and processed as a revision of the District's Implementation Plan (SIP). The amendments consist of the following changes:

(1) Amendments to Section 8:2-708. This section, which governs control of particulate emissions from fuel-burning equipment, provides for emission limitations determined by the following formula:

$E = 017455H^{-0.23522}$, where

E = Allowable emissions in pounds per million BTU heat input, and

H = Heat input to the fuel-burning equipment in millions of BTU's per hour.

These amendments also establish an upper limit (0.13 lb/mmbtu of heat input) and a lower limit (0.02 lb/mmbtu of heat input) for allowable particulate emissions from fuel burning equipment. In conjunction with these changes, a chart in the current SIP designated as Appendix 1 is voided.

(2) An amendment to Section 8-2:702 (Definitions). The amendment consists of a definition for the term "distillate oil."

(3) An amendment to Section 8-2:720 (*Permits to Construct or Modify, Permits to Operate*). The amendment exempts from the pemit process any gas-fired or distillate oil-fired fuel-burning equipment which has a capacity of 5 million or less BTU's per hour heat input.

The District of Columbia provided proof that public hearings with regard to these amendments were held on September 10, 1976, in accordance with the requirements of 40 CFR Section 51.4.

On December 15, 1978 (43 FR 58593) the Regional Administrator acknowledged receipt of the amendments submitted by the District of Columbia, proposed them as a revision of the District's Implementation Plan, and provided for a 30-day public comment period, ending January 15, 1979. During the public comment period, no comments were received.

II. Approvability of Proposed Revision

The primary purpose for the amendment to Section 8-2:708 is to correct an error in this section that had been submitted by the District to EPA as a SIP revision on July 7, 1972. The error appeared in a graph (designated Appendix 1) describing the relationship between allowable emissions (the vertical axis) and the boiler capacity expressed in terms of heat input (the horizontal axis). The vertical axis of the graph was incorrectly marked. Therefore, the graph shows a standard that is difficult to interpret and enforce. The District of Columbia subsequently submitted a correction to EPA on January 29, 1973 and EPA approved the change on October 23, 1973 (38 FR 29296). However, a subsequent review of the 1973 correction revealed that it was not submitted by the properly designated official and therefore did not meet the requirements of 40 CFR Part 51 [Section 51.5(a)], Requirements for Preparation, Adoption, and Submittal of Implementation Plans. The amendments to Section 8-2:708 discussed in this notice serve to correct the past technical and administrative deficiencies associated with this regulation.

The amendment to Section 8-2:720(j) exempts new gas-fired and distillate (nos. 1 and 2) oil-fired fuel burning equipment with a heat input of 5 mmbtu/hr. or less from the District's permit process. Although the District of Columbia did not submit quantitative support documentation demonstrating the effects of these exemptions on national ambient air quality standards, calculations performed by EPA indicate that a boiler of the above-mentioned size and burning No. 2 oil for 24 hours/day, 7 days/week, 365 days/year would not exceed either the 100 tons per year of potential emissions or the 50 tons per year of actual emissions of particulates, sulfur dioxide, carbon monoxide,

hydrocarbons or oxides of nitrogen. Therefore, such source would be exempt from EPA's Offset and Prevention of Significant Deterioration (PSD) requirements. The District did submit qualitative information indicating that exempted sources would consist of small apartment and office buildings.

The amendment to Section 8–2:702 (addition of definition for "distillate oil") specifies that the term "distillate oil" refers to any oil that meets the specifications of the American Society for Testing and materials (ASTM) for No. 1 and No. 2 grades of fuel oil. This definition is added to avoid confusion with the term "middle distillate fuel" which refers to No. 4 grade fuel. The exemptions listed in Section 8–2:720(j) for distillate oil-fired fuel burning equipment refer to those sources which burn No. 1 or No. 2 grade fuel.

All of the amendments discussed in this notice of final rulemaking meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. Therefore, the Administrator approves the amendments to Section 8–2:702, 8–2:708, and 8–2:720(j) of the District of Columbia's Air Quality Control Regulations as a revision of the District's State Implementaton Plan, effective (30 days after publication date of this notice). Concurrently, the Administrator amends 40 CFR Section 52.470 (Identification of Plan) of Subpart J (District of Columbia) to incorporate this plan revision into the District's SIP.

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

Authority: 42 U.S.C. 7401.

Dated: April 24, 1979.

Douglas M. Costle,

Administrator.

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

Subpart J—District of Columbia

In Section 52.470, Subsection (c) is revised by adding paragraph (c)(12) to read as follows:

§ 52.470 Identification of plan.

* * * * *

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

* * *

(12) Amendments to Sections 8–2:702 (Definitions), 8–2:708 (Fuel Burning Particulate Emission) and 8–2:720 (Permits to Construct or Modify, Permits to Operate); an amendment deleting Appendix 1 from the District of Columbia Air Quality Control Regulations submitted by the Major on May 25, 1978.

[FRL 1086–3]

[FR Doc. 79–13373 Filed 4–27–79; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 120

Water Quality Standards, Navigable Waters of the State of Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: EPA is promulgating a final rule establishing a dissolved oxygen criterion for all water uses recognized by the State of Mississippi. This criterion is less stringent than originally proposed by EPA because testimony and data submitted at the public hearings and otherwise available to EPA indicated that a balanced aquatic organism population can be maintained in Mississippi waters meeting the criterion promulgated herein.

DATES: This rule becomes effective May 30, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McGhee, Water Quality Standards Coordinator, EPA, Region IV, 345 Courtland Avenue, N.E., Atlanta, GA. 30308 (404/881–3012).

SUPPLEMENTARY INFORMATION:

Background

On June 9, 1977, the Regional Administrator, Region IV, notified the Executive Director, Mississippi Air and Water Pollution Control Commission, that the dissolved oxygen criterion found in sections III(1)(a), III(2)(a), III(3)(a), and III(4)(a) of the Mississippi water quality standards submitted to EPA on April 22, 1977 was not sufficient to insure the protection of a balanced population of fish in Mississippi. The Regional Administrator advised the Commission that establishment of a less stringent criterion than that recommended in *Quality Criteria for Water* (QCW)* should be accompanied by an adequate technical justification as provided by chapter 5 of the Guidelines for State and Areawide Water Quality Management.** He requested that additional data supporting such a deviation be submitted as soon as possible.

On July 21, 1977, EPA received from the Commission the requested documentation entitled "A Justification Report for the State of Mississippi's Dissolved Oxygen Criteria." Because of the short amount of time which remained available under the time table for EPA review of the revised State water quality standards established in section 303(c) of the Clean Water Act, the Regional Administrator was unable to completely review the justification prior to his action on the total State submission. The Regional Administrator disapproved the dissolved oxygen criteria in the Mississippi standards on July 25, 1977. He added that his disapproval was conditional pending further evaluation of the justification report.

On August 24, 1977, the Regional Administrator notified the Commission that the July 25, 1977, disapproval would remain in effect since the justification report did not adequately demonstrate that Mississippi waters should be exempt from achieving the EPA recommended criterion for dissolved oxygen. He further advised the Commission that in the event the Commission did not adopt within 90 days a dissolved oxygen criterion necessary to support a balanced fish population in Mississippi, EPA would be required to promulgate an appropriate criterion.

On July 13, 1978, EPA proposed a dissolved oxygen criterion for the water uses established by the State for Mississippi waters (43 FR 30076). The Agency proposed a criterion of not less than 5 mg/l dissolved oxygen to support the State's four recognized uses (i.e., public water supply, shellfish harvesting, recreation, and fish and wildlife), to replace the dissolved oxygen criterion adopted by the State.

As part of the rulemaking process, EPA held two public hearings to receive public comment on the proposed rule. These hearings were held on September 6, 1978, in Jackson, Mississippi and on September 7, 1978, in Biloxi, Mississippi. Thirty statements were received by EPA at the two hearings although this count includes five duplicate presentations made at both hearings. Fourteen other comments were received by EPA either prior to or after the hearings. EPA's

*A Notice of Availability of *Quality Criteria for Water* was published at 41 FR 32947 on August 6, 1976.

**A Notice of Availability of the Guidelines for State and Areawide Water Quality Management Program Development was published in 41 FR 48777 on November 5, 1976.

response to the major issues raised in these comments follows the statement of Basis and Purpose.

Section 303(c) of the Clean Water Act (33 USC 1313(c)) establishes the requirements for State water quality standard review and revision. This section requires States to review and revise water quality standards as appropriate at least every three years. Results of this review must be submitted to the Administrator of EPA for his determination of consistency with the requirements of the Act. If the Administrator determines that a standard is not consistent with these requirements and the State after notification does not adopt a standard consistent with the Act, the Administrator is required to promulgate an appropriate standard. The action taken today completes the rulemaking process of disapproval, State notification, and proposal noted above. The statutory basis for this action is that the new standard is necessary to meet the requirements of the Clean Water Act.

Basis and Purpose

In order to place this action in perspective, a general understanding of the components of a water quality standard is helpful. A water quality standard consists of two parts: a designated "use" for which the water body is to be protected (such as "agriculture", "recreation", or "fish and wildlife") and a numerical concentration or qualitative description (or "criterion") for water constituents, which will provide a water quality to support that use (see EPA's recent policy statement, 43 FR 29588, July 10, 1978).

The designated use component of a water quality standard involves a judgment as to what use is appropriate, given the water body's use and value for various purposes, and *attainable*, in light of economic, social, and other considerations. The Act and EPA's regulations state that water quality standards shall be established taking into consideration the water's "use and value" for various purposes such as public water supply, propagation of fish and wildlife, recreation, industry, agriculture, and navigation (section 303(c)(2); 40 CFR 130.17(b)(2)). In determining whether a standard is attainable, States consider environmental, technological, social, economic, and institutional factors (40 CFR 130.17(c)(1)). The criterion portion of a water quality standard involves a determination of the water constituents and the concentration of each that must not be violated in order to support a particular use. Thus, the criterion is founded on scientific, technical considerations.

If the criterion for a water constituent to support a water use cannot be attained because of economic, environmental or other factors, the particular water could be designated for a less restrictive use. In contrast, if a criterion generally necessary to support a given use need not be attained to support a designated use in a particular waterbody, then a less stringent criterion may be allowed. Such a situation may exist because of natural background or other ecological conditions.

EPA's action today constitutes a determination of this second sort. After determining that the State adopted criterion was inadequate to support the intended uses, EPA has been required to assume the task of determining what concentration will be adequate.

In proposing a 5 mg/l minimum dissolved oxygen criterion, EPA followed the policy set forth recently in the **Federal Register** that the criteria recommended in EPA's *Quality Criteria for Water* be achieved unless there is justification to the contrary (43 F.R. 29588, July 10, 1978). As a result of testimony and data presented at the public hearings and otherwise made available to EPA indicating that balanced aquatic populations can be maintained in Mississippi waters having a daily average dissolved oxygen concentration of not less than 5 mg/l with a minimum limit of not less than 4 mg/l, EPA is promulgating a less restrictive criterion for Mississippi waters than that proposed.

EPA has rejected the criterion adopted by the State because it believes that evidence in the record demonstrates that the State-adopted criterion, as construed by the State, is not adequate to support the uses for which it is intended.

Deficiencies of the Adopted Mississippi Dissolved Oxygen Criterion

The adopted Mississippi dissolved oxygen criterion appears by its explicit terms to provide for a criterion for freshwater streams of almost equal stringency with the federal rule promulgated today by EPA.*

The criterion appears to establish a minimum dissolved oxygen concentration of 5.0 mg/l at all flows greater than the 7-day, once in ten year low flow (7Q10) with an allowance of a minimum of 4.0 mg/l at the 7Q10 flow.*

However, EPA must also judge the adequacy of the State's criterion based on how the State construes the criterion. Following EPA disapproval of the criterion, Mississippi submitted a statement entitled, "A Justification Report for the State of Mississippi's Dissolved Oxygen Criteria." The first sentence states that, "This report provides justification for a statewide *minimum daily average* dissolved oxygen concentration of 4.0 mg/l at the 7-day, once in ten year low flow" (emphasis added). The interpretation of the criterion as a *minimum daily average* of 4.0 mg/l does not agree with the wording of the criterion calling for a *daily minimum* of not less than 4.0 mg/l.

The State's interpretation of its criterion as a daily average of 4.0 mg/l allows dissolved oxygen excursions to less than 4.0 mg/l. Because the criterion in effect has no instantaneous minimum dissolved oxygen concentration requirement, meeting the average of 4.0 mg/l could in fact allow oxygen depletion to levels detrimental or even lethal to aquatic life.

The statement by Dr. Brungs at the hearing and the Agency's criterion for dissolved oxygen in QCW have shown that some detrimental effects to aquatic life can occur when dissolved oxygen concentrations are less than 5.0 mg/l. Furthermore, the statements in the record made in opposition to EPA's proposed criterion do not support a criterion of an average of 4 mg/l dissolved oxygen without any effective minimum concentration. These statements, as interpreted by EPA, seem supportive of an average dissolved oxygen concentration of 5 mg/l if minimums were not less than 4.0 mg/l.

While the Agency agrees that data are available showing that adult fish may survive dissolved oxygen concentrations depleted to 2 mg/l for short periods, such data have not been interpreted by investigators to support the proposition

*Mississippi's dissolved oxygen criterion: *Dissolved Oxygen*: For diversified warmwater biota, including game fish, daily dissolved oxygen concentration shall be maintained at a minimum of not less than 4.0 mg/l during the low 7-day, once-in-ten-years flow. However, at all greater flows dissolved oxygen shall be maintained at not less than 5 mg/l, assuming there are normal seasonal and daily variations above this level; except that under extreme conditions, with the same stipulations as to seasonal and daily variations, the dissolved oxygen level may range between 5.0 mg/l and 4.0 mg/l for short periods of time, provided that the water quality is maintained in favorable conditions in all other respects.

* The Mississippi standard contains a "step function" that requires a dissolved oxygen concentration of 4.0 mg/l at the 7Q10 and 5.0 mg/l "at all greater flows". Therefore a discharger would apparently be required to meet a minimum of 4 mg/l dissolved oxygen at the 7Q10 and a 5 mg/l at *all* higher flows. This presumably would require a stringent wasteload allocation to meet the 5 minimum at flows only slightly in excess at the 7Q10.

that well balanced, diversified populations of aquatic life will be supported by such concentrations. EPA believes that the record does not lend scientific support for the Mississippi dissolved oxygen criterion as construed by the State.

EPA has identified another deficiency of the Mississippi dissolved oxygen criterion which the rule promulgated today corrects. The Mississippi criterion apparently applies only to streams. By its explicit terms the standard applies only during the 7 consecutive day once in ten year flow. Such a hydrological determination is meaningful only for streams and not for lakes, impoundments, embayments, estuaries and the tidally-affected portions of streams. The criterion promulgated herein provides a dissolved oxygen concentration applicable to these other types of waters.

Basis for EPA's Rule

Although EPA proposed a rule requiring that minimum dissolved oxygen concentrations be not less than 5 mg/l, the Agency has concluded that the record resulting from public hearings is more supportive of a dissolved oxygen criterion in the State of Mississippi which requires that daily average dissolved oxygen concentrations be not less than 5 mg/l with instantaneous minimum concentrations of not less than 4 mg/l (hereinafter referred to as a 5/4 criterion). Statements in the record by biologists familiar with Mississippi's aquatic ecology indicate that balanced aquatic populations exist in Mississippi waters where concentrations of dissolved oxygen consistent with the 5/4 criterion occur during periods of low flow and high temperature in the late summer-early fall period. These statements suggest that the 5/4 criterion is typical of many Mississippi waters during this period. The record also suggests that thriving, viable aquatic populations exist under these conditions because, during this period, only adult aquatic forms are present. Adult forms generally are more tolerant of lower dissolved oxygen concentrations than are juvenile forms. These same waters generally are characterized during the spring spawning season by higher flow rates and consequently, substantial dissolved oxygen concentrations. Because spawning seasons are extended in southern waters, low flows in the spring of the year may only delay spawning and not prevent its occurrence. Suitable environmental conditions may be re-established and spawning still could occur. Thus the loss of a total year's crop of fish would be avoided.

Promulgation of the 5/4 criterion for Mississippi waters brings Mississippi's dissolved oxygen criterion in line with those of surrounding States. No justifications have been presented to EPA to distinguish the aquatic ecology of Mississippi from those of proximate States.

In arriving at its decision, the Agency recognizes that some factors argue for a more stringent standard. There is evidence in the record that depressed dissolved oxygen concentrations impair growth rates and increase the stress on aquatic life. During periods of low dissolved oxygen, fish may become crowded and thereby more susceptible to disease and to the impacts of any toxicants present. Higher concentrations of dissolved oxygen lessen such stresses and provide for a more productive ecosystem. Although the argument was made that such impacts are minimal because low flow, high temperature and consequent low dissolved oxygen concentrations occur at infrequent intervals of brief duration, EPA's analysis indicates a more substantial occurrence and duration of low flow leading to these adverse biological conditions. Therefore, there may be more stress and impairment of fish growth than was indicated at the public hearing (See EPA's response to comments).

However, the Agency believes that the record of this proceeding justifies the Agency's modification of its proposed rule and the final promulgation of a 5/4 criterion.

Final Rule

The Agency's proposed rule would have required all surface waters of the State of Mississippi to achieve a minimum dissolved oxygen concentration of 5.0 mg/l. The rule promulgated today amends that proposed rule by replacing wherever it occurs in the proposed language, the phrase, "at a minimum of 5.0 mg/l" with the phrase, "at a daily average of not less than 5.0 mg/l with a daily instantaneous minimum of not less than 4.0 mg/l." The criterion should be applied under the conditions contained in Section I of the State's standards.

Wasteload allocations must be performed to achieve the dissolved oxygen criterion promulgated today. This dissolved oxygen criterion must be achieved at the 7Q10 flow specified in paragraph 5 of section I of the Mississippi standards for streams and continuously for other waters under the conditions specified in the criterion.

Economic Impact

Water quality criteria are used by the States in conjunction with stream use designations in setting water quality standards for specific stream segments. Because the water quality criterion for dissolved oxygen being promulgated herein may be more stringent than that adopted by Mississippi, the implementation of water quality standards using this more stringent criterion may result in increased pollution control costs to both industry and municipalities. These costs would result from decreases in allowable waste loadings prescribed in revised waste load allocations. However, as pointed out above, the Mississippi criterion contains a "step function" which would seem to require achieving a 5.0 mg/l minimum dissolved oxygen concentration at all flows greater than the 7Q10 and consequently wasteload allocations at least as stringent as those required by the 5/4 criterion promulgated today.

In any case, the Agency has concluded that any additional costs do not approach any of the minimum impact levels which would trigger the necessity for a full regulatory impact analysis.

This conclusion is in part based on an economic analysis submitted by the State in which costs were estimated for affected industrial and municipal dischargers to comply with the Agency's proposed dissolved oxygen criterion.

Mississippi identified 33 industrial and 38 municipal dischargers that might be affected by the Agency's proposed criterion. Investment cost was estimated to be $39.7 million: $25 million for the industrial dischargers and $14.7 million for municipal dischargers. Annual operating and maintenance costs were estimated to be $5.5 million: $3.8 million for dischargers and $1.7 million for municipal dischargers. Using these figures the annualized cost (using 6 percent interest and a 20-year amortization period) would be $9 million: $5.9 million for the industrial dischargers and $3.1 million for the municipal dischargers.

EPA believes the actual costs should be considerably lower if Mississippi had performed revised waste load allocations which take into account the "step function" discussed above.

Digest of Public Comments and EPA's Response

EPA received 36 comments on the proposed rule. A list of the individuals or organizations submitting these statements is attached as Appendix A.

The principal concerns in these statements and the Agency's responses follow.

Several commenters identified potential economic impacts of EPA's proposed dissolved oxygen criterion. Commenters alleged that the standards would be harmful to the economic development of the State, that the construction costs of treatment facilities would be inflationary, or that the substantial additional costs would occur without compensating environmental benefit.

As noted in the section entitled Basis and Purpose, the purpose of this rulemaking is to establish on a scientific basis, the dissolved oxygen criterion that is necessary to support a balanced population of fish and aquatic life in Mississippi waters. Accordingly, the Agency has examined the relevant biological, hydrological and other related factors to reach its decision of an appropriate dissolved oxygen criterion. Consideration of economic factors occurs in a separate step in the water quality standards setting process. EPA's regulations at 40 CFR 130.17(c) provide for consideration of the environmental, technological, social, economic, and institutional factors in designating a particular use for individual waters. Therefore, economic considerations are not relevant in this rulemaking. However, as discussed above, the Agency has examined the economic impact of this rulemaking and has concluded that a significant impact is not likely to occur.

Several commenters noted that climatic and geomorphological characteristics caused Mississippi waters naturally to have low dissolved oxygen concentrations especially in the late summer-early fall season. However, it was alleged that aquatic life was not severely impacted because the dissolved oxygen-sensitive process of reproduction occurred during the normally higher flow spring season. It was asserted that minimum dissolved oxygen concentrations of 3–4 mg/l can be tolerated by adult aquatic life for short periods of time. EPA took these factors into consideration in reducing the stringency of the proposed criterion in the final promulgation.

Two commenters noted that dissolved oxygen concentrations less than 5.0 mg/l often only occur for a very limited distance downstream from a point source.* EPA believes that since numerous stream miles are affected by discharges, the requirement for a daily average of 5.0 mg/l dissolved oxygen is reasonable, particularly since stresses on aquatic life are often greatest during periods of low flow and high temperatures. The additional oxygen demand imposed by the discharge of oxygen demanding organic material exacerbates already low dissolved oxygen concentrations, prolongs the time necessary for recovery, and may extend low dissolved oxygen conditions over longer distances.

One commenter indicated that fish life are sufficiently mobile to avoid areas of low dissolved oxygen. The Agency agrees that fish will attempt to migrate away from chronically oxygen depleted areas if more oxygenated areas are in the proximity. The comment assumes that waters containing ample dissolved oxygen are available and that fish and other aqautic life are able to reach these waters. This may not always be the case. Changes in dissolved oxygen concentrations are generally gradual along the stream and vary vertically and horizontally over a stream cross section. Fish may become disoriented and unable to escape from oxygen depleted zones. Otherwise, the occasional large fish kills attributed to dissolved oxygen depletion would not occur.

One commenter noted that Mississippi's dissolved oxygen criterion is lower than any of the surrounding States. EPA agrees that Mississippi's dissolved oxygen criterion appears to be lower than any other State's criterion for supporting a water use of protecting fish and aquatic life. The action completed by EPA today reflects its judgment that the characteristics of Mississippi waters are not sufficiently different from neighboring States to justify the dissolved oxygen criterion adopted by Mississippi.

One commenter urged EPA to give more consideration to the percent of oxygen saturation in receiving waters rather than absolute dissolved oxygen concentrations. EPA has rejected this approach because aquatic life requirements are relatively insensitive to relative oxygen concentrations (expressed as a percent of oxygen saturation) but generally require substantial, absolute concentrations of dissolved oxygen.

Two comments addressed special conditions causing low dissolved oxygen concentrations. One of these concerned the fall overturn in thermally stratified lakes and the other, the impact of salinity intrusion in estuarine waters. The State can address such unique, naturally induced low dissolved oxygen problems by individual variance provisions. The fact that an area possesses a low waste assimilative capacity does not change the environmental requirements of aquatic life.

Several commenters claim that because the flow rate defined as the seven consecutive day low flow with a recurrence frequency of once in ten years (7Q10) occurs so infrequently, a dissolved oxygen concentration only protective of adult aquatic life forms is justifiable.

These commenters mischaracterize the 7Q10 flow by implying either that such a flow rate only occurs once every 10 years or that such a flow rate is a rare occurrence. Flow rates of equal or comparable magnitude occur for various periods virtually every year. Low flow is an annual phenomenon.

Hydrologically the 7Q10 is determined by calculating the minimum seven consecutive day low flow for each year of the available record. These data are then analyzed statistically. From this analysis a flow rate is determined which has a recurrence frequency of once every ten years. However, that particular flow rate (and lower flow rates) may occur for one or several consecutive days each year. Based on a preliminary analysis of data from selected U.S.G.S. gaging stations located on Mississippi streams, EPA has confirmed that low flows occur for significant periods.

Several comments addressed EPA's authority to disapprove the Mississippi dissolved oxygen criterion and to promulgate a federal one. The Mississippi Air and Water Pollution Control Commission (MAWPCC) objected that EPA was "not authorized by the Federal act to substitute its judgment for that of the Commission". EPA does not agree. Sections 303(c) (1) and (2) of the Clean Water Act (the Act) require States to conduct a triennial review of water quality standards and to submit any revisions to those standards to the Administrator. Under section 303(c)(3) the Administrator is charged with reviewing such revisions. "If the Administrator . . . determines" that a revised standard is consistent with the requirements of the Act then "such standard shall be the water quality standard for the applicable water of that State." If the Administrator determines that a revised standard is not consistent with those requirements, however, and the State does not act to modify the standard, then the Administrator is required to promulgate an appropriate standard. Thus the Act requires the administrator

* This is due to the configuration of the oxygen sag curve which represents the observed dissolved oxygen concentration resulting from two opposing phenomena: the deoxygenation of water by the use of dissolved oxygen for the decomposition of organic material, and the resupply of oxygen to those waters, principally by atmospheric reaeration.

of the EPA to determine whether State water quality standards meet the requirements of the Act and to promulgate federal standards whenever, *in his determination*, a State standard does not. The mandate to promulgate a federal standard after disapproval of a State standard necessarily requires the Agency to "substitute its judgment" as to what is an adequate standard. This authority is further supported by the provision in section 303(c)(4)(B) that the Administrator shall promulgate a water quality standard "in any case where the Administrator determines that a revised or new standard is necessary to meet the requirements" of the Act.

This reasoning also responds to the MAWPCC argument that a standard satisfying State requirements that are "for practical purposes, . . . identical" to federal requirements, should automatically satisfy the federal Act. The sections cited above clearly vest the Administrator, not the State, with the final authority to determine what satisfies the requirements of the federal Act.

EPA does not believe that this authority constitutes, as one commenter suggested, a violation of State's rights. As the Supreme Court observed regarding the similar 1965 legislation:

> (I)t is federal policy to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution. But the Act makes clear that it is federal not State law that in the end controls the pollution of interstate or navigable waters. *Illinois v. City of Milwaukee*, 406 U.S. 101, 105 (1972).

Testimony on behalf of the State also questioned EPA's authority to disapprove the State dissolved oxygen criterion since EPA had in 1973 approved an identical standard. Information is continually being developed which may influence decisions about what water quality criteria are necessary to support a given use. The mandate that the agency publish "and from time to time . . . revise" water quality criteria clearly contemplates that "the latest scientific knowledge" concerning the fate and effects of pollutants may change. Section 304(a)(1). The Act provides a means for incorporating such new information in standards by requiring regular state standards review, and by authorizing EPA to promulgate standards where State standards are inadequate or "in any case" where a new or revised standard is needed. Since its approval of the Mississippi dissolved oxygen criterion in 1973, EPA has gathered considerable information which indicates that the criterion previously approved was inadequate. This information, summarized in QCW, constituted much of the basis for the Agency's 1977 disapproval.

Finally, the MAWPCC objected that EPA's disapproval and subsequent proposal failed to consider any of the factors in section 303(c)(2) other than the protection and propagation of aquatic life. As noted elsewhere in this preamble, the State has the opportunity to consider these factors (the "use and value" of a water body for public water supply, recreation, agricultural, industrial, navigational, and other purposes) when it evaluates a stream segment to determine the use or uses for which it will be designated. 40 CFR 130.17(c)(2); 43 FR 29588. They are not at issue in determining the pollutant concentrations which will support any given use. Since the concentration or "criterion" corresponding to a use is purely a scientific, technical question EPA properly considered only scientific and technical factors.

Availability of Record

The transcript of the hearings referred to in this preamble as well as written comments and additional technical support for today's action are hereby made a part of the record of this rulemaking. The entire administrative record is available for public inspection and copying at the Environmental Protection Agency Region IV Office at the address noted above. The hearing transcript and other written comments are available for inspection and copying at the EPA library, 401 M Street, S.W. Washington, D.C. 20460 during the Agency's normal business hours of 8:00 am to 4:30 pm.

(Sec. 303(c), Clean Water Act, as amended (33 U.S.C. 1313(c))).

Dated: April 24, 1979.

Douglas M. Costle,
Administrator.

Section 120.34 of Part 120 of chapter I, Title 40 of the Code of Federal Regulations is hereby added and reads as follows:

§ 120.34 Mississippi.

The water quality standards applicable to intrastate, interstate, and coastal waters of Mississippi, adopted by the Mississippi Air and Water Pollution Control Commission on April 12, 1977, are amended as follows:

Section III. Specific Water Quality Criteria.

1. Public water supply—a. Dissolved oxygen. Dissolved oxygen concentrations shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in streams; shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in estuaries and in the tidally affected portions of streams; and shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in the epilimnion (i.e., the surface layer of lakes and impoundments that are thermally stratified, or 5 feet from the water's surface (mid-depth if the lake or impoundment is less than 10 feet deep at the point of sampling) for lakes and impoundments that are not stratified.

Epilimnion samples may be collected at the approximate mid-point of that zone (i.e., the mid point of the distance or if the epilimnion is more than 5 feet in depth, then at 5 feet from the water's surface.

2. Shellfish-harvesting areas.—a. Dissolved oxygen. Dissolved oxygen concentrations shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in streams; shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in estuaries and in the tidally-affected portions of streams; and shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in the epilimnion (i.e., the surface layer of lakes and impoundments that are thermally stratified, or 5 feet from the water's surface (mid-depth if the lake or impoundment is less than 10 feet deep at the point of sampling) for lakes and impoundments that are not stratified.

Epilimnion samples may be collected at the approximate mid-point of that zone (i.e., the mid point of the distance or if the epilimnion is more than 5 feet in depth, then at 5 feet from the water's surface.

3. Recreation.—a. Dissolved oxygen. Dissolved oxygen concentrations shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in streams; shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in estuaries and in the tidally-affected portions of streams; and shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in the epilimnion (i.e., the surface layer of lakes and impoundments that are thermally stratified, or 5 feet from the water's surface (mid-depth if the lake or impoundment is less than 10 feet deep at the point of sampling) for lakes and impoundments that are not stratified.

Epilimnion samples may be collected at the approximate mid-point of that zone (i.e., the mid point of the distance or if the epilimnion is more than 5 feet in depth, then at 5 feet from the water's surface.

4. Fish and wildlife.—a. Dissolved oxygen. Dissolved oxygen concentrations shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in streams; shall be maintained at a daily average of not less than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in estuaries and in the tidally affected portions of streams; and shall be maintained at a daily average of not less

than 5.0 mg/1 with an instantaneous minimum of not less than 4.0 mg/1 in the epilimnion (i.e., the surface layer of lakes and impoundments that are thermally stratified, or 5 feet from the water's surface (mid-depth if the lake or impoundment is less than 10 feet deep at the point of sampling) for lakes and impoundments that are not stratified.

Epilimnion samples may be collected at the approximate mid-point of that zone (i.e., the mid point of the distance or if the epilimnion is more than 5 feet in depth, then at 5 feet from the water's surface.

Appendix A

American Electric Platers Society
Bryan Packing Company
Chevron Oil
Continental Oil, Conoco Chemical Division
E. I. Dupont de Nemours & Company
Green Acre Farms, Inc.
International Paper Company
Kerr-McGee Chemical Corporation
Masonite Corporation
Mississippi Air and Water Pollution Control Commission
Mississippi Chemical Corporation
Mississippi Economic Council
Mississippi Farm Bureau Federation
Mississippi Game and Fish Commission
Mississippi Manufacturers Association
Mississippi Petroleum Council
Mississippi Power and Light Company
Mississippi Research and Development Corporation
Mississippi State Cooperative Extension Service
Pearl River Purification Committee
St. Regis Paper Company
Sanderson Farms
Sierra Club, Gulf Coast Chapter
Sierra Club, Mississippi Chapter
U.S. Geological Survey
U.S. Fish & Wildlife Service

Private citizens:
Dieter Busch
Donald O. Hill
Fred Lemon

Senators:
Honorable James O. Eastland
Honorable John C. Stennis

Congressmen:
Honorable David Bowen
Honorable Thad Cochran
Honorable Kent Lott
Honorable G. V. Montgomery
Honorable James Whitten

[FRL 1080-5]
[FR Doc. 79-13374 Filed 4-27-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

FM Broadcast Stations in Burlington and Newport, Vt.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action reassigns FM Channel 300 from Newport, Vermont, to Burlington, Vermont, and reserves it for noncommercial educational use in order to bring noncommercial educational service to northern Vermont, reaching more than half the State with a first noncommercial service. This action had been proposed in a petition filed by Vermont Public Radio, Inc. The Commission decided against the other possible use of the channel at Newport, Vermont, because it is small and its population is declining.

EFFECTIVE DATE: June 4, 1979.

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

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

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: April 18, 1979.

Released: April 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations, (Burlington and Newport, Vermont), BC Docket No. 78-98, RM-2889.

1. The Commission has under consideration the Notice of Proposed Rule Making, 43 FR 12346, issued in response to a proposal to reassign Channel 300 from Newport, Vermont, to Burlington, Vermont, and to reserve the channel for noncommercial educational use there. Comments have been received from the petitioner, Vermont Public Radio, Inc. ("VPR"); Newport Broadcasting Corporation ("Newport Broadcasting"); Radio Corporation of Vermont ("RCV"); Memphremagog Broadcasting Co., Inc. ("Memphremagog"), licensee of Station WIKE(AM), Newport, Vermont, and from the Federal Aviation Administration. Reply comments were received from VPR and Newport Broadcasting. A letter was received from VPR in response to an inquiry by the Commission.

2. The Notice proposed either (1) reassigning Channel 300 from Newport to Burlington for noncommercial educational use, or (2) retaining Channel 300 at Newport where an application for its use, submitted by Newport Broadcasting, is pending.[1] In order to determine which location had the greater need for the channel the parties were requested to provide showings of the degree to which each would provide service to unserved or underserved areas. For the commercial applicant at Newport, this meant an Anamosa showing of first or second aural service—see Anamosa, Iowa, 46 F.C.C. 2d 520 (1974). For the Burlington proposal this meant a showing of areas which it would bring a first or second noncommercial educational service.

3. Burlington (population 38,633) (1970 Census) is located in Chittenden County (population 99,131) and is served by five commercial radio stations (3 AM stations, and 2 FM) and by one noncommercial FM station.

4. Newport (population 4,664) is located in Orleans County (population 20,153) and has one station, WIKE(AM) which operates daytime only.

5. In its comments, VPR asserts that its proposed use of Channel 300 with a transmitter site on Mt. Mansfield approximately 32 kilometers (20 miles) east-northeast of Burlington, is the only means of providing a statewide noncommercial educational FM service to Vermont. This statewide service proposal contemplates the combination of Station WVPR-FM, Windsor, Vermont (licensed to VPR with transmitter location at Mt. Ascutney) and the proposed Burlington station sited at Mt. Mansfield. VPR contends that the reassignment and reservation of Channel 300 at Burlington would provide for greater service benefits than that offered by a Channel 300 Newport assignment. Comparing the facilities proposed at Newport and those it contemplates at Burlington, VPR concludes that each would provide a similar amount of first or second aural service but that in addition the Burlington station would bring a first noncommercial educational service to 285,866 persons in a 20,212 square kilometer (7,774 sq. mi.) area, and a second noncommercial educational service to 96,679 persons in a 803 square kilometer (308 sq. mi.) area.[2] On the basis of this comparison, VPR maintains that the need for noncommercial educational FM service far surpasses the need for commercial FM service in northern Vermont.[3] VPR has included in

[1] The Commission also sought comments on any other approaches that might be used to provide service to either or both of these communities.

[2] The showing of areas unserved and underserved by noncommercial educational stations takes into account only present facilities of existing stations. However, Canadian and domestic restrictions would severely limit the ability of other stations to supply such educational service. In the showing for commercial service, unoccupied channels and existing stations with reasonable facilities are assumed.

[3] Since no interest has been expressed in operating Channel 300 on a noncommercial basis at Newport, we are urged by VPR to overlook such a purely theoretical possibility.

its filing numerous letters from community groups, organizations and individuals which support its proposal. It also notes that statewide coverage is a prerequisite to its inauguration of service to the print handicapped and blind in Vermont.

4. Newport (population 4,664) is located in Orleans County (population 20,153) and has one station, WIKE(AM) which operates daytime only.

5. In its comments, VPR asserts that its proposed use of Channel 300 with a transmitter site on Mt. Mansfield approximately 32 kilometers (20 miles) east-northeast of Burlington, is the only means of providing a statewide noncommercial educational FM service to Vermont. This statewide service proposal contemplates the combination of Station WVPR-FM, Windsor, Vermont (licensed to VPR with transmitter location at Mt. Ascutney) and the proposed Burlington station sited at Mt. Mansfield. VPR contends that the reassignment and reservation of Channel 300 at Burlington would provide for greater service benefits than that offered by a Channel 300 Newport assignment. Comparing the facilities proposed at Newport and those it contemplates at Burlington, VPR concludes that each would provide a similar amount of first or second aural service but that in addition the Burlington station would bring a first noncommercial educational service to 285,866 persons in a 20,212 square kilometer (7,774 sq. mi.) area, and a second noncommercial educational service to 96,679 persons in a 803 square kilometer (309 sq. mi.) area. [2] On the basis of this comparison, VPR maintains that the need for noncommercial educational FM service far surpasses the need for commercial FM service in northern Vermont. [3] VPR has included in its filing numerous letters from community groups, organizations and individuals which support its proposal. It also notes that statewide coverage is a prerequisite to its inauguration of service to the print handicapped and blind in Vermont.

6. As an alternative to the assignment of Channel 300 to Newport, VPR notes the possibility of making commercial use of Channel 212 which Section 73.501 of the Commission's Rules reserves for noncommercial educational use. In this regard, VPR points out that Newport was assigned a Class A channel in the original FM Table of Assignments in 1962, but after negotiations with Canada, Channel 300 was the only remaining channel available for assignment to Newport. Since then, VPR relates that it has taken 14 years for an application to be filed for the channel. Finally, VPR mentions that the 1960–1970 U.S. Census population figures for Newport show a 7.1 percent decline [4] and 8.7 percent increase for Burlington.

7. In its comments, Newport Broadcasting asserts that the Commission originally assigned Channel 300 to Newport in recognition of the need for wide area commercial service. Moreover, it believes that reassigning the channel to Burlington would be both inequitable and inefficient since it is already served by its six full time stations while Newport and Orleans County have no local FM service. Before a reassignment could occur, it contends that a comparative hearing between these conflicting proposals is required.[5]

8. Newport Broadcasting also contends that contrary to VPR's showing of first or second FM services that its own proposed station would offer a first FM and fulltime aural service to 8 square kilometers (5 square miles) (population not provided) and a second aural service to 440 square kilometers (275 square miles) (population not provided).[6] Newport Broadcasting further contends that it would be unprecedented to reserve a commercial channel for noncommerical education use where no TV interference considerations are present. Further, the state of Vermont is said to have more than its proportionate share of noncommercial educational stations (a view it derives from the fact that 50 percent of the 26 FM stations operating in the state are educational even though only 20 percent of the channels are set aside for such use. As for VPR's suggestion that Newport Broadcasting could utilize Channel 212 for a commercial operation, the latter responds that such a station would have to operate with substandard facilities in order to avoid interference and be limited to 200 watts ERP at 300 feet HAAT. Further, according to Newport Broadcasting, such use would mean precluding the operation of a local noncommercial educational station at Newport since no other reserved frequencies are available for that purpose.

9. In opposition to VPR's allegation that Channel 300 is the last opportunity for noncommercial educational radio in Northern Vermont, Newport Broadcasting asserts that Channel 218 is available for use at Burlington, but with admittedly less coverage potential. In addition, it suggests that by combining a Channel 218 Burlington operation with several other available channels throughout northern Vermont, VPR could develop a network of seven noncommercial stations to cover northern Vermont. It complains that the Commission's action in proposing to delete a channel that has been applied for is unprecedented and, it believes, in violation of *Ashbacker* requirements that call for holding a hearing first.

10. Newport Broadcasting and the FAA also raise another concern, that the proposed VPR station could be a hazard to air navigation communications by interfering with the Montpelier V.O.R. and the instrument landing system for the Barre-Montpelier airport 32 kilometers (20 miles) away. However, the FAA believes that a change in the frequencies used by these facilities could be easily accomplished and if reimbursed, it indicates that it would not object to the VPR proposal.

11. RCV [7] has incorporated its previous comments in this proceeding which state essentially that it supports retention of Channel 300 at Newport, since it believes it would be unfair and unprecedented to reassign a commercial channel on which an application already has been filed.

12. In reply, VPR maintains that its purpose is to provide a wide area coverage service to northern Vermont as well as an additional local service to Burlington. It asserts that its proposal is consistent with the requirements of Section 307(b) of the Communications Act of 1934, that an equitable distribution of available frequencies result. In this regard, it notes that Burlington was chosen as the community of assignment because, as the largest city, it is the cultural, educational and economic center of the State. It also points to the large area and population that would receive a first

[2] The showing of areas unserved and underserved by noncommercial educational stations takes into account only present facilities of existing stations. However, Canadian and domestic restrictions would severely limit the ability of other stations to supply such educational service. In the showing for commercial service, unoccupied channels and existing stations with reasonable facilities are assumed.

[3] Since no interest has been expressed in operating Channel 300 on a noncommercial basis at Newport, we are urged by VPR to overlook such a purely theoretical possibility.

[4] According to a 1975 population estimate made by the Vermont Department of Health indicates that Newport's population continues to decline.

[5] Citing *Ashbacker Radio Corp v. F.C.C.*, 326 U.S. 327 (1945).

[6] This showing did not provide enough details to permit verification whereas VPR's showing could be verified by our staff. Therefore, we have relied on the VPR showing for this matter.

[7] RCV's application for the use of the Newport Channel 300 assignment at Orleans, Vermont, under the "15-mile" rule (§ 73.203(b) of the Commission's Rules) was previously dismissed as late filed. A petition for reconsideration of that dismissal is still pending.

noncommercial educational service. Regarding the seven-station noncommercial network proposal of Newport Broadcasting, VPR asserts that the seven stations, each using low power facilities, would reach considerably fewer persons than would the proposed Channel 300 station. Moreover, VPR notes that the difference in equipment costs (estimated to be approximately $940,000) makes the suggestion infeasible, especially since VPR's proposed station is said to cost only about 20 percent as much. VPR notes that contrary to Newport Broadcasting's contention, Section 73.513 of the Commission's Rules contemplates noncommercial educational use of commercial channels and over 40 such channels are put to noncommercial educational use elsewhere in the country. If the Commission believes it necessary in order to permit the use of Channel 300 at Burlington, VPR urges the Commission to waive its rules and permit the use of Channel 212 in order to provide local commercial service to Newport. VPR does not see a problem in restricting such a station to lesser facilities and does not agree with Newport Broadcasting that the Newport Class C channel was assigned in recognition of a need for a wide area coverage service. VPR also disagrees that under *Ashbacker* a hearing would be required before a reassignment of Channel 300 could be accomplished. Rather, it argues that the rule making process itself is designed to resolve conflicting assignment proposals. Finally, in regard to the possibility of interference to air navigation communications, VPR indicates that it is willing to cooperate and coordinate with the FAA in the establishment of a test program to find a new frequency.

13. Newport Broadcasting, in its reply, argues that favorable action on VPR's proposal which would involve deletion of a commercial channel on which an application is pending would be unprecedented and should be denied. It asserts that reasonable alternatives exist which offer the opportunity for such additional noncommercial educational FM service as is needed. It contends that if these additional facilities were activated, it would significantly decrease VPR's showing of first and second noncommercial educational FM service. Newport Broadcasting rejects the suggested commercial use of Channel 212 as an unacceptable alternative which it says should not be considered an adequate replacement for Channel 300.

14. Before making a choice between these proposals we explored possible alternative approaches to satisfying needed FM service at both communities. The suggested seven station noncommercial network service is not only impractical given the large amount of initial expenses but also we have found that due to the preclusive impact of Canadian assignments, Channel 218 is not available for use at Burlington. As for using noncommercial Channel 212 at Newport on a commercial basis at less than standard Class A facilities (450 watts and approximately 92 meters (300 feet) HAAT), a waiver of our rules would be necessary to assign the channel to Newport. We believe that the showing in support of a waiver is insufficient. No first or second aural or FM service would be provided (assuming Channel 300 was used at Burlington) and local service already is provided to Newport during the day. The Commission has never before allocated a noncommercial frequency for commercial use, and the basis for doing so here has not been established. In any event, Newport Broadcasting has indicated that the use of Channel 212 for a Newport commercial station is unacceptable to it and it is unwilling to apply for the channel. As for other possibilities, it was previously established that there are no other FM channels which currently could be made available for assignment to either community.[8] We have also determined by our own studies that primarily due to the preclusive impact of Canadian assignments, no other allocation possibilities exist to provide noncommercial service to the large unserved area proposed by VPR. Therefore, it is necessary to choose between the proposed uses for Channel 300.

15. As previously indicated, the *Notice* solicited comments concerning the need for the proposed noncommercial educational service versus the proposed commercial service. If this were the conventional case involving a comparison of commercial FM proposals, we would make a comparison on the basis of a community's size, growth, local service and related considerations. While these factors are still of considerable importance in a proceeding of this sort, an added dimension must be included to reflect the differences in comparing a commercial and a noncommercial proposal. With this in mind, we note that Burlington has one Class A noncommercial educational station and is the largest city in Vermont. Even if this might be thought adequate for Burlington's needs, it does little for the area beyond. On the other hand, the proposed station on Channel 300 can be expected to provide a first noncommercial educational service to 285,866 persons in 7,774 square miles or approximately half the population and area of the entire state of Vermont. Newport Broadcasting can point to first and second FM and nighttime aural service it would provide, but these are about the same under the Burlington and Newport proposals and therefore not decisionally significant. The only important benefit to be offered by the proposed Newport station is a first local service at night. Although local service is an important priority, it is impossible to provide an FM channel to every community that may desire to have one. See *Zanesville, Ohio*, 42 Fed. Reg. 36259 (adopted June 29, 1977), Docket 20615.[9] In addition, it has been demonstrated that Newport's population has declined since the 1970 U.S. Census. On the other hand, this proposal represents the last opportunity for noncommercial service to this area in Vermont. We recognize, as Newport Broadcasting has accurately indicated, that previous instances in which commercial channels were reserved for noncommercial educational use involved interference to TV reception. Nevertheless, we also believe good reason for reserving a commercial channel in this case has been presented and that the use of Channel 300 for noncommercial educational purposes better serves the public interest than its proposed commercial use at Newport. Finally, we should point out that the *Ashbacker* case does not require us to hold a hearing in order to dispose of conflicting assignment proposals. The rule making process has been found to be the appropriate procedure for resolving the type of issues involved in assigning FM and TV channels to communities, and the approach has been accepted by the Courts. See *e.g., Logansport Broadcasting Corp. v. U.S.*, 210 F. 2d 24 (D.C. Cir. 1954).

[8] The Commission presently has before it a petition which suggests amendment of our rules to permit the operation of Class A stations on Class B/C channels (RM's-2587 and 3226). It may be that there are Class C channels which could be used with Class A facilities at Newport as a result of this proposal, but this will have to await developments in that connection.

[9] In the *Zanesville, Ohio* proceeding, a first local service was denied to Nelsonville, Ohio, in favor of a third local radio service at Zanesville. It was noted that Nelsonville received service from several other stations from larger communities nearby. Here, Newport has its own local AM station which provides a stronger reason for denying Newport another local service under the precedent of the *Zanesville* case.

16. In view of the agreement of VPR to work with the FAA, it does not appear necessary for us to take action on this issue. The FAA has indicated that by changing the frequencies used by its facility, interference can be avoided. Reimbursement for the changeover is requested, and VPR had indicated by letter that it is willing to cooperate in tests to find a new frequency for the aircraft and to reimburse for necessary changes. It does wish however, to further discuss this point with the FAA. On this basis, we believe that it would be appropriate to permit these parties to resolve the matter.

17. Canadian concurrence in this assignment has been obtained.[10]

18. Accordingly, it is ordered, That effective June 4, 1979, the FM Table of Assignments (§ 73.202(b) of the Commission's rules) is amended for the following communities:

City	Channel No.
Burlington, Vermont	225, 255, *300
Newport, Vermont	-----

19. It is further ordered, That this proceeding is terminated.

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78-98; RM-2889]

[FR Doc. 79-13311 Filed 4-27-79 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

FM Broadcast Stations in Gouverneur and Ogdensburg, N.Y.; Changes Made in Table of Assignments; Corrected Report and Order

AGENCY: Federal Communications Commission.

ACTION: Corrected Report and Order.

SUMMARY: This action corrects an omission in the Report and Order in this proceeding. The original Report and Order failed to indicate the existence of a second FM channel assignment (Channel 244A) at Ogdensburg, New York. The Commission did not intend to delete this assignment.

EFFECTIVE DATE: May 21, 1979.

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

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

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: April 5, 1979.

Released: April 27, 1979.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Gouverneur and Ogdensburg, New York), BC Docket No. 78-363, RM-3158.

1. The Commission has under consideration its *Notice of Proposed Rule Making and Order to Show Cause*, adopted October 27, 1978, 43 FR 51655. The subject proposal was filed by Wireless Works, Inc. ("petitioner"), licensee of full-time AM Station WSLB, Ogdensburg, New York. It involves the assignment of FM Channel 224A to Ogdensburg, New York, and the substitution of Channel 237A for Channel 224A at Gouverneur, New York. DeHart Broadcasting Corporation is the licensee of FM Station WLUF which operates on Channel 224A at Gouverneur. Petitioner filed the only comments.

2. Ogdensburg (pop. 14,554),[1] in St. Lawrence County (pop. 112,309), is located in northeastern New York along the Canadian border, approximately 193 kilometers (120 miles) north of Syracuse, New York. It has one full-time AM station (WSLB), licensed to petitioner.[2] The assignment of Channel 224A to Ogdensburg and the substitution of Channel 237A for Channel 224A at Gouverneur comply with the domestic minimum distance separation requirements.[3]

3. Petitioner has submitted sufficient demographic and economic data which demonstrates the need for the porposed assignment to Ogdensburg. It notes that the proposed channel would also provide service to the communities and rural areas around Ogdensburg whose residents are oriented to Ogdensburg for shopping, culture and other activities. In supporting comments, petitioner reaffirms its intention to apply for a construction permit to operate on the proposed channel, if assigned. It also expresses its intent to reimburse DeHart Broadcasting Corporation, licensee of FM Station WLUF now operating on Channel 224A in Gouverneur, New York, for reasonable expenses incurred in changing over from its present channel to Channel 237A.

4. After careful consideration of the proposals, we conclude that it would be in the public interest to substitute Channel 237A for Channel 224A at Gouverneur, New York, and to assign Channel 224A to Ogdensburg, New York. In reaching our decision, consideration was given to the fact that this proposal would provide for a first local FM station at Ogdensburg, New York. DeHart Broadcasting Corporation has failed to request a hearing on or to object to the proposed modification of its license to specify Channel 237A. When, as here, the channel of an operating station must be changed in order to make possible another assignment in the Table, it is our policy to require the party benefitting from the assignment to reimburse the operating station for reasonable expenses in connection with the change. Assisted by the guidelines furnished in other cases, such as *Circleville, Ohio*, 8 F.C.C. 2d 159 (1967), the appropriate costs making up the "reasonable" reimbursement figures are generally left to the good faith judgment of the parties eventually involved, subject to Commission approval in the event of disagreement.

5. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules, it is ordered, that effective May 21, 1979, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the communities listed below:

City	Channel No.
Gouverneur, New York	237A
Ogdensburg, New York	224A, 244A

6. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by DeHart Broadcasting Corporation for Station WLUF(FM), Gouverneur, New York, IS MODIFIED, effective May 21, 1979, to specify operation on Channel 237A instead of Channel 224A. The licensee shall inform the Commission in writing no later than May 21, 1979, of its acceptance of this modification. Station WLUF(FM) may continue to operate on Channel 224A for one year from the effective date of this action or until it is ready to operate on Channel 237A, or the Commission sooner directs, subject to the following conditions:

[10] The Canadian Government has agreed to a change in assignment at Cornwall, Ontario, from 299A to 270A in order to accommodate this Burlington assignment.

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

[2] Ogdensburg also has Channel 244A assigned. That channel is used at Canton, New York, pursuant to the now-replaced 25-mile provision of § 73.203(b) of the Commission's rules.

[3] The substitution of Channel 237A for Channel 224A at Gouverneur would be short-spaced to an existing Canadian assignment of Channel 238C1 at Belleville, Ontario. However, no interference would occur within the protected contour of either station, and the Canadian Government has given its concurrence to the Gouverneur substitution.

2-A30040 0041(02)(27-APR-79-01:41:03)

(a) At least 30 days before commencing operation on Channel 237A the licensee of Station WLUF(FM) shall submit to the Commission the technical information normally requested of an applicant for channel 237A.

(b) At least 10 days prior to commencing operation on Channel 237A the licensee of Station WLUF(FM) shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station WLUF(FM) shall not commence operation on Channel 237A without prior Commission authorization.

7. For further information on this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78–363; RM–3158]

[FR Doc. 79–13312 Filed 4–27–79; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

FM Broadacast Station in Broken Bow, Okla.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to Broken Bow, Oklahoma, as that community's first FM assignment, in response to a request by Chris Daniel. A station on this channel could provide a first local aural broadcast service to the community.

EFFECTIVE DATE: June 4, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: April 19, 1979.

Released: April 26, 1979.

In the matter of amendment of § 73.202(b), FM Broadcast Stations. (Broken Bow, Oklahoma), BC Docket No. 78–380, RM–3179.

1. On December 12, 1978, the Commission adopted a *Notice of Proposed Rule Making*, 43 FR 60969, proposing the assignment of Channel 292A, as a first FM assignment to Broken Bow, Oklahoma, at the request of Chris Daniel ("petitioner"). Supporting comments were filed by Harold E. Cochran and petitioner in which each stated a readiness to apply for the channel, is assigned. No oppositions to the proposal were received.

2. Broken Bow (pop. 2,980), in McCurtain County (pop. 28,642),[1] is located in southeastern Oklahoma, approximately 84 kilometers (53 miles) northwest of Texarkana, Texas. There is no local aural broadcast service in Broken Bow.

3. Petitioner asserts that Broken Bow is located in a rich timber and agricultural area which provides employment for the majority of its residents. Petitioner has submitted letters from local businessmen stating their interest and support for the proposed FM assignment.

4. Since it has been shown that there is a need and demand for an FM assignment in Broken Bow, Oklahoma, and that the proposed station would provide a first full-time local aural broadcast service to the community, we conclude that the public interest would be served by making this assignment.

5. Accordingly, it is ordered, that effective June 4, 1979, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the community listed below:

City	Channel No.
Broken Bow, Oklahoma	292A

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

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78–380; RM–3179]

[FR Doc. 79–13354 Filed 4–27–79; 8:45 am]

BILLING CODE 6712–01–M

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

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47 CFR Part 73

FM Broadcast Stations in Fairbanks and North Pole, Alaska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Second Report and Order.

SUMMARY: This action reassigns FM Channel 262 from Fairbanks, Alaska, to North Pole, Alaska, to reflect its actual use there. This action was taken on the Commission's own motion.

EFFECTIVE DATE: June 4, 1979.

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

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

SUPPLEMENTARY INFORMATION:

Second Report and Order—Proceeding Terminated

Adopted: April 19, 1979.

Released: April 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Fairbanks and North Pole, Alaska), BC Docket No. 78–140, RM–3019.

1. On January 17, 1979, the Commission assigned Channel 273 to Fairbanks, Alaska, as its fourth FM channel assignment.[1] In that document, the Commission indicated that one of the four channels, Channel 262, assigned at Fairbanks, was actually in use at North Pole, Alaska, under the 15-mile rule.[2] We stated that we intended to reassign the channel to North Pole to reflect its use there but that such action must await Canadian concurrence. The necessary Canadian concurrence has been obtained.

2. Therefore, we shall now reassign Channel 262 from Fairbanks to North Pole, Alaska, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules. Accordingly, it is ordered, that effective June 4, 1979, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the following cities:

[1] See *Fairbanks and North Pole, Alaska*, 44 FR 5136 (1979).

[2] See § 73.203(b) of the Commission's rules which provides that assigned channels may be used at other communities not listed in the FM Table of Assignments if within 10 miles (for Class A channels) or 15 miles (for Class B or C channels) of the communities to which the requested channel is assigned.

City	Channel No.
Fairbanks, Alaska	266, 273, 284
North Pole, Alaska	262

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78-140; RM-3019]

[FR Doc. 79-13346 Filed 4-27-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR PART 73

FM Broadcast Station in Vinita, Okla.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to Vinita, Oklahoma, as that community's first FM assignment. Action was taken in response to a petition filed by David Leon Boyd and William E. Davis. The assigned channel could provide the community with its first local aural broadcast service.

EFFECTIVE DATE: June 4, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: April 18, 1979.

Released: April 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Vinita, Oklahoma), BC Docket No. 78-386, RM-3176.

1. The Commission herein considers the Notice of Proposed Rule Making, adopted December 14, 1978, 43 FR 60308, in the above entitled proceeding, instituted in response to a petition filed by David Leon Boyd and William E. Davis ("petitioners"). The petition urged the assignment of Channel 240A to Vinita, Oklahoma, as that community's first FM assignment. Supporting comments were filed by petitioners in which they reaffirmed their intention to file for the channel, if assigned. Petitioner also submitted letters from citizens in the area expressing their interest and support of the proposed channel.

2. Vinita (pop. 5,847), seat of Craig County (pop. 14,722),[1] is located approximately 100 kilometers (62 miles) north of Muskogee, Oklahoma. The community has no local aural broadcast service.

3. In support of their proposal, petitioners have submitted sufficient information with respect to Vinita to demonstrate its need for a first FM channel assignment.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 240A to Vinita, Oklahoma. The channel would provide for a first local aural broadcast service to the community. The assignment can be made in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 12.3 kilometers (7.7 miles) northeast of Vinita. From this location it should be able to provide the required city-grade signal to Vinita.

5. Accordingly, it is ordered, that effective June 4, 1979, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to the community listed below as follows:

City	Channel No.
Vinita, Oklahoma	240A

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

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

8. It is further ordered, That this proceeding is terminated.

Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307)).

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78-386; RM-3176]

[FR Doc. 79-13348 Filed 4-27-79; 8:45 am]

BILLING CODE 6712-01-M

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

47 CFR Part 73

FM Broadcast Station in Ripley, W.Va.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first FM Class A channel to Ripley, West Virginia, in response to a petition filed by Calvin E. Dailey. The assigned channel would provide for a first local aural broadcast service to the community.

EFFECTIVE DATE: June 4, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: April 18, 1979.

Released: April 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Ripley, West Virginia), BC Docket No. 78-249, RM-3120.

1. On August 4, 1978, at the request of Calvin E. Dailey, Jr. ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making*, 43 FR 37722, proposing the assignment of FM Channel 252A to Ripley, West Virginia. Comments were filed by petitioner reaffirming his intention to file for the channel, if assigned. Comments were also filed by Logan Broadcasting Company ("Logan"), licensee of Station WLGN-FM, Logan, Ohio. Opposing comments were filed by Station WMOV, Ravenswood, West Virginia.

2. Ripley (pop. 3,244), seat of Jackson County (pop. 20,903) [1], is located in the west central part of West Virginia, approximately 48 kilometers (30 miles) south of Parkersburg, West Virginia. These is no local aural broadcast service in Ripley.

3. Petitioner states that manufacturing is the predominant industry in the Ripley area, employing half the working force in Jackson County. He asserts that the most recent figures compiled by the Ripley Chamber of Commerce indicate that Ripley's population has increased 8% since 1970, and that this trend can be expected to continue. In support of his petition, petitioner submitted

[1] All population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

information with respect to Ripley which is persuasive as to its need for a first FM channel assignment.

4. In its comments, Logan states that its station (WLGN-FM) operates on Channel 252A in Logan and, under the minimum spacing requirements (Section 73.507), a co-channel transmitter site must be located at least 105 kilometers (65 miles) from Logan, Ohio. Logan asserts that it does not oppose the proposed assignment to Ripley, but does request that the Commission make clear, if the assignment is made, that any application for a station operating on Channel 252A must meet the spacing requirements.

5. WMOV opposes the assignment on the basis of what it says are errors contained in the petition. It states that petitioner claimed that there is no aural broadcast service in Jackson County when in fact there is. It also questions the validity of statements made by petitioner regarding a July event which takes place south of Ripley each year.

6. In the *Notice* the Commission recognized the short-spacing of the community reference point to co-channel Station WLGN-FM in Logan, and stated that a transmitter site for a station operating on Channel 252A in Ripley must be located 6.4 kilometers (4 miles) southeast of the community. Petitioner has indicated that there is ample space available for the selection of such a site. Also, WMOV is correct in stating there is aural broadcast service already in Jackson County. Even so, and even if the other statements by petitioner were in error, there still is ample reason for making the assignment to Ripley to provide a first local aural broadcast service to the community. Accordingly, we find that it would be in the public interest to assign FM Channel 252A to Ripley, West Virginia.

7. The Canadian Government has given its concurrence to the proposed assignment of Channel 252A to Ripley, West Virginia.

8. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective June 4, 1979, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the community listed below:

City	*Channel No.*
Ripley, West Virginia	252A

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78-249; RM-3120]

[FR Doc. 79-13349 Filed 4-27-79; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

FM Broadcast Station in Savannah, Tenn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a second Class A FM channel to Savannah, Tennessee, in response to a petition filed by The Tennessee River Broadcasting, Inc. The proposed station could provide for a second full-time aural service to the community.

EFFECTIVE DATE: June 4, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: April 19, 1979.
Released: April 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Savannah, Tennessee), BC Docket No. 78-385, RM-3123.

1. The Commission has before it the *Notice of Proposed Rule Making*, 43 FR 60309, released December 21, 1978, proposing the assignment of FM Channel 228A to Savannah, Tennessee, as a second assignment. Petitioner, The Tennessee River Broadcasting, Inc., has filed supporting comments reaffirming its intention to apply for the channel, if assigned. No oppositions to the proposal have been received.

2. Savannah (pop. 5,576), seat of Hardin County (pop. 18,212) [1], is located in southwestern Tennessee, approximately 160 kilometers (100 miles) east of Memphis, Tennessee, and 173 kilometers (108 miles) southwest of Nashville, Tennessee. Savannah presently receives local service from daytime-only AM Station WORM and Station WORM-FM (Channel 269A). Channel 228A could be assigned to Savannah provided the transmitter site is located 10 kilometers (6.3 miles) northeast of the community.

3. Petitioner states that Savannah has experienced a 29 percent population increase between 1960-1970. It notes that Savannah is the transportation and economic center for its portion of southern Tennessee. Petitioner asserts that five major employers in the area employ a combined work force of 1,570 people. It claims that the public interest would be served by the proposed assignment, increasing available broadcast service to a growing region.

4. Preclusion is not an impediment since it would be caused only on the co-channel, and the precluded area contains no communities of greater than 1,000 population.

5. Upon careful consideration of the proposal herein the Commission believes it would be in the public interest to assign Channel 228A to Savannah, Tennessee. The proposed assignment would provide for an FM station which could render a second local nighttime service and provide the first competitive outlet in the community.

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

7. In view of the foregoing, it is ordered, that effective June 4, 1979, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the community listed below:

City	*Channel No.*
Savannah, Tennessee	228A, 269A

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78-385; RM-3123]

[FR Doc. 79-13350 Filed 4-27-79; 8:45 am]

BILLING CODE 6712-01-M

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

47 CFR Part 73

FM Broadcast Station in Stamps, Ark.; Changes Made in Table of Assignments

Preamble

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first Class A FM channel to Stamps, Arkansas. Petitioners, POJO Enterprises and Joseph P. Robillard, state the assignment would provide for a station which could render a first full-time local aural broadcast service to the community.

EFFECTIVE DATE: June 4, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: April 19, 1979.

Released: April 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Stamps, Arkansas), BC Docket No. 78-375, RM-3163, RM-3164.

1. The Commission herein considers the *Notice of Proposed Rule Making*, adopted December 1, 1978, 43 FR 58099, in the above-captioned proceeding instituted in response to two separate petitions. One was filed by POJO Enterprises requesting the deletion of Channel 221A from Benton, Louisiana, and its assignment to Stamps-Lewisville, Arkansas, on a hyphenated basis; the other petition was filed by Joseph P. Robillard requesting the assignment of Channel 261A to Stamps, Arkansas. Since an application was already pending on the Channel 221A assignment in Benton, the *Notice* proposed to assign Channel 261A to Stamps. It is the larger community and no basis for a hyphenated assignment was shown. Supporting comments were filed by both petitioners reaffirming their intention to file for the channel in Stamps, if assigned. No oppositions to the proposal were received.

2. Stamps (pop. 2,427), in Lafayette County (pop. 64,519),[1] is located approximately 48 kilometers (30 miles) east of Texarkana and 40 kilometers (25 miles) north of the Louisiana border. There is no local aural broadcast service in Stamps or elsewhere in Lafayette County.

3. Petitioners assert that a radio facility in Stamps would provide a much needed source of local news and public service programs about community events. They note that Lafayette County is served by one weekly newspaper which is its only source of local news coverage. Petitioners have submitted information with respect to Stamps which is persuasive as to its need for a first FM channel assignment.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 261A to Stamps, Arkansas. The channel would provide for a first local outlet for the community and a first full-time aural broadcast service to Lafayette County. The assignment can be made in conformity with the minimum distance separation requirements provided the transmitter site is located approximately 7 kilometers (4.5 miles) northeast of Stamps.

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

6. Accordingly it is ordered, That effective June 4, 1979, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended, as it pertains to the community listed below:

City	*Channel No.*
Stamps, Arkansas	261A

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78-375; RM-3163; RM-3164]

[FR Doc. 79-13351 Filed 4-27-79; 8:45 am]

BILLING CODE 6712-01-M

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

47 CFR Part 73

Television Broadcast Stations in Lexington and Florence, Ky. and Portsmouth, Ohio; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: In response to a request from the licensee of television Station WTVQ, Lexington, Kentucky, the Commission assigned Channel 36 as a substitute for Channel 62 at Lexington and modified WTVQ's license to specify the new channel. To make Channel 36 available it was necessary to delete Channel 36 from Portsmouth, Ohio. The Commission also made Channel 58 available for use at Florence, Kentucky.

EFFECTIVE DATE: June 4, 1979.

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

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Lexington and Florence, Kentucky,[1] and Portsmouth, Ohio.), Docket No. 21392, RM-2816, RM-2991. See 42 FR 59768, November 21, 1977.

Report and Order—Proceeding Terminated

Adopted: April 18, 1979.

Released: April 26, 1979.

1. This case involves the *Notice of Proposed Rule Making* issued in response to a petition filed by Starr WTVQ, Inc. ("Starr"). Starr sought the assignment of UHF television Channel 36 to Lexington, Kentucky, to replace Channel 62 on which its station now operates. In order to make Channel 36 available for assignment at Lexington, the vacant Channel 36 assignment at Portsmouth, Ohio, would need to be deleted.

2. In response to the *Notice*, Starr filed comments in support of the proposal. Comments in support of the *Notice* were also filed by Tri-State Family Television, Inc. Waymon L. Rodgers and Associates ("Rodgers") filed an opposition to the Lexington proposal, and Maranatha Broadcasting Corporation ("MBC") filed a counterproposal seeking to have Channel 36 assigned to Florence, Kentucky, instead of Lexington. Starr and MBC filed a series of other pleadings in furtherance of their respective positions.[2] Finally, the

[1] Florence, Kentucky, has been added to the caption.

[2] This included Starr's motion to strike MBC's reply comments. Starr objected to the portion of these reply comments which contained material responsive to Starr's reply comments. Starr argued that this was beyond the proper scope of such a filing, a view which MBC opposed. As pointed out by MBC, this situation only arose because Starr filed its reply early enough so that MBC could reply to it as well. Even if this raises a technical problem, it is a matter of no moment, and the motion will be denied.

Association of Maximum Service Telecasters, Inc., filed pleadings [3] expressing no view on the merits of the conflicting assignment proposals except to ask that, whatever was done, the Commission should act to insure that the channels are used at full spacing and not in derogation of the Commission's separation standards.

3. At first, the proceeding involved only the possible assignment of a channel to Lexington and the necessary deletion of a vacant Channel 36 assignment at Portsmouth, Ohio. With the filing of the Florence counterproposal it became necessary to choose between these proposals unless another channel were available for either. Starr has found another channel (58) which it says could be used in Florence and thereby obviate the need to choose between these proposals. MBC continues to urge assignment of the original channel proposed but does not entirely reject use of Channel 58 in Florence if that channel were made available there. Before proceeding to resolve this aspect of the conflict, there are issues directed to each of these proposals which require consideration.

4. There are three commercial UHF television stations operating in Lexington, Kentucky, an all-UHF market. Starr, as the licensee operating on Channel 62, argues that it is at a disadvantage because of the gap between its channel and the other stations which operate on Channels 18 and 27. Starr believes that if its channel were closer to those used by the other Lexington stations, it would be able to avoid the problems it now faces because many viewers are not tuning far enough to reach it. This wide gap between its operation on Channel 62 and the others in the market is given the principal emphasis, but Starr also argues that the channel itself is less desirable than Channel 36. It points to studies which suggest a negative correlation between the highness of a UHF channel and audience size.

5. MBC, on the other hand, points to various cases which it contends indicate that the Commission has been unwilling to accept the proposition that lower channels are preferable or that they should be substituted when requested. Starr's response was to point to cases where the Commission has made a substitution because of the wide gap between channels in a locality. Starr indicates that this issue, the separation on the dial is central, rather than the number of the channel itself. Starr also provided some discussion of the history of Lexington assignments in an effort to show that the Commission previously accepted the view that a channel closer to Channels 18 and 27 was justified. Starr believes this is not undercut by the subsequent removal of the assignment since it was done for quite separate reasons. MBC replies by again disputing the existence of any inferiority in higher UHF channels and citing cases where it says the Commission has so held.

6. If the question were simply one of choosing between conflicting proposals for use of Channel 36, we would need a strong showing indeed from Starr to justify the assignment of a substitute channel there in preference to a needed assignment elsewhere. It would not be enough to point to the preferability of a substitute channel, justified essentially in terms of permitting operation on a different (in this case lower) channel. However, there are serious questions concerning an assignment to Florence, including whether there is a need for an assignment there and whether there is another channel which is available for assignment to that community. As will be made clear, we believe that there are reasons to change the Lexington assignment, and although we do have some reservations about a Florence assignment, we believe that these reservations can be overcome if the alternative channel were assigned. On that basis we are persuaded that both proposals can be accommodated.

7. Turning first to the Lexington proposal, even if Starr's position in Lexington is not untenable, it does face some real difficulties. To begin with, Channels 18 and 27 on the one hand and 62 on the other are widely separated. Since the vast majority of tuners are not capable of random channel access, the viewer has to tune from one channel to the other which in the case of Channel 62 involves much more tuning effort than that between Channels 18 and 27. As we observed years ago in connection with the Lexington assignment situation, having the channels clustered is a sensible response to this situation, and this point remains true whether the clustering is in the low, middle or upper portions of the band. Contrary to MBC's belief, acting favorably on such a request does not conflict with past Commission action. It does not rest on any assertion of inferiority of upper UHF channels, the essential point rejected in the cases MBC cited. In cases that involved factual situations similar to this one,[4] the Commission has from time to time made assignments in such a fashion as to permit grouping of assignments. We see no reason not to do so here [5] unless there is another preferred use for the channel.

8. Even though the Florence proponents prefers the assignment of Channel 36, it expressed a willingness [6] to utilize Channel 58 if it were assigned. Examination of the spacing situation for Channel 58 shows that it can be assigned to Florence in conformity with all spacing requirements, that it can provide the requisite city coverage to Florence, and that it can serve the northern Kentucky area effectively. More importantly, its location further south, away from Cincinnati, serves to offer an answer to what otherwise would have been a serious question about creating in effect an additional Cincinnati metropolitan station. Starr has questioned the need for an assignment to Florence, but it has suggested Channel 58 if the Commission were disposed to make the assignment. MBC asserts and Starr disputes whether the northern Kentucky area needs a station or whether its needs are adequately served by existing stations. They also disagree about growth in the area and its bearing on the need for a channel. Apparently, there are some portions of this area which have grown somewhat, but others clearly have not. Overall, the showing of need is not an overwhelming one; in fact it is marginal at best. However, especially further south, away from Cincinnati and its bedroom communities, there seems to be some need for service. While it is true that population density is higher to the north (toward Cincinnati) and Channel 36 might reach more people, assigning Channel 36 raises its own problems. This area to the north is truly part of

[3] One of the pleadings related to a proposal to assign Channel 51 to Beattyville, Kentucky. Although short-spaced to Lexington, that proposal was filed too late to be treated as a Lexington counterproposal. Consequently, another channel has been proposed for use at Beattyville, mooting the issue here.

[4] In the case which directly involved Lexington, the Commission specifically agreed that clustering of Lexington channels "would enable a third local station to compete on a more comparable basis * * *" We also indicated that there may be "inconvenience to the public arising from not being in the same general position on the tuning dial of receivers." *Lexington and Winchester*, 41 FCC 1018 at 1020 (1961).

[5] Although random access tuning may eventually lessen or remove our concern about a tuning separation, the vast majority of tuners are continuous, many of them not even having click stops (detents). Without such click stops, tuning is even more difficult.

[6] This was expressed in terms of being willing to operate so long as it could do so in such a fashion as to serve the northern Kentucky area it wished to reach. That seems to be possible, and we can therefore treat this as the necessary commitment to proceed. One point should be made clear, namely that it is our expectation that a site meeting applicable spacing requirements would be utilized. We do not understand MBC to be expressing a desire to obtain a short-spacing but only to be clarifying the nature of its commitment.

Metropolitan Cincinnati, northern Kentucky being just across the river from Cincinnati. Were we forced to decide on Channel 36 alone, we would have to decide against it. No doubt MBC would prefer Channel 36, but it has not shown that it is needed because of any serious limitation on the use of Channel 58. That being the case, Channel 58 will be assigned.[7]

9. This leaves one point to resolve, that of the alleged impact a Channel 36 assignment at Lexington would have in restricting the area in which a site for a Channel 21 station at Louisville could be located. Starr disputes Rodgers' concern, and our own study supports the view that no significant effect on the site availability for Channel 21 would result. Not only does there appear to be ample room in which to find a site, but the pattern of existing operations is such that a Louisville station would receive the greatest advantage in coverage by joining the other stations in an area away from Starr's station, and where it would have no impact on the choice of a site. In the past we have not been persuaded to refuse to make an assignment because it limited the choice of site so long as it did not preclude being able to obtain a proper site meeting the spacing and from which the station could provide the requisite city coverage. There is no cause for concern in this case, and the pattern of sites used by other Louisville stations make it likely that the Channel 36 assignment at Lexington would not have a bearing much less impose an undue restriction on the use of Channel 21 at Louisville. Consequently, we can delete Channel 36 from Portsmouth, Ohio, and assign it to Lexington. Also, since there has been no other expression of interest in the channel there, we can modify Starr's license to specify the new channel.

10. Concurrence has been obtained from Canada for the assignment of Channel 58 to Florence, Kentucky.

11. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective June 4, 1979, the Television Table of Assignments (§ 73.606(b) of the rules) is amended with respect to the communities listed below:

City	Channel No.
Florence, Kentucky	58–
Lexington, Kentucky	18+, 27–, 36, *46
Portsmouth, Ohio	30, *42–

12. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Starr WTVQ, Inc. for Station WTVQ–TV, Legington, Kentucky, is modified effective June 4, 1979, to specify operation on Channel 36 instead of Channel 62. The licensee shall inform the Commission in writing no later than June 4, 1979, of its acceptance of this modification. Station WTVQ–TV may continue to operate on Channel 62 for one year from the effective date of this action or until it is ready to operate on Channel 36, or the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 36 the licensee of Station WTVQ–TV shall submit to the Commission the technical information normally required of an applicant for Channel 36.

(b) At least 10 days prior to commencing operation on Channel 36 the licensee of Station WTVQ–TV shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station WTVQ–TV shall not commence operation on Channel 36 without prior Commission authorization.

13. It is further ordered, that the Motion to Strike MBC's reply comments filed by Starr WTVQ, Inc., is denied.

14. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[Docket No. 21392; RM–2816; RM–2991]

[FR Doc. 79–13352 Filed 4–27–79; 8:45 am]

BILLING CODE 6712–01–M

[7] The above discussion relates to the site which would have to be used to meet the spacing to the reference point for the Channel 43 assignment at Richmond, Indiana. Subsequently, an application was submitted proposing a site about 25 miles south-southeast of Richmond. In view of the action taken here assigning Channel 58 to Florence, that applicant will need to amend its application to select a site that does not preclude use of the Florence assignment. Any site at Richmond or north of there would serve this purpose.

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47 CFR Part 83

Assignment of Call Signs

AGENCY: Federal Communicatins Commission.

ACTION: Final rule.

SUMMARY: Amendment of the rules to clarify that ship radio stations operating under temporary authority on vessels previously documented by the United States Coast Guard and licensed by the Commission, will retain the same call sign as long as the same documentation number is assigned the vessel.

EFFECTIVE DATE: May 3, 1979.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

Order

Adopted: April 18, 1979.

Released: April 23, 1979.

In the matter of Editorial Amendment of Part 83 of the Commission's rules.

1. Section 83.38 of the Commission rules contains provisions regarding assignment of call signs to ship stations. A recent Order adopted by the Commission implemented a system for temporary authorization for ship stations and temporary call signs. This new system conflicted with a long-standing policy that call signs remain associated with a documentation number as long as the vessel is documented.

2. Accordingly, Section 83.38 of the Commission's rules is amended to make provisions for previously documented vessels to retain the call sign associated with the documentation number. Authority for this amendment is contained in Sections 4(i), 303(o) and 303(r) of the Communications Act of 1934, as amended and § 0.231(d) of the Commission's rules. Since the amendment is editorial and continues an existing standard operating procedure, the prior notice and effective date provisions of 5 U.S.C. 553 do not apply.

3. Accordingly, it is ordered, That the rule amendment set forth in the attached Appendix is adopted effective May 3, 1979.

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

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

Appendix

Part 83 of Chapter I of Title 47 of the code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

In § 83.38, a new paragraph (c) is added and existing paragraph (c) is amended and redesignated (d).

§ 83.38 Assignment of call signs.

Ship stations in the maritime mobile service are assigned call signs in

accordance with § 2.3092 of this chapter, as follows:

* * * * *

(c) Ship stations operating under temporary authority on vessels which were previously documented by the United States Coast Guard and licensed by the Commission, will retain the same call sign as long as the same documentation number is assigned the vessel.

(d) Ship stations, except those in paragraph (c) of this section, operating under temporary authority shall have call signs consisting of the letters "WD" followed by the first four numerals [1] of the vessel's documented number or the letter "W" followed by the first two letters and the first four numbers [1] of the vessel's Federal or State registration number.

* * * * *

[FR Doc. 79-13347 Filed 4-27-79; 8:45 am]
BILLING CODE 6712A-01-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Parts 172 and 175

Air Transportation of Limited Quantities of Low-Level Radioactive Materials; Exemption Renewal

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

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau is renewing the limited exemptions for air transport of small quantities of materials exhibiting very low levels of radiation. These materials do not present a significant hazard to passengers or crewmembers aboard an aircraft. Renewal of these exemptions will permit the continued transportation by aircraft of these materials.

EFFECTIVE DATE: May 3, 1979.

ADDRESS: All written comments received in this rulemaking action are available for examination during regular business hours in the Dockets Branch, Room 6500, TransPoint Building, 2100 Second Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John C. Allen, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590; telephone (202-755-4962).

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau (MTB) published a Notice of Proposed Exemption Renewal on March 15, 1979. (44 FR 15748) seeking public input on the proposed renewal of exemptions found at 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(d). The period for submitting comments ended on April 16, 1979. The Materials Transportation Bureau (MTB) received only twelve comments concerning the proposals, all of which were favorable to the exemption renewals.

The exemptions apply to limited quantities of radioactive materials (§ 173.391(a)) and to instruments or manufactured articles (§ 173.391(b) and (c)) such as smoke detectors, electronic tubes, and wristwatches which contain very small amounts of radioactive material. Without the exemptions, these items would be prohibited from carriage aboard passenger-carrying aircraft unless intended for use in, or incident to, research or medical diagnosis or treatment.

Pursuant to Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemptions in §§ 172.204(c)(4), 175.10(a)(6) and 175.700(d) are subject to a two-year life and will expire on May 3, 1979. MTB is renewing these exemptions on the finding that renewal is consistent with the public interest and safety.

Primary drafters of this document are John C. Allen, Office of Hazardous Materials Regulation, Materials Transportation Bureau, and Evan C. Braude, Office of the Chief Counsel, Research and Special Programs Administration.

PART 172—HAZARDS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

In consideration of the foregoing, 49 CFR Part 172 is amended as follows:

In § 172.204, paragraph (c)(4) is amended to read as follows:

§ 172.204 Shipping certification.

* * * * *

(c) * * *

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, medical diagnosis or treatment. Prior to May 3, 1981, this provision does not apply to materials meeting the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1979.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

In consideration of the foregoing, 49 CFR Part 175 is amended as follows:

1. In § 175.10, paragraph (a)(6) is amended to read as follows:

§ 175.10 Exceptions.

(a)* * *

(6) Prior to May 3, 1981, radioactive materials which meet the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

* * * * *

2. In § 175.700, paragraph (d) is amended to reads as follows:

§ 175.700 Special requirements for radioactive materials.

* * * * *

(d) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research or medical diagnosis or treatment. Prior to May 3, 1981, this prohibition does not apply to materials which meet the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

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

Note—The Materials Transportation Bureau has determined that this proposed regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9583). A regulatory evaluation is available for review in the Docket.

Issued in Washington, D.C. on April 20, 1979.

L. D. Santman,
Director, Materials Transportation Bureau.

[Docket HM-149B; Amdt. Nos. 172-53, 175-9]
[FR Doc. 79-13240 Filed 4-27-79; 8:45 am]
BILLING CODE 4910-60-M

[1] In order that the temporary call sign conforms with Article 19 of the Radio Regulations, if the first numberal of the documentation or registration number is 0 or 1, the call sign will consist of the number 9 followed by the first three numbers of the documentation or registration number (e.g., a vessel with the documentation number 123456 would have the call sign WD9123).

Proposed Rules

Federal Register
Vol. 44, No. 84
Monday, April 30, 1979

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

Handling of Fresh Prunes Grown in Designated Counties in Idaho and in Malheur County, Oreg.; Termination of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This notice proposes to terminate Marketing Order No. 925, which has authority to regulate the handling of fresh prunes grown in designated counties in Idaho and Malheur County, Oregon. The program has been inactive for a number of years. This notice also proposes disposition of program assets if the program is terminated. The program's administrative committee recommended this action, and this notice invites public comment on these proposed actions.

DATES: Comments must be received by July 15, 1979.

ADDRESSES: Send comments to: Hearing Clerk, United States Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250. Two copies of all written comments should be submitted, and will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: For further information or a copy of the draft impact analysis contact Charles R. Brader, (202) 447–4722.

SUPPLEMENTARY INFORMATION: The proposed termination of the Marketing Agreement and Order No. 925 (7 CFR Part 925) and disposition of program assets, as hereinafter specified, is being considered under § 925.64 of that order, and § 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) under which the agreement and order are effective.

This regulatory program became effective July 21, 1960. It authorizes the regulation of grade, size, quality, maturity, and of packs and containers of fresh prune shipments. The purpose of such regulation, consistent with the objectives of the Act, is to improve grower returns through establishment and maintenance of orderly marketing conditions for fresh prunes. However, the program has been inactive since 1974. In 1974, a winter freeze caused extensive tree damage. Since then, there have been substantial prune-tree removals. Production of prunes in the area covered by this program has been declining and this trend is expected to continue. Indications are that this program is no longer needed. Recently, a mail ballot was conducted among members of the Idaho-Malheur County, Oregon, fresh Prune Marketing committee to ascertain whether or not they favor termination of the program. This is the agency, established under the program, to administer the program locally. The vote was unanimously in favor of termination.

The committee has about $1,080 from assessments and interest in an authorized financial reserve fund. The committee recommends transferring such funds to the University of Idaho to conduct prune research. Section 925.42 of the order permits disposition of funds remaining in such manner as the Secretary may determine to be appropriate if return to those from whom the funds were collected is deemed impractical. The expense involved in returning such funds to handlers would make such refund uneconomical, thus, the proposed disposition appears reasonable. The committee owns a few fixed assets, e.g., office equipment, with little resale value. The committee recommends transferring these assets to local industry groups, e.g., the Idaho-Oregon Fruit and Vegetable Association, Inc., Parma, Idaho.

It is contemplated that with the termination of the order, and the disposition of committee assets, the then functioning committee members and alternates will be discharged from further responsibility under the order.

Dated: April 24, 1979.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-13286 Filed 4-27-79; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Marquette, Michigan to accommodate various revised instrument approach procedures into the Marquette County Airport, Marquette, Michigan established on the basis of a relocation of the Marquette Very High Frequency Omnidirectional Range facility (VOR) to a new site approximately 2000 feet southwest of the previous site. The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before June 8, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–14, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The control zone airspace will be altered by extending the zone approximately ½ mile southwest so as to accommodate

for the relocated VOR. In addition, the revised instrument approach procedures will require the width of the control zone extensions to the southwest and the northeast be increased from 2 miles either side of approach radials to 3½ miles either side. This will insure that all operations of aircraft in instrument weather conditions below 1000 feet above ground will be contained within the control zone airspace. The 700 foot transition area airspace which extends beyond the control zone does not require alteration to accommodate the revised instrument approach procedures. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–14, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before June 8, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone airspace near Marquette, Michigan. Subpart F of Part 71 was published in the **Federal Register** on January 2, 1979 (44 FR 353).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.171 of Part 71 of the Federal Aviation Regulations as follows:

§ 71.171 [AMENDED]

In Section 71.171 (44 FR 353) the following control zone is amended to read:

Marquette, Michigan

Within a 5 statute mile radius of the Marquette County Airport, (latitude 046°32'02.8" N, longitude 087°33'34.6" W estimated) and within 3½ statute miles each side of the 075° magnetic bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 7 statute miles northeast of the airport; and within 3½ statute miles each side of the 250° magnetic bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 9½ statute miles southwest of the airport.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–14, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on April 13, 1979.

Joan B. Barriage,

Acting Director, Great Lakes Region.

[Airspace Docket No. 79–GL–14]

[FR Doc. 79–13035 Filed 4–27–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 71]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Coldwater, Michigan to accommodate a new Runway 3 instrument approach procedure into the Branch County Memorial Airport, Coldwater, Michigan, established on the basis of a request from the Branch County Airport officials to provide that airport with an additional instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before June 8, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–12, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of the proposed procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–12, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before June 8, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Coldwater, Michigan. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

§ 71.181 [Amended]

In Section 71.181 (44 FR 442) the following transition area is amended to read:

Coldwater, Michigan

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport (latitude 41°56'05"N., longitude 85°02'55"W.), within 2 miles each side of the Litchfield, Michigan VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport, and within 2.5 miles each side of the Litchfield, Michigan VORTAC 239° radial extending from the 5-mile radius area to 8 miles southwest of the airport.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–12, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on April 13, 1979.

Joan B. Barriage,
[Airspace Docket No. 79–GL–12]
Acting Director, Great Lakes Region.
[FR Doc. 79–13034 Filed 4–27–79; 8:45 am]
BILLING CODE 4910–13–M

[14 CFR Part 71]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) proposes to alter the 1,200-foot transition area at Wolf Point, Montana to provide controlled airspace for the new NDB–A standard instrument approach procedure to Wolf Point International Airport and for holding aircraft and additional controlled airspace for air traffic control purposes. There will be no change to the 700-foot transition area.

DATES: Comments must be received on or before June 4, 1979.

ADDRESSES: Send comments on the proposal to:

Chief, Air Traffic Division, Attn: ARM–500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM–539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837–3937.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The Federal Aviation Administration is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 1,200-foot transition area at Wolf Point, Montana. This proposal is necessary to provide controlled airspace for the new NDB–A standard instrument approach procedure to Wolf Point International Airport and for holding aircraft and additional controlled airspace for air traffic control purposes. Accordingly, the Federal Aviation Administration proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

By amending 71.181 by designating the following transition areas:

Wolf Point, Montana

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Wolf Point, Montana, NDB (latitude 48°06'16" N., longitude 105°36'05" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 47°50'00" N., 105°00'00" W., to 47°50'00" N., 106°00'00" W., to 48°20'00" N., 106°00'00" W., to 48°20'00" N., 105°00'00" W., to the point of beginning.

Drafting Information

The principal authors of this document are David M. Laschinger, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Note: The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colorado on April 18, 1979.

M. M. Martin,

Director, Rocky Mountain Region.

[Airspace Docket No. 79-RM-14]

[FR Doc. 79-13032 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 219]

Operating Assistance for Troubled Multifamily Housing Projects—Flexible Subsidy Program

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of Interim Rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the rulemaking document described below:

24 CFR PART 219—OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS—FLEXIBLE SUBSIDY PROGRAM

This interim rule would amend 24 CFR to add a new Part 219, which would establish policies and procedures for implementing the Flexible Subsidy Program for troubled multifamily projects pursuant to Section 201 of the Housing and Community Development Amendments of 1978. The purposes of this program are to provide assistance to stabilize certain subsidized multifamily projects, improve management, and preserve their low- and moderate-income character. The amount of assistance will be based upon an analysis of the project's total needs and will provide payments for correction of deferred maintenance items that have accumulated because of the project's past inability to raise rents due to the low-income levels of the tenants.

(Sec. 7(o), Department of HUD Act, 42 U.S.C. 3535(o), sec. 324, Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 24, 1979.

Patricia Roberts Harris,

Secretary, Department of Housing and Urban Development.

[Docket No. R-79-658]

[FR Doc. 79-13305 Filed 4-27-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 155]

Qualifications of the Person in Charge of Oil Transfer Operations

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: This document withdraws a proposed rule regarding qualifications of persons in charge of oil transfer operations. The proposal is being withdrawn because of major changes needed in the proposed rule as a result of: (1) A large volume of substantive comments received from concerned parties; (2) new requirements imposed by the Port and Tanker Safety Act of 1978 (Pub. L. 95-474); and (3) requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

FOR FURTHER INFORMATION CONTACT: Commander Richard T. Hess, Office of Merchant Marine Safety (G-MVP/82), Room 8212, Department of Transportation, Nassif Building, 400 Seventh St., S.W., Washinton, D.C. 20590, 202-426-2251.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this documnt are: CDR Richard T. Hess, Project Manager, Office of Merchant Marine Safety, and Ms. Mary Ann McCabe, Project Attorney, Office of Chief Counsel.

Discussion

In the April 25, 1977 issue of the **Federal Register** (42 FR 21190) the Coast Guard published a proposed rule (Docket No. 74-44) regarding qualifications of the person in charge of oil transfer operations. Interested persons were given until July 7, 1977 to comment by mail. Also, public hearings were held in Washington, D.C. on June 21 and 22, 1977.

Many of the comments received by letter and in public hearings addressed substantive issues in the proposed rule. After review of these comments, several parts of the proposed rules were identified as requiring significant alteration.

Portions of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474) have direct impact on the rule as proposed. As a consequence, several parts of the proposed rule are being changed to conform to the Act.

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, will impose certain requirements on Tankerman, which are not consistent with the proposed rule. In order for the United States, as a signatory, to be in conformity with requirements of the convention, certain parts of the proposed rule will require modification.

In light of the foregoing, the Coast Guard has decided to withdraw the proposed rule. Upon completion of the modifications appropriate to the issues discussed above, a new proposed rule concerning revised qualifications of the person in charge of oil transfer operations will be reissued.

Accordingly the proposal published in the **Federal Register** (42 FR 21190) on April 25, 1977, entitled "Qualification of the Person in Charge of Oil Transfer Operations" is hereby withdrawn.

(46 U.S.C. 391a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(n)(4).)

J. B. Hayes,
Admiral, U.S. Coast Guard Commandant.

April 23, 1979.

[CGD 74-44A]

[FR Doc. 79-13365 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

State Implementation Plans; General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment States

Correction

In FR Doc. 79-10227, appearing at page 20372 in the issue of Wednesday, April 4, 1979, the seventh line of the second complete paragraph in column 3, page 20374, should read, "nonattainment areas, there is to be no".

[FRL 1090-1]

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3400]

Federal Coal Management Program; Final Environmental Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability—Final Environmental Statement.

SUMMARY: 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 on a Federal coal management program. This programmatic statement is based on information developed by the Bureau of Land Management and the Department of the Interior. Information and data were supplied by and in coordination and consultation with Federal, State and local governmental departments and agencies, and non-governmental organizations such as conservation and environmental groups, industrial organizations, mining companies, libraries, and others. During the 60 day review period 5,000 copies of the ES were distributed to the above named groups.

On December 15, 1978, Secretary Cecil D. Andrus released the draft version of this statement (DES) and urged the widest possible public participation in the review of the document. During January and February of 1979, the Department conducted special public informational meetings in 12 separate cities, followed by 10 formal public hearings to receive comments on the DES. During the extended 60-day review period (a 45-day period is mandatory) the Department received and evaluated over 1,400 separate comments on the DES.

The purpose of the statement is to address various alternatives for a Federal coal management program, including a preferred program alternative, and to assess the possible impacts from the various alternatives. The statement is programmatic in scope and discusses the national and interregional impacts associated with the Federal coal management program. Impacts assessment includes coverage of 12 coal supply regions, 3 production levels (low, medium and high), 7 alternative management strategies, 2 projection periods (1985 and 1990), 5 phases of the coal production and use cycle, and 27 impact categories. The statement also includes a set of proposed regulations which could be used to implement most of the alternative management programs. Availability of those regulations was announced in the March 19, 1979, edition of the **Federal Register.** (44 FR 16800).

This statement will assist the Secretary in carrying out President Carter's directive to manage Federal coal lands in an environmentally acceptable manner.

Copies of the final statement and the abstract will be available upon request at the following locations (see attached).

Arnold E. Petty,
Acting Associate Director, Bureau of Land Management.

Approved:

Larry E. Meierotto,
Assistant Secretary of the Interior.

April 25, 1979.

Office of Coal Management, Bureau of Land Management, Room 3615, 18th & C Streets NW., Washington, D.C. 20240

Office of Public Affairs, Bureau of Land Management, Room 5627, 18th & C Streets NW., Washington, D.C. 20240

Director, Office of Coal Leasing, Planning and Coordination, U.S. Department of the Interior, Room 3423, 18th & C Streets NW., Washington, D.C. 20240

Office of Public Affairs, U.S. Department of the Interior, Room 7214, 18th & C Streets NW., Washington, D.C. 20240

Office of Coal Leasing, Planning and Coordination, U.S. Department of the Interior, 101 World Savings Building, 1221 West Alameda Parkway, Lakewood, Colorado 80228

Director, Denver Service Center, Bureau of Land Management, Building 50, Denver Federal Center, Denver, Colorado 80225

State Director, Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501

State Director, Bureau of Land Management, California State Office, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825

State Director, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado 80202

Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910

State Director, Bureau of Land Management, Idaho State Office, Room 398, Federal Building, 550 West Fort Street, Boise, Idaho 83724

State Director, Bureau of Land Management, Montana State Office, Granite Towers, 222 N. 32nd Street, Billings, Montana 59107

State Director, Bureau of Land Management, Nevada State Office, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada 89509

State Director, Bureau of Land Management, New Mexico State Office, U.S. Post Office & Federal Building, So. Federal Place, Santa Fe, New Mexico 87501

State Director, Bureau of Land Management, Oregon State Office, 729 N.E. Oregon Street, Portland, Oregon 97208

State Director, Bureau of Land Management, Utah State Office, 136 E. South Temple, Salt Lake City, Utah 84111

State Director, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001

[INT FES 79-19]

[FR Doc. 79-13306 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 10, 12, 30, 31, 35, 70, 90, 98, 105, 151, and 157]

Tankerman Requirements

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: This document withdraws a proposed rule regarding Tankerman requirements. The proposal is being withdrawn because of major changes needed in the proposed rule as a result of: (1) A large volume of substantive comments received from concerned parties; (2) new requirements imposed by the Port and Tanker Safety Act of 1978 (Pub. L. 95-474); and (3) requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

FOR FURTHER INFORMATION CONTACT: Commander Richard T. Hess, Office of Merchant Marine Safety (G-MVP/82), Room 8212, Department of Transportation, Nassif Building, 400

Seventh St., SW., Washington, D.C. 20590, 202–426–2251.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are: CDR Richard T. Hess, Project Manager, Office of Merchant Marine Safety, and Ms. Mary Ann McCabe, Project Attorney, Office of Chief Counsel.

Discussion

In April 25, 1977 issue of the **Federal Register** (42 FR 21190) the Coast Guard published a proposed rule (Docket No. 74–44) regarding Tankerman requirements. Interested persons were given until July 7, 1977 to comment by mail. Also, public hearings were held in Washington, D.C. on June 21 and 22, 1977.

Many of the comments received by letter and in public hearings addressed substantive issues in the proposed rule. After review of these comments, several parts of the proposed rules were identified as requiring significant alteration.

Portions of the Port and Tanker Safety Act of 1978 (Pub. L. 95–474) have direct impact on the rule as proposed. As a consequence, several parts of the proposed rule are being changed to conform to the Act.

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, will impose certain requirements on Tankerman, which are not consistent with the proposed rule. In order for the United States, as a signatory, to be in conformity with requirements of the convention, certain parts of the proposed rule will require modification.

In light of the foregoing, the Coast Guard has decided to withdraw the proposed rule. Upon completion of the modifications appropriate to the issues discussed above, a new proposed rule concerning revised Tankerman requirements will be reissued.

Accordingly the proposal published in the **Federal Register** (42 FR 21190) on April 25, 1977, entitled "Tankerman Requirements" is hereby withdrawn.

(46 U.S.C. 391a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(n)(4).)

J. B. Hayes

Admiral, U.S. Coast Guard Commandant.

April 23, 1979.

[FR Doc. 79-13366 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

Television Broadcast Station in Dayton, Ohio; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes to reserve the existing television Channel 16 assignment in Dayton, Ohio, for noncommercial educational use. It also proposes to delete the reservation on the Channel 45 assignment there since no interest was shown for a second reserved channel in Dayton. Action was taken in response to a petition filed by the Ohio Educational Television Commission Network.

DATES: Comments must be filed on or before June 18, 1979, and reply comments must be filed on or before July 9, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 18, 1979.

Released: April 26, 1979.

In the matter of amendment of § 73.606(b), Television Broadcast Stations (Dayton, Ohio), BC Docket No. 79–91, RM–3172.

1. The Commission has under consideration a petition for rule making [1] filed by the Ohio Educational Television Network Commission ("OETNC"), seeking the amendment of the Television Table of Assignments by reserving television Channel 16 for noncommercial educational use at Dayton, Ohio.

2. Dayton (pop. 242,917), seat of Montgomery County (pop. 608,413),[2] is located in southwest Ohio, approximately 70 kilometers (45 miles) north of Cincinnati. Dayton is currently assigned Channel 2 (WDTN), Channel 7 (WHIO–TV), Channel 16 (WPTD, city of license is Kettering, Ohio, operating as a noncommercial educational station), Channel 22 (WKEF), and Channel *45 (unoccupied and unapplied for).

3. In its petition OETNC points out that it is an independent agency of the government of Ohio created by an Act of the General Assembly of the State of Ohio. It states that it is authorized to own and operate or contract to provide transmission facilities and interconnect facilities for a statewide educational television network and to provide educational programs for distribution throughout the network. OETNC asserts that each of the noncommercial educational television stations in the rest of Ohio operates on a reserved channel so this proposal would place State WPTD on a par with operations throughout the rest of the State. OETNC asserts that the needs of Kettering would continue to be served, as well as other portions of the Dayton area, recognizing that Dayton is the largest city in the area and the source of most of the material which contributes to the station's local programming.

4. OETNC notes that in 1971 it became possible to acquire the license and transmitting facilities of Station WKTR (now WPTD) which had operated on Channel 16 on a commercial basis. After acquiring the Channel 16 facility, OETNC operated the station on a non-commercial educational basis for a few years. OETNC then requested, and the Commission subsequently approved, the assignment of license of the Channel 16 facilities to University Regional Broadcasting ("URB"), a consortium principally composed of three universities in the Dayton area. Under URB, the station operates in furtherance of the goals of OETNC to provide educational service to Ohio residents. OETNC advised that URB supports the proposal herein requested.

5. Inasmuch as the proposed reservation of Channel 16 in Dayton, Ohio, would reflect the actual use of this facility for non-commercial educational use, the Commission is persuaded that a rule making proceeding should be initiated. Also, since there appears to be no interest in a second reserved channel, we propose to delete the reservation on Channel 45.

6. In view of the foregoing, we propose the following revision in the Television Table of Assignments (Section 73.606(b) of the Rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Dayton, Ohio	2, 7+, 16+, 22+, *45.	2, 7+, *16+, 22+, 45.

7. As Dayton is within 250 miles of the U.S.-Canada border, Canadian concurrence in the proposal to amend the Television Table of Assignments will be necessary.

[1] Public Notice of the petition was given on August 2, 1978, Report No. 1135.

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

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

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before the proposed changes are adopted.

9. Interested parties may file comments on or before June 18, 1979, and reply comments on or before July 9, 1979.

10. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties msut be made in written comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

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

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

[BC Docket No. 79-91; RM-3172]

[FR Doc. 79-13313 Filed 4-27-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 76]

Applications for Certificates of Compliance and Federal-State/Local Regulatory Relationships

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Proposed Rule Making—Memorandum Opinion and Order (Reconsideration).

SUMMARY: In the *Report and Order in Docket 21002*, FCC 77-530, 66 FCC 2d 380, 42 FR 52404 (1977), the Commission adopted certain changes to its rules affecting the procedures by which cable television systems are certified by the Commission, and its rules governing the granting of franchises to cable systems by local governments. In this decision, the commission generally denies the petitions requesting reconsideration of the original order, but also asks for further comment on certain issues relevant to the remaining federal franchise standard on the fees that may be assessed by local franchising authorities on cable systems.

DATES: Comments must be received on or before June 18, 1979 and Reply Comments must be received on or before July 9, 1979.

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

FOR FURTHER INFORMATION CONTACT: William H. Johnson, Policy Review and Development Division, Cable Television Bureau, (202-632-6468).

Memorandum Opinion and Order and Further Notice of Proposed Rule Making

Adopted: April 12, 1979.

Released: April 27, 1979.

By the Commission: Commissioner Washburn absent; Commissioner Fogarty concurring in part and issuing a statement; Commissioner Jones not participating.

In the matter of amendment of Subparts B and C of Part 76 of the Commission's rules pertaining to applications for certificates of compliance and Federal-State/Local Regulatory Relationships, Docket No. 21002, RM-2695, RM-2723. See also 42 FR 56332. October 25, 1979.

1. On July 22, 1977, the Commission adopted its *Report and Order in Docket 21002*, FCC 77-530, 66 FCC 2d 380 (1977) [hereinafter "Report and Order"], which modified its requirements for the filing of applications for certificates of compliance by cable television operators, and significantly altered its former rules relating to the franchising of cable operations by local government authorities. The Commission now has before it numerous petitions for reconsideration and clarification of particular aspects of that decision. In general we do not find in the Reconsideration petitions new information or arguments that persuade us that the action taken was not correct. However, as discussed in greater detail below, we do believe there is a need for further consideration of those rules which limit the franchise fee that a local municipality or state may accept as part of the franchise negotiation process or otherwise require a cable system to pay. To facilitate this review, further comments are requested in response to this *Further Notice of Proposed Rule Making*.

2. Our actions in this rule making proceeding stemmed from our desire to eliminate those provisions of the rules which experience had shown to be unwarranted, and thereby ease the regulatory burden on both cable operators and local franchising authorities. These actions were also consistent with our long-held belief that our cable regulatory program should be flexible and evolutionary, rather than fixed in stone. *See, e.g.*, para. 189, *Cable*

Television Report and Order, FCC 72–108, 36 FCC 2d 143, 210 (1972). With these broad principles in mind, we focused our attention on two aspects of our rules: the proper role of the Commission in the area of local franchising of cable systems, and the procedures utilized in the federal certification of cable operations.

3. With respect to the franchising issue, we have sought to identify those areas which demonstrate a clear nexus to federal interests in cable development. This process began in the 1972 *Cable Television Report and Order, supra*, in which we adopted rules mandating franchise provisions guaranteeing public proceedings for review of franchise applications, predetermined construction schedules, local subscriber rate regulation, franchise periods of reasonable duration, local complaint procedures, future compliance with modifications of the Commission's Rules, and imposition of reasonable franchise fees. The rules were further modified in 1974 to add provisions dealing with construction line extension policies and additional subscriber complaint procedures.[1] The franchise fee question was revisited in the *Clarification of Rules and Notice of Proposed Rule Making*, FCC 74–384, 46 FCC 2d 175 (1974) [hereinafter "Clarification"] and *Report and Order in Docket No. 20578*, FCC 76–448, 59 FCC 2d 378 (1976). In 1976, the Commission deleted Section 76.31(a)(4) from the Rules, thereby permitting local authorities to decide for themselves whether they wish to undertake regulation of subscriber rates. *Report and Order in Docket No. 20681*, FCC 760747, 60 FCC 2d 672 (1976).

4. The instant proceeding was the most recent attempt to define the federal interest in the franchising area. Although we considered each of the existing provisions on its merits, we found that, in general, federal rules were most appropriate where federal goals and local needs were not necessarily aligned. Having found this to be most true in the case of franchise fees, we decided to retain (albeit in altered form) our franchise fee limitation, while simultaneously turning our other previously mandatory requirements into voluntary guidelines. *See, e.g.*, para. 57, *Report and Order, supra* at 398. The Commission further determined that the limitation would not apply to a system community unit which was franchised or commenced operation prior to March 31, 1972 until 15 years from the date of initial grant of the underlying pre-1972 franchise, or the natural expiration of that franchise, whichever occurs first.

5. The Commission had also requested comments on whether the base on which the fee limitation is calculated should be modified. Previously, fees could only be based on revenues derived from the supplying of regular subscriber service.[2] After consideraton of the comments received, we concluded that the fee base should be expanded to allow inclusion of all revenues from cable services (including pay cable and other "auxiliary" services).

6. The following discussion is divided into two substantive areas: questions raised in the petitions for reconsideration [3] and a discussion of some new questions which we are raising on our own that relate to the franchise fee limitation rule.

Petitions for Reconsideration

7. The decision to delete certain of our former franchise standards was difficult. In our judgment, the goals that these franchise standards sought to further were—and still are—reasonable, fair, and laudatory. In establishing these mandatory requirements in 1972, we were primarily motivated by two concerns: The importance of cable television in the overall national communications scheme and local governments' lack of experience and expertise in this area. While our recognition of cable's potential significance has not altered, we now have had over six years in observing the franchising process and local governments have had the additional time in which they have become more spohisticated in cable regulatory matters. This is no doubt related to the increasing number of governments that now seek advice from organizations and individuals with special expertise in these matters as an important adjunct to informed local decision-making—resources that were much less available to cities prior to 1972. We now seek to allow these local authorities maximum flexibility to franchise cable operators in a manner that will best serve the interests of their citizens, at least as long as the actions taken at the local level will not undermine important and overriding federal interests. Our deletion of these mandatory standards therefore should not be viewed as a retreat on the issues of fair procedures, protection of the cable consumer, and the like, but as a decision ot leave responsibility in these areas where it appears to belong—in the hands of the local authorities who will have the ultimate responsibility for enforcing these provisions.

8. One petitioner, Robert E. Jacobson, claims that the Commission did not act in the public interest in abrogating these mandatory standards, nor was any rationale supplied for the action except the convenience of the new certification procedures for the Commission staff. We must disagree. The decisions made in this docket were based on our attempt to delineate a rational approach to complex inter-governmental relationships which immediately affect a constantly changing cable industry and ultimately—and more importantly—affect consumers of cable services. The comments of approximately one hundred separate parties, including local governments, members of the cable industry, public interest organizations, and individual citizens were instructive in this regard, and we believe that a fair reading of the resultant *Report and Order* shows a rational basis for the decision.[4]

Public Proceeding Requirement (Former § 76.31(a)(1))

9. Several parties have asked the Commission to reconsider its initial decision and reinstate former § 76.31(a)(1), which provided that in order to obtain a certificate of compliance, a cable system must have a franchise containing recitations that the franchisee's legal, character, financial, technical, and other qualifications, and the adequacy and feasibility of its construction arrangements, have been approved by the franchising authority as part of a full public proceeding affording due proceess. Many of these parties do

[1] *Report and Order in Docket 20020*, FCC 74–1384, 50 FCC 2d 61 (1974); *Report and Order in Docket 20024*, FCC 74–1381, 50 FCC 2d 43 (1974).

[2] Para. 95, *Clarification, supra* at 202.

[3] The Commission also modified its requirements for applications for certificates of compliance in this proceeding. However, in a later proceeding, the Commission eliminated the certification process, replacing it with a greatly simplified registration procedure. *Report and Order in CT Docket 78–206*, FCC 78–690, 69 FCC 2d 697 (adopted September 27, 1978). At footnote 5 of that decison, we dismissed the petition for reconsideration of Docket 21002, filed by the Legislative Committee of the Philadelphia Community Cable Coalition, *et al.* [hereinafter "PCCC"], to the extent it addressed the certification process changes, and consequently the only matters we will discuss herein are those pertaining to the franchise standards.

[4] Mr. Jacobson also suggests that the Commission "consider the possibility of ex parte contacts having been made by its staff with cable operators," since "there is evidence that the new standards * * * were known to cable operators and other parties of interest prior to their issuance by the Commission." He has not, however, provided any evidence to substantiate his allegation. We do note that many of the actions taken were presaged by the *Notice of Proposed Rule Making in Docket 21002*, FCC 76–1070, 63 FCC 2d 3 (1976). Further, the Commission's decisions were reached in a meeting that was open to all interested persons, and thus many were aware of the final outcome before release of the text of the *Report and Order*. In any event, there is no evidence of any impropriety in the procedures culminating in the adoption of the *Report and Order*.

not believe that local law is a satisfactory substitute for a federal requirement in this area. The National Citizens Committee for Broadcasting and the National Citizens Communications Lobby believe that this rule, which provides a minimum standard applicable to all communities, is necessary and essential to assure the public's right of participation in franchise proceedings. PCCC and its counsel, the Citizens Communication Center, which have observed and directly participated in the franchising process on the local level for many years, claim that local governments have few guidelines and little experience in this fields. Although a public proceeding is perhaps the most critical aspect of the franchise process, they claim that in many cases, local jurisdictions have adopted procedures to accommodate the public only after the FCC's standards were asserted. The New Jersey Coalition for Fair Broadcasting offers several arguments for retention of a federal standard: local officials often change, and therefore different standards may be applied for renewel of a franchise than those applied at the time of initial grant; direct business relationships between operators and local officials may result in decisions not affording the maximum benefit to the public; and, finally, citizens need the federal guarantee of their right to participate. This federal requirement, therefore, does not weaken local control but only strengthens local participation.

10. Several representatives of the cable industry joined the public interest organizations in supporting reinstatement of the public proceeding requirement. The National Cable Television Association ("NCTA") believes that this standard is an important public interest safeguard. In their view, even if enforcement of the provision has been mimimal, the requirement itself has had a beneficial and prophylactic effect. They, as well as seven cable companies filing jointly ("Becker Communications Associates, *et al.*") and Sammons Communications, Inc., believe that rather than deleting the standard, it should be expanded to require that the operator of an existing system point out that the need for "legitimate renewal expectencies" is even greater here than in the broadcasting context because of the capital intensive nature of the cable business.

11. After due consideration of these petitions, we now reaffirm our initial decision to delete the public proceeding standard from the rules. Section 76.31(a)(1) was based on our perception in 1972 that federal supervision of the franchising process was essential to the fulfillment of our "obligation to insure efficient communications service with adequate facilities at reasonable charges." *Cable Television Report and Order*, 36 FCC 2d 143, 207 (1972). Having reviewed the comments received in these proceedings, and having re-examined the premises underlying the rules, our view has changed. *See Report and Order in Docket 21002*, 66 FCC 2d 380, 391–92 (1977). At the outset, it is important to remember that we should not adopt or retain rules that respond to non-existent problems. *Home Box Office v. F.C.C.*, 567 F.2d 9, 36 (D.C. Cir.), *cert. denied*, 98 S.Ct. 111 (1977). Even when the standards were operative we received relatively few complaints concerning compliance with due process procedures. This fact, plus the growing sophistication of the public, the industry, and state and local authorities with respect to cable regulation, indicate that local governments and local law are now just as capable as the Commission of ensuring due process in franchise proceedings and that the federal paternalism implicit in the rule cannot be justified. We are not insensitive, however, to the potential for abuse described by some commentators such as the New Jersey Coalition; but administering or remedying the process of granting local cable television franchises is better undertaken in a local forum, given the unique factual circumstances and applicable local law involved in each case. To the extent that local authorities lack guidelines in this field, as claimed by PCCC, our voluntary guidelines should fulfill this role with less undesirable intrusion into local prerogatives. Finally, we note that the arguments of NCTA, Sammons, and Becker Communications Associates, *et al.* relating to an existing system's presumptive right to renewel of its franchise properly will be addressed in the context of the outstanding rulemaking dealing with these issues (Docket 20022)

Construction Schedule—Line Extensions (Former § 76.31(a)(2))

12.Only one party, PCCC, requested reconsideration of the Commission's decision to delete former § 76.31(a)(2), which previously mandated that franchises contain a provision requiring the cable operator to accomplish significant construction of a proposed cable system within one year after receiving Commission certification, and reasonably extend service each year thereafter to a substantial percentage of its franchise area. The Section also provided that where a franchise called for something less than complete wiring of the service area, that policy had to be adopted only after a full public proceeding which included specific notice of consideration of that policy.

13. PCCC's claim is that there has been sufficient bad experience to justify retention of this rule. It states that "it is the Commission, not the local authority, which is invested with the responsibility of seeing that the nation is provided with the fullest cable coverage possible." It believes that "variations on [local] enforcement are all too great and the danger of patchwork regulation too compelling for the Commission to adbicate this all important responsibility." It therefore concludes that the benefits of retention of the rule outweigh the benefits of its deletion.

14. PCCC's arguments basically reiterate those we considered in our original decision and there found to be unpersuasive. *See, e.g.*, para. 24, *report and Order, supra* at 388–89. In disposing of these arguments, we stated:

> We recognize that a federal requirement that local franchises contain construction schedules does not guarantee that those schedules will be enforced. Enforcement at the federal level is unrealistic and was never contemplated by our rule, since local officials are in a better positon to gauge individual community needs and be aware of applicable local law. Even when a construction schedule is part of a franchise, circumstances may develop which require adjustment to the schedule. This can only be resolved at the local level. In the end, whether inclusion of a construction schedule in the franchise is mandatory or optional, provision of the best and most extensive cable coverage to subscribers will depend on the dedication of local officials. The Commission's most appropriate role is to inform the local authorities of their responsibilities and to recommend helpful provisions. Mandatory federal standards no longer appear warranted. Therefore, we shall delete from the Rules Section 76.31(a)(2), while adding a "Note" offering guidelines for the inclusion in franchises of construction schedules and specific notice to the public of line extension policies.
>
> *Id.* at 393.

15. One further point should be clarified. PCCC's statement that the Commission has the "responsibility of seeing that the nation is provided with the fullest cable coverage possible" appears to be an overly broad interpretation of Section 1 of the Communications Act (47 U.S.C. 151), which states that the FCC was created "For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the

people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *" Although the Supreme Court has referred to this provision as a proper source of objectives for the Commission's regulation of cable television,[5] mere reference to these goals does not help to resolve the question of what means are best employed to further them.[6] Given our decision to leave franchising matters in the hands of local governments, we believe we are adequately meeting our responsibilities in this area by offering advice to franchising authorities in the form of voluntary guidelines.

Franchise Duration (Former § 76.31(a)(3)

16. PCCC was again the sole party requesting reconsideration of the Commission's decision to delete former § 76.31(a)(3). This Section provided that an initial franchise period must not exceed fifteen years, and that any renewal of the franchise must similarly be of reasonable duration. PCCC argues that in light of the dynamic nature of the cable industry, franchise terms should be limited to a maximum of ten years. It believes this period is a proper compromise between the desirability of periodic review of operations by the franchising authority, and the need of the cable entrepreneur for some stability to provide assurance that it will be able to recoup its investment. Local authorities should retain the ability to establish a franchise period of something less than ten years if they so desire.

17. We agree that an overly lengthy franchise term may become an invitaton to obsolescence, while too brief a term may not assure a cable operator that it will be able to receive a sufficient return on its investment to justify the large capital expenditures necessary to bring a cable system on line. But, in our view, the proper forum for raising these considerations is in the proceedings conducted by the franchising authorities. A federal limitation, even one subject to waiver, has the effect of preventing negotiation of this franchise provision, when the results of these negotiations could be trade-offs that benefit cable consumers and more adequately reflect justifiable variations based on local conditions. In sum, we believe that our recommendation, in the form of a voluntary guideline on franchise length, should apprise local authorities of the importance of this issue in their deliberations, and thus adequately and more properly discharge our responsibilities in this area.

Complaint Procedures (Former § 76.31(a)(5))

18. PCCC again stands alone in requesting reconsideration of our decision to delete § 76.31(a)(5). This rule previously required that the franchise must specify that procedures for the investigation and resolution of all subscriber complaints have been adopted by the franchisee and franchisor; that the franchisee will maintain a local business office or agent for these purposes; that a local official responsible for continuing administration of the franchise and implementation of complaint procedures has been designated; and that notice of the procedures for reporting and resolving complaints will be given to each new subscriber. Although it believes that local authorities should have the right to substitute their alternative complaint procedures for the Commission's it feels that the former rule is of great importance in that it provides a good model for local authorities. In the absence of the rule, it questions how citizens' complaints can be protected in jurisdictions which have not adopted adequate procedures.

19. As we stated at paragraph 41 of the *Report and Order*, we consider procedures for resolution of subscriber complaints to be an important aspect of cable television service, and we expect that good business practices alone would normally dictate their establishment. We also agree with PCCC that the former rule can serve as an excellent model for local authorities, and it is for this reason we chose to include the essence of the rule in our recommended guidelines. However, we fail to see the necessity or desirability of any greater federal intervention into an area that is so clearly one of local concern and responsibility.

Modifications Statement (Former § 76.31(a)(6))

20. Finally, PCCC also requests that the Commission reconsider its decision and reinstate former § 76.31(a)(6). This rule provided that the franchise must contain a provision which states that any modifications to the provisions of § 76.31 resulting from amendment by the Commission shall be incorporated into the franchise within one (1) year of adoption of the modification, or at the time of franchise renewal, whichever occurs first. It suggests that the provision "is important in that it insures a degree of notice and due process to local communities where Commission rules impose modifications on cable systems." It concludes that this process is not overly burdensome and consequently demands very little from either the franchising authority or the cable operator.

21. Given our present regulatory framework, we fail to see any great benefit in retaining this rule. As we stated in the *Report and Order*, deletion of this rule would not limit our ability to induce compliance with any future modifications of our rules, nor do we perceive how this subsection provides any additional "due process" guarantees to local authorities. To the contrary, the rule appears entirely superfluous and we therefore reaffirm our decision to delete it.

Franchise Fee Limitation—§ 76.31

22. The other major issue treated in this proceeding was a review of the Commission's rule limiting the franchise fee that local authorities may assess on cable operations. In our initial decision, we continued the limitation while expanding the revenue base upon which the fee is levied from just "basic" subscriber revenues to include revenues from all cable services (including pay cable and other "auxiliary" services). Additionally, we determined that the fee limitation would not apply to system community units which were franchised or commented operation prior to March 31, 1972, until 15 years from the date of initial grant of the underlying franchise, or the end of that franchise's current term, whichever occurs first.

23. Several members of the cable industry, as well as NCTA, have requested reconsideration of both these actions. The comments generally raise the following arguments:

(a) *Expansion of Revenue Base*—There is no support in the record for this change in policy, and therefore the rule change is arbitrary and capricious. The record does not support the Commission's contention that local authorities' regulatory involvement with pay cable is so extensive as to require additional payment to them, particularly since the FCC has preempted local regulation of this service.[7] Further, the action ignores the Commission's responsibility to promote the expansion of communications facilities at reasonable charges, and is inconsistent with the Commission's previous

[5] *United States* v. *Midwest Video Corp.*, 406 US 649, 669 n. 28 (1972)(plurality opinion); *United States* v. *Southwestern Cable Co.*, 392 US 157, 167 (1968).

[6] *Cf. National Association of Regulatory Utility Commissioners* v. *FCC*, 533 F.2d 601, 613–14 n. 77 (1976).

[7] *See Brookhaven Cable TV, Inc. v. Kelly*, 428 F. Supp. 1216 (N.D.N.Y. 1977), *aff'd*, 573 F. 2d 765 (2d Cir. 1978), *petition for cert. filed*, 47 U.S. L.W. 3005 (U.S. July 11, 1978)(No. 77–1845).

statement that it would reexamine its preemptive policy only when monies from auxiliary services constitute the bulk of cable revenues. *Clarification, supra* at 202. The industry argues that the Commission ignored the fact that the growth in the number of pay cable subscribers has occurred in large part due to the freedom from local regulatory constraints, including unjustified local taxation.

(b) *Grandfathered Fees*—The Commission's stated rationale does not justify its decision to grandfather excessive fees until fifteen years from initial grant of the franchise or the natural expiration of the franchise, whichever occurs first. Although the Commission expressed concern that the imposition of an immediate preemption would not allow franchising authorities the opportunity to justify that portion of an existing fee that is in excess of 3% of gross revenues, this matter could be handled by setting a fixed date by which all such justifications would be filed. The Commission's other conern, that an immediate preemption might have an adverse effect on the planned budgets of the communities involved, should not be given much weight since these governments had been on notice for five years that the fee was to drop.

24. *Discussion.* Several factors underlie our decision that the arguments for reconsideration presented by the petitioners are generally without merit. To a large extent these arguments are based on a misreading of our prior actions, as well as our order in the instant proceeding. NCTA, for example, claims that the Commission had previously stated that it would "reexamine its preemptive policy only when the monies derived from auxiliary services 'constitute the bulk of cable systems' receipts.'" [8] The Commission's determination that pay revenues constitute 20.8% of the total revenues of the systems that provide a pay cable option would therefore appear inadequate to meet what is presented as a threshold test of when review would be undertaken.[9] However, a more complete recitation to our previous language shows that a quite different effect was intended. At paragraph 96 of the *Clarification, supra* at 202, the Commission stated,

> We recognize that the income derived from auxiliary cable services may at some future time constitute the bulk of a cable system's receipts. We have no intention of depriving the franchising authority of a reasonable percentage of those receipts at that time.

Thus, rather than limiting our discretion as to what would be the earliest point (in terms of the percentage of total cable revenues attributable to "auxiliary" services) at which we would reexamine our preemption policy, we merely indicated that this review would take place at least by the time revenues from "auxiliary" services constituted the bulk of cable receipts. Unquestionably, the growth of these services was an important—but clearly not the only—factor considered by the Commission in deciding to allow the inclusion of pay cable revenues in the base upon which the franchise fee is calculated. In other words, the quoted language was merely an attempt to assure local governments of our sensitivity to this matter, and certainly cannot be read so as to limit our ability to deal with future changes in circumstances in an appropriate manner.

25. We do recognize the merits of one point raised in the reconsideration petitions, namely that the role of local authorities in regulating the provision of pay cable and other auxiliary services is not likely to be of such magnitude as by itself to justify inclusion of the revenues from these services within the base. It does seem likely, however, that the provision of these services will in some measure add to the local regulatory burdens. Moreover, it is important to note that much of the regulatory effort relating to traditional cable services—initial franchising, construction scheduling, line extension policies, supervision of construction safety and street usage, etc.—has as much relevance to the auxiliary as to basic service so that it is appropriate that revenues from these services also be available to support the cost of regulation. The more important consideration, however, is that expressed in paragraph 70 of the *Report and Order*. The robust growth of the services whose revenues would now be subject to the fee persuaded us that our basic objectives in having such a limitation could be accomplished with a rule that permitted local regulatory authorities some additional flexibility.

26. The cable interests also misconstrue the reasoning which led to the resolution of the grandfathering problem we adopted. The petitioners' suggestion that we set a date certain in the near future by which all local authorities would have to justify the imposition of a fee beyond 3% of revenues fails to take into consideration the impact such a scheme would have on our administrative resources if a large number of such requests were filed simultaneously. Further, it is untrue that local governments were on notice for five years that, under the previous scheme, excessive franchise fees would be cut back. In reality, once the Commission issued the *Notice of Proposed Rule Making* in this proceeding, local governments could no longer have been certain what limitation, if any, would be placed on franchise fees. But most importantly, the petitioners have failed to recognize that underlying our treatment of this grandfathering issue was the desire to intrude on the terms of pre-existing agreements only to the extent necessary to achieve federal objectives.[10] Since the purpose of the limitation was not only to prevent a burdensome, revenue-raising approach to franchise fees, but also to induce local authorities, when initially engaged in the franchising process, to focus their attention on the important questions of "how and by whom the best service can be provided to the community," [11] our treatment of systems operating under pre-existing franchises was necessarily and properly different from our treatment of systems operating under franchises drafted after the adoption of the Commission's rules.[12]

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[8] NCTA Petition at p. 8.

[9] Noting that the Paul Kagan Associates "Pay TV Newsletter" cited as the source of this data was published between the date of initial adoption of the *Report and Order* and the date of its release to the public, NCTA attempts to characterize this as "quite obviously an attempt at *post hoc* justification for an otherwise indefensible position." NCTA Petition at 8. The truth of the matter is more mundane. The Commission staff had available to it a previous edition of the Newsletter dated February 16, 1977, which provided industry revenue figures through December 31, 1976. At its meeting on July 22, 1977, the Commission adopted the instant *Report and Order*, although it directed that the staff make certain editorial changes in the text of the document. It was while these editorial amendments were being drafted that the cited Newsletter, dated August 23, 1977, became available. The updated data was included in the editorial changes that were subsequently approved by the Commission. In any case, analysis of the earlier data yields the same results for the percentage of total revenues that are attributable to pay cable operations for systems offering that option—20.8%.

[10] *See, e.g.*, para. 7, *New York State Commission on Cable Television*, FCC 77-98, 62 FCC 2d 975, 977-78 (1977), *granting partial recons. of* FCC 76-599, 59 FCC 2d 1344 (1976), *aff'd sub nom. New York State Commission on Cable Television v. FCC*, 571 F. 2d 95 (2d Cir. 1978), *cert. denied*, 47 U.S.L.W. 3221 (U.S. October 3, 1978) (No. 77-1528).

[11] Para. 107, *Clarification, supra* at 204.

[12] In its petition for reconsideration, Northeast Georgia Broadcasting Company, Inc., d/b/a Gainesville Cablevision argues that this decision, by allowing local authorities in effect to use older systems as a source of general revenues but not newer systems, violates the principle that similarly situated parties cannot be treated differently unless the Commission can point to factual differences which are relevant to the purposes of the Communications Act, citing *Melody Music v. FCC*, 120 U.S.App.D.C. 241, 345 F. 2d 730 (1965). However, even assuming the *Melody Music* doctrine is applicable here (*compare Turner Broadcasting Corp.*, FCC 76-344, 59 FCC 2d 133, 134, (1976) *with Public Media Center v. FCC*, Case No. 76-1648, slip op. at n. 40 (D.C. Cir. October 24, 1978)), it is clear

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27. Two additional matters relating to the grandfathering question also warrant some discussion and clarification. Astro Cablevision Corp., operator of a cable system serving four communities in Pennsylvania under franchises issued before 1972, states that its original franchises were granted for an initial ten year period, subject to an additional renewal period of five years at the company's option. The franchises provided for a franchise fee of 3% of gross revenues during the first five years, 5% during the second five years, and 7% during the third five years if the compay exercises its renewal options. Astro seeks a ruling that the post-renewal 7% fee is preempted by application of Section 76.31, under the theory that the exercise of the renewal option ends the grandfathering period. However, it has consistently been the Commission's policy to treat renewal options as merely extending the original franchise term, unless a review of the operator's performance is undertaken by the franchising authority.[13] Consistent with this policy, Astro's exercise of these automatic renewal options would not cause the immediate application of the fee limitation.

28. It has also been the Commission's stated policy that if a pre-'72 franchise is subjected to substantial amendment, any grandfathering rights under the franchise would normally terminate.[14] A pleading filed jointly by the City of Wichita, Kansas and Air Capital Cablevision, Inc., holder of the cable franchise for Wichita, however, requests that the Commission clarify that the facts presented in their case warrant different treatment. The petitioners state that Air Capital was originally franchised in 1969, but because of protracted legal battles in the local courts, at the Commission, and in the federal courts, it has not been in a position to construct the cable system.[15] Air Capital's ability to obtain adequate financing has been hampered by the fact that it now has only three years left under its current franchise. The operator therefore wants the City to extend the term of the franchise to grant Air Capital a franchise of longer duration. The City on the other hand, is willing to consider such changes, but is reluctant to do so if this action would mean that it would lose its right to collect the franchise fee of 7½% of gross revenues it would otherwise be entitled to under the existing franchise until 1982. Given the unusual circumstances presented here, we see no reason to disturb the agreement reached by Air Capital and the City in this matter. While in general we believe that the undertaking of negotiations leading to the refranchising of cable operations also should be used to bring the local franchise into conformance with federal standards, we recognize that there may arise situations in which literal application of our rules may create a disincentive to the adoption of franchise amendments which would otherwise be in the public interest. It was never our intent that the rules be applied in such a fashion. See, for example, paras. 19–21, *Report and Order in Docket 20021*, FCC 75–68, 50 FCC 2d 761, 766 (1975). In light of the unusual circumstances of this case, we do not see any reason to disturb the affected parties' desired resolution of this matter.

Additional Consideration of Franchise Fee Rule

29. The earlier discussion in this document has related to specific requests for reconsideration of our *Report and Order* in this proceeding. Although there is no request before us seeking more fundamental changes in the franchise fee limitation of Section 76.31, we believe some further attention to the question of whether there should be any such limitation at all is also warranted. Notwithstanding our initial decision in this proceeding to retain the limitation, it is appropirate that we undertake this additional review both because we are in the process of undertaking a fundamental re-evaluation of all of our cable television rules[16] and because of the relationship of this limitation to the channel capacity and access channel rules addressed by the Supreme Court in *F.C.C.* v. *Midwest Video Corp.*, decided April 2, 1979. The Court found that the access rules for cable television systems were not within the Commission's jurisdication.[17]

30. The Commission's initial decision to enforce a limitation on franchise fees rested on the Commission's responsibility under Section 1 of the Communications Act, 47 U.S.C. 151, to provide for the exansion of interstate communications facilities at reasonable charges and on the belief that "high local franchise fees may burden cable television to the extent that it will be unable to carry out its part in our national communications policy."[18] Like the more generalized constitutional restraints on the imposition of state or local burdens on interstate commerce, the limitation was thought necessary to prevent localities from acting in a manner that would frustrate the achievement of overriding national objectives. The Supreme Court's decision that we do not have the authority to adopt rules requiring cable systems to provide access channels for the public at less than profit-maximizing rates appears to undercut one justification for the franchise fee limitation, since one of the purposes of the limitation was to insure that adequate resources would be available for cable systems to meet the "substantial obligations [imposed by the] new rules."[19] To the extent that we

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from the above discussion that these "parties" are not similarly situated since the older systems operate under franchises freely entered into before our assertion of jurisdiction in this area. In any case, this "factual difference" is obviously related to the purposes for which the fee limitation was adopted since one of those purposes—our desire to redirect the focus of local franchising decisions away from "revenue raising" and toward a "best service" approach—is not applicable to systems operating under pre-existing franchises.

[13] *Compare Leacom, Inc.* (Buena Vista, Colorado), FCC 73–292, 40 FCC 2d 129 (1973) with *Vilas Cable, Inc.* (Eagle River, Wisconsin), FCC 73–379, 40 FCC 2d 637 (1973).

[14] Paras. 75–76, *Clarification, supra* at 196–97. A substantial amendment would be one that effects a change in the termination date, franchise fees, or service obligations imposed on the cable operator. Not included are amendments dealing with changes in subscriber rates, indemnity or bonding requirements, specific construction or safety alterations, reporting and enforcement procedures and the like. *Id.*

[15] *Air Capital Cablevision, Inc.* (Wichita, Kansas), FCC 75–792, 54 FCC 2d 173 (1975), *aff'd sub nom. KAKE–TV and Radio, Inc. v. United States*, 537 F 2d 1121 (10th Cir. 1976), *cert. denied*, 429, U.S. 1072 (1977).

[16] For example, we are reassessing our rules limiting the importation of distant signals and requiring the deletion of syndicated programming in certain circumstances. *Notice of Inquiry in Docket* 21284, FCC 77–407, 65 FCC 2d 9 (1977) and *Notice of Inquiry in Docket 20988*, FCC 76–1025, 61 FCC 2d 746 (1976).

[17] 47 U.S.L.W. 4335 (1979), *aff'g* 571 F. 2d 1025 (8th Cir. 1978).

[18] Para. 185, *Cable Television Report and Order*, supra, at 209. A similar approach was taken in the *Clarification, supra* at 201: The use of the franchise fee mechanism as a revenue raising device frustrates our efforts at developing a nationwide broadband communications grid. (Para. 92)

[19] Para. 185, *Cable Television Report and Order, supra* at 209. *See also* para. 114, *Clarification, supra* at 206:

Our purpose, in part, in imposing a franchise fee or payment-in-kind limitation was to prevent the siphoning of the limited available capital for cable development for other uses, thereby threatening the success of our overall national goals.

[20] *See, e.g., Second Report and Order in Dockets 14895, 15233, and 15971*, FCC 66–22o, 2 FCC 2d 725, 781 (1966).

[21] On the other hand, an affect of the fee limitation may be to limit the ability of local authorities to experiment with different methods of awarding franchises. For example, Professor Posner has suggested that three-year franchises could be granted to the applicant offering the largest initial lump sum payment to the local government, with provision for sale of the facilities at the end of the franchise term to a new operator at their depreciated original cost. This method would in theory prevent the operator from receiving any momopoly rents while obviating the necessity for continuing subscriber rate regulation that might otherwise be necessary under a typical long term

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are not able to impose the obligations to provide these arguably less than fully compensatory or noncompensatory services, it could be argued that there is little need to assure that revenues are not drained away by high local fees. Accordingly, we propose to consider, and we request comment on, the question of whether an elimination of the Commission's regulatory responsibilities or requirements in the areas of access and channel capacity should carry with it the elimination of the franchise fee limitation. We also seek comment, in light of this recent decision in *Midwest Video*, on the limits of our jurisdiction in this area.

31. We have long believed that cable television can make a significant contribution to the provision of diversified television service to a substantial number of citizens.[20] Additionally, to the extent that high franchise fees inhibit the expansion of cable plant and services, we are aware that there is a welfare loss to present consumers as well as to those persons who, except for the higher prices or the unavailability of cable service, would otherwise have been inclined to subscribe. However, there may be an imperfect connection between the federal goal of assuring consumers the maximum ability to receive the benefits of cable service and the maintenance of this goal by limiting the power of local governments to levy "excessive" franchise fees.

32. Some commenters have pointed out that franchise fees may well be nothing more than a means by which a locality may recapture excessive profits that would otherwise accrue to the franchisee. Most localities currently capture some of the profits of cable operators by assessing fees on systems' gross receipts. These fees are administratively simple but they tned to raise the price of cable service, thereby excluding some potential subscribers.[21] Franchise authorities are therefore faced with a trade-off in choosing the appropriate level of such a tax, i.e., the higher the rate, the greater is the proportion of the cable operator's revenues and profits which the community can capture, but the number of potential subscribers excluded from service by the resulting higher price is also greater.[22] The appropriate rate depends principally upon the level of profits earned by the cable operator, the effectiveness of rate regulation,23 the marginal costs attributable to additional subscribers to the cable system,[24] and the elasticity of demand for cable services. It appears likely that these factors will vary with location.[25] Hence, a federal fee limitation will, at best, be too low in some areas and too high in others.

33. Although this is only a brief outline of some of the economic implications of the fee limitation, it does indicate that our previous statement that "the ultimate effect of any revenue-raising fee is to levy an indirect and regressive tax on cable subscribers," may have been overly simplified.[26] As a result, we are now interested in receiving comments which would aid us in understanding the process by which localities decide upon their respective level of fees.

34. The preceding discussion should make clear that although we are satisfied that our previous decision to expand the base upon which franchise fees are calculated to include revenues derived from paycable and other auxiliary services is justified, there remain serious questions about both the desirability of a federal limitation on franchise fees as well as our jusrisdiction to impose such a limitation. In summary, we seek comments which will assist us (a) in gauging the limits of our jurisdiction; (b) in assessing whether further federal intervention in the franchise fee area can be expected to redound to the benefit of consumers; and (c) assuming further federal involvement is warranted, in configuring a regulatory approach which as efficiently and as unobtrusively as possible accomplishes its purposes.[27] In light of these questions, we believe it appropriate to maintain for the time being the rule as amended in our previous *Report and Order* in this proceeding, while requesting that interested parties file further comment on the matters discussed herein. Pursuant to applicable procedures set out in §§ 1.4, 1.415, and 1.419 of the Commission's rules, interested parties may file comments on or before June 18, 1979, and reply comments on or before July 9, 1979.

35. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in the rule making proceeding

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franchising scheme. Posner, "Cable Television: The Problem of Local Monopoly," RAND Memorandum RM-6309-FF, May 1970. Professor Williamson, on the other hand, argues fairly persuasively, that the difficulties that would arise in the administration of such a system outweigh the apparent advantages. Williamson, *Franchise Bidding for Natural Monopolies—In General and With Respect to CATV*, of Bell Journal of Economics 73 (1976). Posner's work draws upon the concept of bidding for natural monopolies developed in Demsetz, *Why Regulate Utilities?*, 11 J. Law and Econ. 55 (1968). Beyond the specifics of Professor Posner's proposal, however, the question upon which we solicit comment, does our franchise fee ceiling inhibit franchise authorities from deriving the maximum possible value for their constituents from competing applicants of cable franchises?

[22] The result may also be that some systems which would have been built (or expanded) will not be in the presence of fees—even at the level which we currently permit.

[23] Where regulation constrains subscriber rates below the level which is preferred by the cable operator, it would appear that franchise fees would be a redundant method of limiting supranormal profits since rate regulation is presumably employed for that purpose.

[24] Where the costs arrributable to serving additional subscribers are low (and where rate regulation is either absent or ineffective), the imposition of a high gross receipts tax may cause only a small increase in the cable operator's preferred subscriber rate. In this case, it is possible for local franchisers to siphon off the supranormal profits of cable operators, while causing only a small loss to consumers from higher prices.

[25] In those localities, for instance, with limited over-the-air reception of television signals and with few other entertainment options, the demand for cable would presumably be less elastic than in areas where there are more and/or better substitutes for cable.

[26] Para. 185, *Coble Television Report and Order, supra* at 209.

[27] In addition, if a federal limitation on franchise fees is found to be undesirable, there may be questions concerning the desirability of pre-empting rate regulation of pay-cable. For instance, if we were to permit supranormal profits from pay-cable to be extracted by local franchising authorities through the imposition of franchise fees, it may be argued that it would be inconsistent to disallow the prevention of supranormal profits through rate regulation of these services. This suggests a further set of questions: Is there in fact an inconsistency in removing limits on franchise fees associated with pay cable while continuing to prohibit rate regulation of pay cable? If so, need that inconsistency be resolved? And, finally, how should it be resolved, taking appropriate account of the considerations which led us to pre-empt state and local regulation of the rates, terms, and conditions of video auxiliary services and to expand the base upon which franchise fees could be assessed?

[28] See attached Statement of Commissioner Fogarty.

[27] In addition, if a federal limitation on franchise fees is found to be undesirable, there may be questions concerning the desirability of pre-empting rate regulation of pay-cable. For instance, if we were to permit supranormal profits from pay-cable to be extracted by local franchising authorities through the imposition of franchise fees, it may be argued that it would be inconsistent to disallow the prevention of supranormal profits through rate regulation of these services. This suggests a further set of questions: Is there in fact an inconsistency in removing limits on franchise fees associated with pay cable while continuing to prohibit rate regulation of pay cable? If so, need that inconsistency be resolved? And, finally, how should it be resolved, taking appropriate account of the considerations which led us to pre-empt state and local regulation of the rates, terms, and conditions of video auxiliary services and to expand the base upon which franchise fees could be assessed?

may do so by submitting one copy of the comments, without regard to form, provided only that the Docket Number is specified in the heading. Responses will be available for public inspection during regular business hours in the Commission's Dockets Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, NW.). In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the *Report and Order*.

36. Authority for the rule making proposed herein is contained in Sections 2, 3, 4 (i) and (j), 301, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is Ordered, That the petitions for reconsideration of the *Report and Order in Docket 21002*, FCC 77–530, 66 FCC 2d 380 (1977) are granted to the extent indicated herein, and otherwise are denied.

It is further ordered, That this proceeding is retained open for the further consideration of the issues discussed in paragraphs 29–33 above.

Federal Communications Commission.[28]

William J. Tricarico,

Secretary.

Statement of Commissioner Joseph R. Fogarty

Concurring in Part

In Re: Petitions for reconsideration of Report and Order in Docket No. 21002, Cable Television Franchise Standards.

I dissented to the Commission's retention of the franchise fee limitations of § 76.31(b) of the rules because the Commission has never justified that limitation as a valid and proper exercise of its limited regulatory authority over cable television.[1] I therefore concur in the Commission's decision to re-examine the policy and jurisdictional questions involved in the issue of whether the franchise fee limitation should be retained or deleted.

While not directly on point of the franchise limitation jurisdictional question, the recent decision of the Supreme Court in *FCC* v. *Midwest Video Corp.*[2] does stand squarely for the principle that the Commission's "reasonably ancillary to broadcasting" authority over cable is not the equivalent of plenary jurisdiction. As detailed in my prior dissent, when the verbiage is stripped from the rationale for the franchise fee limitation, the Commission's jurisdictional statement appears to be nothing more than this: Because the Commission has a policy of "fostering" broadcasting, it has the authority to pursue a like objective of fostering cable service. This bare rationale is tantamount to the assertion of plenary "public interest" jurisdiction over cable, an assertion of jurisdiction which is now contradicted by emphatic judicial precedent.

[Docket No. 21002; RM–2695; RM–2723; FCC 79–228]

[FR Doc. 79–13353 Filed 4–27–79; 8:45 am]

BILLING CODE 6712–01–M

[47 CFR Part 73]

Television Broadcast Station in Ogden, Utah; Denying Petition for Rulemaking and Terminating Proceeding

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein denies petition for rule making filed by Golden Spike Television Corporation. Petitioner seeks amendment of § 73.606(b) of the Commission's Rules by removal of the educational reservation now attached to Channel *9 at Ogden, Utah.

EFFECTIVE DATE: Non-Applicable.

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

FOR FURTHER INFORMATION CONTACT: Stanley P. Wiggins, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Ogden, Utah); Report and order (Proceeding Terminated) (See also 43 FR 1970, 1–13–79).

Adopted: April 18, 1979.

Released: April 27, 1979.

By the Chief, Broadcast Bureau:

1. Before the Commission is a petition for rule making filed by Ashley L. Robison, d/b/a Golden Spike Television Corporation ("Golden Spike"), which seeks amendment of § 73.606(b) of the Commission's Rules by the removal of the educational reservation now attached to Channel *9 at Ogden, Utah.[1] Golden Spike contemplates activating a commercial service licensed to Ogden on this channel if the Television Table of Assignments is amended as requested, and proposes as part of that operation that two hours per day be made available for educational programming. Golden Spike contended that the failure of both Ogden noncommercial stations indicates that educational broadcasting in Ogden is not likely to be feasible. Moreover, pointing to the fact that the only operating stations in Salt Lake City or elsewhere in Utah are VHF and the fact that commercial operation of a non-network (especially UHF) station is generally financially unsuccessful when it faces strong competition from VHF network affiliated stations, petitioner asserts that a commercial television operation on either available UHF channel at Ogden is not a commercially viable undertaking. The Commission issued a *Notice of Proposed Rule Making*, 42 FR 41302 (1977), soliciting comments from petitioner and others on several questions requiring further exploration prior to a determination of the merits of the Golden Spike proposal.[2]

2. Parties filing comments included the petitioner; KUTV, Inc., licensee of KUTV–TV, and Bonneville International Corporation, licensee of KSL–TV, both in Salt Lake City; Springfield Television Corporation, which operates UHF Channel 20 in Salt Lake City[3] the Public Broadcasting Service; the National Translator Association; and Arthur B. Ralph.[4] For a variety of reasons, all parties filing formal comments (except petitioner) were opposed to dereservation of Channel *9. After detailed consideration of the pleadings, we have concluded that the reservation of Channel *9 for noncommercial educational purposes should be continued.

Background

3. Channel *9 was first reserved for educational use after such operation had

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[28] See attached Statement of Commissioner Fogarty.

[1] *Report and Order in Docket No. 21002*, 66 FCC 2d 380; Statement of Commissioner Joseph R. Fogarty, Concurring in Part, Dissenting in Part, *id.* at 413.

[2] 47 U.S.L.W. 4335 (decided April 2, 1979), *aff'g.* 571 F.2d 1025 (8th Cir. 1978).

[1] Dereservation of a television channel in the manner proposed here has never before been granted by the Commission, and indeed, was specifically refused in 1970 when another party requested dereservation of Ogden's Channel *9 assignment.

[2] Although certain of these questions are of potential importance to such a request, and relevant comments are summarized *infra*, we have not found it necessary to consider all questions raised by the *Notice* on their merits.

[3] Channel 20 commenced operation in October of 198.

[4] Several State educational officials have responded by letter and otherwise to requests for information from parties to this proceeding, and those comments have been given full consideration.

commenced in 1962 under the auspices of the Ogden Board of Education. Subsequently, in 1970, a proposal was made to convert the station into a joint educational and commercial facility which would provide stipulated educational operations from eight a.m. to three p.m. The Commission refused to dereserve Channel *9 in light of its conclusions that such action could have an adverse impact on increased educational television use and perhaps even on the continuation of the then-current ETV use as well as on UHF development in Utah, and that it would cause substantial disruption of existing translator services. Additionally, the Commission wished to preserve the possibility that increased ETV use might develop on Channel *9. *TV Table of Assignments, Ogden, Utah,* 26 F.C.C. 2d 142 (1970), *recon. den.,* 28 F.C.C. 2d 705 (1971). Finally, upon denying reconsideration, the Commission stated that the intervening decision of the Ogden Board of Education to let the facility go dark in the absence of commercial support from a joint operation did not affect its ultimate conclusion that such channels "not only should be kept available for an educational applicant but kept free from reverting * * * to commercial operation, even though the original licensee may not use the facility * * *." *Supra,* 28 F.C.C. 2d at 707.

4. The comments in the present proceeding reflect many of the same concerns addressed in 1971. Of direct import is the recent development of the proposed community of license as indicative of its ability to support a facility, either commercial or noncommercial. Ogden has remained essentially stable in population while surrounding Weber County has grown by 22% since 1960. Residential and industrial expansion as well as substantially increased payrolls and sales receipts over the 1967–1974 period indicate the likelihood of continued economic growth in this region. Petitioner asserts this economic growth will support commercial UHF development notwithstanding grant and implementation of his proposal, but his detractors suggest the prosperity of the region argues against any need for special VHF as opposed to UHF authorization in order to compete with established stations.

5. Three network-affiliated VHF stations in Salt Lake City currently serve Ogden with Grade A signals. A fourth, non-affiliated commercial service has recently become operational on UHF Channel 20. There remain six VHF channels available for application in Utah (including Ogden's Channel *9) and fourteen available UHF channels. The primary service is restrict to the Salt Lake City-Ogden area with less densly populated rural areas served by translators and cable television. Golden Spike would seek to serve the same Salt Lake City-Ogden area; thus while covering Ogden with a principal city signal, its transmitter would be located on the Salt Lake City antenna farm a few miles from that city but some 40 miles from Ogden.

Comments

6. *Preclusion of a noncommercial Ogden station.* Golden Spike states that termination of prior limited operations on Channel *9 and other cutbacks in educational television, combined with the existing coverage of Ogden by two noncommercial stations, indicate that resumption of educational service on channel *9 is highly unlikely. Petitioner also notes that UHF Channel 18 in Ogden remains reserved and unoccupied after termination of its operations under license to Weber County School District in January 1975, and concludes it is "not conceivable that commercial operation on Channel 9 would impact in any way" on possible future operations on Channel 18 unless the two hours daily of educational programming proposed by Golden Spike fulfills the local educational needs of Ogden.

7. The Public Broadcasting System ("PBS") asserts in its comments that the reservation of a frequency for educational noncommercial purposes is expressly intended to provide the time necessary for fund-raising and assurance of unique programming, citing the *Sixth Report and order on Television Allocations,* 41 F.C.C. 148, 159–164 (1952). PBS further states that the considerations which determined the Commission's 1970 denial of dereservation are still operant, stressing that the shared-time proposal put forth by Spike would subordinate ETV programming in Ogden to the commercial commitments on TV 9. PBS also contends that noncommercial service to the northern part of the State, diminshed since KUSU–TV in Ogden was reduced to translator status, [5] will not be recouped by the Golden Spike proposal for Channel 9 operation, because the higher power proposed by petitioner would be undercut by the relocation of the transmitter to the south. PBS further stats the failure of prior noncommercial stations is not actually predictive of the future potential for such operations because (i) stations in Ogden and Logan both ceased their operations before public (as opposed to instructional) TV programming began to attract attention and audience; (ii) the two noncommercial stations neither offered such non-instructional programming nor sought membership contributions for support; and (iii) options in terms of funding assistance and available noncommercial programming are much broader now than when the predecessor stations failed. These opportunities will expand further, PBS asserts, when it begins distributing programming via satellite, thus encouraging "the development of multiple public television stations serving the same area, each with its own distinctive program service." In this regard, PBS notes that neither of the two noncommercial stations providing reception service to Ogden is licensed to that community, and in fact both are licensed to universities. Thus, PBS asserts that the existing reservation makes possible a first community-based station which would provide uniquely local services above and beyond instructional programming. Finally, PBS contends that the asserted necessity of using a VHF channel to provide an independent commercial television service militates strongly against adding a UHF handicap to the evential public station's difficulties.

8. KUTV, Inc., notes in comments that the present proposal involves a transmitter site more remote and a shared-time commitment less generous than the 1970 petition for dereservation which the Commission denied. Moreover, KUTV argues that the substantial economic growth expected in the Weber County area and the state generally presents the prospect that a local, noncommercial television facility might become economically feasible "in the foreseeable future" and supports PBS' contention that much current growth in noncommercial broadcasting involves applicants who are not formal educational institutions. More specifically, KUTV asserts that letters from state educational officials which were originally submitted with the petition for rule making (dating from August 6, 1975, to January 30, 1976) address only the short-term prospects for institutional noncommercial broadcasting, and do not consider the need for such facilities under noninstructional auspices or the Commission's broad longer-run perspective. More recent letters, appended to KUTV's comments, are

[5] The Commission approved this change in status August 5, 1970. *TV Table of Assignments (Ogden, Utah),* 26 F.C.C. 2d 142, 145 (1970).

said to indicate sincere if belated concern over the effects of permanent dereservation.

9. In reply comments, Golden Spike asserts that the state-sponsored ETV is marginally financed with no present plans for activation of a third station. Petitioner states the ETV facility has been forced to meet current maintenance expenses from its operating budget, because the establishment of a state-wide color ETV system has lowered Utah's priority level as an applicant for outside grants from the Corporation for Public Broadcasting.[6] This, Golden Spike contends, undercuts the somewhat uncertain support for continued reservation of Channel *9 on the part of state officials.

10. PBS states in its reply comments that more recent letters from educators indicate possible support for a community-based station which might develop as Ogden and the surrounding area prosper, and that by contrast the present Golden Spike proposal offers no prospect for better ETV coverage of the Ogden area. Specifically, with regard to the shared-time arrangement, PBS contends it cannot be permanently binding (or even temporarily enforceable if another applicant should prevail over Golden Spike and hence it is an inappropriate consideration at the rule making stage. PBS further complains that the agreement fails to commit the petitioner to financial support of ETV program production, and to specify the hours during the broadcast day during which such programming will be broadcast. Finally, PBS asserts that over half of the nation's public television stations operate in the UHF band,[7] and predicts that to the extent the needs of commercial UHF broadcasters are ignored by dereserving a VHF channel, public television will also suffer from the diminution in the overall viability of UHF which can be expected to result.

11. KUTV, Inc., also criticizes Golden Spike's shared-time proposal as an uncertain and ambiguous undertaking which cannot be enforced, and which is silent on the question whether the two hours daily of ETV programming will be broadcast or the six hours weekly of production time utilized. KUTV's reply comments characterize Spike's proposal as "miserly" when compared to the joint arrangement rejected in 1970 and suggests that if the Commission should decide to approve some shared use of the channel, that commercial broadcasting be limited to half the broadcast day and the eventual availability of the channel for fulltime ETV use be guaranteed. Finally, KUTV notes that neither the Board of Higher Education nor the Board of Regents has ever expressed an official opinion favoring dereservation, and supports PBS' point that a shared-time arrangement at this juncture does not take into account the possibility of another applicant's initial success in seeking the channel if dereserved.

12. *Effect of Dereservation on UHF Development in Ogden and Salt Lake City.* Petitioner states that the improved situation facing UHF entrepreneurs is evidenced by the substantial number of UHF applications pending at the Commission and the 87% UHF penetration of the Salt Lake City ADI.[8] Noting that other mixed UHF/VHF markets with five or more stations have reported overall profitability, Spike asserts the "vast amount of excellent, independent television programming now available," combined with the local advertising separability of Ogden and Salt Lake City to assure that "the Channel 9 operation should have no significant impact on UHF development in Salt Lake City even though both are part of the same Arbitron market." As to prospects for UHF development in Ogden itself, that issue is regarded by Golden Spike as totally "speculative" and should only be considered after Ogden's "compelling need" for a first local television service is met. For its part, KUTV characterizes the issue as whether the Commission should rely on the economic growth cited by petitioner to develop conditions favorable for UHF services or to give up entirely on that prospect, and states that a study of Commission financial data for the last five years clearly indicates the trend toward increasing profitability of independent UHF stations.

13. Springfield Television, the licensee of UHF Channel 20 in Salt Lake City, asserts that it has demonstrated its own commitment to UHF development by its representation that it would construct a UHF facility in Salt Lake City.[9] Springfield concedes it would feel compelled to reassess its commitment in the event a new VHF channel encompassing its prospective community of license were allocated, but states that its own willingness to enter the UHF field in Utah demonstrates that dereservation is unnecessary to provide additional commercial service. Springfield notes that its 294 kW facility will provide a signal to Salt Lake City and Ogden comparable to any existing VHF station, and that the same opportunity is open to Golden Spike to serve Ogden with a quality UHF signal. Springfield concludes that grant of the requested dereservation would sustain those who have continued to doubt the viability of UHF television and the Commission's commitment to it, and asserts that the presence of an independent VHF channel in Salt Lake City would undermine UHF revenues and the ability to program effectively and competitively.

14. KUTV, in its reply comments, generally endorses Springfield's view as a realistic assessment of probable effect of the proposed action on UHF development in Salt Lake City. KUTV rejects petitioner's assertion as to viability of separate Ogden and Salt Lake City television markets as unfounded, and notes that "Golden Spike has obviously not relied on local Ogden advertising revenues in its choice of a Salt Lake City transmitter site." KUTV also asserts that Spike's examples of profitable intermixed five-station markets are inapposite because of differences in the nature and extent of intermixture and total television revenues. In sum, KUTV queries whether Spike would describe UHF economic incentives in such glowing terms if Springfield were the licensee of a dereserved Channel 9. Finally, PBS in its reply comments points out the obvious advantages to the area of two additional UHF independent and a VHF noncommercial station, as against the alternative of a single VHF independent which would constitute a disincentive to any further UHF development.

15. *Effect of proposal on translator operations and switchover costs.* Initially, KUTV voices its concern that any impact on existing translator services will have a disproportionate effect on it because of the number of its translator operations, and asserts this prospect must be evaluated by the Commission as analogous to its consideration of the economic impact of VHF channel drop-ins. KUTV notes that an earlier proceeding established the unusually heavy utilization of

[6] KUED–TV serves some 98% of Utah via translators, though KBYU–TV has none. The broad color coverage obtained by KUED–TV results in a low PBS priority for further equipment grants as against other stations which apply for such assistance.

[7] As of June 30, 1978, the Commission's records indicated that of 260 educational television licensees operating, 158 were on UHF frequencies and 102 on VHF.

[8] The Area of Dominant Influence (ADI) is a standard television market definition developed by the American Research Bureau (ARB). Each ADI comprises all counties in which the home market stations receive a preponderance of viewing. Every county in the continental United States is assigned exclusively to one ADI.

[9] As noted before, Channel 20 commenced operation on October 24, 1978.

translators in Utah, and attaches engineering estimates that 62 translators would be subjected to direct interference if Golden Spike initiates transmissions as proposed, and that another two dozen or so would suffer indirect or secondary interference.

16. Concerning the general question of the proposal's impact on translator services, petitioner asserts that any such effect would not be due to the commercial nature of the proposed facility but to the activation of an existing assignment. In any event, Golden Spike observes that the primary station has priority over translator services under the rules, § 73.702(c)(3), and hence such an operation takes precedence over translators forced to change channel by the authorization of a new primary facility.[10] Golden Spike also contends there are only 16 existing or proposed translators which would be obligated to modify their facilities if faced with the proposed transmitting facility on Channel 9 and another seven translators which "may" wish to change channels.

17. In reply comments, KUTV reiterates that some 62 translators will be affected by the proposed transmitter, and asserts that while Golden Spike's lower estimate is based on predicted service contours, its own calculations are founded on specific calculations of signal strength and interference ratios, which more accurately reflect the potential for interference beyond a station's service area. Estimating conversion costs based on its analysis, KUTV asserts the somewhat greater cost of UHF translators would come to some $14,000 per translator without regard to any building which might be required. Assuming three-fourths of the displaced (62) translators shifted to UHF and one-fourth were able to find an available VHF channel, KUTV concludes the overall conversion cost would be some $670,000. KUTV notes these costs would necessarily be borne by local governments and non-profit associations.

18. *Proposal designed to serve Ogden or Salt Lake City.* Petitioner proposes to meet all Commission requirements for an Ogden-licensed station, including the maintenance of a local Ogden studio. Petitioner has pointed to existing antenna orientation patterns and its projected coverage of Ogden with a city-grade signal as indicating both its technical compliance with our rules and a desirable maximization of spectrum use, and also asserts that a recent Commission decision authorizing the relocation of an Ogden FM station's transmitter to Farnsworth Peak resolves many of the issues raised by its own proposal for a similar transmitter location.[11] Petitioner concludes in its reply comments that an Ogden station not delivering a Salt Lake City audience as well "is economic suicide, an endeavor in which Golden Spike is not interested."

19. *Effect of Docket 20418 (VHF Drop-In).* Finally, KUTV in its comments states that the *Notice* in this proceeding recognized the pendency of the VHF drop-in proceeding proposing Channel 13 for Salt Lake City. As KUTV notes, the four markets selected in Docket 20418 for detailed drop-in evaluation were determined by standards which would have eliminated Salt Lake City from consideration had Channel *9 already been available for commercial use. KUTV contends the Golden Spike proposal is therefore inconsistent with the proceedings in Docket 20418 and should be denied on that basis, or at least consolidated so that conflicting proposals might be considered in the same proceeding (as requested by Ralph).

Discussion

20. *Preclusion of Noncommercial Television Service to Ogden.* The absence of noncommercial television service in Ogden, despite the availability of the reserved VHF channel there, has been due to financial problems faced by the traditional institutional licensees of such operations and the apparent lack of community-financed alternative licensees. However, the past operaton of stations in the Ogden area by the city school board and the Weber County school system indicate potential interest where funds are available, and KUED-TV cannot indefinitely provide sufficient broadcast time to handle the diversity of programming which a noncommercial broadcasting operation could provide. Thus, our inquiry on this issue must consider the prospects for resumption of institutional service or for new groups stepping forward to activate the reserved channel. In our view, the prospects for resumption are sufficient to warrant denial of the instant request.

21. In evaluating past noncommercial operation of Channel *9 and the likelihood of resumption of broadcasting on that channel, the sequence of recent developments in public (as opposed to "instructional") broadcasting must be kept in mind. It was not until 1970—when the Commission considered the previous dereservation request—that the Public Broadcasting Service was formed by the Corporation for Public Broadcasting to manage a national interconnection service and distribute programs to noncommercial stations throughout the country. In 1975, the Financing Act of Public Broadcasting was enacted, including the first multiple-year appropriation to CPB. In June 1977, the second Carnegie Commission was formed to conduct a comprehensive study of public broadcasting and propose its future development. Over the same period the degree of non-institutional support for noncommercial television has increased substantially. Public broadcasting income increased by 20.7 percent between FY 1973 and FY 1976 when adjusted for inflation. Over the same period, although federal assistance to noncommercial broadcasting increased 60.1 percent, the non-federal non-tax based income (or local funding) category increased 34.9 percent—over one and half times faster than the growth of total income from all sources. During the same period, non-federal tax-based income sources declined by 2.8 percent, so that the present relative disinterest of Utah eductional officials in resuming operations on Channel 9 apparently reflects a broad national diminution in local tax funds available for such operations. Within the growing non-tax based revenue sector, however, subscribers and business donations led all other categories with 10.6 and 7.8 percent of total public television revenues in FY 1976.[12] Thus, while "community organization" licensees represented approximately the same portion of the overall PTV totals in March 1977 as in FY 1974 (27.4% as against 27.2%), their absolute numbers had increased from 65 stations to 74 over that period, and the rapid growth of non-tax based income suggests continued and increased support for such stations is likely.

[10] In support of the latter contention, Golden Spike refers to the rules, Section 74.703(b), and *Whitesburg Television Translator Inc.*, 7 R.R. 2d 323, 326 (1966).

[11] The concern regarding which community Golden Spike intends to serve was raised by the *Notice* because the proposed transmitter is much closer to the community of Salt Lake City, and various commenting parties have expressed concern that after operating authority is granted under such circumstances a series of license modifications such as dual-city identification and/or licensing, waiver of the requirement that a studio be located in the community of license, and the like will follow and lead to neglect of Ogden in order to serve Salt Lake City and the major national advertisers who allocated their budgets on a market-by-market basis.

[12] The FY 1976 figures are preliminary. The funding information is from Lee, Winston and Pedone, "Status Report of Public Broadcasting 1977," a joint report of the Department of Health, Education and Welfare and the Corporation for Public Broadcasting. See also Lee, Dunn, and Pedone, "Public Television Licensees: Fiscal Year 1974," also a joint report of the two institutions.

22. At a minimum, this recent history hardly suggests that the uncertain statements of a few Utah educational officials, entirely without support in the form of official action by their respective state bodies, are adequate grounds on which to assume there is no realistic prospect that Channel *9 will be activated to provide either instructional broadcasting or the more broadly educational programming referred to in our 1970 *Order*. This is particularly the case in light of the substantial economic growth expected to continue in the Ogden/Weber County area, which may provide both institutional and broader-based community support for an additional noncommercial television station.

23. Eight years ago, in an economic climate much less encouraging to both UHF broadcasting and to noncommercial television generally, the Commission denied a proposal for dereservation of Channel *9 which comprised a substantially greater commitment to instructional programming than is here proposed by Golden Spike. In that decision, we reiterated at some length the broad range of noncommercial programming originally envisioned for reserved channels and the preclusive effect of even limited commercial operation on a reserved channel. Since that time the Commission's commitment to noncommercial broadcasting has remained intact, and there is a heavy burden of persuasion on petitioners who seek to remove such frequencies from the reserved list, one which Golden Spike has not met. Entirely apart from favorable trends affecting both UHF television and public broadcasting, we are faced here with a less attractive dereservation proposal involving a greater subordination of the channel's original purpose, as well as a substantial diminution in direct service potential to northern portions of the state. In addition to its program and coverage attributes, Golden Spike's proposal would permanently preclude Channel *9's noncommercial use. The differences between the commercial and noncommercial services suggest that noncommercial reactivation of a channel is significantly more likely if the VHF channel remains reserved, and we are given no substantial basis for concluding that UHF frequencies are inadequate for petitioner's own commercial purposes—either to serve Ogden and the SMSA in which it is located or to attract national advertisers by the delivery of a Salt Lake City audience. In point of fact, since Ogden and Salt Lake City are in the same market, the pioneer UHF broadcaster which recently commenced operation in Salt Lake City provides the best evidence on this point.

24. Because of the factors outlined above, we believe dereservation of Channel *9 is not in the public interest. The availability of UHF channels for commercial operations in the area, and clear evidence of entrepreneurial willingness to utilize that avenue, combine with the absence of any special circumstances favoring dereservation to compel such a conclusion. Thus, while we have recited in summary form other arguments raised against dereservation—its potential effect on the existing translator stations, and whether Golden Spike's proposed operation could realistically be expected to serve as an Ogden station—we need not resolve these issues on their merits. We have included these arguments in the interest of a full record but the strength of broader, more fundamental considerations is the basis for our decision. We imply nothing as to the possible weight these other arguments might have had in a different factual setting.

25. Accordingly, for the reason stated above, the petition filed by Golden Spike Television Corporation seeking dereservation of Channel *9 in Ogden, Utah, is denied.

26. For further information on this matter, contact Stanley P. Wiggins, Broadcast Bureau, (202) 632–7792.

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[Docket No. 21358; RM–2661]

[FR Doc. 79–13363 Filed 4–27–79; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1201]

Rebuilding Rule for Railroad Property Units[1]

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission proposes to revise its accounting regulations for identifying railroad rebuilding expenditures. (Commonly referred to as the Rebuilding Rule, Instruction 2–11(b) of 49 CFR, Part 1201, Subpart A). The objective in revising the Rebuilding Rule is to provide more realistic guidelines for distinguishing railroad rebuilding expenditures from normal maintenance and repairs.

DATES: Comments are due on or before June 12, 1979.

[1] This proceeding also embraces part of Docket No. 33145, *Railroad Freight Car Per Diem Charges.*

ADDRESSES: Send comments to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Phone: (202) 275–7448.

SUPPLEMENTARY INFORMATION: The present Rebuilding Rule was adopted to present quantitative criteria for use in distinguishing rebuilding expenditures for road and equipment property from ordinary repair and maintenance expenditures. Under this rule, a unit of road or equipment property is accounted for as rebuilt if the project costs exceed more than 50 percent of the current price of a comparable new unit of property.

We propose to revise the Rebuilding Rule to adopt the criteria required under generally accepted accounting principles (GAAP). GAAP differentiates between a repair and capital expenditure by analyzing the benefits of the expenditure. Restoration expenditures should be capitalized if they appreciably extend the service life of the asset or expand its utility; otherwise, the expenditures are considered as merely maintaining or restoring the asset to normal operating condition and should be expensed.

The public is invited to comment on this proposed change. We specifically solicit comments and suggestions on the following items:

(1) The requirement that delayed capital improvements not be considered in determining materiality.

(2) The use of general guidelines instead of specific percentage materiality guidelines for capitalizing rebuilding expenditures which increase productivity or capacity.

(3) Accounting safeguards to insure that only rebuilding expenditures are capitalized.

We recommend that AAR review guidelines for determining value and age of rebuilt, rehabilitated and secondhand cars, provided in Circular OT–37–B for conflicts with the proposed revised Rebuilding Rule and revise the circular, if necessary, subject to Commission review. We solicit public comments on whether Circular OT–37–B should be revised.

This proposed rule will not significantly affect the quality of the human environment.

We propose to amend Part 1201, Subpart A, of the Code of Federal Regulations as follows:

The text of instruction 2–11 "Units of Property rebuilt or converted" is revised as follows:

2–11 *Units of Property rebuilt or converted.*

(a) *Rebuilding expenditures.* Carriers shall be governed by the following provisions when determining and

accounting for depreciable road and equipment property rebuilding expenditures:

(1) Rebuilding expenditures are those costs actually incurred which substantially extend the service life or substantially increase the utility of depreciable road and equipment property. The rebuilding expenditures shall be material in nature relative to the current replacement cost of a similar new unit of road or equipment property. Expenses resulting from delayed maintenance and repairs shall not be considered in determining materiality.

(2) The phrase "extend the service life" means to extend the life of a property unit past its estimated service life.

(3) The term "increased utility" means that the road or equipment property has become more useful, more efficient, more durable, or has greater capacity.

(4) Rebuilt or converted equipment or road property shall be accounted for as an addition to the appropriate accounts, with the old units accounted for as retired from service. The charge to the appropriate accounts shall be composed of (i) the cost (estimated if necessary) less a fair allowance for depreciation, or salvage value, whichever is lower, of the parts reused, (ii) the cost of labor expended in rebuilding or in the conversion process, (iii) the cost of additional materials applied, and (iv) any other expenses incurred directly with the rebuilding or conversion. In no case shall the total amount charged to the property accounts for these units exceed the current replacement costs of similar new units that would be used for the same purpose. When a unit of road property or equipment is transferred from one class of service to another, with or without physical conversion, the unit shall be accounted for as retired from its original account and be recorded in a primary investment account appropriate to its new class of service.

(5) If it is necessary to repair the secondhand parts remaining in a rebuilt unit, the repair cost may be added to the salvage value assigned parts in determining the related cost to be capitalized. Associated dismantling costs shall be included in operating expenses.

(b) *Repair expenses.* Expenses pertaining to equipment and road property which represent normal or delayed repairs and maintenance, shall be expensed in the year incurred.

(c) *Required accounting safeguards.*

(1) *File and Storage.* Carriers shall keep records of each rebuilding program readily available. These records shall be provided to representatives of the Commission when requested. The retention period shall be as required by 49 CFR Part 1220, Preservation of Records.

(2) *Project Summary Document.* Carriers shall also keep a summary document of each rebuilding project which should include the following items:

(i) Attestation to the capital expenditures and soundness of the various valuation methods by carrier's Chief Mechanical Officer or other responsible official;

(ii) Estimated completion date;

(iii) Estimated total project costs;

(iv) Current replacement cost of units similar to the rebuilt unit(s);

(v) Methods of valuing bulk rebuilt components and spare parts, and

(vi) Other significant special features of the project.

These rules are proposed under the authority of 49 U.S.C. § 12 and 20.

Decided April 9, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian.

H. G. Homme, Jr.,
Secretary

[No. 32153 (Sub-No. 7)]
[FR Doc. 79-13341 Filed 4-27-79; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 581]

Bumper Standard; Opportunity for Comment on Bumper Test Results

AGENCY: National Highway Traffic Safety Administration.

ACTION: Opportunity for Public Comment.

SUMMARY: This notice provides an opportunity for public comment on the National Highway Traffic Safety Administration's (NHTSA) bumper effectiveness test program relating to the agency's re-evaluation of the Part 581 Bumper Standard. This action is intended to assist the agency in completion of its re-evaluation and preparation of a final report to Congress on the Bumper Standard.

DATE: Comments and questions in writing should be submitted by May 15, 1979.

ADDRESSES: Comments should be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Questions in writing should be submitted to Mr. Michael Brownlee, Director, Office of Automotive Ratings, Room 5319, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Brownlee, Director, Office of Automotive Ratings, Room 5319, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: The NHTSA is engaged in re-evaluation of its Part 581 Bumper Standard (see 44 FR 11569; March 1, 1979) and intends to provide a final report to appropriate Committees of Congress in about one month. Public comment on the re-evaluation was solicited by April 30th in order to permit time to analyze all data submitted and otherwise available and to complete the final report.

The agency is currently expanding its technical data on alternative bumper designs by conducting car-to-car low-speed impacts under contract with Dynamic Science, Inc. (DOT-HS-8-01942) (statement of work at Docket 73-19; Notice 25—entry 038). Some or all of the results of this testing may be available in the public docket on the April 30th comment closing date and may be relied on by the agency in preparing its final report. In view of these circumstances, this notice is issued to announce the probable availability of relevant test data in Docket 73-19, Notice 25 on or shortly after the comment closing date, and to solicit comment on these data as soon as possible. To the degree that comments are received prior to May 15, 1979, the agency will attempt to take them into consideration in preparation of the final report.

Some interested parties to the bumper re-evaluation have raised questions about the Dynamic Science testing. To assist commenters in the informed preparation of comments, the agency will respond to written questions filed from May 1st to May 15th on the test protocol and results as soon as possible after their submission. Questions should be submitted to Mr. Michael Brownlee, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

Persons wishing to obtain copies of the test reports should contact the Docket Section, National Highway Traffic Safety Administration, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-2768.

(Sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912); delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: April 27, 1979.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[Docket 73-19, Notice 26]
[FR Doc. 79-13551 Filed 4-27-79; 10:26 am]
BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 44, No. 84
Monday, April 30, 1979

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Assignment of Geographic Area for the D. L. Boltenhouse Grain Inspection, Bellevue, Ohio

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces the assignment of geographic area to the D. L. Boltenhouse Grain Inspection, Bellevue, Ohio, for the performance of official grain inspection functions. This agency was designated as an official agency on September 25, 1978, under the United States Grain Standards Act, as amended.

EFFECTIVE DATE: April 30, 1979.

FOR ADDITIONAL INFORMATION CONTACT: J. T. Abshier, Federal Grain Inspection Service, Compliance Division, 1400 Independence Avenue, S.W., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The D. L. Boltenhouse Grain Inspection, Bellevue, Ohio, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*, hereinafter the "Act") for the performance of official inspection functions on September 25, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this agency would operate. Geographic areas are assigned to each official agency pursuant to Sections 7(f)(2) and (3) of the Act (7 U.S.C. 79(f)(2) and (3)).

Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operating at one time within an assigned geographic area.

Section 7(f)(3) of the Act provides that except as authorized by the Administrator, no official agency shall officially inspect, under the Act, any official or other sample drawn from a lot of grain unless the lot of grain is physically located within the geographic area assigned to the agency at the time the sample is drawn.

The geographic area assigned on an interim basis to the D. L. Boltenhouse Grain Inspection on September 25, 1978, was:

Bounded on the north by: The Ottawa-Sandusky line from State Route 590 east of Lake Erie; the Lake Erie shoreline east to the Ohio-Pennsylvania State Line;

Bounded on the east by: The Ohio-Pennsylvania State Line south to State Route 154;

Bounded on the south by: State Route 154 west to Lisbon, Ohio; U.S. Route 30 west to Bucyrus, Ohio;

Bounded on the west by: State Route 19 north to Seneca County; west on the Seneca-Crawford County and Seneca-Wyandot County lines to State Route 53; State Route 53 north to Sandusky County; the southern Sandusky County line west to State Route 590; State Route 590 north to Ottawa County.

The specified service point of the D. L. Boltenhouse Grain Inspection is Central Soya, Goodrich Road, Bellevue, Ohio 44811. A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no licensed inspector is located. The designation document provides for the inclusion of additional specified service points and service locations which may be established in the future, within the agency's assigned geographic area.

As announced in the December 8, 1978, **Federal Register** (43 FR 57629) interested persons were given until January 8, 1979, to comment on the proposed assignment of geographic area to the D. L. Boltenhouse Grain Inspection. No comments were received regarding the notice published in the **Federal Register.**

After due consideration of all relevant matters and information available to the U.S. Department of Agriculture, the geographic area assigned to this agency will remain as originally proposed.

Interested persons may obtain a map of the assigned geographic area by contacting the Compliance Division, Delegation and Designation Branch, Federal Grain Inspection Service, 1400 Independence Avenue, S.W., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447–8525.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94–582, 90 Stat. 2875 (7 U.S.C. 79a))

Done in Washington, D.C. on April 25, 1979.

L. E. Malone,
Acting Administrator.

[FR Doc. 79-13358 Filed 4-27-79; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Land Management Plan, Hector Land Use Area; Green Mountain National Forest, Seneca and Schuyler Counties, N.Y.; Intent To Prepare on Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an environmental impact statement for development of a land management plan for the Hector Land Use Area.

The land management plan will provide guidance and direction for management of the unit which is administered by the Green Mountain National Forest. Development of the plan will be responsive to the draft regulations promulgated pursuant to Section 6 of the National Forest Management Act of 1976 (P.L. 94–588). The land management plan will be in effect until it is reviewed and, if necessary revised in accordance with direction presented in the final regulations.

The process of scoping issues, concerns and management opportunities has evolved through a concerted public involvement effort. Within the past year, interested citizens, local and state government agencies, planning commissions, conservation groups, and several universities have been asked to identify issues and concerns regarding present and future management of the Hector Land Use area. This request was accomplished through media notices, public meetings and the use of

informational material mailings with enclosed response form (two occasions).

Comments received from the public have indicated several management concerns which must be resolved through development of the land management plan. Management of the timber and wildlife resources should be itensified and closely coordinated. It is also agreed that the number of acres allocated to grazing should not be increased despite the apparent increased demand for red meat production. Public sentiment has expressed a desire to see the Hector Unit provide recreational opportunities which emphasize the natural environment and dispersed uses. At the same time, the recreation program should not compete with New York State Parks and private developments.

The Forest Service proposes to secure authority to purchase private lands in and adjacent to existing federal lands. Some local residents have expressed opposition to this issue; however, the majority have indicated that the Forest Service should have the authority to purchase private lands on a willing buyer-willing seller basis.

Steve Yurich, Regional Forester of the Forest Service Eastern Region is the responsible official. Sherman Radtke, Planning Staff Officer of the Green Mountain National Forest, is the team leader for the environmental impact statement.

The draft environmental impact statement is scheduled for completion by August 1979, with a 90 day review period. The final environmental impact statement is scheduled for transmittal to EPA in November 1979.

Comments on the Notice of Intent or on development of the land management plan should be sent to John P. McArdle, Forest Supervisor, Green Mountain National Forest, Rutland, Vermont 05701.

L. K. Kelley,

Acting Director, Planning, Programming, and Budgeting.

April 23, 1979.

[FR Doc. 79-13297 Filed 4-27-79; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Pepper Creek Land Drainage and Flood Prevention RC&D Measure; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Pepper Creek Land Drainage and Flood Prevention RC&D Measure, Sussex County, Delaware.

The environmental assessment of this Federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Otis D. Fincher, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The measure concerns a plan for land drainage and flood prevention on agricultural lands. The planned works of improvement include modification of about 30 miles of 43 in the Pepper Creek watershed to provide adequate agricultural drainage and flood prevention on about 3,100 acres of cropland. The project will be installed in accordance with Title 7, Chapter 41, of the Delaware Laws, under which the Pepper Creek Tax Ditch will be formed as a legal entity of State government.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Otis D. Fincher, State Conservationist, Soil Conservation Service, 204 Treadway Towers, 9 East Loockerman Street, Dover, Delaware 19901, telephone 302-678-0750.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Dated April 20, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-13249 Filed 4-27-79; 8:45 am]

BILLING CODE 3410-16-M

Roberson Creek Watershed, Miss.; Intent Not To File an Environmental Impact Statement for Deauthorization of Federal Funding of the Roberson Creek Watershed

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for deauthorization of Federal funding of the Roberson Creek Watershed, Benton County, Mississippi.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project plan provided for accelerated technical assistance for application of land treatment measures, installation of eight floodwater retarding structures, eight grade stabilization/sediment control structures, and 23.54 miles of channel improvement.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency.

The basic data developed during the environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Chester F. Bellard, State Conservationist, P.O. Box 610, Jackson, Mississippi 39205, 601-969-4335.

An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests at the above address.

No administrative action on the proposal will be taken until 60 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008.)

Dated: April 19, 1979.

J. W. Haas,

Assistant Administrator for Water Resources, Conservation Service.

[FR Doc. 79-13250 Filed 4-27-79; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 10:00 am and will end at 3:00 pm, on May 23, 1979, at the MWRO Conference Room, 230

South Dearborn Street, Room 3280, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to make committee assignments and define program activities.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 25, 1979.

John I. Binkley,

Advisory Committee Management Officer

[FR Doc. 79-13335 Filed 4-27-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, May 15, 1979, at 1:30 p.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975. On October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has four parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of 1979 Leipzig Fair picture book.

(4) Discussion of new topics for Subcommittee consideration.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommuttee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: April 21, 1979.

Lawrence J. Brady,

Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-13244 Filed 4-27-79; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, May 16, 1979, at 9:00 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including techincal data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) Maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has five parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public
3. Discussion of outstanding problems affecting the licensing of computer commodities and specification of work tasks and objectives.
4. General discussion of user microprogramability.

Executive Session

5. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent

time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at anytime before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b (c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the **Federal Register** on September 14, 1978 (43 FR 41073).

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: April 25, 1979.

Lawrence J. Brady,

Acting Director, Office of Export Administration, Bureau of Trade Regulation, Department of Commerce.

[FR Doc. 79–13345 Filed 4–27–79; 8:45 am]

BILLING CODE 3510–25–M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, May 15, 1979, at 9:00 a.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has six parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of status of pending recommendations.

(4) Discussion of procedures for licensing by precedent.

(5) Discussion of standard format for license applications.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: April 24, 1979.

Lawrence J. Brady,

Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79–13245 Filed 4–27–79; 8:45 am]

BILLING CODE 3510–25–M

Memory and Media Subcommittee of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Memory and Media Subcommttee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Wednesday, May 16, 1979, at 1:30 p.m. in Conference Room A, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Memory and Media Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established on December 21, 1978, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other

information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Memory and Media Subcommittee was formed to study random and sequential access computer related peripheral memory devices and to provide the Committee with information to include in reports to the Department related to the Committee's charter.

The Subcommittee meeting agenda has five parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the Public.
3. Subcommittee reports on:
a. Media.
b. Memory.
(1) Disc products,
(2) Tape equipment products,
(3) Core memory,
(4) Bubble/CCD/Semiconductor memory.
c. Government Activity.
4. Discussion of Subcommttee activity.

Executive Session

5. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the **Federal Register** on September 14, 1978 (43 FR 41071).

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: April 25, 1979.

Lawrence J. Brady,

Acting Director, Office of Export Administration, Bureau of Trade Regulation, Department of Commerce.

[FR Doc. 79–13344 Filed 4–27–79; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Coastal Zone Management Advisory Committee; Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Wednesday, Thursday, and Friday, May 16–18, 1979. The meeting will commence at 2:00 P.M. on May 16, 8:30 A.M. on May 17, and 7:00 A.M. on May 18. Agenda activities the afternoon of May 17 and May 18 after 8:00 A.M. are on sight facility inspections. Very limited travel space is available. The meetings will be held at the LePavillon Hotel, Poydras and Baronne Streets, New Orleans, Louisiana.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 5:45 P.M. until 6:15 P.M. on May 16, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Committee Control Officer in advance of the meeting. A written version of an oral statement or a written statement may be submitted to the Committee Control Officer before or after the meeting, or may be mailed within five days to: Coastal Zone Management Advisory Committee, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (Attn: Michael E. Shapiro, Committee Control Officer, CZM Advisory Committee). All statements received in typewritten form will be distrubuted to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at (202) 634–4255.

The items for Committee discussion at the meeting will include the following:

May 16

2:00 P.M.—Call to Order.
2:15 P.M.—"Probation and Reinstatement of State CZM Programs: The Texas Experiment."
3:00 P.M.—"Proposed Amendments to the CZM Act."
4:30 P.M.—Status Reports: Federal Reorganization, Special Area Management, Ocean Management, Sea Grant Program.
5:45 P.M.—Public Statements (if any).
6:15 P.M.—Adjourn.

May 17

8:30 A.M.—Interim Report, Evaluation Task Force.
9:00 A.M.—The Louisiana Coastal Zone Management and the Importance of the Coastal Energy Impact Program.
9:45 A.M.—"Proposed Wetlands Guidelines."
10:45 A.M.—"Ports and Coastal Zone Management."
11:30 A.M.—Future Committee Activities.
11:45 A.M.—Lunch.
1:00 P.M.—Depart for St. Bernard's Parish:
- Visit Violet Canal, a fresh water diversion project financed by CEIP.
- Travel by boat to visit wetlands/Corps projects/small oil rigs.
- Parish Coastal Zone Advisory Committee Meeting.

9:00 P.M.—Return to New Orleans.

May 18

7:00 A.M.—Breakfast Briefing.
8:00 A.M.—Depart Hotel by Bus.
8:30 A.M.—Depart Lakefront Airport by Helicopter.
10:15 A.M.—Safety Briefing.
10:30 A.M.—Tour Facility.
12:00 Noon—Lunch.
12:35 P.M.—Depart.
1:45 P.M.—Arrive Clean Gulf Associates Oil Spill Facility.
2:55 P.M.—Depart Grand Isle for Lakefront Airport Overfly Pardis Gas Plant and Peters Road Industrial Canal Area en Route.
4:15 P.M.—Arrive Lakefront Airport.
4:45 P.M.—Arrive Hotel by Bus.

Dated: April 24, 1979.

R. L. Carnahan,

Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc. 79-13048 Filed 4-27-79; 8:45 am]

BILLING CODE 3501-08-M

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), has established a Scientific and Statistical Committee (SSC) which will meet to discuss: management plans; Council research needs; and other business.

DATES: The SSC will meet on Monday, June 4, 1979, Monday, July 2, 1979, and Monday, July 30, 1979, convening at 10 a.m. and adjourning at approximately 3 p.m., respectively. The meetings are open to the public.

ADDRESS: The meetings will take place at the Best Westen Airport Motel, Philadelphia International Airport, Route #291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: 302-674-2331.

Dated: April 25, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-13247 Filed 4-27-79; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to discuss: Groundfish Fishery Management Plan (FMP); Herring and Scallop FMP's; Personnel Policy; and other business.

DATES: the meeting will convene on Wednesday, May 16, 1979, at approximately 10 a.m. and will adjourn on Thursday, May 17, 1979, at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Holiday Inn, Downtown, 88 Spring Street, Portland, Maine.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960, Telephone: (617) 535-5450.

Dated: April 25, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-13246 Filed 4-27-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Subcommittee on Export Administration of the President's Export Council; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App (1976)) and the Office of Management and Budget Circular A-63 (as revised), the delegate of the Secretary of Commerce has determined that it is in the public interest to renew the Subcommittee on Export Administration of the President's Export Council in order to fulfill the performance of duties imposed on the Department of Commerce by law.

The Subcommittee was originally established on June 1, 1976, as a subordinate committee of the President's Export Council. It was renewed in January of 1977 for a period of one year. The Subcommittee advises the Department on matters pertinent to those portions of the Export Administration Act of 1969 (as amended), that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and the policy of controlling trade for national security and foreign policy reasons. In 1978, the Subcommittee held three meetings, portions of which were closed to the public. Since its formation in 1976, the committee has performed a useful service in advising the Department on export administration matters, including industry insight into the impact of foreign policy controls aimed at achieving human rights objectives. The Subcommittee has also advised the Government on the need to adjust export controls to permit more rapid servicing of U.S. equipment sold abroad. It has also explored the Government's policy regarding controls on exports of products for demonstration abroad. The Subcommittee allows a structured, close, and constant dialog between that part of the business community which is subject to the export administration regulatory process and the Department, which is in charge of administering the export control program. Our advisory agencies also benefit from the Subcommittee's advice.

The Subcommittee will be comosed of not more than 20 members. They shall be representatives of business and industry who are exporters of those goods and technical data presently under control for national security and foreign policy reasons, or proposed for such control. Representatives shall be balanced among large and small firms, and to the extent possible, shall be from all parts of the country. They shall be appointed by the Secretary of Commerce and will serve at her discretion.

The Committee will continue to function solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with the appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress.

Inquiries or comments may be addressed to Mr. Lawrence J. Brady, Deputy Director, Office of Export Administration, Bureau of Trade Regulation, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4188.

Dated: April 24, 1979.

Guy W. Chamberlin, Jr.,

Assistant Secretary for Administration.

[FR Doc. 79-13255 Filed 4-27-79; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting.

Name of committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases

Date of meeting: May 25, 1979

Time and Place: 0900, Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed Agenda: This meeting will be open to the public on May 25, 1979, from 0900 to 1000 and from 1600 until adjournment to discuss the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space avaliable.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 25, 1979 from 1000 until 1600 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Committe members, and substantive program information.

For the Commander.

John N. Albertson, Jr.,
Colonel, MSC, Chief of Staff.

[FR Doc. 79–13238 Filed 4–27–79; 8:45 am]
BILLING CODE 3710–08–M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that closed meetings of the DIA Advisory Committee will be held on Wednesday and Thursday, May 30–31, 1979, CINCPAC, Hawaii.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

N. E. Lofdahl,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

April 25, 1979.

[FR Doc. 79–13334 Filed 4–27–79; 8:45 am]
BILLING CODE 3810–70–M

Defense Science Board Task Force on EMP Hardening of Aircraft; Meeting

The Defense Science Board Task Force on EMP Hardening of Aircraft will meet in closed session May 22–23, 1979 at the Air Force Electronics Systems Command, Hanscom Field, Bedford, Mass.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will review hardening of U.S. aircraft against EMP and related sujects and will provide recommendations for appropriate actions.

In accordance with 5 U.S.C. App. I § 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

H. E. Lofdahl,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

April 25, 1979.

[FR Doc. 79–13333 Filed 4–27–79; 8:45 am]
BILLING CODE 3810–70–M

ENVIRONMENTAL PROTECTION AGENCY

Region II; Groundwater System of the Buried Valley Aquifer System of Western Essex and Eastern Morris Counties, N.J.

On March 29, 1979, a notice was published stating that a petition has been submitted by the City of East Orange, New Jersey and the Passaic River Coalition, pursuant to Section 1424(e) of the Safe Drinking Water Act, Pub. L. 93–523, requesting the Administrator of the Environmental Protection Agency to make a determination that the aquifer underlying western Essex and eastern Morris Counties, New Jersey is the sole or principal drinking water source for the central basin of the Passaic River Watershed which, if contaminated, would create a significant hazard to public health.

The date and time of the Public Hearing (May 23, 1979, 7 p.m.) will remain as published. The location of the Public Hearing, however, has been changed to the Essex County Parks Commission's Center for Environmental Sciences, 621 Eaglerock Avenue, Roseland, N.J. Further information can be obtained by contacting Mr. John S. Malleck, Water Supply Branch, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007, (212) 264–1347

Dated: April 13, 1979.

Eckardt C. Beck,
Regional Adminstrator.

[FRL 1212–5]
[FR Doc 79–13368; Filed 4–27–79; 8:45 am]
BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on UHF–TV Receiver Noise Figure Measurement Standards; Meeting

The advisory committee on UHF–TV Receiver Noise Figure Measurement Standards will meet at the FCC Laboratory, Guilford, Maryland on Monday, May 21, 1979. Subgroup A (Subcommittee To Study Development of the Measurement Procedure) will convene at 9:00 A.M. and Subgroup B (Subcommittee To Study the Optimum Accuracy and Tolerance of Measurement Procedure) will convene at 1:00 P.M.

The agenda will include reading and approval of the minutes for the April 18, 1979 meeting. Both subcommittees will continue their work on preparing recommendations for suitable measuring techniques and necessary accuracy and tolerance of the measuring procedures.

Both sessions will be held at the FCC Laboratory, Guilford, Maryland, and will be open to members of the public. Members of the public may participate by presenting written statements to the committee before or after the meeting. Individuals wishing to present oral statements at the meeting should consult with the FCC designated Federal employees, Lawrence C. Middlekamp or Hector Davis, telephone (301) 725–1585, before the meeting.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 13275 Filed 4–27–79; 8:45 am]
BILLING CODE 6712–01–M

Establishment of the Public Maritime Coast Stations Task Force and Extension of Deadline for Comments on the Radio Technical Commission for Marine Services (RTCM)

The Federal Communications Commission has established a Public Maritime Coast Stations Task Force in the Office of Plans and Policy. The Task Force will undertake a study to review existing Commission Rules and Regulations pertaining to the public coast station service; review assignment of licenses and radio frequencies; and evaluate alternatives to promote a modern, efficient and effective service. The Task Force was established pursuant to the Congressional mandate in the International Maritime Satellite Telecommunications Act (PL 95–564).

The Task Force is also conducting a study of the Radio Technical Commission for Marine Services

(RTCM). As announced by public notice issued on March 29, 1979 (44 FR 19245), the FCC has directed its Office of Plans and Policy to conduct a thorough analysis of the RTCM to determine the value to the FCC of further sponsorship of this advisory committee. The March 29 notice asked for comments from the public on the RTCM, and established a deadline of May 1 for such comments. The deadline for submitting these comments has now been extended. Public notice is hereby given that all comments concerning the RTCM should be submitted no later than May 31, 1979.

Any information inquiries with regard to the Task Force should be directed to: FCC Office of Plans and Policy, Public Coast Stations Task Force, James Johnson, 2025 M Street, N.W., Room 6328, Washington, D.C. 20554, Phone: 202–653–7586.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Petitions for Reconsideration of Actions in Rule Making Proceedings Filed

April 23, 1979.

Docket or RM No.	Rule No.	Subject	Date received
RM–2908	Part 89, Subpart S	Request amendment of Subpart S, Part 89 to provide for participation of Industry Advisory Committees in the selection of frequency Assignments in the 800 MHz Band. Filed by David E. Weisman, Attorney for National Association of Business and Educational Radio, Inc.	Apr. 16, 1979.
BC 79–43	73.202(b)	Amendment of Section 73.202(b), Table of Assignments, Television Broadcast Stations. (Glenwood Springs, Colorado, and Price and Vernal, Utah). Filed by Richard Hildreth, Attorney for Pikes Peak Broadcasting Co., Inc. (KRDO–TV)	Apr. 13, 1979.

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

[FR Doc. 79–13276 Filed 4–27–79; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Technology and Productivity Subcommittee of the National Council on Health Planning and Development; Change in Meeting Place and Time

In the FR Doc. #79–12780, appeared at page 24243 in the issue for Tuesday, April 24, 1979, the meeting of the Technology and Productivity Subcommittee of the National Council on Health Planning and Development was announced for May 10. The location and time for this meeting has been changed from the Lexington Room in the Hyat Regency Hotel, Washington, D.C., at 7:00 p.m.–9:00 p.m., to Conference Rooms #403A–405A, Hubert H. Humphrey Building, Washington, D.C., at 3:00 p.m.–5:00 p.m. All other information is correct as appears.

Dated: April 24, 1979.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 79–13285 Filed 4–27–79; 8:45 am]

BILLING CODE 4110–83–M

National Institutes of Health

Aplastic Anemia: A Stem Cell Disease; Meeting

Notice is hereby given of the conference on "Aplastic Anemia: a Stem Cell Disease" sponsored jointly by the National Heart, Lung, and Blood Institute, the National Institute of Arthritis, Metabolism, and Digestive Disease, and the Hematology Study Section, June 17–19, 1979, at the Jack Tar Hotel in San Francisco, California.

This meeting will be open to the public on June 17–19, 1979 to discuss such topics as clinical aspects of aplastic anemia, including natural history of the disease and its treatment by marrow transplantation; theories of stem cell damage; hematopoiesis; cellular and humoral influences on marrow function; and mechanisms of stem cell dysfunction. Attendance by the public will be limited to space available.

For additional information please write: Workshop on Aplastic Anemia, P.O. Box 34520, West Bethesda, Maryland 20034; or contact Dr. Alan S. Levine, Division of Blood Diseases and Resources, NHLBI, Federal Building, Room 5C06, Bethesda, MD 20205; telephone (301) 496–5911.

Dated: April 23, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–13301 Filed 4–27–79; 8:45 am]

BILLING CODE 4110–08–M

Renewal; Developmental Therapeutics Committee

The Director, National Institutes of Health, announces the renewal on April 13, 1979, of the Developmental Therapeutics Committee, under the authority of Section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act, as amended (Public Law 92–463) setting forth standards governing the establishment and use of advisory committees.

This committee provides advice concerning the scientific merit of contract proposals that will contribute to the development of therapeutically useful anti-cancer agents through research in radiobiology, molecular biology, biochemistry and pharmacology. The committee will terminate April 13, 1981, unless renewed by appropriate action as authorized by law.

Dated: April 23, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-13300 Filed 4-27-79; 8:45 am]

BILLING CODE 4110-08-M

High Blood Pressure Working Group; Meeting

Notice is hereby given of the meeting of the High Blood Pressure Working Group sponsored by the American College of Cardiology "Heart House", June 8, 1979, 9111 Old Georgetown Road, Bethesda, Maryland 20014.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. The Working Group is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

Mr. Graham W. Ward, Acting Chief, Health Education Branch, National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A10, 9000 Rockville Pike, Bethesda, Maryland 20205 (301/496-1051) will provide additional information.

For the list of participants and meeting summary contact: Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A10, 9000 Rockville Pike, Bethesda, Maryland 20205.

Dated: April 16, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-13302 Filed 4-27-79; 8:45 am]

BILLING CODE 4110-08-M

Workshop on the Biological Effects of Mineral Fibers and Particulates

A workshop sponsored by the HEW Committee to Coordinate Toxicology and Related Programs' Subcommittee to Coordinate Asbestos/"Asbestiform" Research within the Public Health Service will be held to summarize some of the presently available information on the biomedical effects of mineral fibers and particulates with special emphasis being placed upon asbestos, the identification of gaps in our knowledge as to the effects of these agents on biological systems, and the elucidation of the means by which such gaps may be overcome. Reports on the current research activities and interests of a wide variety of scientists will be highlighted at this meeting. The Workshop will be published in Environmental Health Perspectives.

This open meeting will be held on Thursday, June 7, from 8:30 a.m. to 5 p.m., and will continue Friday, June 8, from 8:30 a.m. to 3 p.m. in Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland. Attendance by the public will be limited to space available. Individuals wishing to attend should give advance notice to: Ms. Ronda Rice, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3506 or FTS 629-3506. A copy of the agenda, when available, and any additional information regarding the meeting will be provided by Ms. Rice on request.

Dated: April 24, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-13303 Filed 4-27-79; 8:45 am]

BILLING CODE 4110-08-M

Office of the Assistant Secretary for Health

Annual Reports of Federal Advisory Committees

Notie is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the United States National Committee on Vital and Health Statistics has been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, on weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue S.W., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. James A. Smith, National Center for Health Statistics, 3700 East-West Highway, Room 2-12, Hyattsville, Maryland 20782, Telephone (301) 436-7122.

Dated: April 23, 1979.

Wayne Richey, Jr.,

Acting Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-13309 Filed 4-27-79; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, February list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and date of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, changes are reported on several previously qualified HMOs: service areas have been changed and a name has been changed.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Name, Address, Service Area, and Date of Qualification

(Operational Qualified Health Maintenance Organizations: 42 CFR § 110.603(a))

1 Health Maintenance Network of Southern California, d/b/a Health Net (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), P.O. Box 9103, Van Nuys, California 91409. Service area: Zip codes included are as follows:

Orange County

90620	90621	90623	90630	90631	90680	90720	90740
92621	92625	92626	92627	92631	92632	92633	92635
92640	92641	92643	92644	92645	92646	92647	92648
92649	92655	92660	92661	92662	92665	92668	92667
92668	92669	92670	92676	92680	92683	92686	92701
92703	92704	92705	92706	92707	92708	92709	92710
92714	92715	92801	92802	92804	92805	92806	92807

Los Angeles County

90001	90002	90003	90004	90006	90007	90008	90010
90011	90012	90013	90014	90015	90016	90017	90018
90019	90020	90021	90022	90023	90024	90025	90026
90027	90028	90029	90031	90032	90033	90034	90035
90036	90037	90039	90040	90041	90042	90043	90044
90045	90046	90047	90048	90049	90056	90057	90058
90059	90061	90062	90063	90064	90065	90066	90067
90068	90069	90071	90201	90210	90211	90212	90220
90221	90222	90230	90240	90241	90242	90245	90247
90248	90250	90254	90255	90260	90262	90265	90266
90270	90272	90274	90277	90278	90280	90290	90291

Los Angeles County—Continued

90301	90302	90303	90304	90305	90401	90402	90403
90404	90405	90501	90502	90503	90504	90505	90506
90601	90602	90603	90604	90605	90606	90638	90640
90650	90660	90670	90701	90705	90710	90712	90713
90715	90716	90717	90723	90731	90732	90744	90745
90746	90747	90802	90803	90804	90805	90806	90807
90808	90810	90813	90814	90815	90840	91001	91006
91010	91011	91016	91020	91024	91030	91040	91042
91046	91101	91103	91105	91106	91107	91108	91201
91202	91203	91204	91205	91206	91207	91208	91214
91302	91303	91304	91306	91307	91311	91316	91324
91325	91326	91331	91335	91340	91342	91343	91344
91345	91352	91356	91364	91367	91401	91402	91403
91405	91406	91411	91423	91436	91501	91502	91504
91505	91506	91601	91602	91604	91605	91606	91607
91608	91702	91706	91711	91722	91723	91724	91731
91732	91733	91740	91744	91745	91746	91748	91750
91754	91765	91766	91767	91768	91770	91773	91775
91776	91780	91789	91790	91791	91792	91801	91803

San Diego County

92001	92002	92007	92008	92010	92011	92014	92020
92021	92024	92032	92035	92037	92040	92041	92045
92050	92064	92071	92073	92075	92077	92101	92102
92103	92104	92105	92106	92107	92108	92109	92110
92111	92113	92114	92115	92116	92117	92118	92119
92120	92121	92122	92123	92124	92125	92126	92127
92128	92129	92130	92131	92132	92133	92134	92135
92137	92139	92140	92145	92154	92155	92162	

Riverside County

91720	91752	91760	92330	92370	92501	92503	92054
92505	92506	92507	92508	92509			

San Bernardino County

91701	91710	91730	91743	91761	91762	91763	91764
91786							

Riverside County (Palm Springs Area)

92201	92220	92230	92234	92240	92260	92262	92270
92276	92282	92349	92361				

Date of qualification: February 1, 1979 (Achieved preoperational qualification on January 26, 1979.)

2. Health Central of Lincoln, Nebraska (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 17th & N Street, Lincoln, Nebraska 68508. Service area: Lancaster County, Nebraska. Date of qualification: February 1, 1979. (Achieved preoperational January 29, 1979.)

3. MetroCare of Arlington, Texas (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 1201 North Watson Road, Arlington, Texas 76011. Service area: City of Grand Prairie in Dallas County and Tarrant County, Texas. Date of qualification: February 14, 1979. (Achieved preoperational qualification on January 30, 1979.)

(Preoperational Qualified Health Maintenance Organizations: 42 CFR § 110.603(c))

1. Eastern Pennsylvania HMO, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 1503 North Cedar Crest Boulevard, Allentown, Pennsylvania 18104. Service Area: Northampton and Lehigh Counties, Pennsylvania. Date of qualification: February 9, 1979.

2. Lifeguard, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 2444 Moorpark, Suite 101, San Jose, California 95128. Service Area: Santa Clara County, California. Date of qualification: February 12, 1979.

3. Family Health Plan Cooperative (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 5413 South 76th Street, Greendale, Wisconsin 53129. Service Area: That portion of Milwaukee County, Wisconsin which is bounded on the north by Wisconsin Avenue, on the east by Lake Michigan, on the west by 124th Street, and on the south by County Line Road. Date of qualification: February 22, 1979.

Revised Service Areas

The service areas of previously qualified HMOs listed in the annual cumulative list of qualified HMOs published on April 7, 1978, in the FEDERAL REGISTER (43 FR 14908-13) are changed as follows:

1. Intergroup Prepaid Health Services, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act) CNA Plaza, Chicago, Illinois 60685. Service area:

Change from: Illinois—Counties of: Champaign, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, Peoria, Tazewell, Will, and Woodford. Indiana—Counties of: Lake and Porter.

Change to: Illinois—Counties of: Champaign, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, Peoria, Tazewell, Will, and Woodford. Indiana—Counties of: Adams*, Allen*, Blackford*, DeKalb*, Delaware*, Huntington*, Jay*, Lake, Madison*, Miami*, Noble*, Porter, Randolph*, Wabash*, Wells*, and Whitley*.

*Added Counties—revised service area effective February 5, 1979.

Date of qualification: Transitionally qualified—April 18, 1977.)

2. *Family Health Program, Inc.* (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 2925 No. Palo Verde Avenue, Long Beach, Calif. 90815. Service area:

Change from: Orange County, Calif. and that portion of Los Angeles County, Calif. South of Firestone Boulevard (Manchester Boulevard). Salt Lake County and Davis County, Utah, and those portions of Utah, Tooele and Summit Counties, Utah within a thirty (30) mile radius of the Family Health Program's Utah Medical Centers. The island of Guam.

Zip codes in the service area are as follows:

Los Angeles County

90059	90061	90220	90221	90222	90240	90241	90242
90245	90247	90248	90249	90262	90260	90501	90502
90503	90504	90505	90506	90602	90603	90604	90605
90631	90638	90650	90670	90701	90706	90710	90742
90713	90715	90716	90717	90723	90731	90732	90744
90745	90746	90747	90748	90749	90801	90802	90803
90804	90805	90806	90807	90808	90810	90812	90813
90814	90815	91320	91360				

Orange County

90620	90621	90622	90623	90630	90631	90680	90720
90740	90742	90743	92621	92625	92626	92627	92630
92631	92632	92633	92635	92638	92640	92641	92643
92644	92645	92646	92647	92648	92649	92650	92651
92653	92655	92660	92661	92662	92663	92664	92665
92666	92667	92668	92669	92670	92675	92677	92680
92683	92686	92701	92703	92704	92705	92706	92707
92708	92709	92713	92714	92715	92717	92801	92802
92803	92804	92805	92806	92807			

Salt Lake, Davis, Utah, Tooele, and Summit Counties Utah[1]

84003	84006	84010	84014	84020	84025	84032	84043
84044	84047	84054	84057	84060	84062	84070	84084
84087	84101	84102	84103	84104	84105	84106	84107
84108	84109	84111	84112	84113	84114	84115	84116
84117	84118	84119	84120	84121			

Change to:

Los Angeles County

90001*	90002*	90003*	90007*	90008*	90011*	90012*
90013*	90014*	90015*	90018*	90021*	90022*	90023*
90031*	90032*	90033*	90037*	90040*	90043*	90044*
90045*	90047*	90056*	90058*	90059	90061	90062*
90063*	90201*	90220	90221	90222	90240	90241
90242*	90245*	90246	90247	90248	90249	90250*
90254*	90255*	90260*	90261*	90262	90266*	90270*
90724*	90277*	90278*	90280	90301*	90302*	90303*
90304*	90305*	90501	90502	90503	90504	90505
90506	90601*	90602	90603	90604	90605	90606*
90631	90638	90640*	90650	90660*	90670	90701
90706	90710	90712	90713	90715	90716	90717
90723	90731	90732	90744	90745	90746	90747
90748	90749	90801	90802	90803	90804	90805
90806	90807	90808	90810	90812	90813	90814
90815	90840	91320	91360	91731*	91732*	91733*
91744*	91745*	91746*	91748*	91754*	91765*	91770*
91789*	91792*	91803*				

Orange County

90602	90621	90622	90623	90630	90631	90680
90720	90740	90742	90743	92621	92624	92625
92626	92627	92629*	92630	92631	92632	92638
92634*	92635	92636*	92637*	92639	92640	92641
92642*	92643	92644	92645	92646	92647	92648
92649	92650	92651	92652*	92653	92655	92660
92661	92662	92663	92664	92665	92666	92667
92668	92669	92670	92672*	92675	92676*	92677
92678*	92680	92683	92686	92701	92702*	92703
92704	92705	92706	92707	92708	92709	92710
92711	92713	92714	92715	92716*	92717	92801
92802	92803	92804	92805	92806	92807	

Salt Lake, Davis, Utah, Tooele, and Summit Counties Utah[1]

84003	84006	84010	84014	84020	84025	84032
84043	84044	84047	84054	84057	84060	84062
84070	84084	84087	84101	84102	84103	84104
84105	84106	84107	84108	84109	84111	84112
84113	84114	84115	84116	84117	84118	84119
84120	84121					

*Added zip codes—revised service area effective February 6, 1979.

Date of qualification: Transitionally qualified—July 29, 1977

3. *Family Health Services, Inc.*, d/b/a/ General Medical Centers Health Plan, 300 South Park, Pomona, California 91766. Service area:

Change from: (The service area of the following HMO was last revises on October 25, 1978 (43 FR 49854–6)). Eastern Los Angeles County known as the San Gabriel and Pomona Valley area and the western part of San Bernardino County. All of this area lies within a 7-mile radius of General Medical Centers Health Plan medical office. The zip codes encompassed by the service area are as follows:

Los Angeles County

90022	90023	90031	90032	90033	90040	90058
90063	90201	90221	90240	90241	90242	90255
90262	90270	90280	90601	90602	90603	90604
90605	90606	90638	90640	90650	90660	90670
90701	90706	90712	90713	90715	90716	90723
90803	90804	90805	90806	90807	90808	90814
90815	90840	91001	91006	91010	91016	91024
91030	91101	91104	91105	91106	91107	91108
91702	91706	91711	91722	91723	91724	91731
91732	91733	91740	91744	91745	91746	91748
91750	91754	91765	91767	91766	91768	91770
91773	91775	91776	91780	91789	91790	91791
91792	91801	91803				

San Bernadino County

91701	91710	91730	91739	91843	91761	91762
91763	91764	91786	92335			

Riverside County

91720	91752	91760	92370	92501	92503	92504
92505	92506	92509				

Orange County

90620	90621	90623	90630	90631	90680	90720
90740	90742	90743	92621	92626	92627	92631
92632	92633	92635	92640	92641	92643	92644
92645	92646	92647	92648	92649	92655	92660
92665	92666	92667	92668	92669	92670	92676
92680	92683	92686	92701	92703	92704	92705
92706	92707	92708	92709	92710	92714	92715
92801	92802	92804	92805	92806	92807	

Change to:

Los Angeles County

90022	90023	90031	90032	90033	90040	90058
90063	90201	90221	90240	90241	90242	90255
90262	90270	90280	90601	90602	90603	90604
90605	90606	90638	90640	90650	90660	90670
90701	90706	90712	90713	90715	90716	90723
90803	90804	90805	90806	90807	90808	90814
90815	90840	91001	91006	91010	91016	91024
91030	91101	91104	91105	91106	91107	91108
91702	91706	91711	91722	91723	91724	91731
91732	91733	91740	91744	91745	91746	91748
91750	91754	91765	91766	91767	91768	91770
91773	91775	91776	91780	91789	91790	91791
91792	91801	91803				

San Bernardino County

91701	91710	91730	91739	91743	91761	91762
91763	91764	91786	92335			

Riverside County

91720	91752	91760	92370	92501	92503	92504
92505	92506	92509				

Orange County

90620	90621	90623	90630	90631	90680	90720
90740	90742	90743	92621	92626	92627	92631
92632	92633	92635	92640	92641	92643	92644
92645	92646	92647	92648	92649	92655	92660
92665	92666	92667	92668	92669	92670	92676
92680	92683	92686	92701	92703	92704	92705
92706	92707	92708	92709	92710	92714	92715
92801	92802	92804	92805	92806	92807	

*San Diego County**

92001	92002	92003	92007	92008	92010	92011
92014	92017	92020	92021	92024	92025	92026
92027	92028	92032	92035	92037	92040	92041
92045	92050	92054	92055	92059	92061	92064
92065	92967	92068	92069	92071	92073	92075
92077	92078	92082	92083	92101	92102	92103
92104	92105	92106	92107	92108	92109	92110
92111	92113	92114	92115	92116	92117	92118
92119	92120	92121	92122	92123	92124	92125
92126	92127	92128	92129	92131	92133	92135
92137	92139	92140	92145	92154	92155	92162

*Added zip codes in San Diego County—revised service area effective February 22, 1979.

Date of qualification: Transitionally qualified—December 14, 1976.

Name change—

Change from: South Los Angeles Community Health Plan/CompreCare (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 1731 West Barbara Avenue, Los Angeles, California 90062.

Change to: CompreCare, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 1731 West Barbara Avenue, Los Angeles, California 90062.

Date of qualification: Operationally qualified—February 10, 1978 (43 FR 15013).

[1] Several zip code areas may straddle the 30 mile radius from Family Health Plan medical centers. Individuals in the areas immediately outside the limit may enroll but must use the Family Health Plan physicians and the facilities of the medical centers.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: April 19, 1979.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 79-13077 Filed 4-26-79; 8:45 am]

BILLING CODE 4110-85-M

Office of Education

Advisory Committee on Accreditation and Institutional Eligibility; Meeting

AGENCY: Department of Health, Education, and Welfare, Office of Education.

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the next public meeting of the Advisory Committee on accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of its opportunity to attend and participate.

DATES: June 20, 1979, 9:00 a.m. to 5:15 p.m., local time; June 21, 9:00 a.m. to 5:15 p.m.; and June 22, 9:00 a.m. to 2:00 p.m. Requests for oral presentations before the Committee must be received on or before June 1, 1979. All written material which a party wishes to file may be submitted at any time and will be considered by the Advisory Committee.

ADDRESS: Old Town Holiday Inn, 480 King Street, Alexandria, Virginia.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (202/245-9873).

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee advises the Commissioner of Education regarding his responsibilities to publish lists of nationally recognized accrediting agencies and associations; State agencies recognized for the approval of public postsecondary vocational education; and accrediting and State agencies recognized for the approval of nurse education. The Committee also advises the Commissioner regarding requests by Federal agencies and institutions seeking Congressional authority to grant degrees, and regarding policy affecting accreditation and institutional eligibility for participation in Federal funding programs.

The meeting on June 20, 21 and 22 will be open to the public. This meeting will be held at the Old Town Holiday Inn, Alexandria, Virginia. The Committee will review petitions and reports by accrediting and State approval agencies relative to initial or continued recognition by the U.S Commissioner of Education. The Committee also will hear presentations by representatives of the petitioning agencies and interested third parties. Agencies having petitions and reports pending before the Committee are:

Accrediting Commission on Education for Health Services Administration (interim report)

American Academy of Microbiology, Committee on Postdoctoral Educational Programs (initial recognition)

American Medical Association, Committee on Allied Health Education and Accreditation (as a coordinating agency for allied health education accreditation) (interim report)

American Naturopathic medical Certification and Accreditation Board, Inc. (initial recognition)

American Psychological Association, Committee on Accreditation (renewal of recognition)

American Veterinary Medical Association, Council on Education (renewal of recognition)

Council on Naturopathic Medical Education (initial recognition)

Engineers' Council for professional Development (renewal of recognition for accreditation of graduate programs leading to advanced entry into the engineering profession; interim report on accreditation of first professional degreee programs in engineering and associate and baccalaureate degree programs in engineering technology)

Missouri State Board of Education (renewal of recognition)

National Council for Accreditation of Teacher Eeucation (renewal of recognition)

National Home Study Council, Accrediting Commission (request for deferral of review)

National League for Nursing, Inc., Board of Review for Associate Degree Programs, Board of Review for Baccalaureate and Higher Degree Programs, Board of Review for Diploma Programs, Board of Review for Practical Nursing programs (renewal of recognition)

North Central Association of Colleges and Schools, Commission on Schools (interim report)

Oklahoma State Regents for Higher Education (interim report)

Southern Association of Colleges and Schools, Commission on Colleges (renewal of recognition)

The advisory Committee also will review policy matters affecting accreditation and institutional eligibility. In addition, the Committee will review the following matters:

A request by the Defense Intelligence School for a recommendation concerning authority to award the degree of Master of Science in Strategic Intelligence.

A joint report from the Division of Eligibility and Agency Evaluation and the National Association of Schools of Music.

A report from the Educational Testing Service on its project on Evaluation of the Office of Educations's Criteria for Recognition of National Accrediting Bodies and State Agencies.

Requests for oral presentations before the Committee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue, S.W. Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent (if applicable), and the purpose for which the presentation is requested. Requests must be received by the division of Eligibility and Agency Evaluation on or before June 1, 1979. Time constraints may limit oral presentation. However, all additional written material that a party wishes to file will be considered by the Advisory Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Division of eligibility and Agency Evaluation.

Signed at Washington, D.C. on April 23, 1979.

John R. Proffitt,

Director, Division of Eligibility and Agency Evaluation, Office of Education.

[FR Doc. 79-13251 Filed 4-26-79 8:45 a.m.]

BILLING CODE 4110-02-M

Office of Human Development Services

White House Conference on Handicapped Individuals Implementation Advisory Committee; Establishment

AGENCY: Office of Human Development Services, DHEW.

ACTION: Notice of Advisory Committee Establishment.

PURPOSE: The White House Conference on Handicapped Individuals Implementation Advisory Committee shall give advice and make recommendations to the Secretary, Health, Education and Welfare and the Commissioner of the Rehabilitation Service Administration regarding the implementation of the recommendations made by the White House Conference on Handicapped Individuals.

DATES: The charter for this Committee was signed by the Secretary of Health, Education and Welfare on April 20, 1979. It will terminate on December 31, 1979 or upon the chartering of the National Council on the Handicapped, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Rosenstein, White House Conference Action Unit, Room 3520, 330 C Street, SW., Washington, D.C. 20201, 202-245-3186.

SUPPLEMENTAL INFORMATION: This Council is being formed to assist and advise in Implementation of the recommendations developed by the White House Conference held in May 1977, pursuant to Title III of Pub. L. 93-516. An Implementation Plan was developed by the National Planning and Advisory Council of the White House Conference and submitted by the Secretary of DHEW pursuant to statute, to the President and Congress on June 20, 1978.

Arnold Sampson,

HDS Committee Management Officer.

[FR Doc. 79-13274 Filed 4-27-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Native Claims Selection

By Executive Order of January 7, 1903, St. Lawrence Island was reserved and set apart for a reindeer station. This Executive Order was modified by several Public Land Orders (PLO) and the Act of August 5, 1954.

Public Land Order 1233 (signed October 4, 1955) withdrew for use of the Bureau of Indian Affairs for school purposes certain lands in the vicinity of Gambell. The withdrawal was made under the provision the Act of May 31, 1938 (52 Stat. 593, 48 U.S.C. 353a). The PLO revoked the Executive Order of January 7, 1903, as to the lands described at Gambell.

Public Land Order 1177 (signed June 28, 1955) withdrew and reserved under the jurisdiction of the Bureau of Indian Affairs for school purposes certain lands in the vicinity of Savoonga. This withdrawal was made under the provisions of the Act of May 31, 1938 (52 Stat. 593, 48 U.S.C. 353a). The PLO revoked the Executive Order of January 7, 1903, as to the lands described at Savoonga. Public Land Order 4016 (signed May 20, 1966) was subsequently issued to accommodate survey of the lands withdrawn; it revoked PLO 1177.

The Act of August 5, 1954, as amended (68 Stat. 674; 42 U.S.C. 2001), provides for the transfer of maintenance and operation of hospital facilities for Indians to the Public Health Service. Pursuant to this Act, on August 2, 1955, the Bureau of Indian Affairs transferred to the U.S. Public Health Service the Nurses Quarters building and 0.5 acre at Savoonga, and the Nurses Quarters and clinic building and 0.10 acre at Gambell. The building and lands at Savoonga were subsequently transferred back to the Bureau of Indian Affairs in 1972.

Section 19(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 710; 43 U.S.C. 1601, 1618 (Supp. V, 1975)), revoked, subject to any valid existing rights of non-Natives, the various reserves set aside for Native use or administration of Native Affairs. Public Land Order 5156, signed February 4, 1972, withdrew, subject to valid existing rights, the lands set aside for Native use or for administration of Native affairs in furtherance of the right of any Native village corporation or corporations to acquire title to the surface and subsurface estates in the reservations pursuant to Sec. 19(b) of the Alaska Native Claims Settlement Act.

On November 20, 1973, the Boards of Directors for Gambell Native Corporation and Savoonga Native Corporation certified that their stockholders had elected to acquire title to the surface and subsurface estates in the reserve as provided by Sec. 19(b) of the Alaska Native Claims Settlement Act (ANCSA). Under 43 CFR 2654.2(a), submission of such certifications constituted applications to acquire reserve lands.

I. Lands Not Available for Conveyance

On May 12, 1964, patent No. 1236926 for airport purposes was issued to the State of Alaska conveying certain interests of the United States in U.S. Survey No. 3728 (in the vicinity of Gambell). These lands are no longer owned by the United States and thus cannot and will not be conveyed to Gambell and Savoonga Native Corporations. The retained mineral interests excepted and reserved to the United States in the patent are approved for conveyance in paragraph III of this decision.

II. Alaska Native Claims Settlement Act Section 3(e) Applications Rejected

Section 3(e) of ANCSA defines "public lands" as:

> * * * all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installation * * *

On March 3, 1978, the Secretary of the Interior, in his final decision document for the ANCSA Implementation Review, decided that:

> The Secretary's authority to determine the smallest practicable tract involved with a Federal installation under section 3(e)(1) of the ANCSA applies only to the Statutory withdrawals made by sections 11 and 16(a) and, subsequently to those lands selected by Village and Regional corporations from such withdrawal areas pursuant to sections 12 and 16(b).

The Secretary's authority to make such determinations does not extend to the various reserves revoked pursuant to Sec. 19(a) of ANCSA and made available for acquisition by village corporations pursuant to Sec. 19(b). Therefore, the following ANCSA 3(e) applications are rejected in their entirety:

a. *In the vicinity of Gambell, T. 20 S., R. 67 W., Kateel River Meridian, Alaska:*

Alaska Native Claims Settlement Act section 3(e) applications F-25937, containing approximately 0.36 acres, and F-25936, containing approximately 2.07 acres, used by the Department of the Navy in connection

with the Bureau of Indian Affairs permit to AC Electronics, Division of General Motors Corporation, Defense Research of Goleta in the State of California, effective April 15, 1969;

Alaska Native Claims Settlement Act section 3(e) application F–35222, containing approximately 0.10 acres, used by the Department of Health, Education and Welfare, Public Health Service, in connection with the August 2, 1955, transfer from the Bureau of Indian Affairs pursuant to the Act of August 5, 1954, as amended (68 Stat. 674; 42 U.S.C. 2001).

T. 24 S., R. 67 W., Kateel River Meridian, Alaska

Alaska Native Claims Settlement Act section 3(e) application F–28838, containing approximately 0.23 acres, used by the Department of the Navy in connection with Bureau of Indian Affairs permit to AC Electronics, Division of General Motors Corporation, Defense Research of Goleta in the State of California, effective April 15, 1969.

b. *In the vicinity of Savoonga, T. 21 S., R. 61 W., Kateel River Meridian, Alaska:*

Alaska Native Claims Settlement Act section 3(e) application F–35223, containing approximately 0.23 acres, used by the Department of Health, Education and Welfare under Bureau of Indian Affairs Use Permit No. 9–300–311, to U.S. Public Health Service, effective May 26, 1969.

When this decision becomes final, these applications will be closed of record.

III. Reserve Lands Proper for Village Acquisition Approved for Interim Conveyance

Public Land Order 790 (dated January 16, 1952) withdrew approximately 21,013 acres in the vicinity of Northeast Cape for use of the Department of the Air Force for military purposes. On March 14, 1958, PLO 790 was partially revoked by PLO 1602, which released approximately 16,213 acres; the lands released remained embraced in the Executive Order of January 7, 1903. Approximately 4,800 acres remain withdrawn pursuant to PLO 790, which provides in part:

This order shall take precedence over but not otherwise affect the Executive Order of January 7, 1903, reserving and setting apart St. Lawrence Island as a reindeer station.

Section 19 of the Alaska Native Claims Settlement Act provides that if the stockholders of the concerned village corporations elect to take former reserve lands:

* * * the Secretary [of the Interior] shall convey the land to the Village Corporation or Corporations, subject to valid existing rights as provided in subsection 14(g) * * *

The lands withdrawn pursuant to PLO 790 are thus hereby approved for conveyance to Gambell Native Corporation and Savoonga Native Corporation, and the conveyance will be subject to the provisions of PLO 790 except that the PLO provisions for the return to the administration of the Department of the Interior of those lands no longer needed for the purpose reserved shall not apply.

The lands described below do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, aggregating approximately 1,135,843 acres, are considered proper for acquisition by Gambell Native Corporation and Savoonga Native Corporation and are hereby approved for conveyance pursuant to Sec. 19(b) of the Alaska Native Claims Settlement Act:

U.S. Survey No. 4235, Alaska, embracing lots 1 through 3, situated at the village of Gambell on St. Lawrence Island.

Containing 3.27 acres.

U.S. Survey No. 4237, Alaska, situated at the village of Savoonga on St. Lawrence Island.

Containing 5.74 acres.

Aggregating 9.01 acres.

All of St. Lawrence Island and all islands, islets and rocks adjacent thereto, within the lagoons, bays, and between points along the coastline, around St. Lawrence Island, all above mean high tide, according to the Geological Survey map "St. Lawrence," scale 1:250,000, 1948, excluding:

a. In the vicinity of Gambell:

U.S. Survey 4235, U.S. Survey 3728, U.S. Survey 4369;

b. In the vicinity of Savoonga:

U.S. Survey 4340, U.S. Survey 4327;

c. Punuk Islands.

Aggregating approximately 1,135,843 acres.

Also hereby approved for conveyance pursuant to Sec. 19(b) of the Alaska Native Claims Settlement Act are all minerals in the lands, together with the right, as provided in patent No. 1236926, to enter upon the lands and prospect for, mine, and remove such minerals reserved to the United States in the following described lands:

United States Survey Number 3728, Alaska, situated approximately one-half mile south of the Town of Gambell on the northwest tip of St. Lawrence Island in the Bering Sea, Latitude 63°46½' N. Longitude 171°44' W. containing 97.78 acres.

The grant of lands herein shall be to Gambell Native Corporation and Savoonga Native Corporation as tenants in common in the following proportions:

Gambell Native Corporation 427/842 interest.

Savoonga Native Corporation 415/842 interest.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–20520–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

50 Foot Trail—The uses allowed on a 50 foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 33 B) An easement sixty (60) feet in width for an existing road from the withdrawal boundry of PLO 790 in Sec. 22, T. 25 S., R. 54 W., Kateel River Meridian, easterly through Secs. 23 and 24 then westerly through Secs. 25, 26, and 27 to the PLO boundary in Sec. 27, T. 25 S., R. 54 W., Kateel River Meridian, for access to a Naval Research site located within PLO 790 withdrawal. The uses allowed are those listed above for a sixty (60) foot wide road easement. The use of this easement is limited to the U.S. Navy, its agents or assigns for access between installations operated and maintained by that agency within PLO 790.

b. (EIN 34 B) An easement twenty (20) feet in width for an existing communications cable from the mean high tide line at Kittilngook Bay in T. 20 S., R. 67 W., Kateel River Meridian, southerly, across the west end of St. Lawrence Island to the mean high tide line near Bunnell Cape in T. 24 S., R. 68 W., Kateel River Meridian. This easement also covers a portion of the cable from Kittilngook Bay southeasterly to Dovelawik Bay in T. 20 S., R. 67 W., Kateel River Meridian. The uses allowed are for those activities associated with the construction, operation, and maintenance of the existing communications facility. The use of this

easement is limited to the U.S. Navy, its agents or assigns.

c. (EIN 35 B). A site easement near the section line of Secs. 3 and 10, T. 20 S., R. 67 W., Kateel River Meridian. The site is 100 feet x 100 feet in size. The uses allowed are for those activities associated with the construction, operation, and maintenance of the existing U.S. Navy Field Station. The use of this easement will be limited to the U.S. Navy, its agents or assigns.

d. (EIN 36 B) A site easement in Sec. 11, T. 20 S., R. 67 W., Kateel River Meridian, on Sevuokuk Mountain. The site is 125 feet x 125 feet in size. The uses allowed are for those activities associated with the construction, operation, and maintenance of the existing land cable junction point and antenna site. The use of this easement will be limited to the U.S. Navy, its agents or assigns.

e. (EIN 37 B) A site easement in approximately Sec. 26, T. 24 S., R. 68 W., Kateel River Meridian, on Ivekan Mountain. The site is 100 feet x 100 feet in size. The uses allowed are for those activities associated with the construction, operation, and maintenance of the existing antenna site and electronic and telemetry equipment storage area. The use of this easement will be limited to the U.S. Navy, its agents or assigns.

f. (EIN 38 B) An easement for an existing access trail fifty (50) feet in width from Gambell Airstrip in Sec. 10, T. 20 S., R. 67 W., Kateel River Meridian, easterly to the Naval field site EIN 35 B. The uses allowed are those listed above for a fifty (50) foot wide trail easement. The use of this trail is limited to the U.S. Navy, its agents or assigns.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under sec. 6(g) of the Alaska Statehood Act of July 7, 1958, (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the rightof the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. The provisions of Public Land Order 790, dated January 16, 1952, as amended by Public Land Order 1602, dated March 14, 1958, which withdrew public land in the vicinity of the Northeast Cape, T. 25 S., R. 54 W., Kateel River Meridian, for use of the Air Force for military purposes, and which is to take precedence over but not otherwise affect the Executive Order of January 7, 1903, reserving and setting apart St. Lawrence Island as a reindeer station except that the PLO provision for the return to the administration of the Department of the Interior of those lands no longer needed for the purpose reserved shall not apply; and

4. The following third-party interests, if valid, created and identified by the Bureau of Indian Affairs as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971.

(85 Stat. 688, 704; 43 U.S.C. 1601, 1613(g) (Supp. V, 1975)):

a. In the vicinity of Gambell, T. 20 S., R. 67 W., Kateel River Meridian:

(1.) Permit, to Alaska Village Electric Cooperative, Inc., for use and occupancy of approximately 18,200 square feet of lands in S½S½ of Sec. 3.

(2.) Permit, to University of Alaska, Institute of Arctic Biology, for use and occupancy of approximately 0.15 acre of lands in S½S½ of Sec. 3.

(3.) Permit, to AC Electronics, Division of General Motors Corporation, Defense Research of Goleta in the State of California, for use and occupancy of approximately 800 square feet of lands in NE¼ of Sec. 10.

b. In the vicinity of Savoonga, T. 21 S., R. 61 W., Kateel River Meridian:

(1.) Permit, to Alaska Village Electric Cooperative, Inc., for use and occupancy of approximately 18,637 square feet of lands in SE¼ of Sec. 5.

(2.) Permit, to University of Alaska, Institute of Arctic Environmental Engineering, for use and occupancy of approximately 1 acre of lands in SW¼ of Sec. 5.

(3.) Use permit No. 9–300–311, to U.S. Public Health Service, for use and occupancy of approximately 0.23 acre of land in SE¼ of Sec. 5.

Special Land Use Permits F–19314, for construction of 20 housing units at Gambell and F–19315, for construction of 25 housing units at Savoonga, granted to Alaska Federation of Natives Housing Authority under the provisions of 43 CFR 2920, will be cancelled when title to the lands herein is passed to the above-named village corporations.

The lands conveyed will include Gambell Sites, identified on Bureau of Land Management plats as serial number F–13789, which are in the National Register of Historic Places and which have been designated National Historic Landmarks by the Secretary of the Interior.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the NOME NUGGET Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 30, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is to be taken, the adverse parties to be served with a copy of the notice of appeal are:

Gambell Native Corporation, Gambell, Alaska 99742.

Savoonga Native Corporation, Savoonga, Alaska 99769.

Real Estate Division, Naval Facilities Engineering Command, U.S. Department of the Navy, Box 727, San Bruno, California 94066.

Public Health Service, U.S. Department of Health, Education and Welfare, Box 7–741, Anchorage, Alaska 99510.

Area Director, Bureau of Indian Affairs, Box 3–8000, Juneau, Alaska 99801.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau

of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Sue A. Wolf,

Chief, Branch of Adjudication.

[F-20520]

[FR Doc. 79-13268 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-84-M

Bering Sea-Norton Sound Outer Continental Shelf; Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Purpose of the Call

Section 102 of the Outer Continental Shelf Lands Act Amendments of 1978 describes the purposes of that Act. One of the purposes is to establish policies and procedures intended to expedite exploration and development of the Outer Continental Shelf in order to achieve national economic and energy policy goals, assure national security, reduce dependence on foreign sources, and maintain a favorable balance of payments in world trade. Equally important purposes include balancing energy resources development with the protection of the human, marine and coastal environments as well as assuring States and local governments the opportunity to review and comment on decisions relating to OCS activities. To assist the Secretary of the Interior in carrying out these purposes, and pursuant to 43 CFR 3301.3, nominations are hereby requested for areas on the Bering Sea-Norton Sound Outer Continental Shelf for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) as amended. Pursuant to 43 CFR 3301.4, the Secretary also is requesting comments on the possible environmental impact and potential use conflicts in specified areas.

Description of the Area

The area of the Call for nominations and Comments is located in the northeast segment of the Bering Sea and encompasses the Outer Continental Shelf underlying the Norton Sound off the western coast of Alaska. Significant geographic features bounding the Call area include Cape Prince of Wales on the north, St. Lawrence Island on the south and the Yukon River delta to the southeast.

Nominations will be considered for any or all of that part of the following blocks located in the OCS mapped areas listed below:

1. NQ 2-6: Blocks 495–505, 539–550, 582–594, 625–638, 668–682, 711–726, 754–770, 797–814, 840–858, 883–902, 926–946, and 969–989.
2. NQ 3-5: Blocks 486–488, 529–532, 573–578, 617–625, 661–672, 705–715, 749–759, 793–803, 837–846, 881–891, 925–936, and 969–981.
3. NQ 2-7, 2-8: All blocks.
4. NQ 3-7: All blocks.
5. NQ 3-8: All blocks.
6. NQ 4-7: All blocks.
7. NP 1-2: All blocks.
8. NP 2-1: All blocks.
9. NP 2-2: All blocks.
10. NP 3-1: All blocks.
11. NP 3-2: All blocks.
12. NP 4-1: All blocks.

These blocks may be found on the following Outer Continental Shelf Official Protraction Diagrams, which may be purchased for $2.00 each from the Manager, Alaska OCS Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The Street address is 800 A Street, Anchorage, Alaska.

OCS Official Protraction Diagrams

1. NQ 2-6: Little Diomede Island.
2. NQ 3-5: Teller.
3. NQ 2-7, 2-8: Ukivok.
4. NQ 3-7: Nome.
5. NQ 3-8: Solomon.
6. NQ 4-7: Cape Denbigh.
7. NP 1-2:
8. NP 2-1: Gambell.
9. NP 2-2: St. Lawrence.
10. NP 3-1: Norton Sound.
11. NP 3-2: St. Michael.
12. NP 4-1: Unalakleet.

Instruction on Call

Nominations must be described in accordance with the Outer Continental Shelf Leasing Maps or Official Protraction Diagrams prepared by the Bureau of Land Management (BLM), Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated. Although individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

Those nominating twelve blocks or more, are requested to arrange their nominations into three groups according to the priority of their interest.

Comments should be as specific as possible in identifying specific blocks or areas which should receive special concern and analysis in any leasing decision. In addition to nominations, we are seeking comments about particular geological, environmental, biological, archeological, socioeconomic conditions or problems, or other information which might bear upon potential leasing and development of particular blocks where available.

Nominations and/or comments must be submitted not later than November 1, 1979, in envelopes labeled "Nominations of Tracts for Leasing in the Outer Continental Shelf—Bering Sea-Norton Sound" or "Comment on Leasing in the Outer Continental Shelf—Bering Sea-Norton Sound," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Assistant Conservation Manager, U.S. Geological Survey, P.O. Box 259, Anchorage, Alaska 99510, and to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, at his address cited above.

Use of Information From Call

Nominations will be evaluated and used along the other geologic and geophysical information to determine what, if any, tracts should be tentatively selected for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and the OCS Lands Act, as amended. Generally, because of limits on the geographical scope of areas which can be successfully planned for a single sale, only a portion of the tracts nominated are selected for further environmental analysis and possible leasing.

Comments will be considered along with other relevant information available to the Secretary to determine what tracts should be designated for further environmental analysis and study. As a general rule, tracts which are believed to have potential for the production of hydrocarbons are not excluded from further environmental study unless the Secretary has sufficient information to conclude that it is not possible for those tracts to be developed in an environmentally safe manner.

In any event, selection of tracts for further environmental analyses does not insure that the tracts will be subsequently offered for lease or that they will be deleted for environmental or use conflicts. It simply insures that more information will be available when that decision is made. In performing additional environmental analyses leading to a sale decision, the Department will take into account comments received as it determines particular areas and issues for attention.

Final selection of tracts for competitive bidding will be made only at a later date after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969.

Notice of any tracts finally selected for competitive bidding will be published in the **Federal Register** stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Approved: April 25, 1979.

Roman H. Koenings,

Acting Associate Director, Bureau of Land Management.

Heather L. Ross

Deputy Assistant Secretary of the Interior.

[Tentative Sale No. 57]

[FR Doc 79-13296 Filed 4-26-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Allen Camp Unit, Central Valley Project, Calif.; Intent To Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an Environmental Statement on the Allen Camp Unit, Central Valley Project, California. The proposed statement will address the impacts of construction and operation of the Allen Camp Unit.

The purposes of the proposed project are to supply irrigation water, control floods, conserve and develop fish and wildlife resources and enhance outdoor recreation opportunities.

The Allen Camp Unit will consist of the 100,000 acre-foot capacity (approximate) Allen Camp Dam and Reservoir, an 11,000 acre wildlife refuge, conveyance and distribution systems, a closed drainage system, flood control levees, and recreation facilities at Allen Camp Reservoir.

Alternatives to the proposed actions include channelization of the Pit River, construction of setback levees or bypass channels, varying amounts of reservoir flood control canals, varying sizes and configurations of the wildlife refuge, and an open drainage system.

There will be a meeting to solicit information from all interested public entities and persons to assist in determining the scope of the Environmental Statement and to identify the significant issues related to the proposed action. The time and place of this meeting will be June 5, 7:30 p.m. in the Veterans Memorial Building, Bieber, California.

The contact person for this environmental statement will be: Dee Harper, Office of Environmental Quality, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA, 95825, Telephone: (916) 484-4797.

Dated: April 23, 1979.

Orrin Ferris,

Acting Commissioner of Reclamation.

[W.O. Code 580, 150]

[FR Doc. 79-13277 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Threatened Species Permit; Receipt of Applications

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those indicated species listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, USFWS, WPO, Washington, D.C. 20240. Interested persons may comment on these applications on or before May 30, 1979, by submitting written data, views, or arguments to the Director at the above address.

Applicant: David R. Meeks, M & M Pet Farm and Zoo, Rt. 1, Box 351, Wellford, South Carolina; PRT 2-3955, Species: all T(C/P) mammals.

Applicant: Herman J. Correia, 120 Mill St., Tiverton, Rhode Island; PRT 2-4117, Species: all T(C/P) pheasants.

Please refer to the individual applicant and the appropriately assigned PRT 2-number when submitting comments.

Dated: April 19, 1979.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 79-13282 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: San Antonio Zoological Gardens, 3903 N. St. Mary's St., San Antonio, Texas 78212.

The applicant requests a permit to export one female captive-bred snow leopard (*Panthera uncia*) to the Burgers Zoo Arnhem, Arnhem, Holland, for zoological exhibition and enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4137. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before May 30, 1979. Please refer to the file number when submitting comments.

Dated: April 24, 1979.

Donald C. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-13281 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-55-M

Threatened Species Permit; Receipt of Application

Applicant: L & J Game Bird Ranch, 4850 Alcorn Rd., Fallon, Nevada 89406.

The permit holder wishes to renew his Captive-Self Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, all species of pheasants listed in 50 CFR Section 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this request are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This permit file has been assigned file number PRT 2-353. Interested persons may comment on this request by submitting written data, views, or arguments to the Director at the above address on or before May 30, 1979. Please refer to the file number when submitting comments.

Dated: April 19, 1979.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-13283 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Denver Zoological Gardens, Denver, Colorado; PRT 2-4106.

The applicant requests a permit to purchase in interstate commerce one male and one female white-collared mangabey *(Cercocebus torquatus)* from

the Los Angeles Zoo, Los Angeles, California, and the Jackson Zoological Park, Jackson, Mississippi, respectively.

Applicant: Woodland Park Zoological Gardens, Seattle, Washington; PRT 2–4116.

The applicant requests a permit to purchase in interstate commerce one male cotton-topped tamarin *(Saguinus oedipus)* from the Marmoset Breeding Farm, Rochester, New York, and one male and one female cotton-topped tamarin from the Gladys Porter Zoo, Brownsville, Texas, for exhibition and enhancement of propagation.

Applicant: Museum of Comparative Zoology, Harvard University, Cambridge, Massachusetts; PRT 2–4120.

The applicant requests a permit to export and re-import museum specimens of Endangered and Threatened Species that have already been accessioned into the museum's collection to and from foreign institutions for scienific research over a two-year period.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before May 30, 1979 by submitting written data, views, or arguments to the Director at the above address.

Dated: April 19, 1979.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-13280 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Dr. C. John Ralph, Institute of Pacific Islands Forestry, 1151 Punchbowl St., Honolulu, Hawaii 96813.

The applicant requests a permit to capture the following species for banding and release for scientific purposes:

Hawaiian Hawk *(Buto solitarius)*
Hawaiian Crow *(Corvus tropicus)*
Kauai Thrush *(Phaeornis obscurus myadestina)*
Small Kauai Thrush *(P. palmeri)*
Kauai Oo *(Moho braceatus)*
Oahu Creeper *(Loxops m. maculata)*
Hawaii Creeper *(L. m. mana)*
Hawaii Akepa *(L. c. coccinea)*
Kauai Akialao *(Hemignathus procerus)*
Kauai Nukupuka *(H. lucidus hanapepe)*
Akiapolaau *(H. wilsoni)*
Ou *(Psittirostra psittacea)*
Palila *(P. bailleui)*

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–4112. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before May 30, 1979. Please refer to the file number when submitting comments.

Dated: April 19, 1979.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-13279 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Dr. Kristine Tollestrup, Dept. of Biology, University of Chicago, 1103 E. 57th St., Chicago, Illinois 60637.

The applicant requests a permit to take 50 male and 50 female blunt-nosed leopard lizards [*Crotaphytus silus*] for scientific purposes.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–597. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before May 30, 1979. Please refer to the file number when submitting comments.

Dated: April 19, 1979.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-13278 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-55-M

Lands Withdrawals in Alaska by the Secretary of the Interior Under Section 204(c) of the Federal Land Policy and Management Act; Hearings

AGENCY: Department of the Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior will conduct a second series of public hearings to collect written and oral testimony on the desirability and need to withdraw lands pursuant to the provisions of Section 204(c) of the Federal Land Policy and Management Act, primarily as additions to the National Wildlife Refuge System.

DATES: Simultaneous public hearings will be held in Anchorage, Fairbanks and Tanana, Alaska on May 24, 1979. The hearings will begin at 10:00 a.m. and will continue until 8:00 p.m. if necessary. In addition, at a later date, hearings will be held in Denver, Colorado; San Francisco, California; and Washington, D.C. Information concerning these later hearings will be subject of a subsequent notice in the **Federal Register.**

ADDRESSES: Public hearings will be held at the following locations:

Anchorage, Alaska, Alaska Pacific University, Student Center, E. Wesley Drive off Providence Drive.

Fairbanks, Alaska, University of Alaska, Fine Arts Theater

Tanana, Alaska, Village Community Building.

Written requests to testify must be mailed in advance to the Alaska Area Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99507, (telephone 907–276–3800).

FOR FURTHER INFORMATION CONTACT: Burkett S. Neely, Jr., Alaska Native Claims Staff, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (telephone 202–343–7533).

SUPPLEMENTARY INFORMATION: The primary author of this document is Ronald L. Fowler, Division of Refuge Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (telephone 202–343–4305).

On November 16, 1978, Public Land Order 5653, as amended by Public Land Order 5654, was issued under the emergency withdrawal authority provided to the Secretary by Section 204(e) of the Federal Land Policy and Management Act of 1976 (FLPMA). The Secretary of the Interior determined that an emergency situation existed and that extraordinary measures had to be taken to protect values of the approximately 110 million acres that were withdrawn.

On December 1, 1978 President Carter used his authority under the Antiquities Act of 1906 to designate 17 new national monuments in Alaska, totaling approximately 56 million acres. President Carter's proclamations covered thirteen units to be administered by the National Park Service, two units to be managed by the U.S. Fish and Wildlife Service and two National Forest units which will continue to be managed by the Forest Service. Most of these lands are included within the 110 million acres in Alaska which were withdrawn by the Secretary on November 16, 1978 under Section 204(e) of FLPMA.

Discussion

On March 29, 1979 (44 FR 18746) the Department published a notice concerning public hearings in six Alaska villages. This notice announces additional public hearings in Anchorage, Fairbanks and Tanana, Alaska to hear comment on proposals for final withdrawal under Section 204(c) of the FLPMA. The approximately 57 million acres of lands under consideration are generally the remainder of those lands which were withdrawn by the Secretary but not designated as National Monuments by the President. Mostly, these lands are not protected by the emergency withdrawal issued by the Secretary on November 16, 1978, after Congress failed to pass legislation placing these critical federal lands in conservation system units—national parks, national wildlife refuges, wild and scenic rivers.

When the National Monuments were established by Presidential Proclamation, the Secretary was directed to "proceed with necessary steps" for final withdrawals for the remaining areas. These steps involve holding public hearings first and then providing Congress with documentation similar to that submitted in connection with the emergency withdrawals. Appropriate documents pertaining to the areas and withdrawal actions being proposed are available for review at U.S. Fish and Wildlife Service offices in Anchorage, Fairbanks, Nome, Bethel, Juneau, Kenai, and Kodiak, Alaska, and other locations as appropriate. After May 1, documents will be available at all U.S. Fish and Wildlife Service Regional Offices. These documents will also be available during the hearings.

All interested parties including Federal, State, Borough and municipal agencies, local interests, and individual citizens and groups are invited to write to the Alaska Area Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, requesting to be scheduled to testify at one of the hearings listed above. Written statements may be either mailed to the Alaska Area Director at the above address in advance of the hearing, or handed to the hearing officer at the hearing. Those persons scheduled will be afforded a maximum of 10 minutes to express their views concerning the proposed withdrawals. Oral statements will be heard, but for accuracy of the record, all testimony should be submitted in writing. Translators will be provided for oral testimony as necessary. The record of the hearing will be forwarded to the Secretary for final consideration.

The Department of the Interior encourages written expression relative to the proposal at any time. However, in order to be incorporated in the official record, all communications should be mailed to the Alaska Area Director at the above address within 30 days following each hearing.

Dated: April 25, 1979.

James A. Joseph,

Under Secretary of the Interior.

[FR Doc. 79-13343 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-10-M

Office of Surface Mining Reclamation and Enforcement

Advisory Committee on Mining and Mineral Resources Research; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and the Office of Management and Budget's Circular No. A63, Revised.

The Advisory Committee on Mining and Mineral Resources Research will meet from 9:00 a.m. to 5:00 p.m. (or completion of business) on May 15, 1979, in room 1042, Columbia Plaza, 2401 E. Street, N.W., Washington, D.C.

The meeting will deal with the following principal subjects:

1. Review of minutes of previous meeting—Assistant Director David R. Maneval.
2. Review of quarterly progress of mineral institutes.
3. Discussion of pre-proposals for research grants.
4. Review of site visits to designated Mining and Mineral Resources Research Institutes.
5. Policies and future activities of the Advisory Committee.

The meeting of this committee is open to the public. Approximately 40 visitors can be accommodated on a first come, first serve basis. Written statements concerning the subjects are welcome.

Visitors who expect to attend should make this known no later than May 8, 1979, to Dr. David R. Maneval, Assistant Director, Technical Services and Research, Office of Surface Mining, Room 114, South Interior Building, 19th and Constitution Avenue, N.W., Washington, D.C. 20240, phone (202) 343-4264.

Walter N. Heine,

Director.

April 24, 1979.

[FR Doc. 79-13284 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects From Union of Soviet Socialist Republics; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects (described in the list [1] filed as a part of this determination) imported from the Soviet Union for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to an exchange agreement between The Armand Hammer Foundation and the Ministry of Culture of the Union of Soviet Socialist Republics. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about May 13, 1979, to on or about June 27, 1979; the Los Angeles County Museum of Art, Los Angeles, Cal., beginning on or about June 30, 1979 to on or about August 12, 1979; and the M. Knoedler & Company, Inc., New York, N.Y., beginning on or about August 21, 1979 to on or about September 30, 1979, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

John E. Reinhardt,

Director, International Communication Agency.

April 26, 1979.

[FR Doc. 79-13509 Filed 4-27-79; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Request for Comments on the Final LEAA Guideline Revision of Guide for Discretionary Grant Program; Replication of Project New Pride

Corrections

In FR Doc. 79-12805 appearing at page 24348 in the issue of Wednesday, April 25, 1979, make the following changes:

1. On page 24348, third column, fifteenth and sixteenth lines of the second paragraph, delete "within thirty (30) days after publication." and insert the following in its place: "on or before May 25, 1979."; and in the fourth line from the bottom of the second paragraph, the telephone number now reading "376-2613" should read "376-3613".

2. On page 24353, first column, in the FR Doc. line, the document number should have read "79-12805".

BILLING CODE 1505-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping rquirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley F. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Donald W. Barrowman—447-6202

Revisions

Agricultural Marketing Service
*Regulations (Other Than Rules of Practice) and Related 7 CFR Part 46-FV 211, 211A, and 231
Annually
Comm. merchants, dealers, brokers cond. bus. subj. to PACA; 20,000 responses; 1,525 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderote—697-1195

New Forms

Defense Civil Preparedness Agency
Three Mile Island Incident Survey
Single time
Sample hshlds (mostly in a 40-mi. radius to 3-mi. Isl.); 1,400 responses; 1,200 hours
David P. Caywood, 395-6140

Extensions

Departmental and other policies and procedures for alteration of FBM weapon system equipment (SPALTS) SSPINST P 4720.1C,
on occasion,
FBM Contractors, 50 responses; 5,000 hours
David P. Caywood, 395-6140

DEPARTMENT OF ENERGY

Agency Clearance Officer—Albert H. Linden—566-9021

Extensions

Natural Gas Pipeline Company Monthly Statement
FPC-11
Monthly
Major Interstate Natural Gas Companies; 408 responses 9,833 hours
Jefferson B. Hill, 395-5867

Monthly Statement of Electric Operating Revenue and income
FPC-5
Monthly
Public Utility and Public Electric Utility Hydro (Electric class A & B) 2,880 responses; 11,808 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Center for Disease Control
Health Effects of DDT in Triana, Ala.
Single time
Residents of Triana, Ala. 1,000 responses; 250 hours
Richard Eisinger, 395-3214

Health Care Financing Administration (Departmental)
National Survey To Collect Data on Hospital Capital Expenditures
HCFA-124T, 124T
Singe time
Community hospitals; 9,750 responses; 6,562 hours
Richard Eisinger, 395-3214

Health Care Financing Administration (medicare)

Demonstration Project for Calculating Adjusted Average Per Capita Costs for HMC's
HCFA -123-T, 123—L
Singe time
Nursing rest and convalescent homes and long term hospital (23 CO.—6 St.) 350 responses; 117 hours
Richard Eisinger, 395–3214

Health Resources Administration A Study of the Supply and Demand for Shared-Schedule
Residency Training
Single time
Residential Training Program—Director, Residential and Medical students; 4,142 responses; 456 hours
Richard Eisinger, 395–3214

National Institutes of Health
Special Study of Lung Cancer in Communities with Nonferrous Smelters
Single time
Next-of-kin of deceased individuals; 896 responses; 672 hours
Office of Federal Statistical Policy and Standard, 673–7974

Public Health Service
United States–Mexico Border Family Planning/Maternal-child
Health survey
Single time
Randomly selected females, 15–44 years of age; 3,600 responses; 1,500 hours
Richard Eisinger, 395–3214

Revisions

Office of the Secretary
Income Survey Development Program 1979 Research Panel
OS–12–79
Quarterly
Households members in national probability sample; 78,959 responses; 27,636 hours
Office of Federal Statistical Policy and Standard, 673–7974

Extensions

Office of the Secretary
*Analysis of Government-Owned/ Contractor Held Property
OS 18 74
Annually
Contractors doing business with HEW; 3,000 responses; 750 hours
Richard Eisinger, 395–3214

Office of the Secretary
*Report of Capitalized Nonexpendable Equipment Acquired With Contract Funds
OS 17 74
On occasion
Contractors doing business with HEW; 18,000 responses; 9,000 hours
Richard Eisinger, 395–3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341

New Forms

Employment and Training Administration
An Analysis of the Structure and Effectiveness of WIN Separate Administrative Units Services Delivery
ETA–19
Single time
State WIN Director; 5,302 responses; 707 hours
Arnold Strasser, 395–5080

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Reidy—653–6081

Revisions

Equal Employment Opportunity Compliance Report
SBA 707
Annually
Small business; 15,000 responses; 30,000 hours
Richard Sheppard, 395–3211

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-13339 Filed 4-27-79; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Acquiring of Commercial or Industrial Products and Services Needed by the Government; Policy Revision

Correction

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

SUMMARY: The following paragraph was inadvertently omitted from Revised OMB Circular A–76, "Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government," which was published in the **Federal Register** on April 5, 1979, Part III, Vol. 44, No. 67. This paragraph should have appeared on page 20561, left-hand column, as paragraph 10.c.(6).

"(6) When a proposed expansion, modernization, or upgrade exceeds the threshold for capital investment or operating costs, it will be reviewed as though it were a scheduled review of an existing activity. At least 60 days notice will be given to all affected parties."

James D. Currie,
Acting Administrator.

[FR Doc. 79-13254 Filed 4-27-79; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Safety Reporting Program; Amendment to Memorandum of Agreement Between National Aeronautics and Space Administration and Department of Transportation, Federal Aviation Administration

Note.—This document originally appeared in the **Federal Register** for Friday, April 27, 1979. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Federal Aviation Administration (See OFR notice 41 FR 32914, August 6, 1976.)

On March 21, 1979, the Federal Aviation Administration (FAA) modified the Aviation Safety Reporting Program (44 FR 18128, March 26, 1979). The modification provides that when a violation of the Federal Aviation Regulations comes to the attention of the FAA from a source other than a report filed with the National Aeronautics and Space Administration (NASA) under the Aviation Safety Reporting Program, appropriate action will be taken. Reports filed with NASA by persons involved in incidents will not be made available to the FAA, however, and these reports cannot be used as the basis for enforcement or disciplinary action against the reporter or other persons named in the report.

The Memorandum of Agreement entered into by NASA and the FAA under which NASA operates the Aviation Safety Reporting System (ASRS) has been amended to eliminate references to the immunity program. The amendment also provides an interim period during which an advisory circular and new reporting forms will be provided and distributed to implement the modification to the ASRS. The original immunity shall contine to apply to reports that are timely filed concerning incidents that occur before July 1, 1979. The new reporting forms and an advisory circular describing the modified program will be available by that date.

The Amended Memorandum of Agreement is published below.

Issued in Washington, D.C. on April 24, 1979.

Langhorne Bond,
Administrator.

Amended Memorandum of Agreement Between National Aeronautics and Space Administration and Department of Transportation, Federal Aviation Administration, Aviation Safety Reporting System

I. Background

A. The Administrator of the Federal Aviation Administration (FAA), Department of Transportation is empowered and directed to encourage and foster the safety in air commerce. Pursuant to this authority, the Administrator adopted a voluntary Aviation Safety Reporting Program (ASRP) (40 FR 17775, April 22, 1975) designed to acquire previously unobtainable information concerning potential deficiencies and discrepancies in the national aviation system.

B. The National Aeronautics and Space Administration (NASA) has a continuing responsibility to engage in aviation research and development programs and is authorized in carrying out this responsibility to enter into appropriate agreements with other government agencies.

C. The Aviation Safety Reporting System (ASRS) was agreed to be established in the original Memorandum of Agreement signed August 15, 1975. The Agreement and a description of the ASRS were published in the **Federal Register** on April 15, 1976 (41 FR 15903, 15914). The ASRS was designed and established by NASA and became operational April 15, 1976. (Section I.C. added April 24, 1979.)

D. The Administrator of the FAA has determined that the immunity feature described in Section IV.D. of the original agreement shall be eliminated (44 FR 18128, March 26, 1979). Accordingly, it is necessary to amend the original agreement to eliminate references in Sections IV.C., IV.D., and V.D. to the immunity provisions. NASA and the FAA agree that sufficient time is required to print and distribute an advisory circular and new reporting forms to implement this modification to the ASRS program. Therefore the original immunity feature shall continue to apply to reports that are timely filed concerning incidents that occur before July 1, 1979, the date by which the new reporting forms and an advisory circular describing the modified program will be available. (Section I.D. added April 24, 1979.)

II. Purpose

The FAA has determined that the effectiveness of the ASRP would be greatly enhanced if the receipt, processing, and analysis of the raw information received were to be accomplished by NASA rather than the FAA. This would further ensure the anonymity of the reporter and consequently increase the flow of information so necessary for the effective evaluation of the safety and efficiency of the aviation system. NASA has determined that undertaking this task would be consistent with its aviation research and development responsibilities and would significantly increase its ability to fulfill those responsibilities.

III. Authority

This agreement is entered into under the authority of Section 302(k) and 313 of the Federal Aviation Act of 1958, as amended, Section 601 of the Economy Act, as amended, and the National Aeronautics and Space Act of 1958, as amended.

IV. Aviation Safety Reporting System

A. *General.* NASA will design and implement an Aviation Safety Reporting System (ASRS). This system will be designed primarily to provide information to the FAA and the aviation community to assist the FAA in reaching its goal of eliminating unsafe conditions and preventing avoidable accidents. In addition, the system will be designed in a manner that will permit its operation by another party at the expiration of this agreement.

B. *Description.* The ASRS will be designed to perform four primary functions. They are (1) receipt, de-identification and initial processing; (2) analysis and interpretation; (3) dissemination of reports and other data; and (4) system evaluation and review.

1. NASA will develop procedures for receiving, de-identifying, and processing ASRS reports including those covered by the FAA's ASRP. This procedure will assure that reports are initially screened by NASA officials for—

(a) Time critical information which will be promptly referred to the FAA and other interested parties for appropriate action;

(b) Information concerning criminal offenses which will be promptly referred to the Department of Justice and the FAA; and

(c) Information concerning accidents which will be promptly referred to the National Transportation Safety Board and the FAA. Except for reports covered by paragraphs (b) and (c), reports will be de-identified by deleting all information that would reveal identities of persons filing reports and persons named in those reports. De-identification will be accomplished as soon as possible after determining that no additional data is needed, normally within 24–48 hours. The person submitting the report will be mailed a receipt and the anonymous data placed in the NASA data base. The data base will be made available for public inspection except as authorized or required by Federal law to be withheld.

2. NASA will establish procedures to provide for the analysis and interpretation of safety reports.

3. NASA will prepare periodic reports, statistical summaries, and other data necessary to depict the results of the analysis and interpretation of the safety reports. This material will be transmitted to the FAA and other users of the system to facilitate their evaluation and action to eliminate unsafe conditions or practices.

4. NASA will provide for the continuing review and evaluation of the system to ensure that it is operating as efficiently and effectively as practicable.

C.

(Section VI.C. deleted April 24, 1979.)

D. *Confidentiality.* Experience gained by the FAA under its near mid-air collision program and the ASRP has indicated that the willingness of persons to submit a report depends to a large degree on preserving the anonymity of persons filing reports and persons named in those reports. Accordingly, FAA will not seek and NASA will not release to the FAA any information that might reveal the identity of such persons. (Section IV.D. revised April 24, 1979.)

E. *Staffing and Management.* The ASRS functions will be performed by NASA with assistance of such others as may be necessary. All forms used in the ASRS will be NASA forms. All records will be the records of NASA.

F. *Advisory Committee.* NASA will form an ASRS Advisory Committee within the framework of the NASA Research and Technology Advisory Council. The purpose of the Committee will be to advise NASA of the design and conduct of the ASRS program and to provide an additional means of communication with the aviation community concerning the ASRS. The Committee will also be responsible for advising NASA with respect to the maintenance of the anonymity of persons submitting reports or named therein. The membership of the Committee will be appointed by NASA from all elements involved in the operational aspects of the national

aviation system including FAA and DOD.

G. *Schedule.* The ASRS will become operational by April 15, 1976, on which data NASA will begin receiving safety reports. The first report summarizing ASRS operations will be published three months thereafter. A full evaluation of ASRS operations and procedures will be made in June 1977 by the ASRS Advisory Committee and necessary system and procedural changes designed and implemented. The utility and effectiveness of the ASRS will be re-evaluated by the Committee in June 1979. At that time, the Committee will make recommendations to the Administrators of NASA and the FAA concerning the future utilization and continuance of the system.

V. Responsibilities

A. NASA will provide the personnel, services, materials, and facilities necessary for the design and implementation of the ASRS until termination of this Agreement or June 1980, whichever first occurs.

B. NASA will formally establish the ASRS and provide for the publication of a description of the system and such other information concerning that system as is necessary to ensure its maximum utilization by the aviation community and other interested persons.

C. FAA will provide the following:

1. The services to NASA of a senior ATC specialist for one month for advice and instruction on the FAA's air traffic control system. The specialist will also be made available for consultation at NASA's request for approximately 20 percent of the following year.

2. Assist NASA in obtaining necessary information about other areas of the national aviation system, including operational incidents and problems relevant to the research studies to be conducted under the ASRS.

3. Make FAA personnel available to assist NASA in the design of the ASRS.

4. Distribute the NASA ASRS forms, designed by NASA and bearing the NASA logo.

D. The FAA will not use any report submitted under the ASRS (or information derived therefrom) in any disciplinary action except information concerning criminal violations or accidents. In addition, the FAA will delete aspects of its ASRP program, such as reporting, which would duplicate NASA's efforts under this agreement. (Section V.D. revised April 24, 1979.)

E. Prior to the time that the ASRS becomes operational, the FAA and NASA will agree on criteria to be used by NASA to determine whether a report contains time critical information within the meaning of Section IV B.1.(a).

F. The FAA and NASA will jointly develop a continuing information program designed to fully acquaint the aviation community and the public with all aspects of the ASRP, ASRS, and their interrelationship. All press releases and other public announcements will be subject to prior consultation between the parties.

G. FAA and NASA will each designate an official for the purpose of ensuring continuing liaison concerning the administration of the ASRS. These officials will meet as required to exchange information and ensure that the system is meeting its objectives.

VI. Funding

A. The FAA will reimburse NASA for amounts paid by NASA to any contractor assisting NASA in the performance of its ASRS functions up to a maximum of $560,000 for FY–1976, which maximum amount may be increased or decreased by mutual agreement of the parties. Appropriate maximum levels of obligation on the part of the FAA for subsequent fiscal years shall be periodically mutually agreed to by the parties.

B. NASA will provide all necessary funding for the salary and administrative service costs associated with the design and implementation of the ASRS, costs associated with the operation of the Advisory Committee, and any other costs relating to the ASRS not otherwise specifically provided for herein.

VII. Other Provisions

A. NASA will publish quarterly reports providing routine statistical ASRS findings. These reports will each contain an appendix identifying time critical reports processed during the reporting period. NASA will also publish from time to time special reports describing the findings of special analyses conducted as a result of requests by the Advisory Committee or by others.

B. NASA will provide the FAA with quarterly reports summarizing project highlights, accomplishments, and resource utilization and annual reports summarizing ASRS findings and results of special studies.

VIII. Effective Date

This Agreement shall enter into force and effect when signed by both parties and shall remain in force and effect until June 1980 unless and until sooner terminated. Such termination may be by mutual agreement of the parties or by notice in writing forwarded by one party to the other not less than twelve months in advance of such termination.

Signed in Washington, D.C., on August 15, 1975.

National Aeronautics and Space Administration.

George M. Low,

Deputy Administrator

Department of Transportation Federal Aviation Administration.

James E. Dow,

Acting Administrator

Modifications to the original Memorandum of Agreement concurred in by both parties to the Agreement.

Signed in Washington, D.C., on April 24, 1979.

National Aeronautics and Space Administration.

A. M. Lovelace,

Deputy Administrator

Department of Transportation Federal Aviation Administration

Langhorne Bond,

Administrator.

[FR Doc. 79-13256 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-13-M

Proposed Ft. Lauderdale, Fla., Terminal Control Area; Informal Airspace Meeting

June 13, 1979.

The purpose of this meeting is to discuss a proposed Terminal Control Area configuration for Ft. Lauderdale. Comments on the potential economic and environmental effects are also invited. A separate meeting will be held on June 12, 1979, in the Miami/Dade Community College, South Campus, Room 2110, in Miami, Florida, to discuss the proposed expansion of the Miami Group I TCA.

Ft. Lauderdale is one of the 44 new Group II TCA proposals being developed as announced in the Notice of Proposed Rulemaking 78–19, titled Proposed "Controlled Visual Flight" Rules, which closed for comments on April 4, 1979. NPRM 78–19 will not be a topic of discussion.

The meeting will convene at 7 p.m., Wednesday, June 13, 1979, in the Florida Department of Transportation Auditorium, 780 S.W. 24th St., Ft. Lauderdale, Florida (on State Route 84, east of I–95). Attendance is open to the interested public, but is limited to the space available.

With the approval of the chairman, members of the public may present statements at the meeting. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman.

There will be no relinquishing of time by one speaker to another. The time limit may be waived at the discretion of the chairman. Written statements in addition to, or in lieu of, oral presentations will be accepted. These should be submitted to the chairman or as directed at the meeting.

Issued in Atlanta, Georgia on April 18, 1979.

Lonnie D. Parrish,

Chief, Air Traffic Division, Southern Region.

[FR Doc. 79-13290 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-14-M

Proposed Miami, Fla., Terminal Control Area; Informal Airspace Meeting

June 12, 1979.

The purpose of this meeting is to discuss a proposed expansion to the Miami, Florida, Group I Terminal Control Area. Comments on the potential economic and environmental effects are also invited. A separate meeting will be held on June 13, 1979, in the Florida Department of Transportation Auditorium in Ft. Lauderdale to discuss the proposed Ft. Lauderdale Group II TCA.

Miami is one of twenty-one existing TCA expansion proposals being developed as announced in the Notice of Proposed Rulemaking 78-19, titled Proposed "Controlled Visual Flight" Rules, which closed for comments on April 4, 1979. NPRM 78-19 will not be a topic of discussion.

The meeting will convene at 7 p.m., Tuesday, June 12, 1979, in the Miami/Dade Community College, South Campus, Room 2110, 11011 S.W. 104th Street, Miami, Florida. Attendance is open to the interested public, but is limited to the space available.

With the approval of the chairman, members of the public may present statements at the meeting. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. The time limit may be waived at the discretion of the chairman. Written statements in addition to, or in lieu of, oral presentations will be accepted. These should be submitted to the chairman or as directed at the meeting.

Issued in Atlanta, Georgia on April 18, 1979.

Lonnie D. Parrish,

Chief, Air Traffic Division, Southern Region.

[FR Doc. 79-13291 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-14-M

Proposed Terminal Control Area for Sacramento, Calif.; Meeting

Informal Airspace Meeting No. 53, Wednesday, June 20, 1979, and Saturday, June 23, 1979.

Time: Wednesday—7:30 p.m.; Saturday—10)) a.m.

Place: Pacific Telephone Company Area Headquarters, 2700 Watt Avenue, Sacramento, California 95821.

Status: Open to the public.

Matters to be considered: Proposed Terminal Control Area (TCA) for Sacramento, California.

Comments: No verbatim minutes or transcripts will be taken. However, participants may submit written comments to be made a matter of record if they so desire. This action will not prevent participants from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed. Public comments are invited at this meeting on development of the proposed TCA configuration.

For further information contact: Dallas McClemmons, Programs Officer, Sacramento Radar Approach Control Center, 5839 22nd Street, Rio Linda, California, 95673, (913) 922-9511.

Lawrence C. Fortier, Jr.

Chief, Airspace and Procedures Branch, AWE-530, Western Region.

[FR Doc. 13031 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-13-M

Proposed Terminal Control Area for Tucson, Ariz.; Meeting

Informal airspace meeting No. 54, May 23 and 24, 1979.

Time: 7:00 p.m.

Place: Sunnyside High School, 1725 East Bilby Road, Tucson, Arizona.

Status: Open to the Public.

Matters to be considered: Proposed Terminal Control Area (TCA) for Tucson International Airport, Tucson, Arizona.

Comments: No verbatim minutes or transcripts will be taken. However, participants may submit written comments to be made a matter of record if they so desire. This action will not prevent participants from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed. Public comments are invited at this meeting on development of the proposed TCA configuration.

For Further Information Contact: Clay Boring, Programs Officer, Tucson Radar Approach Control, Building 4816, Davis-Monthan AFB, Arizona; telephone (602) 792-6457.

Lawrence C. Fortier, Jr.,

Chief, Airspace and Procedures Branch, AWE-530, Western Region, Federal Aviation Administration.

[FR Doc. 79-13030 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Biomechanics Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), notice is hereby given of a meeting of the Biomechanics Advisory Committee to be held on May 15 and 16, 1979, in room 6200 of the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

The Committee will meet starting at 9:00 a.m. on both days to review minutes of the January Biomechanics Advisory Committee meeting; the changes to NHTSA Order 700-4, "Ethical Use of Cadavers in NHTSA-Sponsored Experiments"; DHEW regulations on the protection of human subjects; and NHTSA Order 700-1, "Protection of the Rights and Welfare of Human Subjects Involved in NHTSA-Sponsored Experiments.

The members will also hear a presentation on select projects reviewed by the "Human Use Review Committee". This is an NHTSA review committee that makes recommendations on NHTSA procedures and proposed projects requiring the protection of human subjects.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on: April 23, 1979.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 79-13214 Filed 4-27-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

Extension of the Countervailing Duty Waiver Authority

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Termination of suspension of liquidation.

SUMMARY: This notice is to advise the public that the authority conferred upon the Secretary of the Treasury by the Trade Act of 1974 to waive the imposition of countervailing duties has been extended. The liquidation of merchandise subject to countervailing duty waivers entered on or after January 3, 1979, will now be resumed.

EFFECTIVE DATE: April 30, 1979.

FOR FURTHER INFORMATION CONTACT: James Lyons, Office of the Chief Counsel, U.S. Customs Service, Washington, D.C. 20229 (202–566–5476).

SUPPLEMENTARY INFORMATION: Section 303(d) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (Pub. L. 93–618, January 3, 1975), authorized the Secretary of the Treasury to waive the imposition of countervailing duties on any article or merchandise during the four year-period which began on the date of enactment of the Trade Act of 1974 if he determined that:

"(A) Adequate steps [had] been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he [had] determined [was] being paid or bestowed with respect to any article or merchandise;

(B) There [was] a reasonable prospect that, under section 102 of the Trade Act of 1974 successful trade agreements would be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to other distortions of international trade; and

(C) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations" as amended (19 U.S.C. 1303(d)(2)).

When the Secretary's authority to grant such waivers expired on January 3, 1979, all merchandise then subject to waivers, entered or withdrawn from warehouse for consumption became subject to the assessment of countervailing duties. However, the possibility that waiver extension legislation would be enacted during the current session of Congress retroactive to January 3, 1979, made it uncertain that liability would ultimately attach for countervailing duties on merchandise for which waivers were in effect. It was, therefore deemed appropriate to suspend the final liquidations of such entries, see 44 FR 141. In lieu of requiring the deposit of estimated countervailing duties, the posting of bonds or irrevocable letters of credit in an amount sufficient to cover potential liability for countervailing duties was considered sufficient to meet the obligations of the Secretary for protecting the revenue.

On March 27, 1979, the Senate passed and on April 3, 1979 the President signed into law the countervailing duty waiver extension bill, H.R. 1147, which extends the effective date of any waiver still in effect on January 2, 1979 (Pub. L. 96–6). This extension continues until whichever of the following dates first occurs:

(A) The date on which either House of Congress defeats on a vote of final passage, in accordance with the provisions of section 151 of the Trade Act of 1974, implementing legislation with respect to a multilateral trade agreement or agreements governing the use of subsidies.

(B) The date of enactment of such implementing legislation.

(C) The date such determination is revoked under section 1303(d)(3) of the Tariff Act of 1930, as amended.

(D) The date of adoption of a resolution of disapproval of such determination pursuant to section 1303(e)(2) of the Tariff Act of 1930, as amended.

(E) September 30, 1979.

The extension of the waiver authority eliminates the need to continue the suspension of liquidations on merchandise which had been subject to the waiver of countervailing duties on January 2, 1979. Accordingly, effective April 30, 1979, liquidations will resume with respect to the above-described mechandise entered, or withdrawn from warehouse, for consumption on or after January 3, 1979. No countervailing duties will be collected on those products for which the Secretary had authorized a waiver, where such waiver was in effect on January 2, 1979, and continues in effect. Where a deposit of estimated duties had been made because of the expiration of the waiver authority, refunds of the appropriate amounts will be made.

Leonard Lehman,
Acting Commissioner of Customs.

Approved: April 18, 1979.

Robert H. Mundheim,
The General Counsel of the Treasury.

[FR Doc. 79–13316 Filed 4–27–79; 8:45 am]
BILLING CODE 4810–22–M

Tuna Fish—Tariff-Rate Quota for Calendar Year 1979

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity for tuna for calendar year 1979.

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 112.30, Tariff Schedules of the United States (TSUS), is based on the U.S. pack of canned tuna during the preceding calendar year.

EFFECTIVE DATES: The 1979 tariff-rate quota is applicable to tuna fish described in item 112.30, TSUS, entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Helen C. Rohrbaugh, Head, Quota Section, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229 (202–566–8592).

It has now been determined that 125,813,220 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1979 at the rate of 6 per centum ad valorem under item 112.30, TSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 per centum ad valorem under item 112.34 of the tariff schedules.

Pursuant to the provisions of item 112.30, TSUS, the above quota is based on the United States pack of canned tuna during the calendar year 1978.

(QUO–2–0:D:S:Q GH)

Dated: April 20, 1979.

Robert E. Chasen,
Commissioner of Customs.

[T.D. 79–124]
[FR Doc. 79–13315 Filed 4–27–79; 8:45 am]
BILLING CODE 4810–22–M

Office of the Secretary

Certain Fresh Winter Vegetables From Mexico; Antidumping; Extension of Investigatory Period

AGENCY: U.S. Treasury Department.

ACTION: Extension of Antidumping Investigatory Period.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has determined that a tentative determination as to whether sales of certain fresh winter vegetables from Mexico have occurred at less than fair value cannot reasonably be made in 6 months. The tentative determination will be made no longer than 9 months from the date of the initiation of the investigation.

Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market at prices at or above the cost of production.

EFFECTIVE DATE: April 30, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5492).

SUPPLEMENTARY INFORMATION: On September 12, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27) from counsel acting on behalf of sevral groups of American growers of winter vegetables alleging that certain fresh winter vegetables from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (hereinafter referred to as "the Act"). On the basis of this information, an "Antidumping Proceeding Notice" was published in the **Federal Register** on October 19, 1978 (43 FR 48755).

For purposes of this notice, the term "certain fresh winter vegetables" means cucumbers, eggplant, peppers, squash and tomatoes (except cherry tomatoes), all of the foregoing fresh, the product of Mexico, provided for in items 135.90 through 135.92, 136.20 through 136.22, 137.10, 137.50, and 137.60 through 137.63, respectively, of the Tariff Schedules of the United States, and meeting the United States Department of Agriculture minimum standards for grades as set out in 7 CFR sections 51.2220 through 51.2239, 51.2190 through 51.2207, 51.3270 through 51.3286, 51.4030 through 51.4062, and 51.1855 through 51.1877, respectively. It is noted that this investigation concerns fresh vegetables shipped during the winter vegetable season and for this reason is limited to shipments of the subject merchandise made during the period from November 1 in any year to the last day of the following April inclusive.

Pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)), notice is hereby given that the Secretary concludes that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) cannot reasonably be made within 6 months. The determination under section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) will, therefore, be made within no more than 9 months.

This determination is based upon the need to further analyze data on pricing in more than 40,000 transactions involving more than 60 respondents, cost of production data from 39 respondents, and numberous complex legal and technical issues of first impression arising in connection with that information.

This notice is published pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

Robert H. Mundheim,

General Counsel of the Treasury.

April 23, 1979.

[FR Doc. 79-13307 Filed 4-27-79; 8:45 am]

BILLING CODE 4810-22-M

Interest Rate on Notes of Series S–1981

The Secretary announced on April 24, 1979, that the interest rate on the notes designated Series S–1981, described in Department Circular—Public Debt Series—No. 8–79, dated April 19, 1979, will be 9¾ percent. Interest on the notes will be payable at the rate of 9¾ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[Supplement to Department Circular Public Debt Series—No. 8–79]

[FR Doc. 79-13295 Filed 4-27-79; 8:45 am]

BILLING CODE 4810-40-M

Sugars and Syrups From Canada; Antidumping Proceeding

AGENCY: United States Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether sugars and syrups from Canada are being sold, or are likely to be sold, at less than fair value within the meaning of the Antidumping Act of 1921, as amended. There is substantial doubt that imports of the subject merchandise are causing, or are likely to cause, injury to an industry in the United States. Therefore, the case is being referred to the U.S. International Trade Commission for a determination on the injury question.

EFFECTIVE DATE: April 30, 1979.

FOR FURTHER INFORMATION CONTACT: Vincent Kane, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, telephone (202–566–5492).

SUPPLEMENTARY INFORMATION: On March 19, 1979, a petition in proper form was received pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from the Amstar Corporation, a domestic producer of sugar, alleging that sugars and syrups from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). (hereinafter referred to as "the Act").

For purposes of this notice the term "sugars and syrups" means sugars and syrups as provided for in item numbers 155.20 and 155.30, Tariff Schedules of the United States Annotated (TSUSA).

Based upon information set forth in the petition, the alleged margins of dumping, based on comparisons between home market prices of refined sugar and prices for export to the United States, range from approximately 11 to 45 percent.

Petitioner has presented evidence concerning alleged injury or likelihood of injury from the less than fair value imports from Canada. That evidence included increased imports from Canada over the last three years, decreased profitability, price suppression and reduced employment. Petitioner has also alleged that the injury caused by the less than fair value imports from Canada has been concentrated in the Northeast and Northcentral U.S. regions. Imports of sugar from Canada increased from 42,000 net tons in 1975 to 138,000 net tons in 1977 before declining to approximately 99,600 net tons in 1978. However, these imports represented only 1.2 percent of the U.S. domestic market in 1977 and 0.9 percent in 1978. Even in the Northeast and Northcentral regions, Canadian imports only represented 2.3 percent of the market in 1977 and 1.7 percent in 1978. Information is also available in studies prepared by the U.S. Department of Agriculture indicating a general decline in the per capita consumption of sugar in the United States over the last five years as well as increased competition from non-caloric and lower priced corn based sweeteners. Given the small and declining amounts of Canadian refined sugar exported to the United States and declining share of the U.S. national and regional markets held by those imports, as well as the evidence regarding other trends in the U.S. sweetener industry, it has been concluded that there is a substantial doubt of injury or likelihood of injury to an industry in the United States by reason of imports of such

merchandise from Canada. Accordingly, the U.S. International Trade Commission is being advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. Should the International Trade Commission, within 30 days of receipt of the advice cited in the preceding paragraph, advise the Secretary that there is no reasonable indication that an industry in the United States is being, or is likely to be, injured by reason of the the importation of such merchandise into the United States, the Department will publish promptly in the **Federal Register** a notice terminating the investigation. Otherwise the investigation will continue to conclusion.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

Robert H. Mundheim,
General Counsel of the Treasury.

April 23, 1979.

[FR Doc. 79-13308 Filed 4-27-79; 8:45 am]

BILLING CODE 4810-22-M

Treasury Notes of May 15, 1989, Series A-1989

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,250,000,000 of United States securities, designated Treasury Notes of May 15, 1989, Series A-1989 (CUSIP No. 912827 JQ 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents of foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1979, and will bear interest from that date, payable on a semiannual basis on November 15, 1979, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1989, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving Time, Tuesday, May 1, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, April 30, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States hold membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which

tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, May 15, 1979, at the Federal Reserve Bank or Branch or at the Bureau of Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons attached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, May 10, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Wednesday, May 9, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representatives, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,
Fiscal Assistant Secretary

[Public Debt Series No. 9-79]
[FR Doc. 79-13490 Filed 4-26-79; 3:21 pm]
BILLING CODE 4810-40-M

Treasury Bonds of 2004-2009

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United States securities, designated Treasury Bonds of 2004-2009 (CUSIP No. 912810 CG 1). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be

issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1979, and will bear interest from that date, payable on a semiannual basis on November 15, 1979, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature on May 15, 2009, but may be redeemed at the option of the United States on and after May 15, 2004, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other exicse taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving Time, Wednesday, May 2, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 1, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of 1 percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of

applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, May 15, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, May 10, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Wednesday, May 9, 1979, if the check is drawn on a bank in another Federal Reserve District. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[Public Debt Series No. 10-79]

[FR Doc. 79-13491 Filed 4-26-79; 3:21 am]

BILLING CODE 4810-40-M

UNITED STATES RAILWAY ASSOCIATION

Consolidated Rail Corporation; Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (Conrail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section 211 requires that the Association publish notice of the receipt of any application thereunder in the **Federal Register** and afford interested parties an opportunity to comment thereon.

On September 28, 1977, the Board of Directors of the Association approved $13,570,298 in response to the request of Conrail for section 211(h) loans for vacation pay claims of the Erie Lackawanna, The Lehigh Valley Railroad Company and the Reading Company estates. Conrail borrowed $11,801,740. On April 4, 1979, the Board of Directors of the Association approved the request of Conrail to reallocate $406,890.68 of the balance.

On April 19, 1979, Conrail submitted a new Borrowing Application (Borrowing Application) requesting (1) the balance ($1,361,667.32) of the funds approved on September 28, 1977 and (2) uncommitted section 211(h) funds of $179,895.00. Conrail states that it will use these funds to pay vacation pay obligations of $1,361,667.32 of The Central Railroad of New Jersey, and vacation pay obligations of $179,895.00 of The Ann Arbor Railroad Company.

The Borrowing Application includes the certification and exhibits required by the Loan Procedures.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, 955 L'Enfant Plaza North,

S W., Washington, D.C. 20595, on or before May 9, 1979, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5:00 p.m.

Dated at Washington, D.C. this 25th day of April, 1979.

Peter J. Gallagher,

Assistant Secretary, United States Railway Association.

[Docket 211-20]

[FR Doc. 79-13332 Filed 4-27-79; 8:45 am]

BILLING CODE 8240-01-M

INTERSTATE COMMERCE COMMISSION

Assignment of Hearings

April 25,1979.

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.

MC 145399F, Shay Distributing Co., Inc., MC 145339 (Sub-1F), Shay Distributing Co., Inc., MC 145399 (Sub-2F), Shay Distributing Co., Inc., now assigned for hearing on May 16, 1979, at Los Angeles, CA, is postponed indefinitely.

MC 66746 (Sub-21F), Shippers Express, Inc., now assigned for hearing on May 16, 1979 at Los Angeles, CA, is postponed indefinitely.

H. G. Homme, Jr.,

Secretary

[FR Doc. 79-13326 Filed 4-27-79; 8:45 am]

BILLING CODE 7035-01-M

Birmingham Southern Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Birmingham Southern Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 192 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 5, 1979, received a certificate of publication as required by said regulations which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 192 (SDM).

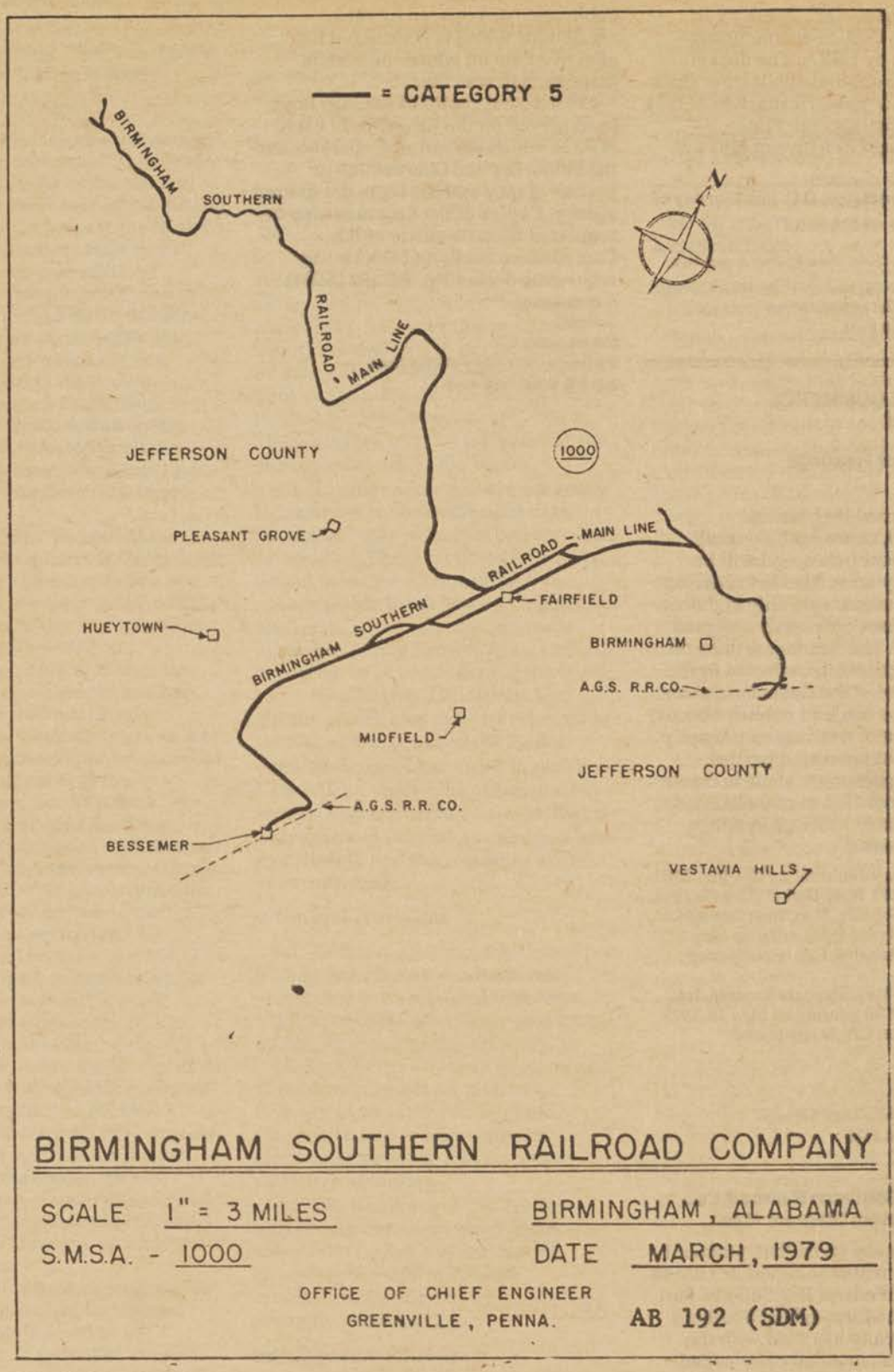
H. G. Homme, Jr.,

Secretary.

[AB 192 (SDM)]

[FR Doc. 79-13331 Filed 4-27-79; 8:45 am]

BILLING CODE 7035-01-M



BILLING CODE 7035-01-C

Chicago & North Western Transportation Co. Abandonment Near James Valley Junction and Redfield in Beadle and Spinks Counties, SD; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. § 10903 (formerly Section 1a of the Interstate Commerce Act) that by a Certificate and Decision decided April 9, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co.–Abandonment Goshen*———I.C.C.——decided February 9, 1979, and further that North Western shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of its line of railroad extending from milepost 201.5 near Humboldt to milepost 187.8 near LuVerne, a distance of 13.7 miles, all in Humboldt County, IA. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. After the investigation, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

H. G. Homme, Jr.,
Secretary.

[Docket No. AB-1 (Sub-No. 80F)]
[FR Doc. 79-13328 Filed 4-27-79; 8:45 am]
BILLING CODE 7035-01-M

Meridian & Bigbee Railroad Co.; Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

Because of flooding conditions, Meridian & Bigbee Railroad Company, is unable to relocate empty cars to the industries for loading in accordance with Car Service Rules 1 and 2. Consequently, Meridian & Bigbee Railroad Company is unable to furnish cars of suitable ownership to shippers in order that the cars can be loaded in accordance with Car Service Rules 1 and 2.

It is ordered, That pursuant to the authority vested in me by Car Servce Rule 19:

Meridian & Bigbee Railroad Company, is authorized to accept from shippers general service plain boxcars bearing mechanical designation "XM" as listed in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, regardless of the provisions of Car Service Rules 1 and 2.

It is further ordered,

This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective 10:00 a.m., April 17, 1979.
Expires 11:59 p.m., May 4, 1979.

Issued at Washington, D.C., April 17, 1979.

Interstate Commerce Commission.
Joel E. Burns,
Agent.

[Exemption 163]
[FR Doc. 79-13324 Filed 4-27-79; 8:45 am]
BILLING CODE 7035-01-M

Chicago, Rock Island & Pacific Railroad Co., Burlington Northern, Inc.; Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

Upon further consideration of Revised Exemption No. 161 issued March 23, 1979.

It is ordered, That, under authority vested in me by Car Service Rule 19, Revised Exemption No. 161 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire April 30, 1979.

This amendment shall become effective 1:59 p.m., April 15, 1979.

Issued at Washington, D.C., April 12, 1979.

Interstate Commerce Commission.
Robert S. Turkington,
Agent.

[Rev. Exemption 161: Amdt. 1]
[FR Doc. 79-13322 Filed 4-27-79; 8:45 am]
BILLING CODE 7035-01-M

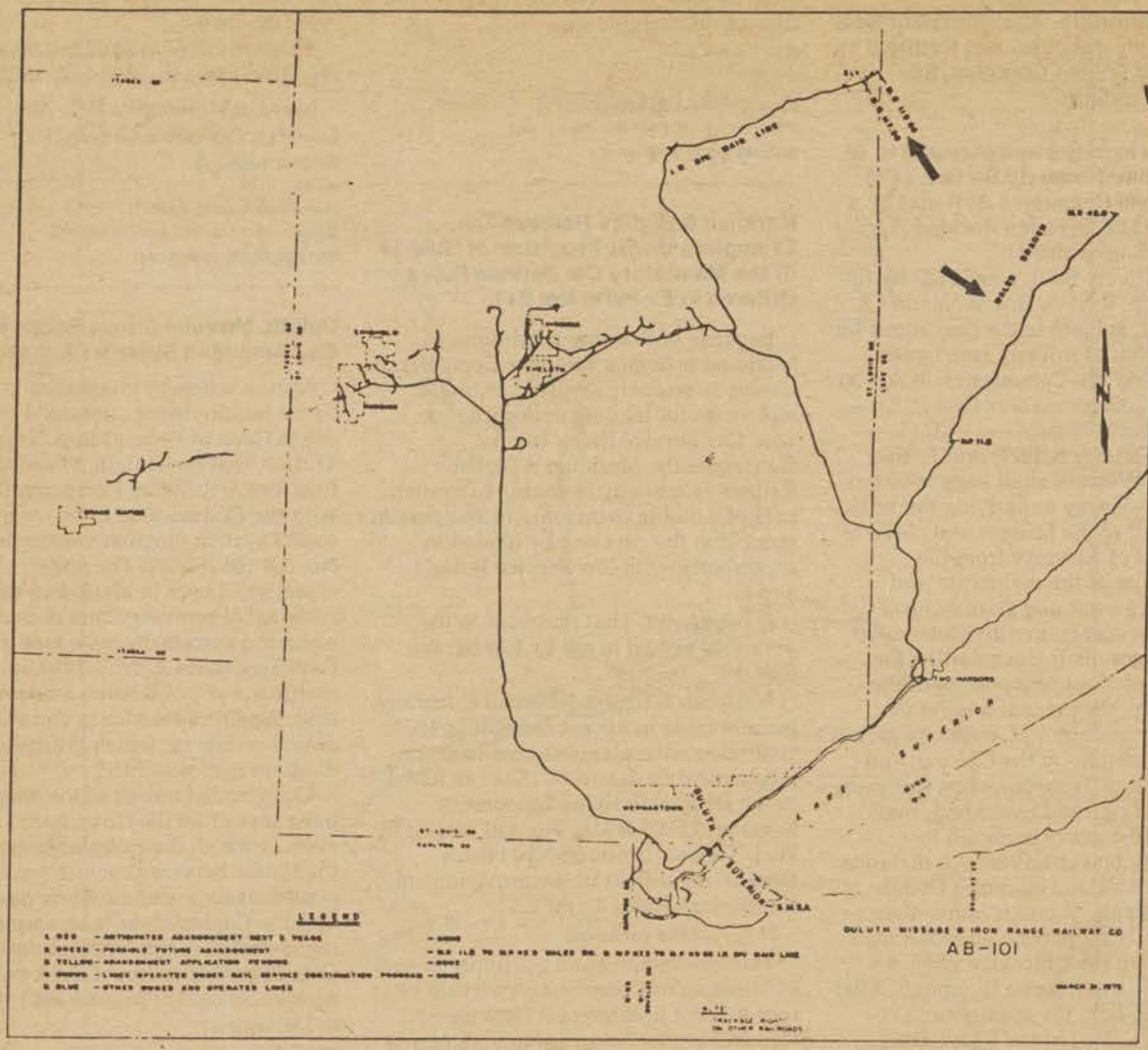
Duluth, Missabe & Iron Range Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Duluth, Missabe and Iron Range Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 101 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 5, 1979, received a certificate of publication as required by said regulations which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 101 (SDM).

H. G. Homme, Jr.,
Secretary.

BILLING CODE 7035-01-M



BILLING CODE 7035-01-C

Description of Lines

Category 1—"All lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within the three-year period following the date upon which the diagram, or any amended diagram, is filed with the Commission."

DM&IR has no such lines to report.

Category 2—"All lines or portions of lines potentially subject to abandonment which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues."

State: Minnesota

"(a) Carrier's designation for each line." Wales Branch between Jordan and Sawbill Junction.

"(b) State or states in which each line is located." Minnesota.

"(c) County or counties in which each line is located." Lake County.

"(d) Mileposts delineating each line or portion of line." MP 11.8 to MP 42.

"(e) Agency or terminal stations located on each line or portion of line with milepost designations." None.

Category 3—"All lines or portions of line for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission."

DM&IR has no such lines to report.

Description of Lines

Category 1—"All lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within the three-year period following the date upon which the diagram, or any amended diagram, is filed with the commission."

DM&IR has no such lines to report.

Category 2—"All lines or portions of lines potentially subject to abandonment which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues."

State: Minnesota

"(a) Carrier's designation for each line." Iron Range Division Main Line between Ely and Winton

"(b) State or states in which each line is located." Minnesota

"(c) County or counties in which each line is located." St. Louis County

"(d) Mileposts delineating each line or portion of line." MP 117.5 to MP 119.66

"(e) Agency or terminal stations located on each line or portion of line with milepost designations." None

Catetory 3—"All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission."

DM&IR has no such lines to report.

[AB 101 (SDM)]

[FR Doc. 79-13329 Filed 4-27-79; 8:45 am]

BILLING CODE 7035-01-M

Illinois Central Gulf Railroad Co.; Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in ex Parte No. 241

Because of flood conditions, there is an immediate need for shipments of company riprap and ballast to stations in the State of Mississippi for roadbed rehabilitation on the Illinois Central Gulf Railroad Company. Sufficient gondolas of suitable ownership are not available on the Illinois Central Gulf Railroad Company to protect these emergency shipments. Compliance with Car Service Rules 1 and 2 would prevent the Illinois Central Gulf Railroad Company from supplying sufficient cars to meet these emergency requirements.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Illinois Central Gulf Railroad Company is authorized to load "GB" type gondola cars, less than 61-ft. in length, with company riprap and company ballast at Jessup, Kentucky, and Ullin, Illinois, destined to stations in the State of Mississippi, for emergency track repairs without regard to the provisions of Car Service Rules 1 and 2.

It is further ordered, This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective 4:00 p.m., April 17, 1979.
Expires 11:59 p.m., May 18, 1979.

Issued at Washington, D.C., April 17, 1979.

21Interstate Commerce Commission.

Joel E. Burns,

Agent.

[Exemption 164]

[FR Doc. 79-13325 Filed 4-27-79; 8:45 am]

BILLING CODE 7035-01-M

Meridian & Bigbee Railroad Co.; Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Meridian & Bigbee Railroad Company is unable to transport promptly all traffic offered for movement between Meridian, Mississippi, and Myrtlewood, Alabama, because of flooding.

It is ordered, (a) *Rerouting traffic.* The Meridian & Bigbee Railroad Company being unable to transport promptly all traffic offered for movement between Meridian, Mississippi, and Myrtlewood, Alabama, became of flooding, that line and its connections are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

(b) *Acceptance of traffic in interchange.* In the event the Meridian & Bigbee Railroad Company cannot accept traffic in interchange from a connecting carrier, the delivering carrier, after establishing such condition, may reroute or divert the traffic via any available route.

(c) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(e) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(f) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Effective date.* This order shall become effective at 10:00 a.m., April 17, 1979.

(h) *Expiration date.* This order shall expire at 11:59 p.m., May 4, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all

railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 17, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[ICC Order 35; S.O. 1344]

[FR Doc. 79-13323 Filed 4-27-79; 8:45 am]

BILLING CODE 7035-01-M

Missouri-Kansas-Texas Railroad Co.—Trackage Rights—Over St. Louis San Francisco Railway Co. Between Columbus and Oswego in Labette and Cherokee Counties, KS

Missouri-Kansas-Texas Railroad Company (MKT), Katy Building, 701 Commerce Street, Dallas County, Dallas, TX 75202, represented by William A. Thie, General Counsel, Missouri-Kansas-Texas Railroad Company, Katy Building, 701 Commerce Street, Dallas, TX 75202, hereby give notice that on the 12th day of April, 1979, it filed with the Interstate Commerce Commission at Washington, DC, an application under 49 U.S.C. § 11343 (formerly Section 5(2) of the Interstate Commerce Act) for a decision approving and authorizing the acquisition of trackage rights over the main track of the St. Louis San Francisco Railway Company between Columbus and Oswego, KS, a distance of 17.84 miles, all in Labette and Cherokee Counties, KS. MKT is presently operating over the above described line pursuant to Service Order No. 1336.

In the opinion of the Applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 29018F and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20424, not later than June 14, 1979. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

H. G. Homme, Jr.,

Secretary.

[Finance Docket 29018F]

[FR Doc. 79-13327 Filed 4-27-79; 8:45 am]

BILLING CODE 7035-01-M

Newburgh & South Shore Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Newburgh & South Shore Railway Company, has filed with the Commission its amended color-coded system diagram map in docket No. AB 184 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 5, 1979, receive a certificate of publication as required by said regulations which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 184 (SDM).

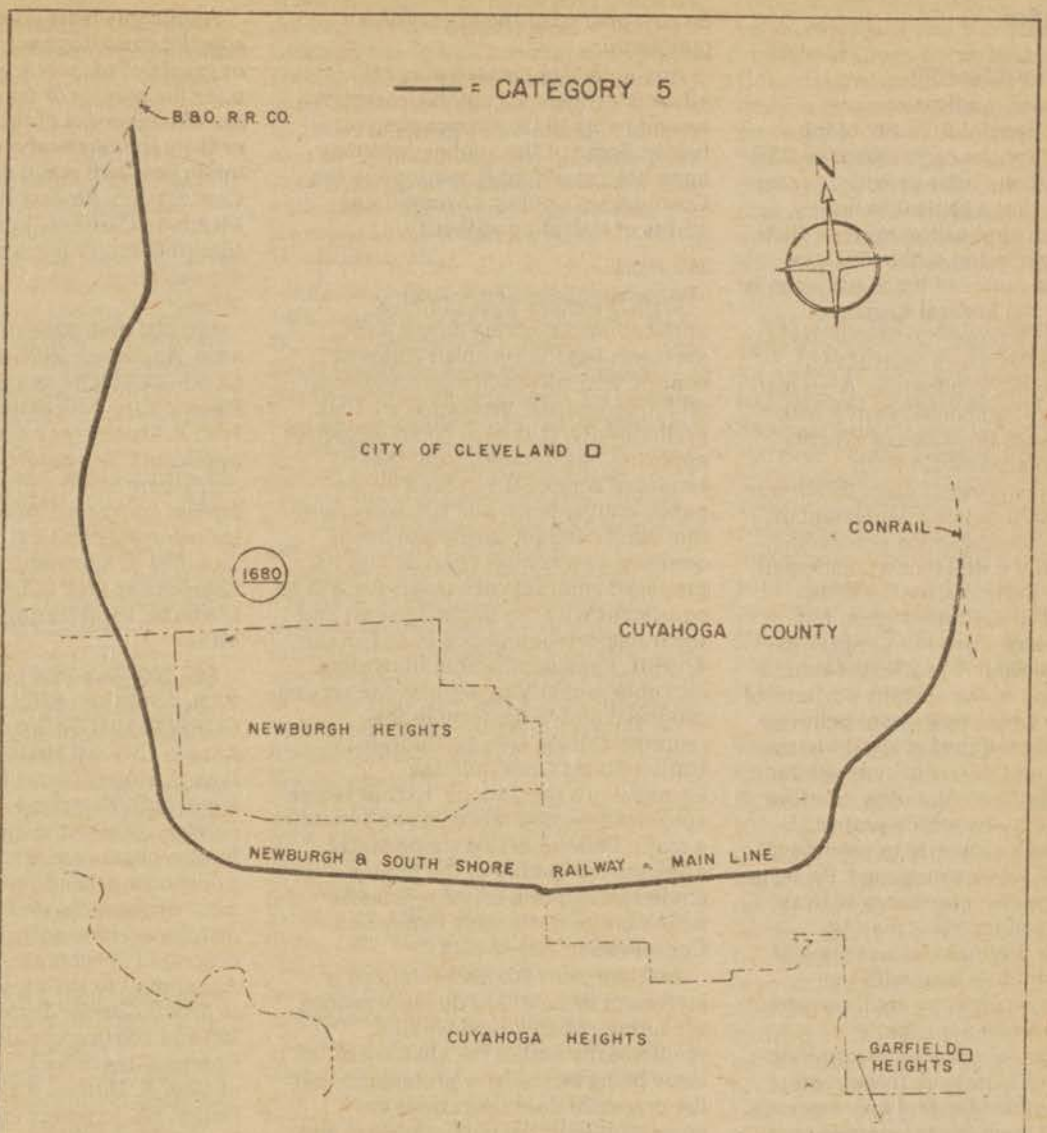
H. G. Homme, Jr.,

Secretary.

[AB 184(SDM)]

[FR Doc. 79-13330 Filed 4-27-79; 8:45 am]

BILLING CODE 7035-01-M



NEWBURGH & SOUTH SHORE RAILWAY COMPANY

SCALE 1" = 3000' AB 184 (Sub 7)

CLEVELAND, OHIO

S.M.S.A. - 1680

DATE MARCH, 1979

OFFICE OF CHIEF ENGINEER
GREENVILLE, PENNA.

Certified to be a true copy of the original document

M. T. Reilly

M. T. Reilly, Attorney

BILLING CODE 7035-01-C

Decision-Notice

Decided: April 12, 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.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

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.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect 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 transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commision'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 transportation policy of 49 U.S.C. § 10101 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(a) [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.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied. By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. (Board Member Jones not participating).

H. G. Homme, Jr.,
Secretary.

MC 200 (Sub-328F), filed January 25, 1979. Applicant: RISS INTERNATIONAL 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 *plastic containers*, from the facilities of Monsanto Company, at Sharonville, OH, to Iowa City and Ft. Madison, IA. (Hearing site: Kansas City, MO.)

MC 200 (Sub-329F), filed January 25, 1979. Applicant: RISS INTERNATIONAL 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 *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 Geo. A. Hormel & Company, at Ft. Dodge, IA, to points in TX. (Hearing site: Kansas City, MO.)

MC 28060 (Sub-48F), filed January 26, 1979. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Ave., Sioux Falls, SD 57101. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Road NE., Atlanta, GA 30326. 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 Winner, SD, to points in CO, IA, MN, MO, NE, and ND. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

MC 35320 (Sub-191F), filed January 29, 1979. Applicant: TIME–DC, INC., 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, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Lily Division of Owens-Illinois, Inc., at or near Bardstown, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Louisville, KY, or Washington, DC.)

MC 35320 (Sub-192F), filed January 29, 1979. Applicant: T.I.M.E.–DC, INC., 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, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Western Grocers Corporation, at or near Albuquerque, NM, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Albuquerque, NM, or Washington, DC.)

MC 35320 (Sub-193F), filed January 29, 1979. Applicant: T.I.M.E.–DC, INC., 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, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Blazon-Flexible Flyer, Inc., at or near West Point, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

MC 35320 (Sub-194F), filed January 29, 1979. Applicant: T.I.M.E.–DC, INC., 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, 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, ammunition and parts of ammunition), serving the facilities of Hancock Textile Co., Inc., at or near Tupelo, MS, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

MC 35320 (Sub-195F), filed January 29, 1979. Applicant: T.I.M.E.–DC, INC., 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, 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, ammunition, and parts of ammunition), serving the facilities of Sportswear Associates, at or near Lafayette, TN, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Nashville, TN, or Washington, DC.)

MC 38481 (Sub-11F), filed January 25, 1979. Applicant: FARRUGGIO'S BRISTOL AND PHILADELPHIA AUTO EXPRESS, INC., 1419 Radcliffe Street, Bristol, PA 19007. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *slag, slag products, sand, and gravel*, from points in Bucks and Montgomery Counties, PA, to points in NJ and NY, and (2) *sand*, from points in NJ to points in PA. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 59150 (Sub-147F), filed January 11, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points in GA to points in LA. (Hearing site: Jacksonville, FL.)

MC 61440 (Sub-167F), filed January 26, 1979. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 NW 63rd St., Oklahoma City, OK 73157. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. 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 The Goodyear Tire and Rubber Company, at or near Silsbee, TX, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 68100 (Sub-24F), filed January 25, 1979. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, wood products, and millwork*, from points in McKinley County, NM, to points in AR, IL, KS, LA, MS, MO, OK, and TX. (Hearing site: Albuquerque, NM).

MC 75320 (Sub-208F), filed January 2, 1979. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: Phineas Stevens, 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), (1) between St. Louis, MO, and Dubuque, IA, over U.S. Hwy 61, (2) between Des Moines, IA and junction U.S. Hwy 61 and U.S. Hwy 218 near Keokuk, IA, from junction U.S. Hwy 61 and U.S. Hwy 218, over U.S. Hwy 218 to Mount Pleasant, IA, then over U.S. Hwy 34 to Ottumwa, IA, then over U.S. Hwy 63 to Oskaloosa, then over U.S. Hwy 163 to Des Moines, and return over the same route, (3) between Omaha, NE, and Rock Island, IL, over U.S. Hwy 6, (4) between Fort Madison and Donnellson, IA, over IA Hwy 2, (5) between Burlington and Mount Pleasant, IA, over U.S. Hwy 34, (6) between Washington, IA, and junction IA Hwy 92 and U.S. Hwy 61 near Grandview, IA, over IA Hwy 92,

(7) between Mount Pleasant and Cedar Rapids, IA, over U.S. Hwy 218, (8) between Cedar Rapids and Clinton, IA, over U.S. Hwy 30, (9) between Cedar Rapids and Dubuque, IA, over U.S. Hwy 151, (10) between Council Bluffs and Sioux City, IA, over U.S. Hwy 75, (11)

between Sioux City and Dubuque, IA, over U.S. Hwy 20, (12) between Preston, MO, and Blairsburg, IA; from Preston, MO, over U.S. Hwy 65 to Des Moines, IA, then over U.S. Hwy 69 to Blairsburg, and return over the same route, and (13) between Oskaloosa and Waterloo, IA, over U.S. Hwy 63, serving all intermediate and off-route points in IA in (1) through (13). (Hearing site: St. Louis, MO.)

MC 93840 (Sub-43F), filed January 28, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, 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 *salt*, from the facilities of Morton Salt Company, (1) at Clinton, Dubuque, and Keokuk, IA, to points in IL, MO, and WI, and (2) at Rock Island, IL, to points in MO and WI. (Hearing site: Chicago, IL.)

MC 94350 (Sub-422F), filed January 26, 1979. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *trailers* designed to be drawn by passenger automobiles, in initial movements, from Salt Lake City, UT, to those points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 109891 (Sub-36F), filed January 26, 1979. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, P.O. Box 7398, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bauxite ore*, in bulk, in tank vehicles, from Charleston, SC, to East Point, GA. (Hearing Site: Washington, DC, or Columbia, SC.)

MC 110420 (Sub-796F), filed January 26, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 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 *liquid chemicals, petroleum oil, and inedible animal oil*, in bulk, in tank vehicles, from Bristol, PA, to ports of entry on the international boundary line between the United States and Canada, at points in NY, and to points in IL, IN, MI, and OH. (Hearing Site: Philadelphia, PA, or Washington, DC.)

MC 110420 (Sub-801F), filed January 29, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 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 *liquid chemicals*, in bulk, in tank vehicles, from Clairton and West Elizabeth, PA, to points in IL, IN, MI, OH, and WI. (Hearing Site: Pittsburgh, PA, or Washington, DC.)

MC 112520 (Sub-361F), filed January 29, 1979. 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 *propellant explosive* (Class B), in water, in bulk, in tank vehicles, between points in Wakulla County, FL, and Baraboo, WI. (Hearing site: Atlanta, GA, or Washington, DC)

Note.—The certificate will expire 5 years from the date of issue.

MC 114211 (Sub-398F), filed January 25, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel buildings and parts of steel buildings*, from the facilities of Kirby Building Systems, Inc., at Spanish Fork, UT, to points in CA, OR, WA, ND, SD, AZ, NM, KS, NE, ID, WY, MT, CO, and NV. (Hearing site: Provo or Salt Lake City, UT.)

MC 115311 (Sub-336F), filed January 29, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, 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 *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between those points in the United States in and east of ND, SD, NE, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities of United States Gypsum Company. (Hearing site: Chicago, IL.)

MC 115841 (Sub-665F), filed January 23, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (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 discount and variety stores (except foodstuffs furniture, and commodities in bulk), and (2) *foodstuffs* (except in bulk) and *furniture*, when moving in mixed loads with the commodities named in (1) above, from Charlotte, NC, to points in IL, KS, MI, MO, OH, TN, and TX. (Hearing site: Detroit, MI, or Washington, DC.)

MC 115841 (Sub-673F), filed January 29, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *appliances, air conditioners, and heating equipment*, and (2) *parts and accessories* for the commodities named in (1) above, from Chattanooga, TN, Albion, MI, Searcy, AR, Ripon, WI, and Madisonville, KY, to points in AL, FL, GA, MS, NC, SC, and TN, and those in the United States in and west of LA, AR, MO, IA, and MN (except AK and HI). (Hearing site: Chicago, IL.)

MC 117730 (Sub-36F), filed December 20, 1978. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (I)(a) *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), and (b) *foodstuffs* (except the commodities named in (I)(a) above),

when moving in mixed loads with the commodities named in (I)(a) above, in vehicles equipped with mechanical refrigeration, (1) between the facilities of Oscar Mayer & Co., Inc., at Davenport, IA.

Jefferson, WI, and points in Cook, Du Page, Will, Kane, McHenry, and Lake Counties, IL, and (2) from the facilities of Oscar Mayer & Co., Inc., at (a) Davenport, IA, and (b) Beardstown, IL, to Madison, WI, and points in IN, OH, and the Lower Peninsula of MI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations; and (II)(a) *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), and (b) *dairy products,* and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers,* as described in sections B and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, when moving in mixed loads with the commodities named in (II)(a) above, in vehicles equipped with mechanical refrigeration, from the facilities of Oscar Mayer & Co., Inc., at Davenport IA, to St. Louis, MO, and points in St. Louis County, MO, and Madison and St. Clair Counties, IL. (Hearing site: Chicago, IL.)

MC 117820 (Sub-26F), filed January 25, 1979. Applicant: AURELIA TRUCKING CO. (a Corporation), 2121 Petit Street, Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *confectionery, confectionery products, and dessert preparations* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, and (2) *gumball machines and stands,* from the facilities of Leaf Confectionery, Inc., at Chicago, IL, to points in DE, CT, MA, MD, MI, NJ, NY, OH, PA, RI, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 119531 (Sub-166F), filed January 25, 1979. Applicant: SUN EXPRESS, INC., Box 1031, Warren, OH 44482. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. 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 of glass, chinaware, plastic, and metal products (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Anchor Hocking Corporation. (Hearing Site: Columbus, OH, or Washington, DC.)

MC 119741 (Sub-143F), filed January 29, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D.L. Robson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from Chicago, IL, to points in CO, IA, KS, MN, MO, NE, ND, OK, SD, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. Hearing Site: Chicago, IL.)

MC 124141 (Sub-11F), filed January 23, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Highway 25 West, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. 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, discount stores, department stores, or variety stores (except commodities in bulk), from points in AL, CT, GA, IL, MA, NC, NJ, NY, OH, PA, SC, and TN, to the facilities of Wal-Mart Stores, Inc., at or near Bentonville and Searcy, AR. (Hearing site: Little Rock, AR, or Washington, DC.)

Note.—Dual operations may be involved.

MC 129410 (Sub-11F), filed January 28, 1979. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Road, Crystal Lake, IL 60014. Representative: Carl L. Steiner, 39 S. La Salle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid corn syrup,* in bulk, from the facilities of American Maize Products Co., at Hammond, IN, to points in IL, KY, LA, MD, MI, MO, NY, OH, PA, and TN, under continuing contract(s) with American Maize Products Co., of Hammond, IN. (Hearing site: Chicago, IL.)

MC 135410 (Sub-40F), filed January 28, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods,* from the facilities of Stouffer Corporation, at Cleveland and Solon, OH, to points in IL, IN, KS, KY, MI, MO, MN, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 134501 (Sub-42F), filed January 29, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, 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,* from Owensville, MO, to points in AR, CT, DE, IL, IN, KY, MA, MD, ME, MI, MN, ND, NH, NJ, NY, OH, PA, RI, SD, VA, VT, WI, WV, and DC. (Hearing site: St. Louis, MO, or Dallas, TX.)

MC 139261 (Sub-14F), filed January 23, 1979. Applicant: BUCKEYE EXPRESS, INC., P.O. Box 368, Perrysburg, OH 43551. Representative: Michael M. Briley, 300 Madison Ave., 12th Floor, Toledo, OH 43603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bakery products,* in vehicles equipped with mechanical refrigeration, and (2) *materials and supplies* used in the preparation of bakery products (except commodities in bulk), between Livonia, MI, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Awrey Bakeries, Incorporated, of Livonia, MI.

MC 141450 (Sub-9F), filed January 29, 1979. Applicant: OLIN WOOTEN TRANSPORT, INC., P.O. Box 731, Hazlehurst, 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 (1) *newsprint* from points in Laurens County, GA, to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, and WV, and (2) *waste newspapers, cores, and materials, equipment, and supplies*

used in the manufacture and distribution of newsprint (except commodities in bulk), in the reverse direction, under continuing contract(s) with Southeast Paper Manufacturing Co., of Dublin, GA. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 141750 (Sub-4F), filed January 25, 1979. Applicant: COLUMBIA HAULERS, INC., 102 Alexander Road, West Columbia, SC 29169. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic liquors, alcohol distillers by-products, and wines*, from the facilities of (a) Heublein, Inc., at or near Paducah, KY, and (b) Heaven Hill Distillers, Inc., at or near Bardstown, KY, to points in Richland County, SC, under continuing contract(s) with Ben Arnold Co., Inc., and Columbia Distributing Corporation, both of Columbia, SC. (Hearing Site: Charlotte, NC, or Columbia, SC.)

MC 144041 (Sub-28F), filed January 25, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, N.E., Atlanta, GA 30345. 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 *light fixtures, light fixture lamps, and light fixture parts*, from the facilities of Lithonia Lighting Division of National Service Industries, Inc., at Conyers and Cochran, GA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. NOTE: Dual operations may be involved. (Hearing Site: Atlanta, GA.)

MC 145020 (Sub-1F), filed January 23, 1979. Applicant: EARL G. LETANG, 550 West Highway 34, Loveland, CO 80537. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gypsum wall board*, from the facilities of Western Gypsum Company, at or near Rosario, NM, to points in CO and WY, under continuing contract(s) with Dry Wall Supply, Inc., of Denver, CO. (Hearing site: Denver, CO.)

MC 145181 (Sub-1F), filed January 23, 1979. Applicant: JESS GINGERY, 533 7th St., Berthoud, CO 80513. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials, wood products, and trusses* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above (except commodities in bulk), from the facilities of Rigid Component Systems, at or near Longmont, CO, to points in WY and Fall River County, SD, under continuing contract(s) with Rigid Component Systems, of Longmont, CO. (Hearing site: Denver, CO)

MC 145411 (Sub-2F), filed January 29, 1979. Applicant: WILLIAM V. THOMAS, P.O. Box 554, Ojo Caliente, NM 87549. Representative: Roger V. Eaton, P.O. Box 965, 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*, (1) between Rosario, NM, and Colorado Springs, Loveland, Denver, and Grand Junction, CO, and (2) from Hutchinson, KS, Pryor, OK, and Lebanon, Or, to Rosario, NM, under continuing contract(s) with Western Gypsum Company, of Sante Fe, NM. (Hearing site: Albuquerque, NM, or Denver, CO.)

MC 145590 (Sub-2F), filed January 28, 1979. Applicant: J & M ENTERPRISES, INC., 64 Oakland St., East Hartford, CT 06108. Representative: Hugh M. Joseloff, 80 State St., Hartford, CT 06103. 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 bakeries, between Springfield, MA, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT, under continuing contract(s) with Springfields Bakery, Inc., of Springfield, MA. (Hearing site: Hartford, CT, or Washington, DC.)

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 146180 (Sub-1F), filed January 29, 1979. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459 A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *welding rods, wires, and liquid galvanizing*, and (2) materials and supplies used in the manufacture of the commodities named in (1) above, between the facilities of Thermacote-Welco Co., at of near Kings Mountain, NC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Thermacote-Welco Co., of Kings Mountain, NC. (Hearing site: Charlotte, NC.)

MC 146251F, filed January 26, 1979. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 1055 Thomas Jefferson St., NW., Washington, DC 20007. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *malt beverages*, from the facilities of Pabst Brewing Co., at Pabst, GA, to points in AL, AR, GA, IA, IL, IN, KY, LA, MI, MS, OH, PA, TN, TX, and WI, and (b) *materials and supplies* used in the manufacture and distribution of malt beverages, in the reverse direction, and (2) *malt beverages, and materials and supplies* used in the manufacture and distribution of malt beverages, between the facilities of Pabst Brewing Co., at (a) Pabst, GA, (b) Newark, NJ, (c) Peoria, IL, and (d) Milwaukee, WI. (Hearing site: Atlanta, GA.)

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INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

April 20, 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 that the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of

equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 111 (Sub-15TA), filed March 14, 1979. Applicant: VIGEANT MOTOR FREIGHT, INC., 6 Claflin Street, Boston, MA 02127. Representative: Joseph R. Siegelbaum, Esq., Kalb, Friedman and Siegelbaum, 17 Academy Street, Newark, NJ 07102. Common carrier, irregular routes. *Foodstuffs* between the plant site and facilities of Ragu Foods, Inc. at or near Rochester, New York, on the one hand, and on the other hand, all points in MA, CT, RI, NH, VT, & ME. Supporting shipper(s): Ragu Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. Send protests to: Glenn A. Eady, Transportation Specialist, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 200 (Sub-340TA), filed March 23, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody, same as applicant. *Native Lumber*, from St. Joseph, MO to points in IN and TX for 180 days. Supporting shipper(s): Walnut Products, 2801 South 2nd, St. Joseph, MO 64503; Missouri Valley Walnut & Veneer, C & D Sales, 2801 South 2nd, St. Joseph, MO 64503. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 340 (Sub-54TA), filed March 21, 1979. Applicant: QUERNER TRUCK LINES, INC., 1131–33 Austin Street, San Antonio, TX 78208. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. Common carrier application, over irregular routes, in the transportation of *Meats, Meat Products*, and *Meat By-Products* and *articles distributed by meat packing houses:* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Monmouth, Illinois and Logansport, Indiana to points in TX and OK. Supporting Shipper(s): Wilson Foods Corporation, 4545 North Lincoln Boulevard, Oklahoma City, OK 73105. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B400 Federal Building, 727 E. Durango St., San Antonio, TX 78206.

MC 531 (Sub-385TA), filed March 15, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, TX 77021. Representative: Wray E. Hughes, 4904 Griggs Road, Houston, TX 77021. Common carrier over irregular routes. *Adhesives, adhesive products and adhesive plasticizers,* in bulk, in tank vehicles from Hayward, CA to Sealright Co., Inc., Kansas City, KS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Adhesive Consultants Corp., 25817 Clawiter Rd., Hayward, CA 94545. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, TX 77002.

MC 531 (Sub-386TA), filed March 23, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, TX 77021. Representative: Wray E. Hughes, 4904 Griggs Rd., Houston, TX 77021. Common carrier over irregular routes. *Liquid chemicals and petroleum products,* in bulk, in tank vehicles from Robinson, IL to Magnolia, AR, Princeton, LA and Houston, TX for 180 days. Supporting shipper(s): Ethyl Corporation, 451 Florida Blvd., Baton Rouge, LA 70801. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, TX 77002.

MC 531 (Sub-387TA), filed March 23, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, TX 77021. Representative: Wray E. Hughes, 4904 Griggs Rd., Houston, TX 77021. Common carrier over irregular routes. *Liquid chemicals* in bulk, in tank vehicles from Pearl River, LA to points in the U.S. (except AK and HI) for 180 days. Supporting shipper(s): Pearl River Chemical Co., P.O. Box 1202, Slidell, LA 70459. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, TX 77002.

MC 531 (Sub-388TA), filed March 13, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, TX 77021. Representative: Wray E. Hughes, 4904 Griggs Rd., Houston, TX 77021. Common carrier over irregular routes. *Liquid & dry sugar, corn syrups and blends* thereof, in bulk, in tank vehicles from pts. in LA to pts. in AL, AR, FL, GA, IL, IN, MI, MS, MO, NC, OH, OK, SC, TN & TX for 180 days. Supporting shipper(s): Southdown Sugars, Inc., P.O. Box 52, Tidewater Place, New Orleans, LA 70112. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, TX 77002.

MC 2900 (Sub-367TA), filed March 15, 1979. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., (same as applicant). *General commodities* (except Classes A and B explosives, commodities in bulk, those requiring special equipment, those of unusual value, and household goods as defined by the Commission), serving the plantsite of Acme Tube, Inc. at Mansfield, LA as an off-route point in connection with authorized regular routes, for 180 days. Applicant seeks to tack this authority with that issued in MC-2900 and to interline. An underlying ETA seeks 90 days authority. Supporting shipper(s): Acme Tube, Inc., P.O. Box 1309, Mansfield, LA 71052. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 5470 (Sub-181TA), filed March 12, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Richard W. Sanguigni (same as applicant). *Crude sicilon carbide* from Hennepin, IL to points in IL, IA, MO, WI, MI, OH, PA, IN, NY, VA, WV, NC, SC, GA, TN, KY, OK, AR, LA and MS for 180 days. No ETA has been filed. Supporting shipper(s): ESK Corporation, P.O. Box 412, Hennepin, IL 61327. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 5470 (Sub-182TA), filed March 26, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Mary Chutz Eshenbaugh (same as above). *Bauxite ore in dump vehicles* from Baltimore, MD to Gary, IN, Warren, OH and Sproul, PA for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): General Refractories Company, 50 Monument Road, Bala Cynwyd, PA 19004. Send protests to: John J. England, District Supervisor, Interstate Commerce

Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 8771 (Sub-46TA), filed April 2, 1979. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, NY 10710. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425, 13th Street NW., Washington, DC 20004. *(a) Tractors, agricultural implements, farm machinery, industrial and construction machinery and equipment, and (b) parts and attachments for (a) above,* from Coldwater, OH, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, VT, VA, WV, IN, IL, KY and MI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avco New Idea Farm Equipment, Div. of Paul Revere Corp., First and Sycamore Sts., Coldwater, OH 45828. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 14251 (Sub-6TA), filed March 12, 1979. Applicant: COLUMBUS RETAIL MERCHANTS DELIVERY, INC., 3275 Alum Creek Drive, Columbus, Ohio 43207. Representative: Michael R. Solomon, 3275 Alum Creek Drive, Columbus, OH 43207. *Articles distributed or dealt in by food distributors, wholesale grocers, retail grocers* (except frozen foods and commodities in bulk), drug chains, retail stores and hospitals from the facilities of Retail Merchants Consoliation and Distribution Center, Inc., at or near Columbus, OH to Detroit and Grand Rapids, MI and their commercial zones. Supporting shipper(s): Retail Merchants Consoliation & Distribution Center, 3275 Alum Creek Drive, Columbus, Ohio 43207. Send protest to: ICC, Wm. J. Green Jr. Federal Bldg., 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 19201 (Sub-131TA), filed March 9, 1979. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th St. & Parkside Ave., Phila., PA 19131. Representative: S. Berne Smith, P.O.B. 1166, 100 Pine St., Harrisburg, PA 17108. *General commodities,* with the usual exceptions, between Harrisburg, PA and Allentown PA, serving no intermediate points: From Harrisburg over Interstate Hwy 81 to junction Interstate Hwy 78 and U.S. Hwy 22 to the Seventh St. exit near Allentown, then over Seventh St. to Allentown, and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Restriction: The motor service to be performed by carrier shall be limited to service which is auxiliary to, or supplimental of, the rail service of CONRAIL. Supporting shipper(s): Consolidated Rail Corp., 6 Penn Center Plaza, Phila., PA 19103. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19103.

MC 19311 (Sub-60TA), filed March 9, 1979. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Rd., Sterling Hts., MI 48077. Representative: Walter N. Bieneman, 100 W. Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a common carrier, over regular routes, in the transportation of *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, serving the facility of Fisher Body Division-General Motors Corporation at Marion, IN, as an off route point in connection with otherwise authorized regular route operations, restricted to traffic moving from or to authorized points in MI, for 180 days. Proposed authority will be tacked to perform through service on traffic moving from and to authorized points in MI. Supporting shipper(s): J. R. Murphy, Director of Traffic, Fisher Body Division-General Motors Corporation, 30001 Van Dyke, Warren, MI 48090. Send protest to: Tim Quinn, DS, ICC, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 22301 (Sub-28TA), filed March 23, 1979. Applicant: SIOUX TRANSPORTATION CO., INC., P.O. Box 3088, Sioux City, IA 51102. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. *Common carrier:* regular route: *General commodities (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* (1) between Chicago, IL, and Des Moines, IA, serving all intermediate points in Iowa between Iowa City, IA, and Des Moines, IA, including Iowa City and Des Moines, and the off-route points of Avon, Ankeny and Bondurant, IA: (a) from Chicago over Interstate Hwy 55 to junction Interstate Hwy 80, then over Interstate Highway 80 to Des Moines, and return over the same route, (b) from Chicago over Interstate Highway 55 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 6 at or near Iowa City, IA, then over U.S. Hwy 6 to Des Moines, and return over the same route; (2) between Iowa City, IA and Cedar Rapids, IA, serving all intermediate points: (a) from Iowa City over U.S. Hwy 218 to Cedar Rapids, and return over the same route, (b) from Iowa City over Interstate Hwy 380 to Cedar Rapids, and return over the same route, for 180 days. Service is also sought to be performed at all points in the commercial zones of the points authorized herein. An underlying ETA seeks 90 days authority. Applicant also request authority to tack this authority with authority it presently holds in MC 22301 and Subs thereunder and to interline with other carriers at Des Moines, Cedar Rapids and Iowa City, IA. Supporting shipper(s): There are 115 statements in support attached to this application which may be examined at the ICC in Washington, D.C., or at the field office named below. Send protest to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 29790 (Sub-10TA), filed March 14, 1979. Applicant: HILL BROTHERS TRUCKING CO., INC., State Street and River Road, Camden, NJ 08105. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Composition board,* from the facilities of MacMillan Bloedel Building Materials, Division of MacMillan Bloedel, Inc., at Ashtabula, OH to points in NJ and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): MacMillan Bloedel Building Materials, Division of MacMillan Bloedel, Inc., 6540 Powers Ferry Road, Suite 200, Atlanta, GA 30339. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 29910 (Sub-210TA), filed March 14, 1979. Applicant: ARKANSAS–BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber, same as applicant. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Continental Warehouse, Inc. at New Madrid, and Lilbourn, MO, as intermediate and off-route points in connection with carrier's authorized regular route between St. Louis, MO and Memphis, TN, for 180 days as a common carrier over regular routes. (ABF's authority to serve between Memphis, TN and St. Louis, MO can be found on Page 18, Sub 69, Line 35, of its operating authority attached hereto.) Supporting shipper(s): Continental Warehouse of Mo., Inc., P.O. Box 236, New Madrid, MO. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 29990 (Sub-16TA), filed March 21, 1979. Applicant: BADGER LINES, INC.,

3109 W. Lisbon Ave., Milwaukee, WI 53208. Representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Glass containers, materials and supplies used in the packaging and distribution of glass containers,* (except in bulk) from the facilities of Thatcher Glass Co., Div. of Dart Industries at Streator, IL to St. Louis, MO and points in WI, for 180 days. Supporting shipper(s): Thatcher Glass Mfg. Co., Div. of Dart Industries, Inc., P.O. Box 265, Elmira, NY 14902. 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 41240 (Sub-18TA), filed March 20, 1979. Applicant: Nelson Trucking Service, Inc., Mediapolis, IA 52637. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Gypsum and gypsum products, except commodities in bulk,* from the facilities of United States Gypsum Company at Mediapolis, IA to points in IL, IN, MN, MO and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Gypsum Company, 101 South Wacker Drive, Chicago, IL 60606. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 41240 (Sub-19TA), filed March 12, 1979. Applicant: NELSON TRUCKING SERVICE, INC., Mediapolis, IA 52637. Representative; Kenneth F. Dudley, 611 Church Street, Ottumwa, IA 52501. *Wrought iron pipe* from Chicago, IL to Fort Madison, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Unarco-Levitt, Division of Unarco Industries, 1717 W. 115th Street, Chicago, IL 60643. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 42121 (Sub-2TA), filed March 9, 1979. Applicant: B&B Motor Freight, Inc., 527 Pennsylvania Avenue, Linden, NJ 07036. Representative: Walter L. Weart, 548 Anita Street, Des Plaines, IL 60016. Common carrier, irregular routes. Paper and plastic articles, materials, equipment and supplies used in the manufacture and distribution of paper and plastic articles except commodities in bulk in tank vehicles. From or to Millville, (Cumberland County), NJ and points in the New York, NY commercial zone as authorized in certificate MC-42121. Restricted to traffic originating at or destined to the facilities of the Continental Group, Inc., Bondware Division, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Continental Group, Inc., 800 E. Northwest Highway, Palatine, IL 60067. Send protests to: Robert E. Johnston, DS, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 46421 (Sub-14TA), filed March 27, 1979. Applicant: ESCRO TRANSPORT LTD., 275 Mayville Avenue, Buffalo, NY 14217. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, NY 14202. *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A & 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, in tank vehicles), in vehicles equipped with mechanical temperature control devices,* from Baldwinsville (Onondaga County), NY to points in Broome, Cayuga, Chemung, Chenango, Cortland, Franklin, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Oneida, Onondaga, Ontario, Oswego, Otsego, St. Lawrence, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates Counties, NY, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPERS: The Rath Packing Company, Sycamore & Elm Street, Waterloo, IA 50704. Kahn's and Company, 3241 Spring Grove Avenue, Cincinnati, OH. Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. SEND PROTESTS TO: Richard H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 48411 (Sub-41TA), filed February 27, 1979. Applicant: R.M.E., INC., P.O. Box 418, Streator, IL 61364. Representative: Elizabeth A. Purcell, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Paper articles and plastic articles* from the facilities of Continental Diversified Industries, Bondware division at Shelbyville, IL to MI and WI, for 180 days. Supporting shipper(s): Continental Diversified Industries, Bondware Division, 800 East Northwest Highway, Palatine, IL 60067. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinleyDirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Illinois 60604.

MC 48441 (Sub-40TA), filed February 15, 1979. Applicant: R.M.E., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D. C. 20001. *Containers,* from LaPorte, IN to St. Louis, MO. Supporting Shipper(s): National Can Company, 8108 West Higgins Road, Chicago, IL 60631. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 52460 (Sub-240TA), filed March 27, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Anhydrous ammonia and liquid fertilizer,* from Hoag, NE, to points in CO, KS, IA, MN, MO, OK, SC, & WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Phillips Petroleum Company, 154 Phillips Building Annex, Bartlesville, OK 74004. 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 52460 (Sub-241TA), filed March 15, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 74107. *Canned and preserved foodstuffs,* from the facilities of Heinz USA, at or near Iowa City and Muscatine, IA, to points in AR, KA, LA, MO, OK, and TX, restricted to traffic originating at the named facilities and destined to the named states, for 180 days. Supporting Shipper(s): Heinz USA, Division of, H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. 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 52861 (Sub-58TA), filed March 19, 1979. Applicant: WILLS TRUCKING, INC., 4500 Rockside Road, Cleveland, OH 44131. Representative: John Wilson, 3185 Columbia Rd., Richfield, OH 44286. *Scrap Metal,* in dump vehicles, from Erie, PA, to Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Penn Iron and Metal Company, Inc., P.O. Box 177, Erie, PA 16512. Send protests to: Mary A. Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 52861 (Sub-59TA), filed March 20, 1979. Applicant: WILLS TRUCKING, INC., 4500 Rockside Road, Cleveland, OH 44131. Representative: John Wilson, 3185 Columbia Rd., Richfield, OH 44286. *Dead burned magnesite,* in dump vehicles, from Ludington, MI, to Gary,

IN, and Columbiana and Windham, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dresser Industries, Inc., Harbison Walker Refractories Division, #2 Gateway Center, Pittsburgh, PA 15222. Send protests to: Mary A. Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 52861 (Sub-60TA), filed March 28, 1979. Applicant: WILLS TRUCKING, INC., 4500 Rockside Road, Cleveland, OH 44131. Representative: John Wilson, 3185 Columbia Road, Richfield, OH 44286. *Iron and steel articles,* from the plant site of Jones & Laughlin Steel Corporation in Aliquippa and Pittsburgh, PA, to points in the lower peninsula of MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Johns & Laughlin Steel Corporation, 1600 W. Carson Street, Pittsburgh, PA 15263. Send protests to: Mary A. Wehner, District Supervisor, Interstate Commerce Commission, 1240 E. Ninth Street, Cleveland, OH 44199.

MC 57591 (Sub-23TA), filed April 5, 1979. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. (1) *Drugs and toilet preparations,* from Hillside, NJ, to York, Scranton and Wilkes-Barre, PA; (2) *Toilet preparations and cosmetic products,* from Clark, NJ, to Scranton, York and Williamsport, PA; (3) *Household products, insecticides and repellants,* from Cranford, NJ, to Scranton, York and Williamsport, PA; (4) *Drugs, medicines and toilet preparations,* from Jersey City, NJ, to Scranton, York, and Williamsport, PA; and (5) *Household cleaning products, toilet preparations and floor waxes,* from Hillsborough Township, NJ, to Scranton, York, and Williamsport, PA, for 150 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Boyle Midway Div. of American Home Products Corp., South Ave. & Hale St., Cranford, NJ 07016 Lehn & Fink Products Co., Div. of Sterline Drug, Inc., 225 Smith Ave., Montville, NJ 07645 Cosmair, Inc., 222 Terminal Ave., Clark, NJ 07066 Block Drug Company, Inc., 257 Cornelison Ave., Jersey City, NJ 07302 Bristol Myers Products, 255 Long Ave., Hillside, NJ 07207. Send protests to: ICC, Wm. J. Green, Jr. Federal Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 59640 (Sub-70TA), filed March 14, 1979. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Contract carrier, irregular routes for 180 days. (1) Health care products and (2) materials used in the manufacture of health care products between Conyers and Covington, GA on the one hand, and, on the other, Eaton, OH, Milwaukee and Jackson, WI, Orangeburg, NY, Cerritos and Los Angeles, CA, Broadview, Chicago, Des Plaines, Wheaton, Westmont, Mundelein and Hebron, IL, Pennsauken, Riverdale and Garwood, NJ, and Charlotte, Fayetteville, Raleigh and Winston-Salem, NC, under a continuing contract with C. R. Bard, Inc. Supporting Shipper(s): C. R. Bard, 731 Central Avenue, Murray Hill, NJ 07971. Send protests to: Robert E. Johnston, DS, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 59680 (Sub-224TA), filed March 20, 1979. Applicant: STRICKLAND TRANSPORTATION CO., INC., 11353 Reed Hartman Highway, Cincinnati, OH 45241. Representative: Milton H. Bortz (same as applicant). *Common carrier:* regular routes: General commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Amarillo, TX, and the site of the terminal facilities of Wilson Freight Company located at or near Oklahoma City, OK, serving no intermediate points, from Amarillo, TX, over Interstate Hwy 40 to the site of the terminal facilities of Wilson Freight Company located at or near Oklahoma City, OK, and return over the same route, for 180 days. RESTRICTION: The above authority is restricted against the handling of traffic originating at or destined to points in Oklahoma. Applicant intends to interline at Oklahoma City, OK, and Amarillo, TX, and intends to tack the authority sought herein with other authority held by applicant. An underlying ETA seeks 90 days authority. The purpose of the application is to add an Oklahoma City, OK, interline point with Wilson Freight Company which controls applicant under Temporary Authority granted in MC-F-13516. Applicant is authorized to operate as a common carrier in AR, CT, DE, IL, IN, KY, LA, MD, MA, MI, MS, NJ, NY, OH, OK, PA, RI, TN, TX, VA, WI and DC. Supporting Shipper(s): Wilson Freight Company, James F. Silar, Vice President—Traffic, 11353 Reed Hartman Hwy., Cincinnati, OH 45241. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Room 63238, Philadelphia, PA 19106.

MC 59680 (Sub-227TA), filed March 22, 1979. Applicant: STRICKLAND TRANSPORTATION CO., INC., 11353 Reed Hartman Highway, Cincinnati, OH 45241. Representative: Milton H. Bortz (same as applicant). *Common carrier:* Regular routes: *General commodities (except those of unusual value, household goods as defined by the Commission commodities in bulk, and those requiring special equipment),* between San Antonio, TX, and Round Rock, TX, as an alternate route for operating convenience only, serving no intermediate points and serving Round Rock for purposes of joinder only, from San Antonio, TX, over Interstate Hwy 35 to Round Rock, TX, and return over the same route, for 180 days. Applicant intends to interline as San Antonio, TX, and intends to tack the authority sought herein with other authority held by applicant. An underlying ETA seeks 90 days authority. The purpose of the application is to provide an alternate route to connect the Round Rock, TX, terminus with an existing alternate route. Applicant is authorized to operate as a common carrier in AR, CT, DE, IL, IN, KY, LA, MD, MA, MI, MS, NJ, NY, OH, OK, PA, RI, TN, TX, VA, WI and DC. Supporting Shipper(s): Wilson Freight Company, James F. Silar, Vice President—Traffic, 11353 Reed Hartman Highway, Cincinnati, OH 45241. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Room 63238, Philadelphia, PA 19106.

MC 61440 (Sub-169TA), filed March 29, 1979. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157. Representative: R. H. Champlin (same address as applicant). *Common carrier,* regular routes: *General commodities* (except Classes A&B explosives, those of unusual value, commodities in bulk, those requiring special equipment and household goods as defined by the Commission), serving the facilities of Liquid Paper Corporation at or near Greenville, TX, as an off route point in connection with carrier's otherwise authorized regular route operations in Sub 96. Note: Applicant proposes to tack the authority sought here with its existing operating authority. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Liquid Paper Corporation, 11587 Hillguard, Dallas, TX 75243. 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 65491 (Sub-9TA), filed March 28, 1979. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd St., New York, NY 10469. Representative: William Biederman, Esq., 371 Seventh Avenue, New York, NY 10001. *Synthetic fibres, 15 lbs. or greater per cubic foot,* from the plant site of Polymers, Inc., Middlebury, VT, to the plant sites of Marathon Carey-McFall, in Montgomery and Montoursville, PA. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Marathon Carey-McFall, 209 South Loyalsock, Montoursville, PA 17754. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 82841 (Sub-249TA), filed March 23, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as above). *Fabricated metal products,* from the facilities of United States Gypsum Company at Warren, OH to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Russell S. Hancock, United States Gypsum Company, 101 South Wacker Dr., Chicago, IL 60606. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th ST., Omaha, NE 68102.

MC 93840 (Sub-44TA), filed March 23, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Crude soybean oils,* from points in IA to the facilities of Hunt-Wesson Foods, Inc. at or near Chicago, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Hunt-Wesson Foods, Inc., 1645 W. Valencia Dr., Fullerton, CA 92634. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 93980 (Sub-80TA), filed March 19, 1979. Applicant: VANCE TRUCKING COMPANY, INC., P.O. Box 1119, Henderson, NC 27536. Representative: Jim Wyatt (same address as applicant). *Galvanized roofing or sheathing, asbestos & asphalt coated* from Ambridge, PA to Albany, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): H. H. Robertson Company, 14th Street, Ambridge, PA 15003. Send protests to: Mr. Archie W. Andrews, D/S ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 94350 (Sub-428TA), filed March 21, 1979. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr. (same as applicant). *Tranilers, designed to be drawn by passenger automobiles, in initial movements, and buildings, in sections mounted on wheeled undercarriages,* from Grand Island, NE to points in CO, IA, KS, MN, MO MT, NE, NM, ND, OK, SD, UT and Wy, for 180 days. Supporting Shipper(s): Redman Homes, Inc., 1515 E. 4th Street, Grand Island, NE 68801. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.

MC 95540 (Sub-1095TA), filed March 12, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). *Frozen foods,* from Plover, WI to points in AL, AR, FL, GA, LA, MS, NC, SC, TN and TX for 180 days. Supporting Shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 95991 (Sub-7TA), filed April 5, 1979. Applicant: C. HARRELL, INC., Garrison Road, Box 430, Elmer, NJ 08318. Representative: William P. Jackson, Jr., 3426 N Washington Blvd., Post Office Box 1240, Arlington, VA 22210, *Contract carrier;* irregular routes: *Ingredients used in the manufacture of animal and poultry feed,* from the facilities of Paterson Tallow, Inc., at or near Jersey City, NJ to Camp Hill and Mount Joy, PA, restricted to the transportation of shipments under a continuing contract or contracts with Paterson Tallow, Inc., for 180 days. An underlying ETA seeks 90 days authority Supporting Shipper(s): Paterson Tallow, Inc., P.O. Box 287, Jersey City, NJ 07303. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 97310 (Sub-31TA), filed March 12, 1979. Applicant: SHARRON MOTOR LINES, INC., 1600 "B" St., P.O. Box 5636, Meridian, MS 39301. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., Atlanta, GA 30326. *Common carrier:* regular route: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. (1) Between Vicksburg, MS, and Woodville, MS: From Vicksburg over US Hwy 61 to Woodville and return; (2) Between Jackson, MS and Osyka, MS: From Jackson over US Hwy 51 to Osyka and return; (3) Between Meridian, MS and Gulfport, MS: From Meridian over US Hwy 11 to junction Hwy 49, thence over US Hwy to Gulfport and return; (4) Between Montgomery, AL and Gulfport, MS: From Montgomery over I–65 or US Hwy 31 to junction I–10, thence over I–10, to Gulfport and return; and (5) Between Natchez, MS and junction US Hwy 98 and US Hwy 49: From Natchez over Hwy 98 to junction US Hwy 49 and return, for 180 days. Service is authorized at all intermediate points on the above specified routes in the State of MS and serving all points in MS south of US Hwy 80 as off-route points in connection with the above operation. NOTE: Applicant proposes to tack and interline at Vicksburg, Jackson, Meridian and Gulfport, MS, and Montgomery, AL. Supporting Shipper(s): There are 128 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: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 103191 (Sub-52TA), filed March 12, 1979. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095, Charleston, SC 29403. Representative: Dan Horton (same as applicant). *Empty trailers,* between Charleston, SC, on the one hand, and, on the other, points and places in AL and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Airco, Inc., P.O. Box 1527, Augusta, Ga 30903. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.

MC 104430 (Sub-55TA), filed March 22, 1979.Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Hwy. 24 W. McComb, MS 39648. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Petroleum products, vehicle body sealers, sound deadener compounds and accoustical control items,* in bulk, in tank vehicles, from Warren County, MS to points in AL, AR, FL, GA, IN, KY, LA, MO, OH, NC, SC, and TN, for 180 days. NOTE: Restricted to shipments originating at the facilities of Quaker State Oil Refining Corp. located in Warren County, MS. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Alan C. Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 107541 (Sub-58TA), filed March 16, 1979. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 12925 N. E. Rockwell Drive, Vancouver, WA 98665. Representative: Edward A.

Francom, 12925 N. E. Rockwell Drive, Vancouver, WA 98665. *Agricultural chemical, including fertilizer compounds, insecticides or fungicides and herbicides* from Richmond and San Leandro, CA to Milwaukee, OR and Yakima, WA, restricted to shipments moving from the facilities of Chevron Chemical Company for 180 days. Supporting Shipper(s): Chevron Chemical Company, 575 Market Street, San Francisco, CA 94105. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 107541 (Sub-59TA), filed March 28, 1979. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC. 12925 N. E. Rockwell Drive, Vancouver, WA 98665. Representative: Edward A. Francom, 12925 N. E. Rockwell Drive, Vancouver, WA 98665. *Caustic Sodium, in packages or drums, barrels or kegs* from Tacoma, WA and Portland, OR to the facilities of Custom Chemical Formulators, Inc. at Cudahy, CA for 180 days. A corresponding ETA was filed this date and a Permanent will be filed within 60 days. Supporting Shipper(s): Custom Chemical Formulators, Inc., 4630 Cecelia Street, Cudahy, CA 90201. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 107541 (Sub-60TA), filed March 12, 1979. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 12925 N. E. Rockwell Drive, Vancouver, WA 98665. Representative: Edward A. Francom, 12925 N. E. Rockwell Drive, Vancouver, WA 98665. *Flat glass, in crates* from the facilities of Guardian Industries Corp. at Kingsburg, CA to points in the boundary line between the U.S. and Canada in the State of WA. for 180 days. Supporting Shipper(s): Guardian Industries Corp., 11535 E. Mountain View, Kingsburg, CA 93631. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 110420 (Sub-807TA), filed March 27, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Petroleum and petroleum products, in bulk, in tank vehicles,* from the facilities of Mobil Oil Corp. in Beaumont, TX to points in IL, KS, MN, MO, NE, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mobil Oil Corp., 8350 N. Central Expressway, Suite 522, Dallas, TX 75206. 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 110420 (Sub-808TA), filed march 29, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Industrial Petroleum Oils, in bulk, in tank vehicles,* from Sewaren and Bayonne, NJ; Chicago and Wood River, IL; St. Louis, MO; Houston and Baytown, TX; Milwaukee, WI and Martinez, CA to points in US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RTE–ASEA Corp., 400 Prairie Ave., Waukesha, WI 53186. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 519, Milwaukee, Wisconsin 53202.

MC 111170 (Sub-253TA), filed March 16, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: H. A. Kennedy, P.O. Box 1718, El Dorado, AR 71730. *Gasoline, Diesel Fuel and Kerosene,* from El Dorado, AR to Natchitoches Parish, LA, for 180 days as a common carrier over irregular routes. Supporting Shipper(s): Amoco Oil Company, 200 East Randolph Drive, Chicago, IL 60601. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 111170 (Sub-254TA), filed March 28, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: H. A. Kennedy, P.O. Box 1718, El Dorado, AR 71730. Gasoline from El Dorado, AR to Red River Arsenal at Bowie County, TX for 180 days as a common carrier over irregular routes. Applicant has filed similar ETA seeking up to 90 days authority. Supporting Shipper(s): Amoco Oil Company, 200 East Randolph Drive, Chicago, IL 60601. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 111231 (Sub-261TA), filed March 27, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood, Fort Smith, AR 72902. *Roofing and roofing materials* (except in bulk), from Pulaski County, AR, to points in AL, AR, AZ, FL, GA, IL, IN, IA, KS, KY, LA, MO, MS, NC, NM, OH, OK, SC, TN and TX, for 180 days as a common carrier over irregular routes. Supporting Shipper(s): TARCO, Inc., Arkansas Highway 130, P.O. Box 3330, North Little Rock, AR 72117. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 111310 (Sub-39TA), filed March 14, 1979. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Malt beverages and malt beverage dispensing equipment* when shipped therewith from Chippewa Falls, WI and New Ulm and St. Paul, MN to Wichita, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Weston Sampson, d/b/a Sampson Beverage Co., 2914 S. Spruce, Wichita, KS 67216. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 519, Milwaukee, Wisconsin 53202.

MC 111401 (Sub-552TA), filed March 29, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Liquid chemicals,* in bulk, in tank vehicles, from the facilities of Monsanto Co., at or near Anniston, AL and St. Louis, MO, to Brownsville and Laredo, TX, in foreign commerce only, for 180 days. Supporting Shipper(s): Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. 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 111401 (Sub-553TA), filed March 27, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Petroleum lubricating oil,* in bulk, in tank vehicles, from Good Hope, LA, to Price, UT, for 180 days. Supporting Shipper(s): Chevron U.S.A. Inc., Room 2510, 575 Market St., San Francisco, CA 94120. 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 111401 (Sub-554TA), filed March 23, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Chemicals,* in bulk, in tank vehicles, from Charlotte, NC to Brownsville, TX, in foreign commerce only, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470. 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 112520 (Sub-362TA), filed March 19, 1979. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Pulpmill liquids,* in bulk, in tank vehicles, from the facilities of International Paper Company at or near Natchez, MS to the facilities of International Paper Company at or near Mobile, AL. For 180 days. Supporting Shipper(s): International Paper Company, P.O. Box 160707, Mobile, AL 36616. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay St., Jacksonville, FL 32202.

MC 114890 (Sub-92TA), filed March 23, 1979. Applicant: COMMERCIAL CARTAGE CO., 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, Oklahoma 73034. *Chemicals,* in bulk, from Mexico, MO to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, OH, OK, TN, TX and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Griffin Corp., P.O. Box 1847, Valdosta, GA 31601. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 115180 (Sub-100TA), filed March 15, 1979. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, N.Y. 10011. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Canned goods,* from the facilities of the Campbell Soup Company, at Chicago, IL, to points in the states of ND, MN, SD, IA, NE, La Crosse, Eau Claire and Superior, WI. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Campbell Soup Company, 2550 W. 35th St., Chicago, IL. 60632. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 115311 (Sub-349TA), filed March 15, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Fabricated metal products* from the plantsite of United States Gypsum Company at Franklin Park, IL to points in the states of IN, KY and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): United States Gypsum Company, 101 S. Wacker Dr., Chicago, IL 60606. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 115311 (Sub-496TA), filed March 21, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Rd., St. Louis, MO 63122. *Multiwall paper bags* from the facilities of Weyerhaeuser Company at or near Pine Bluff, AR to points in IA, IL, IN, KY, MI, MO, OH, PA, TN and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Weyerhaeuser Company, 100 S. Wacher Dr., Chicago, IL 60606. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 115331 (Sub-497TA), filed March 23, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63122. Representative: J. R. Ferris, 11040 Manchester Rd., St. Louis, MO 63131. *Liquid chemicals,* in bulk, in tank vehicles, from the plantsite of E. I. DuPont de Nemours, Inc., at Ft. Madison, IA, to points in the U.S. (except AK and HI), for 180 days. Supporting Shipper(s): E. I. Du Pont De Nemours & Company, 1007 Market St., Wilmington, DE 19898. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 115331 (Sub-498TA), filed March 19, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, Clayton, MO 63131. Representative: Steve Vogt, 11040 Manchester Rd., St. Louis, MO 63122. *Shipping Containers, corrugated boxes and sheets* from Cedar Rapids, IA to Herrin, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Weyerhaeuser Company, 100 S. Wacker Dr., Chicago, IL 60606. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 115331 (Sub-499TA), filed March 29, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: Steve Vogt, 11040 Manchester Rd., St. Louis, MO 63122. *Empty containers,* from Terre Haute, IN, to Kansas City, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Hercules Co., 814 Commerce Dr., Oak Brook, IL 60521. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 115730 (Sub-72TA), filed March 21, 1979. Applicant: The Mickow Corp., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. (1) *Iron and steel articles* from the facilities of North Star Steel Company at Newport, MN to points in CO, IA, MO, KS, OK, TX, NE; and (2) *materials, equipment and supplies used in the manufacture and processing of iron and steel articles (except in bulk),* from points in CO, IA, MO, KS, OK, TX, NE to the facilities of North Star Steel Company at Newport, MN for 180 days. Supporting Shipper(s): North Star Steel Company, P.O. Box 43189, St. Paul, MN 55164. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115841 (Sub-692TA), filed March 16, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Pickles* from the facilities of Pilgrims Farms, located at or near Plymouth, IN to Greensboro and Charlotte, NC, and Anderson and Charleston, SC, for 180 days. Supporting Shipper(s): Pilgrim Farms, Inc., 1430 Western Avenue, Plymouth, IN 46563. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-693TA), filed March 12, 1979. Applicant: COLONIAL FAST FREIGHT LINES, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Pipe, valves, fittings and fire hydrants* between Birmingham, AL and points in LA (west of the Mississippi River) and points in TX, for 180 days. Supporting Shipper(s): Consolidated Pipe & Foundry, P.O. Box 2472, Birmingham, AL 35203. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-694TA), filed March 12, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same

address as applicant). *Foodstuffs (except in bulk)* from Chicago, IL and its commercial zone to points in AL, AR, AZ, CA, FL, GA, LA, MS, NC, NM, OK, OR, SC, TN, and TX, for 180 days. Supporting shipper(s): There are 7 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-695TA), filed March 20, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Frozen foods* from Montgomery and Ft. Payne, AL to points in FL, LA, TX, and CO, for 180 days. Supporting shipper(s): Saluto Foods Corp., 330 W. Main St., Benton Harbor, MI 49022. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-696TA), filed March 20, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Charcoal and charcoal products* from Ocala and Romeo, FL to points in TN, MS, AL, GA, NC, SC, LA, and KY, for 180 days. Supporting shipper(s): Husky Industries, 62 Perimeter Center East, Atlanta, GA 30346. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-697TA), filed March 21, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Paint, varnish, solvents, paint brushes, rollers, pans, and advertising material related to the above,* from Chicago and Wheeling, IL to North Wilkesboro, NC; Atlanta, Forest Park, Gainsville and Columbus, GA; Miami, Tampa and Jacksonville, FL; Nashville and Kingsport, TN; Birmingham, AL and Hernando, MS, for 180 days. Supporting shipper(s): The Enterprise Paint Co., 1191 South Wheeling Road, Wheeling, IL 60090. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-698TA), filed April 5, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Foodstuffs (except in bulk)* from Davidson County, TN to points in WV, VA, NC, TX, OK, KS, MO, AR, NE, IA, and MN, for 180 days. Supporting shipper(s): Wholesale Pizza, Nashville, TN; Tennessee Dressed Beef, 50 Van Buren Street, Nashville, TN. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116710 (Sub- 37TA), Filed April 5, 1979. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bosier City, LA 71010. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., 807 Brazos Street, Austin, TX 78701. Applicant is seeking authority to operate as a contract carrier by motor vehicle to transport *Liquid molten polypropylene (amorphous polypropylene)* from the facilities of N. L. Kimes Associates, Inc. at or near Cedar Bayou and Arlington, TX to points in the United States except Alaska and Hawaii, for 180 days, under continuing contract or contracts with N. L. Kimes Associates, Inc. Applicant has filed a similar ETA seeking up to 90 days authority. Supporting shipper(s): N. L. Kimes Associates, Inc., 5206 F.M. 1960 West, Houston, TX 77069. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 117370 (Sub- 36TA), Filed March 26, 1979. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhick Lane, Elm Grove, WI 53122. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Bentonite Clay,* in bulk, from Colony, WY to Belvidere, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Minerals & Chemical Corp., 421 E. Hawley St., Mundelein, IL 60060. 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 117940 (Sub- 323TA), Filed March 9, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *General commodities (except foodstuffs and commodities in bulk)* from points in OH to the facilities of Gamble Skogmo, Inc. in IL, MI and WI, restricted to traffic originating at named origins and destined to named destinations, for 180 days. Supporting shipper(s): Gamble Skogmo, Inc., 5100 Gamble Drive, Minneapolis, MN 55481. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 119531 (Sub- 169TA), Filed March 20, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 808, Warren, OH 44482. Representative: Andrew Jay Burkholder, Esq., 275 East State Street, Columbus, OH 43215. *Plastic pails,* from Middlefield, OH, to Trenton, NJ; Buffalo and Syracuse, NY; Chicago and Compton, IL; Detroit, MI; Pittsburgh, PA; St. Louis, MO; and Elkhorn, WI, for 180 days. An ETA seeks 90 days authority. Supporting shipper(s): Sajar Plastics, 15285 South State, Middlefield, OH 44062. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 119670 (Sub- 42TA), Filed March 13, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40601. *Glass containers and related materials and supplies, and fibreboard boxes,* from Gas City, IN, to Cincinnati, OH, and points in KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Illinois, Inc., Edwin P. Young, Supervisor, Divisional Transportation, P.O. Box 1035, Toledo OH 43666; Glass Containers Corporation, Joe Cook, Regional Traffic Manager, 1301 S. Keystone Ave., Indianapolis, IN 46203. Send protests to: Bureau of Operations, I.C.C., Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Rm. 63238, Philadelphia, PA 19106.

MC 119670 (Sub- 43TA), Filed March 27, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40601. *Glass containers,* between Marion, IN, on the one hand, and, on the other, OH and KY, for 180 days. Restricted to traffic originating from or destined to facilities of National Can Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, John R. Moosbrugger, Manager Traffic, Central Region, 8101 W. Higgins Rd., Chicago, IL 60631. Send protests to: Bureau of Operations, I.C.C., Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Rm. 63238, Philadelphia, PA 19106.

MC 119741 (Sub-159TA), filed March 1, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as

applicant). Mixed mill works from the facilities of Caradco Window & Door, Div. of Scobill Mfg. Co., at Rantoul, Ill, to points in the United States (except AK and HI), restricted to traffic originating at the named origin and destined to the named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Caradco Window & Door, Div. of Scobill Mfg. Co., 201 Evans Drive, Rantoul, IL 61866. Send protests to: Herbert W. Allen, DS, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, IA 50309.

MC 119741 (Sub-160TA), filed March 22, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses,* as described in Sections A, B, 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), between the facilities of Mid-Country Meats, Inc. at Fort Dodge, IA, on the one hand, and on the other, points in the United States (except AK and HI). Restricted to traffic originating at and/or destined to the above named points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mid-Country Meats, Inc., P.O. Box 1218, Fort Dodge, IA 50501. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119741 (Sub-161TA), filed March 27, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Bakery goods (except frozen),* from the facilities of Interbake Foods, Inc. at (1) Richmond, VA to points in AR, CO, IL, IA, KS, MN, MO, NE, ND, OK, SD, TX, and WI: and (2) from North Sioux City, SD to points in AR, CT, DE, IL, IN, IA, KY, MD, MA, MO, NJ, NY, OH, PA, RI, VA, WV, and DC. Restricted to traffic originating at the named origins and destined to the named destinations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Interbake Foods, Inc., P.O. Box 27487, Richmond, VA 23261. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119741 (Sub-162TA), filed March 28, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Scrap metal* from the facilities of Webster City Iron and Metal Co., Inc., at Webster City, IA to Chicago, IL and St. Louis, MO and their respective commercial zones. Restricted to traffic originating at the named origin and destined to the named destinations for 180 days. Supporting shipper(s): Webster City Iron and Metal Co., Inc., 505 Seneca St., Webster City, IA 50595. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 123061 (Sub-116TA), filed March 26, 1979. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 1283 E. South Temple #501, Salt Lake City, UT 84102. *Soda ash, bagged and bulk,* from Sweetwater County, WY to Portland and St. Helens, OR, Spokane, WA, Boise, ID and Sacramento, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Pacific Trading Co., P.O. Box 3915, Portland, OR 97208. Send protest to: L. D. Helfer, DS, ICC, 5309 Federal Bldg., Salt Lake City, UT 84138.

MC 123091 (Sub-32TA), filed March 9, 1979. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, OH 44403. Representative: James Duvall, 220 West Bridge Street, Dublin, OH 43017. (1) *Iron and steel articles,* from the Sharon, PA, commercial zone to points in AL, GA, IL, IN, IA, KY, MD, MI, MN, MO, NC, VA, WV, and WI and (2) *materials, equipment, and supplies* used in or in connection with the manufacture of iron and steel articles in the reverse direction, for 180 days. Supporting shipper(s): There are 12 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, Ohio 44199.

MC 123841 (Sub-6TA), filed March 26, 1979. Applicant: DAVID TESONE TRUCKING, INC., 5374 William Flynn Highway, Gibsonia, PA 15044. Representative: Kent S. Pope, Esquire, Pope and Pope, 10 Grant Street, Clarion, PA 16214. *Mill scale in bulk in dump vehicles* from the plant site of Jones & Laughlin Steel Corp. at Cleveland, OH to the plant site of Jones & Laughlin Steel Corp. at Aliquippa, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones & Laughlin Steel Corporation, 1600 W. Carson Street, Pittsburgh, PA 15263. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 123841 (Sub-7TA), filed March 26, 1979. Applicant: DAVID TESONE TRUCKING, INC., 5374 William Flynn Highway, Gibsonia, PA 15044. Representative: Kent S. Pope, Esquire, Pope and Pope, 10 Grant Street, Clarion, PA 16214. *Salt,* in bulk, from Fairport Harbor, OH to Millerstown, Allegheny County, PA for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Morton Salt Division of Morton Norwich Products, Inc., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 124141 (Sub-14TA), filed March 20, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Candy and Confectionery and Cough Drops* from the facilities of Luden's, Inc., at or near Reading, PA to the following points: AL, AZ, AR, CA, KY, LA, MS, NM, OK, TN, TX, OR, WA, ID, NV, UT, CO, NE, KS, IA, and MO, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Luden's, Inc., 200 North 8th Street, Reading, PA. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 124141 (Sub-15TA), filed March 22, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Highway 25 S., Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. (1) *Glues, adhesives, caulks and specialty chemicals* in containers in vehicles equipped with temperature control from the facilities of Franklin Chemical Industries, Inc., at or near Columbus, OH to points in Phoenix, AZ; Anaheim and Hayward, CA; Denver, CO; Kansas City, KS; Las Vegas, NV; Albuquerque, NM; Salem and Portland, OR; Memphis, TN; Fort Worth and Dallas, TX; Salt Lake City, UT; and Seattle, WA, and (2) *empty plastic containers* in reshippers and bulk packs from the facilities of Franklin Chemical Industries, Inc., at or near Columbus, OH, to points in Walnut, CA and St. Louis, MO, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Franklin Chemical Industries, Inc., 2020 Bruck Street, Columbus, OH 43207. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 124170 (Sub-116TA), filed March 16, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207, Representative: William J. Boyd, 600 Enterprise Dr., Suite 222, Oak Brook, IL. *Frozen foods and commodities exempt from economic regulation under Section 10526 of the Interstate Commerce Act,* when transported in mixed loads with frozen foods, from the facilities of Empire Freezers of Syracuse, Inc., at or near Syracuse, NY to points in PA, on and west of U.S. Hwy 15, points on OH, and the Lower Peninsula of MI, for 180 days. Supporting shipper(s): Charles Cleveland, Director of Sales & Customer Service, Empire Freezers of Syracuse, Inc., Farrell Rd., P.O. Box 4892, Syracuse, NY 13221. Send protest to: C. R. Flemming, DS, ICC 225 Federal Building, Lansing, MI 48933.

MC 124170 (Sub-118TA), filed March 9, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207, Representative: William J. Boyd, P.C., 600 Enterprise Dr., Suite 222, Oak Brook, IL. *Laboratory reagents and culture media,* from Irving, TX to all points in the Continential United States, for 180 days. Supporting shipper(s): Paul A. Wichrowski, Traffic and Shipping Manager, BBL Microbiology Systems, P.O. Box 243, Cockysville, MD 21030. Send protest to: Tim Quinn, DS, ICC, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 125470 (Sub-47TA), filed March 9, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A. at or near Muscatine and Iowa City, IA to points in KS and OK, restricted to traffic originating at the named facilities and destined to the named states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joseph H. Jeneda, Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protest to: Carrol Russel, ICC, Suite 620, 110 No. 14th St.,

MC 125951 (Sub-40TA), filed April 6, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Rd., Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino, same address as applicant. *(1) Television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, and audio equipment; and (2) Accessories, components and parts for the commodities set forth in (1) above,* from the facilities of RCA Corporation at Bloomington and Indianapolis, IN, to Minneapolis, MN; Eldridge and Des Moines, IA; St. Louis and Sprinfield, MO; Sioux Falls, SD; Fargo, ND; Little Rock and Fort Smith, AR; and Kansas City, KS, for 180 days. Supporting shipper(s): Jack Dick, RCA Corporation, Cherry Hill, NJ 08034. Send protest to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 127651 (Sub-43TA), filed March 27, 1979. Applicant: EVERETT G. ROEHL, INC., East 29 St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles* from the facilities of Union Steel Co., Div. of Azcon Corp. in Chicago, IL to points in MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Steel Co., Div. of Azcon Corp. 11011 S. Cottage Grove Ave., Chicago, IL 60628. Send protest to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 519, Milwaukee, Wisconsin 532020.

MC 127651 (Sub-44TA), filed March 21, 1979. Applicant: EVERETT G. ROEHL, INC., East 29 St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Galvanized steel* from Chicago, IL to the facilities of General Metalware Co., Minneapolis, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Metalware Co., 1401 Central Ave., NE, Minneapolis, MN 55413. 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, WI 53202.

MC 128021 (Sub-39TA), filed March 20, 1979. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers, plastic articles, plastic film, plastic sheeting, plastic drop cloths, and plastic tarpaulins,* from Lawrence County, TN to AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NC, OH, OK, SC, TX, VA, and WV; and (2) *Equipment, materials, and supplies* used in the manufacture and/or distribution of commodities named in (1) above (except commodities in bulk, in tank vehicles), from AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NC, OH, OK, SC, TX, VA, and WV to Lawrence County, TN, under a continuing contract or contracts executed and in force with the Webster Industries, Inc., of Peabody, MA, for 180 days. Supporting shipper: Webster Industries, Inc.; 58 Pulaski Street; Peabody, MA 01960. Send protests to: Mable Holston, Transportation Assistant; 1616–2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under Docket MC–141870.

MC 129191 (Sub-10TA), filed March 9, 1979. Applicant: Richard T. Plattner, d.b.a. Jans Motor Service, 12600 South Laramie Avenue, Alsip, IL 60658. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. *Iron and steel articles,* from the facilities of United States Steel Corp. located in or near South Chicago, IL to all points in IN, for 180 days. Supporting shipper(s): United States Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 129291 (Sub-11TA), filed March 20, 1979. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Road, Lexington, KY 40505. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Authority sought to operate as a *common carrier* 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 Frankfort, KY and Lexington, KY; from Frankfort, KY over U.S. Hwy. 60 to Lexington, KY, and return over the same route, serving all intermediate points. (2) between Lexington, KY, and Delaplain, KY: From Lexington, Ky, over U.S. Hwy 25 to junction of Kentucky Hwy. 620, thence over Kentucky Hwy. 620 to Delaplain, KY, and return over the same route, serving all intermediate points. (3) between the junction of U.S. Hwy. 25 and U.S. Hwy. 62 and Cynthiana, KY: From the junction of U.S. Hwy 25 and U.S. Highway 62 over U.S. Hwy. 62 to Cynthiana, KY, and return over the same route, serving no intermediate points. (4) between Lexington, KY and Danville, KY: from Lexington, KY, over U.S. Hwy 60 to

junction of Blue Grass Parkway, thence over Blue Grass Parkway to junction of U.S. Hwy. 127, thence over U.S. Hwy. 127 to Danville, KY, and return over the same route, serving no intermediate points, and serving Danville, KY, for purpose of interchange and interline only. Service in routes 1 through 4 above is restricted to the handling of traffic interchanged or interlined at Danville, KY. Applicant will tack with authority it holds in MC 129291 and interline at Aberdeen, OH, Lexington and Danville, KY. Applicant also seeks to serve the commercial zones of all points sought to be served in routes 1 through 4 above. Fifty five (55) shippers support the application. Send protest to: Mrs. Linda H. Sypher, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, KY 40202. An underlying ETA seeks 90 days authority.

MC 133420 (Sub-2TA), filed March 29, 1979. Applicant: TRI–STATE TRANSPORT, INC., P.O. Box 2168, Long Beach, CA 90408. Representative: William J. Lippman, 50 S. Steele, Suite 330, Denver, CO 80209. *Common:* Irregular: *Aluminum valves, pipe fittings, thermostats, thermostatic controls, brass forgings and machinery.* Between El Paso, TX, on the one hand, and Chicago, IL, and Long Beach, CA, on the other, restricted to the facilities of Robertshaw Controls Co., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Robertshaw Controls Company, 100 West Victoria Street, Long Beach, CA 90805. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 133591 (Sub-64TA), filed March 9, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: Harry Ross, 58 S. Main St., Winchester, KY 40391. *Candy, and confectionaries,* from Robinson, IL to points in LA, TX and points in Kansas City, MO commercial zone for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): L. S. Heath & Sons, Inc., Robinson, IL 62454. Send protests to: DS John V. Barry, Rm. 600, 911 Walnut, Kansas City, MO 64106.

MC 133591 (Sub-65TA), filed March 26, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: Charles A. Daniel, P.O. Box 303, Mt. Vernon, MO 65712. (1) *Such merchandise as is dealt in by wholesale, retail, chain grocery, and feed business houses,* and (2) materials, ingredients, and supplies used in the manufacture, distribution, and sale of products in (1) above, (1) between the facilities of Ralston Purina Co. at or near Sparks, NV, on the one hand, and on the other, points in CA, OR and WA, (2) between the facilities of Ralston Purina Co. at or near San Diego, CA and Flagstaff, AR on the one hand, and on the other points in AR, CO, KS, LA, MN, MO, NB, ND, OK, SD, TX and Memphis, TN, for 180 days. Supporting Shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 134300 (Sub-16TA), filed March 28, 1979. Applicant: TRIPLE R EXPRESS, INC., 498 First Street, Northwest, New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A, C and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* between the plantsite and storage facilities of Lauridsen Foods, Inc. located at or near Britt, IA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and DC, restricted to the transportation of shipments originating at the above named origin and destined to the indicated destinations, for 180 days. Supporting Shipper(s): Armour and Company, Manager of Transportation, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 134790 (Sub-5TA), filed March 14, 1979. Applicant: Daniel C. Haffner, d.b.a. Haffner Trucking Service, R.R. #1 Farmington, IA 52626. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Railway car and locomotive wheels, iron or steel, loose or mounted on axles, with or without bearings, from Keokuk, IA, to points in IL, MO, NE, ND, SD, MN, AR, OK, and IN for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Griffin Wheel Company, 200 W. Monroe, Chicago, IL 60606. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 135070 (Sub-37TA), filed March 26, 1979. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, 137 NW 17th, Lincoln, NE 68501. *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except in bulk and hides), from the facilities of Illini Beef Packers, Inc., at or near Joslin, IL and Davenport, IA to points in AZ and CA, for 180 days. An underlying ETA seeking up to 90 days authority was granted. Supporting Shipper: Illini Beef Packers, Inc., P.O. Box 245, Geneseo, IL 61254. Send protests to: District Supervisor Haskell E. Ballard, Box F–13206 Federal Building, Amarillo, TX 79101. Supporting Shipper(s): Illini Beef Packers, Inc., P.O. Box 245, Geneseo, IL 61254. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F–13206 Federal Building, Amarillo, TX 79101.

MC 135070 (Sub-38TA), filed April 4, 1979. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE 68501. *Frozen foods* (except in bulk) from the facilities of Rich Products Corporation at or near Appleton, WI to points in CA, for 180 days. An underlying ETA was filed. Supporting shipper(s): Rich Products Corporation, Box 245, Buffalo, NY 14240. Send protests to: District Supervisor Haskell E. Ballard, Box F–13206 Federal Building, Amarillo, TX 79101.

MC 135170 (Sub-35TA), filed March 20, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract Carrier:* irregular routes: (1) *Containers, paper and paper articles, and plastic articles,* from Hartsville, SC to points in DE, MD, OH, PA, NY, NJ, NC and DC; and (2) *scrap paper,* from points in DE, MD, OH, PA, NY, NJ, NC and DC to Hartsville, SC, under a continuing contract with Sonoco Products Company, for 180 days. Supporting shipper(s): Arthur L. Moon, Sonoco Products Company, Hartsville, SC 29550. Send protests to: W. L. HUGHES, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 135861 (Sub-42TA), filed March 19, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. *Contract carrier:* irregular routes: *Photographic and reproductive equipment and parts and accessories* for the foregoing commodities, in vehicles equipped with mechanical refrigeration from Binghamton, Vestal and Johnson City, NY; Linden, NJ; and Calvert City, KY; to points in CA, CO, GA, and TX, under continuing contract(s) with GAF

Corporation, Wayne, NJ, for 180 days. Supporting shipper(s): GAF Corporation, 1361 Alps Rd., Wayne, NJ 07470. Send protests to: ROD James H. Berry, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135861 (Sub-43TA), filed March 16, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. *Contract carrier:* irregular routes: *Carpeting and floor covering* from Los Angeles and Orange Counties, CA to Irving, TX, for the account of Merit Carpet Corporation, for 180 days. Supporting shipper(s): Merit Carpet Corporation, 3410 Century Circle, Irving, TX 75062. Send protests to: Martha A. Powell, TA, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135861 (Sub-44TA), filed March 22, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. *Contract carrier:* irregular routes: *Drugs, medicines, toilet preparations, personal care products, confectionery and chewing gum* from the plantsites, distribution centers and storage facilities used by Warner-Lambert Company, at or near, Chelsea and Boston, MA; Milford and Orange, CT; Long Island City and New York, NY; South Brunswick, NJ; Philadelphia and Lititz, PA; Elk Grove Village, Chicago, and Rockford, IL; Anaheim, CA; and Morrow and Atlanta, GA; to distribution centers and storage facilities used by Warner-Lambert Company, at Grand Prairie and Dallas, TX, under contract with Warner-Lambert Company, Morris Plains, NJ, for 180 days. Supporting shipper(s): Warner-Lambert Company, 201 Tabor Road, Morris Plains, NJ 07950. Send protests to: ROD Berry, ICC, Rm. 9A27 Federal Bldg., 819 Taylor, Fort Worth, TX 76102.

MC 136220 (Sub-72TA), filed March 12, 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. *Aluminum dross, aluminum scrap and smelting residue* (in bulk, in dump vehicles), from points in TX, to Sapulpa and Checotah, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metal Exchange Corp., 111 West Port Plaza, St. Louis, MO 63141. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office & Court House Building, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 136511 (Sub-37TA), filed March 8, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, Virginia 24502. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. *Bananas* from Norfolk, VA to points in MI, IN, OH, IL, WI, MN, MO, IA, KY, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Best Banana Company, 3616 E. Virginia Beach Blvd., Norfolk, VA 23502. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

MC 136511 (Sub-38TA), filed March 14, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, Virginia 24502. Representative: Elizabeth A. Purcell, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Candy, confectionery and cough drops,* from the facilities of Luden's, Inc. at Reading, PA, to points in TX, CO, NM, AZ, UT, ID, NV, OR, WA, CA, NC, GA, OK, LA, TN, AL and MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Luden's Inc., 200 North 8th Street, Reading, PA. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 136511 (Sub-39TA), filed March 14, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Apple sauce, apple juice, apple butter, apple vinegar, and apple slices,* from Winchester, VA, Timberlake, VA, Martinsburg, WV and Lincolnton, NC, to points to FL, TX, NC, SC, AL, GA and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Fruit Product Co., Inc., P.O. Box 2040, Winchester, VA 22601. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 136511 (Sub-40TA), filed March 15, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: David C. Venable, Attorney At Law, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *New furniture,* from Martinsville, VA, to points in ID; MT; WY; CO; NM; TX and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hooker Furniture Corp., P.O. Box 4708, Martinsville, VA 24112. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

MC 136511 (Sub-41TA), filed March 28, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: Lester R. Gutman, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. *Candy and confectionery* from the facilities of M & M/Mars, Division of Mars, Inc. at or near Hackettstown and Elizabeth, New Jersey and Elizabethtown, Pennsylvania to points in AZ, CA, GA, IL, IN, LA, MI, MN, NC, OH, OR, SC, TN, TX, VA and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): M & M/Mars, Division of Mars, Incorporated, High Street, Hackettstown, NJ 07840. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 136511 (Sub-42TA), filed March 29, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. *Processed fruits and fruit products,* from Kent City, MI, to Delta, CO and points in IL, MO, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): National Fruit Product Co., Inc., P.O. Box 2040, Winchester, VA 22601. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 136720 (Sub-5TA), filed March 21, 1979. Applicant: APEX BULK COMMODITIES, P.O. Box 872, Whittier, CA 90608. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Soda ash, in bulk,* from points in WY to the facilities of Thatcher Glass Manufacturing Company, Division of Dart Industries, at Saugus, CA, for 180 days. Supporting shipper(s): Thatcher Glass Manufacturing Company, Division of Dart Industries, P.O. Box 165, Elmira, NY 14902. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 138701 (Sub-2TA), filed March 19, 1979. Applicant: G.D. & K., INC., 500

West Main Street Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract carrier, irregular routes for 180 days. Disposable monitoring devices, electro-surgical grounding pads, and such materials, equipment, and supplies used in their manufacture, sales, and distribution, between Dayton, OH, on the one hand, and, on the other, points in the US east of the Mississippi River, and points in LA & TX. An underlying ETA seeks 90 days authority. Supporting shipper(s): NDM Corporation, 3040 East River Road, Box 1408, Dayton, OH 45401. Send protest to: Joel Morrows, DS, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 138861 (Sub-13TA), filed March 16, 1979. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. *Lard, edible tallow, shortening, margarine* and *cooking* and *vegetable oils*, from Bradley, IL, to CT, ME, MA, NH, NJ, NY, PA, RI, and VT, for 180 days. Supporting shipper(s): Swift & Co., 115 W. Jackson Boulevard, Chicago, IL 60604. Send protest to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

MC 139171 (Sub-3TA), filed March 30, 1979. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Blvd., Los Angeles, CA 90017. *Contract:* irregular: *General commodities (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment)*, between points in CA, UT and TX, on the one hand, and, on the other, points in the United States, except AK and HI, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Wasatch Shippers Association, Inc., 235 West Third Street, Salt Lake City, UT 18101. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 139391 (Sub-10TA), filed March 28, 1979. Applicant: G & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, AR 72394. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Printed matter from the facilities of R. R. Donnelley & Sons Company, at Glasgow, KY, to Phoenix, AZ; Los Angeles, Fresno, San Diego, San Francisco and Oakland, CA; Denver, CO; Oklahoma City, OK; Portland, OR; Dallas and Houston, TX; and Seattle, WA and their commercial zones, for 180 days as a contract carrier over irregular routes. Supporting shipper(s): R. R. Donnelley & Sons Company, Donnelley Drive, Glasgow, KY 42141. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 139850 (Sub-19TA), filed March 20, 1979. Applicant: FOUR STAR TRANSPORTATION, INC., Box 77, Underwood, IA 51576. Representative: Vance A. Trively (same address as applicant). *Meat*, from Solon and Cleveland, OH to Des Moines, IA; Woodbridge, NJ; Portland, OR; and Richmond, CA, for 180 days. Applicant intends to tack this authority to authority held by it in MC–139850. Supporting shipper(s): John E. Oster, Monroe Company (Parent Company) Revere Chemical Co., 30875 Carter St., Solon, OH 44139. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 139850 (Sub-20TA), filed March 20, 1979. Applicant: FOUR STAR TRANSPORTATION, INC., Box 77, Underwood, IA 51576. Representative: Vance A. Trively (same address as applicant). *Meat*, from points in IL, IN, IA, MN, NE, SD, and WI, to Oakland, CA, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority to authority held by it in MC–139850. Supporting shipper(s): Mrs. R. Swenson, East Bay Packing Company, 208 Jackson St., Oakland, CA. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 139850 (Sub-21TA), filed March 23, 1979. Applicant: FOUR STAR TRANSPORTATION, INC., Box 77, Underwood, IA 51576. Representative: Vance A. Trively, (same address as applicant). *Carpet and floor coverings*, from points in GA to Council Bluffs, IA, for 180 days. Supporting shipper(s): Michael Hughes, Michael's Carpet, 3211 Nebraska Ave., Council Bluffs, IA. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 139850 (Sub-22TA), filed March 9, 1979. Applicant: FOUR STAR TRANSPORTATION, INC., Box 77, Underwood, IA 51576. Representative: Vance A. Trively, Box 77, Underwood, IA 51576. *Meat*, from the facilities of Farmland Foods, Inc., located at or near Denison, Iowa Falls and Carroll, IA to points in AZ, CA, ID, MT, NV, OR, UT, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dean Wilson, Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 140241 (Sub-48TA), filed March 19, 1979. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Jim D. Dalke, Box 7, Moundridge, KS 67107. *Iron and steel articles* from plantsite and storage facilities of UNARCO–LEAVITT at Blue Island, Evanston and Chicago, IL to points in MN & TN; common, irregular, 180 days; supporting shipper: Unarco-Leavitt, Div. of Unarco Industries, 1717 West 115th Street, Chicago, IL 60643; send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 140300 (Sub-3TA), filed March 29, 1979. Applicant: Plastic Express, 2999 La Jolla Street, Anaheim, CA 92806. Representative: Richard C. Celio, 1415 W. Garvey Avenue, Suite 102, West Covina, CA 91790. *Contract:* Irregular: *Lubricating oils in bulk*, from the plantsite and warehouse facilities of The Pennzoil Company located at or near Vernon, California, to points in Arizona, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): The Pennzoil Company, 1730 West Olympic Blvd., Suite 102, Los Angeles, CA 90015. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 140421 (Sub-19TA), filed March 26, 1979. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, LA 70189. Representative: Sandra H. Roberson (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, transporting: (1) Paper, paper products, containers, container ends, from the facilities of American Can Company, Inc. in AL, AR, LA, MS, TN, TX, IL, IN, and MO to points in the above named states. (2) Components, materials, and supplies used in the manufacture of the commodities named in (1) above from the facilities of American Can Company, Inc. in AL, AR, LA, MS, TN, TX, IL, IN, and MO to points in the above named states, for 180 days. Restricted to traffic moving in connection with American Can Company, Inc. Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): American Can Company, 915 Harper Road, Oak Brook, IL 60521. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg.,

701 Loyola Ave., New Orleans, LA 70113.

MC 140460 (Sub-6TA), filed March 22, 1979. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Bananas* from the Hampton Roads deep port facilities at Hampton, Portsmouth, and Norfolk, VA to points in IL, IN, IA, KY, MI, NE, NY, OH, PA, WV, and WI for 180 days. An underlying ETA has been filed requesting 90 days authority. Supporting shipper(s): The Best Banana Company, Inc., c/o Norfolk Banana Distributors, 3616 East Virginia Beach Boulevard, Norfolk, VA 23502. Send protests to: Mr. Archie W. Andrews, D/S ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 141131 (Sub-1TA), filed March 29, 1979. Applicant: THE BIRGE COMPANY, INC., 421 E. 16th St., Paterson, NJ 07514. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Common, irregular. *Printing paper,* other than newsprint, and *materials, equipment, and supplies* used in the manufacturing thereof, except in bulk, on return, from Glens Falls, NY to points in the US east of the Mississippi River, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Finch, Pruyn and Co., 1 Glen Street, Glens Falls, NY 12801. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Newark, NJ 07102.

MC 141320 (Sub-13TA), filed March 29, 1979. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, 900 Walt Whitman Road—Suite 303, Huntington Station, NY 11746. Representative: Eugene M. Malkin, Suite 6193—5 World Trade Center, New York, NY 10048. *Contract carrier,* irregular routes: Radiopharmaceuticals, medical isotopes, medical test kits, and related apparatus, from South Plainfield, NJ, to Washington, DC, and points in the commercial zone thereof, and those in Fairfax County, VA, under a continuing contract(a) with Medi-Physics, Inc., of South Plainfield, NJ. An underlying ETA seeks 90 days authority. Supporting shipper(s): Medi-Physics, Inc., 900 Durham Ave., South Plainfield, NJ. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY.

MC 141921 (Sub-49TA), filed February 21, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Rd., Manchester, NH 03301. Representative: John A. Sykas, same address as applicant. Malt beverages and materials and supplies used in the manufacture and distribution of malt beverages, from the facilities of Anheuser-Busch, Inc. at or near St. Louis, MO, to ME, NH, VT, MA, RI, CT, NY, PA, NJ, OH, DE, MD, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis, MO 63118. Send protests to: Ross J. Seymour, DS, Interstate Commerce Commission, Rm 3, 6 Loudon Rd., Concord, NH 03301.

MC 141921 (Sub-50TA), filed February 21, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Rd., Manchester, NH 03108. Representative: John A. Sykas, (same address as applicant). Meats and packinghouse products, from the facilities of Wilson Foods, Inc., at or near Albert Lea, MN and Cedar Rapids, IA to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Wilson Foods, Inc., 4545 No. Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Ross J. Seymour, DC, Interstate Commerce Commission, Rm 3, 6 Loudon Rd., Concord, NH 03301.

MC 142041 (Sub-1TA), filed March 27, 1979. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison, Topeka KS 66603. (1) *Agricultural Machinery, Implements and Equipment;* (2) *Industrial and Construction Machinery and Equipment;* (3) *Irrigation Equipment;* (4) *Drainage Systems;* (5) *Stump Cutters, Log Splitters and Log Choppers;* (6) *Tree Spades;* and (7) *Parts, Attachments and Accessories for (1) through (6) above,* from facilities of Vermeer Manufacturing Co., at or near Pella, IA to points in AR, KS, LA, MS, MO, NE, NM, OK & TX, and (8) *Materials and supplies used in the manufacture and productin of (1) through (7) above,* from points in AR, IN, IL, KS, LA, MS, MO, NE, NM, OK & TX to the facilities of Vermeer Manufacturing Company, at or near Pella, IA.; 90-day ETA granted 3–20–79; permanent application pending; Supporting shipper: Vermeer Manufacturing Co., P.O. Box 200, Pella, IA.; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 142181 (Sub-3TA), filed March 9, 1979. Applicant: LIBERTY CONTRACT CARRIER, INC., P.O. Box 1104, 214 Hermitage Avenue, Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. *Contract carrier:* irregular routes: *(1) Such merchandise as is dealt in by department stores and (2) newspaper supplements when moving in mixed loads with (1) above,* between points in AL, AR, GA, KY, MS, MO, SC and TN, for 180 days. Restricted to the transportation of shipments originating at or destined to the facilities of Kuhn's Big K Stores Corp. Supporting shipper(s): Kuhn's Big K Stores Corp, 245 Great Circle Road, P.O. Box 5867, Nashville, TN 37228. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 142310 (Sub-14TA), filed March 9, 1979. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Frozen foods* from Greenville, MI to points in WI, restricted to traffic originating at the facility of Ore-Ida Foods, Inc. at or near Greenville, MI, 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: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 83202.

MC 142610 (Sub-7TA), filed March 8, 1979. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, LA 70189. Representative: Sandra H. Roberson (same address as applicant). *Paper, paper products and materials, equipment, and supplies used in their manufacture* between New Orleans, LA on the one hand, and, on the other, points in AL, AR, MS, TN, TX, SC, NC, GA, VA, IL, OH, and WI, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): Lengsfield Brothers, Inc., 1101 Tchoupitoulas Street, New Orleans, LA 70130. Send protests to: Connie A. Guillory, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 142831 (Sub-15TA), filed March 13, 1979. Applicant: HAMRIC TRANSPORTATION, INC., 3318 E. Jefferson, Grand Prairie, TX 75051. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. *Standard steel tubing banded in bundles,* from Chicago, IL, to points in Oklahoma and Texas for 180 days. Underlying ETA seeks up to 90 days authority. Supporting shipper(S): Russell Steel, P.O. Box 1247, Arlington, TX 76010. Send protests to: Opal Jones,

Transportation Assistant, ICC, 1100 Commerce Street, Rm 13C12, Dallas, TX 75242.

MC 142891 (Sub-5TA), filed March 16, 1979. Applicant: A & H INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas Beener, One World Trade Center, Suite 4959, New York, NY 10048. *Cheese and cheese products* from the facilities of Heidi's Cheese Products at or near Juda, Monroe and Linden, WI to points in NH, VT, CT, MI, OH, MA, RI, DE, MD, DC, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heidi's Cheese Products, P.O. Box 851, Libertyville, IL 60048. Send protest 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 143331 (Sub-7TA), filed March 12, 1979. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract:* irregular: *insulating materials,* from Fruita, CO, to points in AZ and CA, under a continuing contract or contracts with Pabco Insulation, Division of Louisiana Pacific Corp., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Pabco Insulation, Division of Louisiana Pacific Corp., 1110 16 Road, Fruita, CO 81521. Send protest to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 143471 (Sub-13TA), filed March 3, 1979. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 301 Mt. Rushmore Road, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Contract carrier:* irregular routes: *Lumber* from points on the International Boundary LIne between the U.S. and Canada located in WA and ID to points in IA, MN, ND, and SD for the account of Weyerhaeuser Co for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Co., Tacoma, WA 98401. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 143540 (Sub-13TA), filed March 13, 1979. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Contract—irregular, *fibrous glass products and material; mineral wool, mineral wool products and materials; insulated air ducts, insulating products and materials; glass fibre rovings, yarn and strands; glass fibre mats and mattings; and flexible air ducts (except in bulk),* from the facilities of CertainTeed Corporation located at or near Williamstown Junction, NJ to points in AL, FL, GA, KY, NC, SC, TN, and VA, for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper(s): CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Mr. Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 143540 (Sub-14TA), filed April 5, 1979. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *Paper and paper products,* (1) from the facilities of Scott Paper Company in DE, NJ, NY, and PA to all points in AL, GA, IL, NC, SC, VA, and WI; (2) from the facilities of Scott Paper Company in IL and WI to points in AL, GA, NJ, NY, and PA; and (3) from the facilities of Scott Paper Company in AL and GA to points in IL, IN, NJ, NY, OH, PA, and WI, for 180 days. An underlying ETA has been filed seeking 90 days authority. Supporting shipper(s): Scott Paper Company, Scott Plaza I, Philadelphia, PA 19113. Send protests to: Mr. Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 143621 (Sub-10TA), filed March 9, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Ave. North, Nashville, TN 37219. Representative: Sidney T. Stanley (same address as applicant). *Iron and steel articles* from Chicago, IL and its commercial zone to Nashville, TN and its commercial zone; Murfreesboro, TN and its commercial zone; Decatur, AL and its commercial zone; and Owensboro, Ky and its commercial zone, for 180 days. Supporting shipper(s): There are 8 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, TA, ICC, Suite A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 143621 (Sub-11TA), filed March 29, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Ave. North, Nashville, TN 37219. Representative: Sidney T. Stanley, 901 5th Ave. North, Nashville, TN 37219. *Iron and steel articles* from Chicago, IL and its commercial zone to all points in TN, for 180 days. Supporting shipper(s): There are 13 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 143621 (Sub-12TA), filed March 30, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Ave., North, Nashville, TN 37219. Representative: Sidney T. Stanley (same address as applicant). *Electric motors and generators* from Lexington, TN and its commercial zone to Peoria, IL and its commercial zone, for 180 days. Supporting shipper(s): Gould Inc., Electric Motor Div., 669 Natchez Trace Drive, Lexington, TN 38351. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 143621 (Sub-13TA), filed March 27, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Ave., North, Nashville, TN 37219. Representative: Sidney T. Stanley (same address as applicant). *Iron and steel articles* from Harriman, TN and its commercial zone to Chicago, IL and its commercial zone, for 180 days. Supporting shipper(s): Metron Steel Corp., 12900 S. Metron Dr., Chicago, IL 60633. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 143621 (Sub-14TA), filed March 27, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Ave. North, Nashville, TN 37219. Representative: Sidney T. Stanley (same address as applicant). *Iron and steel articles* from Warren, OH and its commercial zone to Lexington, TN and its commercial zone, for 180 days. Supporting shipper(s): Gould, Inc., 669 Natchez Trace, Lexington, TN 38351. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 143671 (Sub-1TA), filed March 21, 1979. Applicant: BILL BLANN, d.b.a. BLANN TRACTOR COMPANY, P.O. Box 557, Hampton, AR 71744. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, Arkansas 72201. *Clothing, materials, supplies, and equipment* incidental to or used in the manufacture of clothing, between the facilities of M.J. Industries, Inc., at St. Louis, MO and East Camden, AR, under contract or continuing contracts with M.J. Industries, Inc., for 180 days as a contract carrier over irregular routes. Supporting shipper(s): M. J. Industries, Inc., 1000 Washington Avenue, St. Louis, MO. Send protests to: William H. Land, Jr., District Supervisor,

3108 Federal office Building, 700 West Capitol, Little Rock, AR 72201.

MC 143771 (Sub-3TA), filed March 13, 1979. Applicant: NORTHERN MICHIGAN TRANSIT, INC., 1068 O'Rourke Boulevard, P.O. Box 151, Gaylord, MI 49735. Representative: James R. Davis, 1018 Michigan National Tower, Lansing, MI 48933. *Landscape timbers* from the facilities of Lake Woods Forest Products, Inc. at or near Grayling, MI to points in OH, IN and IL. An underlying ETA seeks 90 day authority. Supporting shipper(s): Lake Woods Forest Products, Inc., P.O. Box 629, Grayling, MI 49738. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 143891 (Sub-5TA), filed March 21, 1979. Applicant: FLYING L TRUCKING COMPANY, P.O. Box 4942, Thousand Oaks, CA 91359. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Such commodities as are dealt in by a manufacturer or convertor of paper and paper products,* from points in CA, OR and WA to points in ID, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Container Corporation of America, 2800 De La Cruz Blvd., Santa Clara, CA 95050. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CALIFORNIA 90012.

MC 144041 (Sub-31TA), filed March 9, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE, Atlanta, GA 30345. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street, NE, Atlanta, GA 30303. *Glass containers* from Knox, Marienville, Clarion and Parker, PA to Rick Hill and Chester, SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glass Containers Corp., Knox, PA 16232. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 144201 (Sub-5TA), filed March 22, 1979. Applicant: V.M.P. ENTERPRISES, INC., 3006 S. 40th St., Milwaukee, WI 53215. Representative: Wm. C. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Buses, in initial movements, in driveaway service,* from Roswell, NM to points in the US, including AK, but excluding HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Transportation Mfg. Corp., P.O. Box 5670, Roswell, NM 88201. 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 144351 (Sub-3TA), filed March 23, 1979. Applicant: DON HAUSAUER, d.b.a. DON HAUSAUER TRUCKING, Route #5, Carufel Addition, Bismarck, ND 58501. Representative: Charles E. Johnson, 418 East Rosser Avenue, P.O. Box 1982, Bismarck, ND 58501. *Non-alcoholic beverages* from the facilities of Midwest Pop Lakehead, Inc., at or near Duluth, MN to points in ND, SD and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midwest Pop Lakehead, Inc., 326 East Central Entrance, Duluth, MN 55811. Send protests to: DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 144431 (Sub-1TA), filed March 19, 1979. Applicant: HOFFMAN TRANSIT CO., INC., Highway A–1 Mile West, Gresham, WI 54128. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Woodchips,* in bulk, from Amasa, MI to Green Bay, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Co., 271 River St., Menasha, WI 54952. 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 144630 (Sub-14TA), filed March 14, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, Suite 945—9000 Keystone Crossing, Indianapolis, IN 46240. (1) *Batteries, battery parts and components,* (2) *lead, pigs, billets and slabs,* from (1) Niagara Falls, NY to Vincennes, IN; (2) from Toledo, OH; Attica and Vincennes, IN to points in GA; (3) from Herculaneum, MO to Visalia, CA, for 180 days. Supporting Shipper: Eltra Corporation, 511 Hamilton, Toledo, OH 43694. Send Protests To: Beverly J. Williams, Transportation Assistant, I.C.C. 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 144710TA, filed January 29, 1979. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Road, Rochester, NY 14625. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225—44 North Ave., Webster, NY 14580. *Snow Removal Equipment* between Genesee, Monroe, Ontario, Orleans and Wayne Counties, NY on the one hand, and, on the other, Chicago, IL and its commercial zone. Supporting shipper(s): Central Roadways, Inc., 135 Silverdale Dr., Rochester, NY 14609. Wayne Terminal and Dock Co., Inc., 3496 So. Main St., Walworth, NY 14568. Spezio Construction Co. Div., 35 Deep Rock Rd., Rochester, NY 14624. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St.—Rm. 1259., Syracuse, New York 13260.

MC 144740 (Sub-8TA), filed March 20, 1979. Applicant: L. G. DE WITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, NW, Suite 300, Washington, DC 20006. *Contract* Carrier-Irregular routes: *Frozen foods* from the facilities of Pet, Incorporated, Frozen Foods Division, at or near Chambersburg, PA, to points in AZ and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pet Incorporated, Frozen Foods Division, P.O. Box 392, St. Louis, MO 63166. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd.—Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 144740 (Sub-9TA), filed March 9, 1979. Applicant: L. G. DE WITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, NW, Suite 300, Washington, DC 20006. *Contract* Carrier-Irregular routes: *Candy and confectionery* from the facilities of M&M/Mars, division of Mars, Inc. at or near Hackettstown and Elizabeth, NJ, and Elizabethtown, PA, to points in AZ, CA, CO, OR, TX, UT and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M&M/Mars, Division of Mars, Inc., High St., Hackettstown, NJ 07840. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd.—Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 144971 (Sub-1TA), filed February 28, 1979. Applicant: DONALD EDWARD McKENZIE, d.b.a. C & D Contracting, 13491—112th Avenue, Surrey, B.C. V3R 2E7. Representative: Donald Edward McKenzie, 13491—112th Avenue, Surrey, B.C. V3R 2E7. *Contract carrier:* irregular routes: *Scrap steel, tin, iron,* from the U.S./Canada border to Tacoma, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joseph Simon & Sons, Inc., 2202 E. River St., Tacoma, WA 98421. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 145070 (Sub-2TA), filed March 30, 1979. Applicant: PROGRESSIVE PRODUCE COMPANY, d.b.a., PATHFINDER TRUCKING, 1206 E. 6th

Street, Los Angeles, CA 90021. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Bananas and agricultural commodities exempt from regulation under Section 10526(a)(6) of the Interstate Commerce Act when transported in mixed loads with bananas,* from the facilities of Del Monte Banana Company at Port Hueneme, CA to points in AZ, ID, OR, UT, and WA, restricted to the transportation of traffic having a prior movement by water, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Del Monte Banana Company, 1201 Brickell Avenue, Miami, FL 33101. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 145371 (Sub-2TA), filed March 9, 1979. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. (1) *Foodstuffs* (except frozen food stuffs, bananas and commodities in bulk), (a) between the facilities of Del Monte Corp., located at/near Tampa, FL; DeKalb, Mendota and Rochelle, IL; Frankfort, IN; Topeka, KS; Sleepy Eye and Wells, MN; Swedesboro, NJ; Memphis, TN; Crystal City, TX and Arlington, Markesan and Plover, WI and points in their commercial zones, and (b) from the facilities of Del Monte Corp., located at/near DeKalb, Mendota and Rochelle, IL; Sleepy Eye and Wells, MN and Arlington, Markesan and Plover, WI to points in the states of IL, IN, KS, KY, MI, MN, MO, NJ, ND, OH, PA, TN, WV and WI; and (2) cans, can ends and packaged cut tin plate between the facilities of Del Monte Corp. located at/near Tampa, FL; DeKalb, Mendota and Rochelle, IL; Sleepy Eye and Wells, MN; Swedesboro, NJ; Crystal City, TX and Arlington, Markesan and Plover, WI and points in their commercial zones, for 180 days. Supporting shipper(s): Del Monte Corporation, Division Shipping—Traffic, Midwest Division, P.O. Box 89, Rochelle, IL 61068. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145300 (Sub-1TA), filed March 20, 1979. Applicant: MINUTE MAN TRANSIT, INC., 24 Williams Street, Dedham, MA 02026 Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Data processing materials,* (1) from Hopkinton, MA to Hartford, Waterbury, and New London, CT; Augusta, ME; Nashua and Lebanon, NH; Providence and Woonsocket, RI; and Brattleboro and Burlington, VT, and (2) from Brookline, MA to Greenwich, Hartford, and Stafford Springs, CT; Greenfield, NH; and New York (and points in its commercial zone), New Rochelle, New Hyde Park, Manhassett and Carmel, NY, for 180 days. Supporting shipper(s): Datamann, Inc., P.O. Box 482, Hanover, NH 03755; and SDK Medical Computer Services Corporation, 850 Boylston Street, Brookline, MA 02167. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 145441 (Sub-24TA), filed March 16, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same as applicant). *Frozen foods* from Stanwood, Ellensburg, Prosser, Arlington and Kennewick, WA; and Lewiston, ID, to points in MD, PA, NY, VA, KS and MO, for 180 days, as a common carrier over irregular routes. Supporting shipper(s): Twin City Foods, Inc., P.O. Box 699, Stanwood, WA 98292. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145441 (Sub-26TA), filed March 15, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same as applicant). *Alcoholic beverages* (except in bulk), from points in CA in and north of San Luis Obispo, Kern, and San Bernadino Counties, to Denver, CO for 180 days, as a common carrier over irregular routes. Supporting shipper(s): Ledo-Dionysus, 5757 East 42 Avenue, Denver, CO 80216. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145481 (Sub-6TA), filed March 29, 1979. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, NC 27360. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Drugs, medicines, cosmetics, plastic boxes, plastic articles, weed killing compounds, and animal and poultry feed supplements; and materials and supplies used in the manufacture, production and distribution of the commodities named above;* between the facilities utilized by Eli Lilly and Company located at or near Indianapolis, Lafayette and Clinton, IN, on the one hand, and, on the other, Memphis, TN; Raleigh, NC; Atlanta, GA; and Norfolk, VA; for 180 days. RESTRICTION: Restricted against the transportation of commodities in bulk. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eli Lilly and Company, 1555 South Kentucky Ave., Indianapolis, IN 46206. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 145601 (Sub-3TA), filed March 9, 1979. Applicant: MORGAN COUNTY TRUCKING, INC., 1010 East Nutter Street, Martinsville, IN 46151. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, IN 46204. *Malt beverages,* from Peoria, IL; and Newport and Louisville, KY; St. Paul, MN; Detroit, MI; St. Louis, MO; Cleveland and Columbus, OH; and Milwaukee, WI; to points in Warren, Tippecanoe, Clinton, Hamilton, Madison, Henry, Rush, Hancock, Marion, Boone, Hendricks, Montgomery, Fountain, Putnam, Parke, Vermillian, Vigo, Clay, Owen, Morgan, Johnson, Shelby, Decatur, Bartholomew, Brown, Monroe, Green, Sullivan, Knox, Daviess, Martin, Lawrence, Jackson, Jennings, Scott, Washington, Orange, Dubois, Pike, Gibson, Posey, Vanderburg, Warrick, Spencer, Crawford, Perry, Harrison, Floyd and Clark Counties, IN, and the empties on return to points of origin with no compensation, for 180 days. There are eleven supporting shippers. Send protests to: Beverly J. Williams, Transportation Assistant, I.C.C., 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 145720 (Sub-2TA), filed January 29, 1979. Applicant: Store Wide Delivery Co., Inc., 311–17th Street, Jersey City, NJ 07302. Representative: Richard Rueda, 133 N. 4th Street, Philadelphia, PA 19106. Contract carrier over irregular routes for 180 days. (1) Clothing and wearing apparel, cosmetics, jewelry and (2) store supplies used in the sale of commodities in (1) above, on hangers and in cartons, except in bulk, under continuing contract or contracts with Commonwealth Trading, Inc. Between the facilities of or utilized by Commonwealth Trading, Inc., at or near Stoughton, MA and Jersey City, NJ and their respective commercial zones, and the facilities of or utilized by Commonwealth Trading, Inc., in the states of ME, NH, MA, CT, RI, NY, NJ, PA, MD, DE, DC, VA, KY, GA, OH, IN, IL and MI. Supporting shipper(s): Commonwealth Trading, inc., 100 Campanelli Parkway, Stoughton, MA

02072. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, New Jersey 07102.

MC 145781 (Sub-1TA), filed January 16, 1979, and published in the Federal Register issue of February 23, 1979, and republished as corrected this issue. Applicant: L AND L TRANSPORTATION, INC., 1700 Swanson Drive, Space 80, Rock Springs, WY 82901. Representative: Lynn S. Simonson (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and (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, between points in Wyoming, Utah, Colorado, Montana, Idaho, Nevada, South Dakota and North Dakota, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are eight shippers, their statements may be examined at the ICC, Washington, DC. Send Protests To: Paul A. Naughton, District Supervisor, ICC, Rm 105, Federal Bldg. & Crt. House, 111 South Wolcott, Casper, WY 82601. This correction issued to specify the origins and destination.

MC 145861 (Sub-1TA), filed March 28, 1979. Applicant: VANTRANS, INC., 11375 Greenwich Road, Homerville, OH 44235. Representative: James M. Burtch, 100 E. Broad Street, Columbus, OH 43215. *Contract carrier:* irregular routes: *Building materials and ice control compounds* (except commodities in bulk), from the facilities of Revere Chemical Corporation, in Cuyahoga County, OH, to Des Moines, IA, and Woodbridge, NJ, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Revere Chemical Corporation, 30875 Carter Street, Solon, OH 44139. Send protests to: Mary A. Wehner, District Supervisor, Interstate Commerce Commission, 1240 E. Ninth Street, Cleveland, OH 44199.

MC 145870 (Sub-9TA), filed March 14, 1979. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001. (1) *Mining machinery and equipment, and* (2) *parts for the commodities named in (1)* Between the facilities of Wilson & Company at or near Princeton, WV; Beckley, WV; Morristown, TN and Tazewell, VA; on the one hand, and on the other, points in AL, IL, IN, KY, OH, PA, TN, VA and WV for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Wilson & Company, P.O. Box DD, Daniels, West VA 25832. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 146071 (Sub-2TA), filed March 26, 1979. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Charles Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co., at or near Sioux Falls, SD, Estherville and Sioux City, IA and Worthington, MN to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI and DC, 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: 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 146090 (Sub-1TA), filed February 1, 1979. Applicant: WESTERN MOTOR EXPRESS d.b.a., WESTERN TRANSPORT, 7843 Chatfield St., Whittier, CA. 90606. Representative: Robert Fuller, 6119 Southwind Dr., Whittier, CA 90601. *Fabricated wrought steel piping requiring specialized equipment due to size and weight*, From Sante Fe Springs, CA. to Palo Verde Nuclear Generating Station 3 miles south of Wintersburg, AZ. and to Coronado Generating Station 9 miles northeast on Highway 666 near St. Johns, AZ. and serving with stops in transit for pipe coating a facilities in Los Angeles, San Bernardino, and Riverside Counties, CA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jerry Eagle, Production Manager, Pipe Fabricating & Supply Co., 9703 South Norwalk Boulevard, Santa Fe Springs, CA 90670. Send protests to: Walter W. Strakosch, TS, 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 146140 (Sub-1TA), filed March 19, 1979. Applicant: CONCORD TRUCKING, LTD., General Delivery, New Dayton, AB, Canada TOK 1PO. Representative: Jerry H. Beaton (same address as applicant). *Irrigation equipment* from points in AR, CA, CO, GA, IA, ID, KS, MN, MO, NE, OR, OK, TX, UT and WA to ports of entry on the U.S.-Canada International Boundary line restricted to shipments in foreign commerce for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westcan Irrigation, Ltd., 510–36th St. North, Lethbridge, AB, Canada; Sego Irrigation Systems, Ltd., 7056 Farrell Rd SE, Calgary, AB, Canada; New-Way Irrigation, Ltd., Box 1889, Taber, AB, Canada; Inland Irrigation & Equipment, Ltd., Box 1078, Coaldale, AB, Canada. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Bilings, MT 59101.

MC 146140 (Sub-2TA), filed March 13, 1979. Applicant: MELVIN SALES COMPANY, 901 North Vervillion, Streator, IL 61364. Representative: Paul J. Maton, 10 South LaSalle Street, Suite 1620, Chicago, IL 60603. *Silica Sand in bulk*, from LaSalle County, IL to Lawrenceburg, IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., P.O. Box 265, Elmira, NY 14902. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 146230 (Sub-1TA), filed March 23, 1979. Applicant: J & V TRUCKING COMPANY, INC., 617 River Rouge Drive, Nashville, TN 37209. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. *Contract carrier:* irregular routes: *Rubber articles and materials, equipment and supplies used in the manufacture, sale and distribution of rubber articles* between Franklin, KY, and Hot Springs, AR, on the one hand, and, on the other, points and places in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, and (2) between Franklin, KY, on the one hand,

and, on the other, Hot Springs, AR, under a continuing contract with Alliance Rubber Company, Inc. for 180 days. Supporting shipper(s): Alliance Rubber Company, Inc., P.O., Box 730, Hot Springs, AR 71901. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 146271 (Sub-1F), filed March 16, 1979. Applicant: A-Z DISPATCH, 811 Teson, Hazelwood, MO 63042. Representative: Robert L. Kleeschulte (same as above). *Contract carrier:* irregular routes: *Medical supplies and equipment* from St. Louis, MO to points in IA, IL, IN and KY, for Abbott Laboratories, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Abbott Laboratories, 14th and Sheridan Rd., N. Chicago, IL 60064. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 146300 (Sub-1TA), filed March 2, 1979. Applicant: Jerry L. Gudgel and V. Larry Gudgel, d.b.a. J-LOR TRUCKING, 15232 SE 272nd, Kent, WA 98031. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Contract carrier:* irregular routes: *Wine and malt beverages* (except in bulk in tank vehicles, (1) Between points in CA, on the one hand, and on the other, Grants Pass, Salem and Portland, OR and Seattle, WA; (2) From Seattle, WA to Grants Pass, Salem and Portland, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Henny Hinsdale Wine Imports, 1585 Industrial Drive N.E., Salem, OR. P & S Wine Company, 924 Popular Place S. Seattle, WA 98144. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 146360 (Sub-1TA), filed March 15, 1979. Applicant: FLOYD SMITH, JR. TRUCKING, INC., 5303 Valle Grande, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Water softening apparatus and materials and supplies used in the sale and distribution of water softeners,* from points in Franklin and Butler Counties, OH to points in CA, ID, OR and WA, in common carriage, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Water Refining Co., 1243 Hansen Ave., Burley, ID 83318. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 146390 (Sub-1TA), filed March 20, 1979. Applicant: Ronald E. Parrish, d.b.a. J & R TRUCKING CO., Rt. 3, Box 145, Denton, NC 27239. Representative: Ronald E. Parrish (same as above). *Lumber, wood residuals, cotton seedmeal and soybean meal, and fertilizer* between Lee, Harnett, Moore, Montgomery, Wake, Randolph, Davidson, Chatham, Guilford and Johnston Counties, NC and points in SC and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hinkle Milling Co., Inc., 110 Randolph St., Thomasville, NC. Hopkins Co., Rt. 3, Denton, NC. Jim's Lumber Sales, Inc., Rt. 3, Box 338, Sanford, NC 27330. H. E. Wall Lumber Co., Rt. 2, Asheboro, NC. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd—Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 146411 (Sub-1TA), filed February 28, 1979. Applicant: KMD, INC., P.O. Box 88832, Seattle, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101. *Contract* carrier: irregular routes: *Wearing apparel and supplies used in the sale thereof,* from the facilities of K-Mart Apparel at Carson, CA to points in WA, OR, CA, ID, MT, NV, UT, AZ, NM, CO, WY and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): K-Mart Apparel Corp., 7373 West Side Ave., North Bergen, NJ. Send protests to: Shirley M. Holmes, T/A, ICC 858 Federal Bldg., Seattle, WA 98174.

MC 146501 (Sub-1TA), filed April 2, 1979. Applicant: SPEEDWAY CARRIERS, INC., 923 North Roosevelt, Aberdeen SD 57401. Representative: Charles E. Johnson, 418 East Rosser Avenue, P.O. Box 1982, Bismarck, ND 58501. *Cabinets* from Ports of Entry on the International Boundary Line between Canada and the U.S. to Chicago IL and its commercial zone, in foreign commerce only or 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H.T. H. Cabinets, LTD, 7803 35th St. SE, Calgary, Alberta, Canada. Send protest to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 146521 (Sub-1TA), filed March 12, 1979. Applicant: John Lilley d.b.a., Lilley Trucking, Box 264, Princeton, IL 61356. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Iron and steel articles,* from the plantsite of Jones & Laughlin Steel Corp., East Chicago, IN to points in IL, St. Louis, MO, and Davenport-Bettendorf, IA, for 180 days. (Restricted to movements originating at the above-named plantsite.) Supporting shipper(s): Jones & Laughlin Steel Corp., 3001 Dickey Road, East Chicago, IN 46312. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 146531 (Sub-1TA), filed March 20, 1979. Applicant: LARRY WILSON, Rural Route #2, Eudora, KS 66025. *Fertilizer and Fertilizer Materials, in bulk, or in bags,* from the facilities of Farmland Industries, Inc. at or near Lawrence, KS, to points in the states of OK, AR, MO, NE, IA, TX and CO for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. 64116. Send protests to: Thomas P. O'Hara, DS ICC, 256 Fed. Bldg., 444 S.E. Quincy, Topeka, KS 66683. Supporting shipper(s): Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protest to: Thomas P. O'Hara, DS, ICC, 256 Federal Bldg., 444 S.E. Quincy, Topeka, KS 66683.

MC 146541 (Sub-1TA), filed March 19, 1979. Applicant: DAVIS BROTHERS, INC., P.O. Box 499, Savannah, TN 38372. Representative: Ronald M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Limestone,* in bulk, in dump vehicles from Savannah, TN and its commercial zone to Alcorn and Tishomingo counties, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vulcan Materials Company, 646 Old Hickory Blvd., Jackson, TN 38301. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 146571 (Sub-1TA), filed March 22, 1979. Applicant: Donald A. Benson d.b.a. BENSON TRUCKING, R. D. No. 1, Box 44, Mansfield, PA 16933. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. *Malt beverages,* from Rochester, NY, to points in PA. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twelve (12) supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: ICC, Wm. J. Green, Jr. Federal Bldg., 600 Arch Street, Phialdelphia, PA 19106.

MC 146591 (Sub-1TA), filed March 26, 1979. Applicant: JOE GILBERT GONZALES, P.O. Box 93, Dixon, NM 82527. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract carrier:* irregular routes: *Gypsum wall board,* from the facilities of Western Gypsum Co., at or near Rosario, NM to points in CO, restricted to traffic moving under a continuing contract or contracts with Western

Gypsum Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Gypsum Co., P.O. Box 2636, Santa Fe, NM 87501. Send protests to: DS, ICC, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 146591 (Sub-2TA), filed March 26, 1979. Applicant: JOE GILBERT GONZALES, P.O. Box 93, Dixon, NM 82527. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract carrier:* irregular routes: *Feed and feed ingredients, except in bulk, in tank vehicles,* from the facilities of Feed Products, Inc., at or near Denver, CO to points in NM, OK, and TX, restricted to transportation services performed under a continuing contract or contracts with Feed Products, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Feed Products, Inc., 100 West 47th Avenue, Denver, CO 80211. Send protests to: DS, ICC, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 146600 (Sub-1TA), filed April 3, 1979. Applicant: K & J TRUCKING, INC. 2808 W. 6th Street, Sioux Falls, SD 57104. Representative: Mark Menard, P.O. Box 480, Sioux Falls, SD 57101. *Meats, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities utilized by John Morrell & Co. at or near Sioux Falls, SD to points in AZ, CA, NM, OK and TX, 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: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 146601 (Sub-1TA), filed March 9, 1979. Applicant: POTEAT MOTOR LINES, INC., 522 12th Avenue, SW., Hickory, NC 28601. Representative: Robert D. Hoagland, 2304 Cameron Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204. Authority sought to operate as a common carrier transporting: (1) Textiles and textile products, from Burke, Caldwell, Catawba, Cabarrus, Cleveland, Gaston, Iredell, Lincoln, McDowell, Mecklenburg, Rowan and Rutherford Counties, NC, Cherokee, Greenville, Spartanburg, Union and York Counties, SC, to points in Union and Snyder Counties, PA, and points in that part of PA on and east of US Hwy 11, beginning at the MD–PA line and extending northerly to the junction of US Hwy 15, then northerly along US Hwy 15 to the NY State line, including points on the highways specified, and points in the counties of Albany, Bronx, Columbia, Dutchess, Fulton, Greene, Herkimer, Kings, Montgomery, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Rockland, Richmond, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren and Westchester, NY, and points in NJ, CT, RI, and MA, and the Town of Manchester, NH. (2) Fabrics or cloth, from points in CT, RI, MA, NJ, and points in Union and Snyder Counties, PA, and points in that part of PA, on and east of US Hwy 11, beginning at the MD–PA state line and extending northerly to the junction of US Hwy 15, then northerly along US Hwy 15 to the NY state line, including points on the highways specified, and points in the counties of Albany, Bronx, Columbia, Dutchess, Fulton, Greene, Herkimer, Kings, Montgomery, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Rockland, Richmond, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren and Westchester, NY, and the Town of Manchester, NH, to points in Catawba County, NC. (3) Chemicals used in the processing and manufacture of textiles and textile products from Philadelphia, PA, to points in NC on and west of US Hwy 1. (4) Iron and steel articles, from Baltimore, MD, and Philadelphia, PA, to points in Catawba and Yancey, NC. (5) Pulpboard and fibreboard, from Baltimore, MD to points in NC on and west of US Hwy. 1. An underlying ETA seeks up to 90 days authority. Supporting Shipper: There are 22 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: District Supervisor Terrell Price, 800 Briar Creed Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 146611 (Sub-2TA), filed March 16, 1979. Applicant: INSULATION SPECIALISTS, 7215 N. 62nd Ave., Glendale, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Insulation and materials, equipment and supplies used in the installation and manufacturing of insulation, from the facilities of Superior Products Corporation of AZ at Chandler, AZ to points in CA and NV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Superior Products Corporation of AZ, 390 E. Ray Rd., Chandler, AZ 85224. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 146630 (Sub-1TA), filed March 22, 1979. Applicant: Francis L. Goth, d.b.a. SAWDUST SIERRA, Rt. 9, 2996 Timber Lane, Verona, WI 53593. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Building brick* from the facilities of Streator Brick System, Inc. at or near Streator, IL to Madison and Janesville, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): STREATOR BRICK SYSTEMS, INC., West End of 9th St., Streator, IL 61364. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 146710 (Sub-2TA), filed March 20, 1979. Applicant: Charles Woods, d.b.a. WOODS WRECKER SERVICE, P.O. Box 342, Dandridge, TN 37725. Representative: A. Benjamin Strand, Jr., P.O. Drawer H, Dandridge, TN 37725. *Wrecked and disabled motor vehicles and motor vehicles to be utilized for replacement of such wrecked, damaged and disabled vehicles, using wrecker equipment only and repossessed, stolen and abandoned vehicles when unable to move on their own power,* between points in TN on the one hand, and on the other, points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): Roadway Express, Inc., Rt. 1, Box 355, White Pine, TN 37890. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

Passengers

MC 142211 (Sub-3TA), filed March 19, 1979. Applicant: EASTERN PANHANDLE TRANSIT AUTHORITY—PANTRAN, Route 5, Box 629H, Martinsburg, WV 25401. Representative: Edward N. Button, 1329 Pennsylvania Avenue, Hagerstown, MD 21740. *Passengers and their baggage in the same vehicle in charter operations,* between Berkeley Springs and Harpers Ferry, WV and their respective commercial zones on the one hand, and, on the other, Baltimore, MD and Washington, DC and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cliffside Motor Lodge, Harpers Ferry, WV 25425. Send protests to: Carol Rosen, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 143140 (Sub-2TA), filed March 26, 1979. Applicant: SEYMOUR BUS LINES, INC., Route 3, Maynardville, TN 37807. Representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 1940, Columbus, OH 43215. *Passengers and their baggage in special operations, in roundtrip sight-seeing and pleasure tours* beginning and ending at points in Anderson, Blount, Campbell, Claiborne, Jefferson, Knox, and Union Counties, TN, and extending to points in the US including AK, but excluding HI, for 180 days. Supporting shipper(s): There are 6 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 146460 (Sub-1TA), filed March 9, 1979. Applicant: CONSOLIDATED TRANSPORTATION SERVICES, P.O. Box 3254, Incline Village, NV 89450. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Passengers* and their luggage and ski and camping equipment in the same vehicle with passengers, in special and charter operations, between points in El Dorado, Alpine, Placer, Mono and Nevada Counties, CA on the one hand, and points in Washoe, Carson City, Storey and Douglas Counties, NV on the other hand. Supporting shipper(s): Hotel Tour and Travel, Ltd., P.O. Box 11557, Reno, NV 89595 Safaris & Tours, P.O. Box 5469, Incline Village, NV 89450 Hyatt Lake Tahoe, P.O. Box 3239, Incline Village, NV 89450 Cal-Neva Lodge, P.O. Box 368, Crystal Bay, NV 89402 Lake Tahoe Resort & Racquet Club, P.O. Box 3566, Incline Village, NV 89540. Send protests to: W. J. Huetig, DS, ICC, 203 Federal Building, Carson City, NV 89701.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 70]
[FR Doc. 79-13182 Filed 4-27-79; 8:45 am]
BILLING CODE 7035-01-M

Decision-Notice

Decided: April 6, 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.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

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.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect 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 transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 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(a) [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.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board No. 3, Members Parker, Fortier and Hill.

H. G. Homme, Jr.,
Secretary.

MC 730 (Sub-427F), filed January 17, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a 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 *liquid chemicals*, in bulk, in

tank vehicles, (1) from Monticello, AR, Compton, CA, Minneapolis, MN, and Dallas and Houston, TX, to points in the United States (except AK and HI), and (2) from Doe Run, KY, Gallipolis Ferry and Natrium, WV, Geismar, LA, Greensboro, NC, Wilmington, DE, Neville Island, PA, Azusa, CA, St. Louis, MO, Charleston, SC, and points in TX to Monticello, AR. (Hearing Site: Los Angeles, CA.)

MC 730 (Sub-428F), filed December 15, 1978. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, 25 N. Via Monte, Walnut Creek, CA 94598. Representative: A. G. Krebs (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 San Bernardino, CA, and Fort Worth, TX, from San Bernardino over Interstate Hwy 10 to junction US Hwy 80, then over US Hwy 80 to junction US Hwy 60, then over US Hwy 60 to junction US Hwy 70, then over US Hwy 70 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction combined US Hwys 70 and 82, then over combined US Hwys 70 and 82 to junction US Hwy 82, then over US Hwy 82 to junction US Hwy 287, then over US Hwy 287 to Fort Worth, and return over the same route, serving all intermediate points in NM and TX, the intermediate point of Phoenix, AZ, and serving junction Interstate Hwy 10 and CA Hwy 86 for purposes of joinder only, (2) between San Diego, CA, and Houston, TX, from San Diego over Interstate Hwy 8 to junction US Hwy 10, then over Interstate Hwy 10 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Dallas, then over Interstate Hwy 45 to Houston (also, from junction Interstate Hwys 10 and 20, over Interstate Hwy 10 to junction US Hwy 290, then over US Hwy 290 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Houston), and return over the same route, serving all intermediate points in TX, the intermiediate points of Tuscon, AZ, and Lordsburg and Las Cruces, NM, serving the off-route points of Nogales and Douglas, AZ, serving the mine sites in Gila, Pima, and Pinal Counties, AZ, and serving junction Interstate Hwy 8 and CA Hwy 86 for purposes of joinder only, (3) between junction Interstate Hwy 10 and CA Hwy 86 and junction Interstate Hwy 8 and CA Hwy 86, over CA Hwy 86, serving no intermediate points, and seving the termini for purposes of joinder only, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operations, (4) between Flagstaff, AZ, and Kansas City, KS, from Flagstaff over Interstate Hwy 40 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction US Hwy 169, then over US Hwy 169 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, and return over the same route, serving all intermediate points in NM, TX, and OK, and the off-route point of Santa Fe, NM, (5) between Lamar, CO, and Wichita Falls, TX, over US Hwy 287, serving the intermediate points of Boise City, OK, and Dalhart and Amarillo, TX, (6) between Provo, UT, and Gallup, NM, from Provo over US Hwy 89 to junction US Hwy 6, then over US Hwy 6 to junction US Hwy 50, then over US Hwy 50 to junction US Hwy 163, then over US Hwy 163 to to junction US Hwy 666, then over US Hwy 666 to Gallup, and return over the same route, serving no intermediate points, (7) between Pueblo, CO, and Las Cruces, NM, over Interstate Hwy 25, serving the intermediate points of Santa Fe and Albuquerque, NM, (8) between Dallas, TX, and San Antonio, TX, from Dallas over Interstate Hwy 35E to junction Interstate Hwy 35, then over Interstate Hwy 35 to San Antonio, and return over the same route, serving all intermediate points, and the off-route point of Killeen, TX, (9) between Wichita, KS, and Dallas, TX, from Wichita over Interstate Hwy 35 to Denton, TX, then over Interstate Hwy 35E to Dallas, and return over the same route, serving the intermediate points of Oklahoma City, OK, and Denton, TX, and the off-route points of Ada, OK, and Sherman, TX, (10) between Dallas, TX, and Jackson, MS, over Interstate Hwy 20, serving all intermediate points, and the off-route point of Tyler, TX, (11) between Oklahoma City, OK, and Memphis, TN, over Interstate Hwy 40, serving all intermediate points, and the off-route point of Fayetteville, AR, (12) between Tulsa, OK, and St. Louis, MO, over Interstate Hwy 44, serving the intermediate points of Miami, OK, and Joplin and Springfield, MO, (13) between St. Louis, MO, and Little Rock, AR, over US Hwy 67, serving the intermediate points of Poplar Bluff, MO, and Jacksonville, AR, and the off-route points of Paragould, Jonesboro, and Searcy, AR, (14) between Houston, TX, and New Orleans, LA, over Interstate Hwy 10, serving all intermediate points, and the off-route points of Galveston and Port Arthur, TX, and Lumberton, MS, (15) between San Antonio, TX, and Brownsville, TX, from San Antonio over US Hwy 81 to Laredo, then over US Hwy 83 to junction US Hwy 77, then over US Hwy 77 to Brownsville (also, from San Antonio over US Hwy 281 to junction TX Hwy 9, then over TX Hwy 9 to junction Interstate Hwy 37, then over Interstate Hwy 37 to junction US Hwy 77, then over US Hwy 77 to Brownsville), and return over the same route, serving the intermediate points of Laredo, McAllen, Harlingen, and Kingsville, TX, the off-route point of Corpus Christi, TX, and seving junction US Hwy 59 and TX Hwy 9 for purposes of joinder only, (16) between Van Horn, TX, and Laredo, TX, from Van Horn over US Hwy 90 to junction US Hwy 277, then over US Hwy 277 to junction US Hwy 83, then over US Hwy 83 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Laredo, and return over the same route, serving no intermediate points, (17) between Dallas, TX, and Little Rock, AR, over Interstate Hwy 30, serving the intermediate points of Texarkana and Benton, AR, and the off-route points of Malvern, Hot Springs, and Pine Bluff, AR, (18) between St. Louis, MO, and New Orleans, LA, from St. Louis over Interstate Hwy 55 to junction US Hwy 51, at or near Hammond, LA, then over US Hwy 51 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, serving the intermediate points of Blytheville, AR, Memphis, TN, and Jackson, MS, and the off-route points of Osceola, AR, and Lumberton, MS, (19) between Shreveport, LA, and junction US Hwy 59 and TX Hwy 9, from Shreveport over Interstate Hwy 20 to junction US Hwy 79, then over US Hwy 79 to junction US Hwy 59, then over US Hwy 59 to junction US Hwy 84, then over US Hwy 84 to junction US Hwy 59, then over US Hwy 59 to junction TX Hwy 9, and return over the same route, serving the intermediate point of Houston, TX, (20) between Albuquerque, NM, and Ft. Stockton, TX, from Albuquerque over Interstate Hwy 40 to junction US Hwy 285, then over US Hwy 285 to Ft. Stockton, and return over the same route, serving the intermediate points of Artesia, NM, and Pecos, TX, and serving Roswell and Carlsbad, NM, for purposes of joinder only, (21) between Kansas City, MO, and Baton Rouge, LA, from Kansas City over US Hwy 71 to junction US Hwy 64, then over US Hwy 64 to junction US Hwy 71, then over US Hwy 71 to junction US Hwy 190, then over US Hwy 190 to Baton Rouge, and return over the same route, serving the intermediate points of

Joplin MO, Rogers, Springdale, Fayetteville, Ft. Smith, and Texarkana, AR, and Shreveport, LA, and (22) between Oklahoma City, OK, and Abilene, TX from Oklahoma City over US Hwy 62 to junction US Hwy 277, then over US Hwy 277 to Abilene, and return over the same route, serving the intermediate points of Lawton, OK, and Wichita Falls, TX. (Hearing site: Dallas, TX, or Los Angeles, CA.)

Note.—Applicant intends to tack this authority with others.

MC 2900 (Sub-353F), filed January 11, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: R. E. Allish (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 articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Mercury Marine Division Brunswick Corp., at or near Stillwater, OK, on the one hand, and, on the other, points in AR, FL, GA, IA, IL, IN, KS, KY, MI, MN, MO, NC, NE, NY, OH, PA, SC, TN, TX, and WI. (Hearing site: Oklahoma City or Tulsa, OK).

MC 2900 (Sub-355F), filed January 11, 1979. 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 Helena, AR, and Minden, LA: From Helena, AR, over U.S. Hwy 49 to junction U.S. Hwy 79, then over U.S. Hwy 79 to Minden, LA, and return over the same route, serving all intermediate points, (2) between Little Rock, AR, and Vicksburg, MS, over U.S. Hwy 65, serving all intermediate points, (3) between Little Rock, AR, and Ruston, LA, over U.S. Hwy 167, serving all intermediate points, (4) between Little Rock, AR, and junction U.S. Hwys 67 and 290, near Ft. Stockton, TX: From Little Rock, AR, over U.S. Hwy 67 to junction U.S. Hwy 290, and return over the same route, serving all intermediate points, (5) between Little Rock, AR, and DeQueen, AR, over U.S. Hwy 70, serving all intermediate points, (6) between junction U.S. Hwys 65 and 165, and Monroe, LA: From junction U.S. Hwys 65 and 165 over U.S. Hwy 165 to Monroe, LA, and return over the same route, serving all intermediate points, (7) between junction U.S. Hwys 70 and 71, and Alexandria, LA: From junction U.S. Hwys 70 and 71 over U.S. Hwy 71 to Alexandria, LA, and return over the same route, serving all intermediate points, (8) between Shreveport, LA, and Alexandria, LA, over LA Hwy 1, serving all intermediate points, (9) between Lake Village, AR, and Lubbock, TX, over U.S. Hwy 82, serving all intermediate points, (10) between Shreveport, LA, and Lake Charles, LA, over U.S. Hwy 171, serving all intermediate points, (11) between Texarkana, AR, and Houston, TX, over U.S. Hwy 59, serving all intermediate points, (12) between junction U.S. Hwy 84, and LA Hwy 1, and Lubbock, TX: From junction U.S. Hwy 84 and LA Hy 1 over U.S. Hwy 84 to Lubbock, TX, and return over the same route, serving all intermediate points, (13) between Idabel, OK, and junction U.S. Hwys 59 and 259 near Nacogdoches, TX: From Idabel, OK over U.S. Hwy 259 to junction U.S. Hwy 59, and return over the same route, serving all intermediate points, (14) between Shreveport, LA, and Round Rock, TX, over U.S. Hwy 79, serving all intermediate points, (15) between Shreveport, LA, and El Paso, TX: From Shreveport, LA over U.S. Hwy 80 (also over Interstate Hwy 20) to El Paso, and return over the same route, serving all intermediate points, (16) between Hugo, OK, and Tyler, TX, over U.S. Hwy 271, serving all intermediate points, (17) between Denison, TX, and Beaumont, TX, over U.S. Hwy 69, serving all intermediate points, (18) between Tyler, TX, and Corsicana, TX, over TX Hwy 31, serving all intermediate points, (19) between Dallas, TX, and Houston, TX over U.S. Hwy 75, serving all intermediate points, (20) between Kinder, LA, and Brady, TX, over U.S. Hwy 190, serving all intermediate points, (21) between Kinder, LA, and Iowa, LA, over U.S. Hwy 165, serving all intermediate points, (22) between Waco, TX, and Hempstead, TX, over TX Hwy 6, serving all intermediate points, (23) between Perry, OK, and Giddings, TX, over U.S. Hwy 77, serving all intermediate points, (24) between Ponca City, OK, and Bartlesville, OK, over U.S. Hwy 60, serving all intermediate points, (25) between Ponca City, OK, and Warwick, OK, over U.S. Hwy 177, serving all intermediate points, (26) between Tulsa, OK, and Amarillo, TX, from Tulsa, OK over U.S. Hwy 64 to Enid, OK, then over U.S. Hwy 60 to Amarillo, TX, and return over the same route, serving all intermediate points, (27) between Enid, OK, and San Antonio, TX, over U.S. Hwy 81, serving all intermediate points, (28) between Seiling, OK, and Austin, TX, over U.S. Hwy 183, serving all intermediate points, (29) between Oklahoma City, OK, and Amarillo, TX, over U.S. Hwy 66, serving all intermediate points, (30) between Arnett, OK, and Brady, TX, over U.S. Hwy 283, serving all intermediate points, (31) between junction U.S. Hwys 60 and 83 south of Canadian, TX, and junction, TX: From junction U.S. Hwys 60 and 83 over U.S. Hwy 83 to junction, TX, and return over the same route, serving all intermediate points, (32) between Oklahoma City, OK, and San Antonio, TX: From Oklahoma City, OK over H.E. Bailey Turnpike to Lawton, OK, (also from Oklahoma City, OK over U.S. Hwy 277 to Lawton, OK), then over U.S. Hwy 281 to San Antonio, TX, and return over the same route, serving all intermediate points, (33) between Amarillo, TX, and Ft. Worth, TX, over U.S. Hwy 287, serving all intermediate points, (34) between Dumas, TX, and San Antonio, TX, over U.S. Hwy 87, serving all intermediate points, (35) between Dumas, TX, and Pampa, TX, over TX Hwy 152, serving all intermediate points, (36) between Amarillo, TX, and Borger, TX, over TX Hwy 136, serving all intermediate points, (37) between Lubbock, TX, and McCamey, TX: From Lubbock, TX over U.S. Hwy 82 to junction U.S. Hwy 385, then over U.S. Hwy 385 to McCamey, TX, and return over the same route, serving all intermediate points, (38) between Greenville, TX, and Brownfield, TX, over U.S. Hwy 380, serving all intermediate points, (39) between Wichita Falls, TX, and Sonora, TX, over U.S. Hwy 277, serving all intermediate points, (40) between Durant, OK, and Davidson, OK, over U.S. Hwy 70, serving all intermediate points, (41) between Denton, TX, and Stephenville, TX, over U.S. Hwy 377, serving all intermediate points, (42) between Brownwood, TX, and Brady, TX, over U.S. Hwy 377, serving all intermediate points, (43) between San Antonio, TX, and El Paso, TX: From San Antonio, TX over interstate Hwy 10 to junction U.S. Hwy 290, then over Interstate Hwy 10 (also portions of U.S. Hwy 290) to El Paso, TX, and return over the same route, serving all intermediate points, (44) between Houston, TX, and junction U.S. Hwy 290 and Interstate Hwy 10: From Houston, TX over U.S. Hwy 290 to junction Interstate Hwy 10, and return over the same route, serving all intermediate points, and (45) between

Houston, TX, and San Antonio, TX, over U.S. Hwy 90, serving all intermediate points, service on routes (1) through (45) above is authorized to off-route points in Jefferson and Miller Counties, AR, Canadian, Cleveland, Comanche, Grady, and Oklahoma Counties, OK, Brown, Comanche, Coryell, Ector, El Paso, Gray, Hale, Howard, Jones, Lubbock, Midland, Runnels, Taylor, and Tom Green Counties, TX, Sheerin and Sunray, TX, and all off-route points in TX within an area bounded by U.S. Hwy 90 on the south and U.S. Hwy 281 on the west. (Hearing site: Dallas or Houston, TX)

MC 2960 (Sub-25F), filed January 19, 1979. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, 2301 McKinney Street, Houston, TX 77023. Representative: E. Larry Wells, Suite 1125, Frito Lay Tower, Exchange Park, Post Office Box 45538, Dallas, TX 75247. 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 Shreveport, LA, and Dallas, TX, over Interstate Hwy 20, serving no intermediate points. (Hearing site: Shreveport, LA.)

MC 5470 (Sub-172F), filed January 15, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *potash muriate, potash sulphate,* and *potassium nitrate*, in bulk, in dump vehicles, from Baltimore, MD, to points in DE, NJ, NY, OH, PA, VA, and WV. (Hearing site: Washington, DC, or New York, NY.)

MC 19311 (Sub-57F), filed January 22, 1979. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Rd., Sterling Heights, MI 48077. Representative: Elmer J. Maue (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 products*, from Detroit and Port Huron, MI, and Buffalo, NY, to those points in PA west of U.S. Hwy 219 and those points in NY west of U.S. Hwy 219 and NY Hwy 78, and points in IL, IN, IA, KY, MI, MN, MO, OH, and WI. (Hearing site: Detroit, MI, or Washington, DC.)

MC 28060 (Sub-47F), filed January 12, 1979. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Ave., Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods and canned goods*, from Kansas City, MO, to the facilities of Hogg Restaurant Service at or near Aberdeen, SD. (Hearing site: Sioux Falls, SD.)

MC 35320 (Sub-172F), filed January 15, 1979. Applicant: T.I.M.E.–DC, INC., 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, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hoover Universal, at or near Erwin, TN, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Knoxville, TN, or Washington, DC.)

MC 35320 (Sub-175F), filed January 11, 1979. 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 articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and component parts of ammunition), serving the facilities of Knight Metalcraft Corp., at or near Portland, TN, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Nashville, TN, or Washington, DC.)

MC 35320 (Sub-176F), filed January 15, 1979. Applicant: T.I.M.E.–DC, Inc., 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 articles of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Macgregor Division Brunswick Co., at or near Eminence, KY, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Louisville, KY, or Washington, DC.)

MC 35320 (Sub-177F), filed January 15, 1979. Applicant: T.I.M.E.–DC, Inc., 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, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Cullman Products Div. Dutch Boy, Inc., at or near Cullman, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 35320 (Sub-178F), filed January 15, 1979. Applicant: T.I.M.E.–DC, Inc., 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, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Carrollton Div., Daytong Walther Corp., at or near Carrollton, KY, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 35320 (Sub-179F), filed January 15, 1979. 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 articles of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hussey Metals/Copper Range Co., at or near Eminence, KY, as an off-route point in connection with carrier's

otherwise authorized regular route operations. (Hearing site: Louisville, KY, or Washington, DC.)

MC 35320 (Sub-180F), filed January 15, 1979. Applicant: T.I.M.E.–DC, INC., 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, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Norris Industries, at or near Duffield, VA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Knoxville, TN, or Washington, DC.)

MC 35320 (Sub-181F), filed January 15, 1979. Applicant: T.I.M.E.–DC, INC., 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, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Ripley Industries, Inc., at or near Adamsville, TN, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Memphis, TN, or Washington, DC.)

MC 35320 (Sub-183F), filed January 23, 1979. Applicant: T.I.M.E.–DC, INC., 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, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Oster Corp., at or near Dayton, TN, and the Oster Corp., at or near McMinnville, TN, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Chattanooga, TN, or Washington, DC.)

MC 35320 (Sub-184F), filed January 23, 1979. Applicant: T.I.M.E.–DC, INC., 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, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Lux Time Div., at or near Carthage, TN, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Nashville, TN, or Washington, DC.)

MC 35320 (Sub-185F), filed January 23, 1979. Applicant: T.I.M.E.–DC, INC., 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, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Nicholson File Co., at or near Cullman, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Birmingham, AL, or Washington, DC.)

MC 35980 (Sub-5F), filed January 22, 1979. Applicant: M–B TRANSPORT, INC., 1941 Land Road, Jamison, PA 18929. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *slag, sand, and gravel*, from the facilities of the Warner Company, at Falls Township, PA, to Points in DE, MD, NJ, and NY; (2) *stone and stone products*, from the facilities of The John T. Dyer Quarry Co. (a subsidiary of Warner Company), at or near Birdsboro, PA, to points in DE, MD, and NJ; and (3) *sand and gravel*, from the facilities of New Jersey Silica Sand Company (subsidiary of Warner Company), at or near Millville, NJ, to points in MD, DE, and PA. (Hearing Site: Washington, DC.)

MC 47171 (Sub-120F), filed January 22, 1979. 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 *boots, shoes, shoe findings, and materials* used in the manufacture of shoes, shoe laces, shoe boxes, and cartons, betwen Jasper, GA, on the one hand, and, on the other, points in MA. (Hearing site: Washington, DC.)

MC 52460 (Sub-232F), filed January 22, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 614-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. 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), from St. Louis, MO, to points in AR, KS, LA, NM, OK, and TX. (Hearing Site: Dallas, TX.)

MC 56270 (Sub-19F), filed January 11, 1979. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, 1401–55 State St., P.O. Box 2385, Green Bay, WI 54306. Representative: Dennis L. Sedlacek (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *welders and welder parts*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of welders and welder parts, (except commodities in bulk), between Appletion, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Madison, WI, or Chicago, IL.)

MC 56270 (Sub-20F), filed January 11, 1979. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, 1401–55 State Street, P.O. Box 2385, Green Bay, WI 54306. Representative: Dennis L. Sedlacek (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 manufactured, distributed, and used by a manufacturer of particle board, (except commodities in bulk), between Marinette, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Madison, WI, or Chicago, IL.)

MC 57591 (Sub-22F), filed January 5, 1979. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Albert L. Evans, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes

transporting (1) *carpets, carpet padding, adhesives, solvents, and chemicals;* and (2) *materials and supplies* used in the manufacture of carpets and carpet padding, between the facilities of General Felt Industries, at or near Camden and Trenton, NJ, and Eddystone and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, ME, MD, NJ, NY, PA, RI, VA, and DC. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 61440 (Sub-168F), filed January 5, 1979. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. 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 Nashville, TN: From Knoxville, TN over Interstate Hwy 40 to Nashville, TN, and return over the same route, serving no intermediate points serving Knoxville and Nashville, TN as points of joinder only, and (2) Between Nashville, TN, and Memphis, TN: From Nashville, TN over Interstate Hwy 40 to Memphis, TN, and return over the same route, serving no intermediate points and serving Nashville and Memphis, TN as points of joinder only. (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 75320 (Sub-209F), filed January 5, 1979. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: Phineas Stevens, 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 junction OK Hwy 18 and U.S. Hwy 66, at or near Chandler, OK, for purposes of joinder only. (Hearing Site: Jackson, MS.)

MC 78400 (Sub-68F), filed January 2, 1979. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel tubing*, from Union, MO, to points in AL, AR, GA, IA, IL, IN, KS, KY, MS, NC, OH, OK, PA, SC, TN, VA, WI, and WV, and (2) *materials and supplies* used in the manufacture of steel tubing, (except commodities in bulk), in the reverse direction. (Hearing Site: St. Louis or Jefferson City, MO.)

MC 85970 (Sub-18F), filed January 10, 1979. Applicant: SARTAIN TRUCK LINE, INC., 1354 N. Second Street, Memphis, TN 38107. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter, materials, equipment, and supplies* used in the manufacture of printed matter between the facilities of W.F. Hall Printing Company, at or near Dresden, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Memphis, TN.)

MC 105280 (Sub-5F), filed January 12, 1979. Applicant: CHANDLER TRANSPORT SERVICE, INC. P.O. Box 502, Fleming, CO 80728. Representative: Richard J. Bara, Steele Park, Suite 330, 50 South Steele St. Denver, CO 80209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, in containers, (a) from Kansas City, KS and Kansas City, MO, to points in CO, and (b) from El Dorado, KS, to points in CO. (Hearing site: Denver, CO.)

MC 108340 (Sub-35F), filed January 17, 1979. Applicant: HANEY TRUCK LINE, a corporation, P.O. Box 485, Cornelius, OR 97113. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies* used in the construction and maintenance of electric power lines, from Washougal, WA, to points in OR. (Hearing site: Portland, OR.)

MC 115651 (Sub-56F), filed January 22, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: Robert D. Higgins, (same address as applicant). 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 Watseka and Bourbon, IL, to points in IN. (Hearing site: Chicago, IL.)

MC 116300 (Sub-43F), filed January 15, 1979. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 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 *malt beverages, and materials and supplies* as are used by malt beverage distributors, from Memphis, TN, to points in Lafayette, Lee, and Pike Counties, MS, and East Baton Rouge Parish, LA. (Hearing site: Memphis, TN.)

MC 117940 (Sub-307F), filed December 27, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *adhesives, liquid latex, and petroleum resins*, (except commodities in bulk), from the facilities of Morton Chemical Company, at Elk Grove Village and Ringwood, IL, to Atlanta, GA, Dallas, TX, and New York, NY, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 117940 (Sub-308F), filed January 18, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from points in WI, to points in the United States (except AK, HI, and WI), restricted to the transportation of traffic originating at the facilities of The Larsen Company and destined to the named destinations. (Hearing site: Green Bay, WI.)

MC 118130 (Sub-96F), filed January 19, 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. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *margarine, shortening, salad oil, bacon bits, powdered milk, and butter*, from Fort Worth, TX, to points in AL, AR, FL, GA, LA, MS, and TN; and (2) *materials, equipment, and supplies* used in the manufacture and

distribution of the commodities named in (1) above, from points in AL, AR, FL, GA, LA, MS, and TN, to Fort Worth, TX. (Hearing site: Dallas, TX.)

MC 118130 (Sub-99F), filed January 15, 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. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, from the facilities of Union Camp Corporation, at or near Tifton and Savannah, GA, to those points in the United States in and east of MT, WY, CO, and NM; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities named in (1) above, from those points in the United States in and east of MT, WY, CO, and NM, to the facilities of Union Camp Corporation, at or near Tifton and Savannah, GA. (Hearing site: Dallas, TX, or Atlanta, GA.)

MC 118130 (Sub-100F), filed January 15, 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. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from Laramie, WY, to points in AL, AZ, FL, GA, LA, MS, NM, and TX. (Hearing site: Dallas, TX, or Laramie, WY.)

MC 118831 (Sub-173F), filed January 17, 1979. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *dry commodities*, in bulk, from points in NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (except to points in VA, SC, and GA), and (b) dry chemicals, in bulk, from points in NC, to points in TN and KY, and (2) *dry commodities*, in bulk, from points in SC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (except dry chemicals, to points in TN and KY). (Hearing site: Charlotte, NC, or Columbia, SC.)

MC 119800 (Sub-2F), filed January 18, 1979. Applicant: McELROY TRANSPORT CO., INC., P.O. Box 742, Wynnewood, OK 73098. Representative: T. M. Brown, 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 *fuel oil*, in bulk, in tank vehicles, from Fort Worth, TX, to the facilities of Pennsylvania Glass Sand Corporation, at or near Mill Creek, OK. (Hearing site: Oklahoma City, OK, or Fort Worth, TX.)

MC 124170 (Sub-111F), filed January 12, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat bypoducts 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 points in Wayne, McComb, and Oakland Counties, MI, to points in AR, LA, MO, NM, and OK. (Hearing site: Detroit, MI, or Washington, DC.)

MC 127840 (Sub-88F), filed January 2, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *petroleum products, vehicle body sealers, sound deadening compounds*, and *accoustical control compounds*, in bulk, in tank vehicles, from Warren County, MS, to points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MN, MO, MS, NC, ND, NE, OH, OK, RI, SD, and TX, restricted to the transportation of traffic originating at the facilities of Quaker State Oil Refining Corp., in Warren County, MS. (Hearing site: Oil City, PA.)

MC 127840 (Sub-89F), filed January 11, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *vegetable oils*, in bulk, between Opelousas, LA, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing Site: Opelousas, LA.)

MC 128860 (Sub-16F), filed January 22, 1979. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, (1) between points in IL, IA, IN, KS, KY, MI, MN, MO, ND, NE, OH, SD, TN, and WI, on the one hand, and on the other, ports of entry on the international boundary line between the United States and Canada, located at points in ME, VT, NY, MI, WI, MN, and ND, and (2) between points in IL, IA, IN, KS, KY, MI, MN, MO, ND, NE, OH, SD, TN, and WI, on the one hand, and on the other, Chicago, East St. Louis, and Peoria, IL, Cleveland and Toledo, OH, Detriot, MI, Duluth, Minneapolis, and St. Paul, MN, Superior and Milwaukee, WI, Evansville and Indianapolis, IN, and St. Louis and Kansas City, MO, under continuing contract(s) with Van Munching & Co., Inc., of New York, NY. (Hearing Site: New York, NY.)

Note:—Dual Operations may be involved.

MC 133660 (Sub-1F), filed January 17, 1979. Applicant: PAUL JONES, INC., 941 Fairmount Avenue, Elizabeth, NJ 07201. Representative: Richard B. Austin, Suite 214, Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, FL 33178. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are sold or used by operators of restaurant chains, (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Burger King Corp., of Miami, FL. (Hearing Site: Miami, FL.)

MC 134501 (Sub-37F), filed January 22, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, 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 *kitchen furniture, fixtures, equipment*, and *supplies*, (except foodstuffs), from Des Moines, IA, and St. Louis, MO, to points in the United States (except AK and HI). (Hearing Site: Des Moines, IA, or Dallas, TX.)

MC 135070 (Sub-26F), filed January 23, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, in vehicles equipped with mechanical refrigeration, from the facilities of M&M/MARS, at or near Elizabeth and Hackettstown, NJ, and Elizabethtown, PA, to points in LA, AR, OK, TX, CO, KS, MO, IA, TN, NE, UT, NM, AZ, NV, CA, and OR, restricted to the transportation of traffic originating

at the named origins and destined to the named destinations. (Hearing site: New York, NY, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135410 (Sub-39F), filed January 15, 1979. Applicant: Courtney J. Munson, d.b.a., MUNSON TRUCKING, North 6th Street road, P.O. Box 266, Monmouth, IL 61462. 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 *foodstuffs* (except commodities in bulk), from points in WI, to points in the United States (except AK, HI, and WI), restricted to the transportation of traffic originating at the facilities of The Larsen Company. (Hearing site: Green Bay, WI, or Chicago, IL.)

MC 136220 (Sub-70F), filed January 19, 1979. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *barite*, in bulk, in dump vehicles, from points in Cooper, Pettis, Saline, and Howard Counties, MO, to Coffeyville, KS; (2) *iron bearing stone*, in bulk, in dump vehicles, from points in Cherokee and Henderson Counties, TX, to points in AL, AR, KS, LA, MS, and OK; and (3) *iron ore pellets*, in bulk, in dump vehicles, from points in Crawford, Franklin, and Washington Counties, MO, to points in TX. (Hearing site: Oklahoma City, OK, or Kansas City, MO.)

MC 136540 (Sub-3F), filed January 19, 1979. Applicant: REFINERS TRANSPORT SERVICES, INC., 4850 Bloomfield Street, New Orleans, LA 70121. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fiberboard boxes, pulpboard, and flat sheets*, in bundles, from the facilities of Owens-Illinois, at or near Minden, LA, to points in MS; and (2) *materials and supplies* used in the manufacture of fiberboard boxes, pulpboard, and flat sheet, (except commodites in bulk), from points in MS, to the facilities of Owens-Illinois, at or near Minden, LA, under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH. (Hearing site: New Orleans, LA.)

MC 138000 (Sub-43F), filed January 22, 1979. Applicant: ARTHUR H. FULTON, INC., Post Office Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, MD 21740. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *synthetic fabrics*, from Edinburg, VA, to Bridgeton, NJ. (Hearing site: Woodstock, VA.)

Note.—Dual operations may be involved.

MC 138100 (Sub-2F), filed January 18, 1979. Applicant: MELLOW TRUCK EXPRESS, INC., 9801 N. Vancouver Way, Portland, OR 97217. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber mill products*, (except commodities in bulk, in tank or hopper-type vehicles), (1) between points in OR, WA, and CA, and (2) from points in Columbia, Clackamas, Tillamook, and Douglas Counties, OR, and Bonner and Latah Counties, ID, to points in King and Pierce Counties, WA. (Hearing site: Portland, OR.)

MC 139210 (Sub-5F), filed October 26, 1978, and previously noticed in the FR issue of February 15, 1979. Applicant: ALASKA YUKON MOTORCOACHES, INC., Suite 555, Fourth & Battery Bldg., Seattle, WA 98121. Representative: A. T. Wendells, 910 Bank of California Center, Seattle, WA 98164. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *passengers and their baggage*, (A) over regular routes, (1) between Skagway, AK, and the international boundary line between the United States and Canada at British Columbia, Canada, over unnumbered AK Hwy, serving all intermediate points, (2) between Tok, AK, and Delta Junction, AK, over AK Hwy 2, serving no intermediate points, (3) between Fairbanks, AK, and junction AK Hwys 1 and 3, over AK Hwy 3, serving all intermediate points and the off-route points of Petersville and Talkeetna, AK, and (4) between Anchorage, AK, and Valdez, AK, over AK Hwy 1, serving the intermediate points of Portage and Whittier, AK, and the off-route points of Gerdwood, Alyeska, and Portage Glacier, AK, and (B) over irregular routes, in charter operations, beginning and ending at points in AK and extending to points in the United States (except HI). (Hearing site: Seattle, WA.)

Note.—(1) Application intends to tack this authority with others. (2) This republication adds the immediately preceding NOTE.

MC 140310 (Sub-3F), filed January 12, 1979. Applicant: WALTER J. GRIFFIN, JR., P.O. Box 327, 519 Morgan Mill Road, Monroe, NC 28110. Representative: William J. Monheim, 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 (1) *textiles, textile products, and household accessories*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), (a) between Los Angeles, CA, and Monroe, NC, on the one hand, and, on the other, points in AL, GA, IL, KS, MD, MA, MI, MN, NJ, NY, PA, SC, TN, TX, VA, and DC, and (b) between Los Angeles, CA, and points in NC, under continuing contract(s) with Barth and Dreyfuss of California, of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 142080 (Sub-4F), filed January 22, 1979. Applicant: LITE TRANSPORT, INC., One Monseigneur O'Brien Highway, Cambridge, MA 02138. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. To operate as a *contact 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 restaurants (except commodities in bulk, in tank vehicles), between those points in the United States in and east of MN, IA, MO, TN, and MS, under continuing contract(s) with Sands, Taylor & Wood Company, of Brighton, MA. (Hearing site: Boston MA.)

MC 142600 (Sub-11F), filed January 18, 1979. Applicant: DIXIE-WEST EXPRESS, INC., Post Office Drawer L, Petal, MS 39465. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. 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 Scott Paper Company, at or near Mobile, AL, to points in NM, under continuing contract(s), with Scott Paper Company, of Philadelphia, PA. (Hearing site: Washington, DC.)

MC 142631 (Sub-2F), filed January 23, 1979. Applicant: L. PEABODY TRUCKING, 9161 Batavia, Orange, CA

92665. Representative: Ralph B. Matthews, 1200 Gas Light Tower, 235 Peachtree Street, NE., Atlanta, GA 30303. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *abrasives, insulating materials*, and *firebrick*, from Niagara Falls, NY, to Salt Lake City, UT, and points in OR and WA, under continuing contract(s) with The Carborundum Company, of Niagara Falls, NY. (Hearing site: Niagara Falls, NY, or Los Angeles, CA.)

MC 142941 (Sub-25F), filed January 17, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Ave., Phoenix, AZ 85009. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter*, from the facilities of QuadGraphics, Inc., at or near Pewaukee, WI, to points in the United States (except AK, HI, and WI), retricted to the transportation of traffic originating at the named facilities. (Hearing site: Chicago, IL.)

MC 142941 (Sub-27F), filed January 17, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Ave., Phoenix, AZ 85009. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from points in WI to points in the United States (except AK, HI, and WI), retricted to the transportation of traffic originating at the facilities of The Larsen Company. (Hearing site: Chicago, IL.)

MC 142941 (Sub-28F), filed January 17, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Ave., Phoenix, AZ 85009. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *welding equipment, welding materials, and welding supplies*, from the facilities of Miller Electric Manufacturing Company, at or near Appleton, WI, to those points in the United States in and west of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 142941 (Sub-29F), filed January 17, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Ave., Phoenix, AZ 85009. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a)*outboard powered motors, inboard and outboard stern drives, internal combustion engines, light industrial and recreational vehicles, powered lawn mowers, powered snow throwers, and powered turf care equipment*, and (b) *parts, materials, and accessories* for the commodities named in (1)(a) above, from Manawa, Milwaukee, and Beloit, WI, Waukegan, Galesburg, and Peoria, IL, and Lincoln, NE, to points in the United States (except AK ad HI), and (2) *materials, equipment, and supplies* used in the manufacture of the comodities named in (1)(a) above, from points in DE, MD, NJ, NY, PA, and VA, to Manawa, Milwaukee, and Beloit, WI, Waukegan, Galesburg, and Peoria, IL, and Lincoln, NE, restricted in (1)(a) and (1)(b) above to the transportation of traffice originating at the named origins and destined to the named destinations, and restricted in (2) above to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Chicago, IL)

MC 143790 (Sub-9F), filed January 15, 1979. Applicant: FEDERAL FREIGHT SYSTEM, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plumbing materials and supplies and materials* used in the manufacture and distribution of plumbing materials (except commodities in bulk), between Mansfield and Shelby, OH, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, TX, OK, KS, NE, and CO. (Hearing Site: Columbus, OH)

MC 144090 (Sub-3F), filed January 24, 1979. Applicant: RED LETTER TRUCKING CO., a corporation, 250 Mt. Lebanon Blvd., Pittsburgh, PA 15234. Representative: Stanley E. Levine, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed, feed ingredients, cottonseed meal, and fertilizer*, between points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, TN, VA, VT, WV, and DC, under continuing contract(s) with Jesse C. Stewart Company, of Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC)

MC 144630 (Sub-10F), filed January 11, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)*mineral wool, fiber glass products, insulation materials, and insulated air ducts*, from the facilities of Knauf Fiber Glass GmbH, at Shelbyville, IN, to points in the United States (except AK and HI), and (2) *materials* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Washington, DC)

Note.—Dual operations may be involved.

MC 145620 (Sub-2F), filed December 29, 1979. Applicant: INDUSTRIAL HEAVY TRANSPORT, 12151 West 44th Avenue, Denver, CO 80033. Representative: William W. Selman, 18500 John F. Kennedy Blvd., Houston, TX 77205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber mill products and wood products*, from points in Montgomery County, TX, to points in AL, AR, CO, CT, FL, GA, CA, IL, KS, LA, MD, MA, MI, MN, MO, NH, NJ, NY, SC, OH, OK, PA, TN, TX, NV, AZ, IA, and NE. (Hearing Site: Denver, CO, or Omaha, NE)

MC 145850 (Sub-2F), filed January 12, 1979. Applicant: MALCOLM HUMPHREYS, d.b.a. HUMPHREYS TRUCKING, Route 5, Box 685, Prattville, AL 36067. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as dealt in or used by a manufacturer of clothing (except commodities in bulk), from Lanett and Opelika, AL, and Anderson, SC, to the facilities of Ditto Apparel of California, Inc., at or near (a) San Fernando, CA, and (b) Colfax and Leesville, LA, under continuing contract(s) with Ditto Apparel of California, Inc., of San Fernando, CA. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 145940 (Sub-3F), filed January 15, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76710. 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) *rubber articles, plastic articles, and rubber products, and plastic products* (except commodities in bulk), from the facilities of Entek Corp. of America, at or near Irving, TX, to points in the United States (except AK and HI); and (2) *materials and equipment* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk) in the reverse direction. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 145970 (Sub-2F), filed January 22, 1979. Applicant: GAROLD L. SKILLETT, d.b.a., SKILLETT AND SONS TRUCKING, Rush Center, KS 67675. Representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, KS 66603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper*, from Hutchinson, KS, Pryor, OK, and Denver, CO, to the facilities of Western Gypsum Co., at Rosario, NM; (2) *starch*, from Dodge City, KS, and Plainview, TX, to the facilities of Western Gypsum Co., at Rosario, NM; and (3) *wallboard* from the facilities of Western Gypsum Co., at Rosario, NM, to points in CO, KS, NE, ND, OK, SD, TX, and WY, under continuing contract(s) with Western Gypsum Co., of Santa Fe, NM. (Hearing site: Wichita, KS, or Santa Fe, NM.)

MC 146120F, filed January 18, 1979. Applicant: DONALD RAYE DAVIS, Route 4, Box 102, Richmond, TX 77469. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002.To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *expanded plastic and cellular victerous insulation*, between Houston, TX, and Kansas City, MO. (Hearing site: Houston or Dallas, TX.)

MC 146130F filed January 10, 1979. Applicant: OAK HILL PARTS, INC., 310 Morgan Street, P.O. Box 217, Oak Hill, OH 45656. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *explosives and blasting supplies*, between points in Johnson and Pike Counties, KY, on the one hand, and, on the other, those points in WV and VA on and west of a line beginning at the NC-VA State line and extending along U.S. Hwy 220 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction Interstate Hwy 64, then over Interstate Hwy 64 to the WV-KY State line. (Hearing site: Louisville, KY.)

Note.—The certificate will expire in 5 years from the date of issue.

MC 146170F, filed December 6, 1978. Applicant: OVERDRIVE TRIPS, INC., a Washington Corporation, 406 68 Water St., Vancouver, British Columbia, Canada V6B 1A4. Representative: Martin F. Muench, 104 Sixth St., Lynden, WA 98264. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *equipment and materials* used by bands, between points in the United States (except AK and HI), under continuing contract(s) with (1) Trooper Productions and Synchromesh Productions Ltd., both of Vancouver, British Columbia, Canada, and (2) Heart Trours, of Seattle, WA. (Hearing site: Seattle, WA.)

MC 146220F, filed January 22, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 49th West Ave., Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). To operate as a *contract 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 (except commodities in bulk), and *equipment, materials, and supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration, (except commodities in bulk), from Los Angeles and Ontario, CA, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY, from or to the facilities of Kraft, Inc., under continuing contract(s) with Kraft, Inc., of Chicago, IL. NOTE: Dual operations may be involved. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

MC 146240F, filed January 23, 1979. Applicant: TOPCO TRANSPORT, INC., North-South Road, Scranton, PA 18594. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities of Top Mark Distribution Center, Inc., at Scranton, PA, on the one hand, and, on the other, points in NY, NJ, DE, MD, MA, RI, CT, OH, NH, ME, and DC, restricted to the transportation of traffic originaing at one named point or the named facilities and destined to another named point or the named facilities. (Hearing site: Washington, DC.)

[Permanent Authority Decision, Volume No. 31]
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Motor Carrier Temporary Authority Applications

April 18, 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 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 28060 (Sub-52TA), filed March 5, 1979. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. Representative: Richard M. Tettelbaum, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. *Meats, meat*

products, and meat by-products (except in bulk), in vehicles equipped with mechanical refrigation from points in IA, MO and NE to the facilities of Multi-Sales, Inc. at or near Minneapolis, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Multi-Sales, Inc., 1 Appletree Square, Bloomington, MN 55420. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 29910 (Sub-208TA), filed March 8, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh, Fort Smith, AR 72901. Representative: Joseph K. Reber (same as applicant). *Aluminum ingots* from Jones Mills and Gum Springs, AR to Listerhill, AL, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Reynolds Metals Company, P.O. Box 128, Malvern, AR 72104. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 35320 (Sub-255TA), filed March 9, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as above). *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Dallas, Fort Worth, Odessa, and El Paso, TX and their commercial zones to Houston, TX and its commercial zone, with tacking and interlining (see attachment), for 180 days. An underlying ETA seeks 90 days authority. Send protests to: District Supervisor Haskell E. Ballard, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 43421 (Sub-57TA), filed March 5, 1979. Applicant: DOHRN TRANSFER COMPANY, 4016 9th Street, P.O. Box 1237, Rock Island, IL 61201. Representative: Walter J. Leahy (Address same as applicant). *Bogie or Idler, NOI, Army tank, unfinished; and Pallets, Platform, Racks, shipping, NOI, KD,* between the facilities of Electric Wheel Company at Quincy, IL and the facilities of Firestone Industrial Products Company at Noblesville, IN, for 180 days. Supporting shipper(s): Electric Wheel Company, Division of the Firestone Tire and Rubber Company, 1120 North 28th Street, Quincy, IL 62301, and Firestone Industrial Products Co., 1700 Firestone Boulevard, Noblesvill, IN 46060. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 52460 (Sub-238TA), filed March 1, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Tallow,* in bulk, in tank vehicles, from the facilities of Iowa Beef Processors, Inc., at Emporia, KS, to points in AR, CO, IL, IA, MO, NE, OK, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 52460 (Sub-239TA), filed March 7, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Paper and paper products* (except commodities in bulk), from the facilities of Champion International Corporation, at or near Courtland, AL, to points in AR, KS, LA, MO, NM, OK & TX, restricted to traffic originating at the named origin, for 180 days. Supporting shipper(s): Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020. 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 53841 (Sub-22TA), filed March 5, 1979. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Representative: John A. Pillar, Esquire, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. (1) Petroleum and petroleum products (except in bulk) from the facilities of Witco Chemical Corporation at or near Petrolia, Bradford and New Kensington, PA to points in NY, NJ, DE and MD. (2) Commodities used or useful in the manufacture and sale of commodities named in (1) above (except in bulk) from points in NY, NJ, DE and MD to the facilities of Witco Chemical Corporation at Petrolia, PA for 180 days. Supporting shipper(s): Witco Chemical Corporation, 77 North Kendall Avenue, Bradford, PA 16701. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 53841 (Sub-23TA), filed March 5, 1979. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Representative: John A. Pillar, Attorney at Law, Pillar & Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Plastic containers from the facilities of Beverage Bottle Division, Hoover Universal, Inc., at New Castle, DE to Altoona, Johnstown and Mt. Carmel, PA and empty pallets on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beverage Bottle Division—Hoover Universal, Inc., Route 2, Triport Road, Georgetown, KY 40324. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 52861 (Sub-56TA), filed March 8, 1979. Applicant: WILLS TRUCKING, INC., 4500 Rockside Road, Cleveland, OH 44131. Representative: John A. Wilson, 3185 Columbia Road, Richfield, OH 44286. *Silica sand,* in dump vehicles, from Wedron, IL, to Cincinnati, Sidney, Columbus, Dayton, and Yellow Springs, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keener Sand & Clay Company, 21 East State Street, Columbus, OH 43215. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 52861 (Sub-57TA), filed March 8, 1979. Applicant: WILLS TRUCKING, INC., 4500 Rockside Road, Cleveland, OH 44131. Representative: John Wilson, 3185 Columbia Road, Richfield, OH 44286. *Scrap metal,* in dump vehicles, from Kalamazoo, MI, to Lemont, IL, and points within the Chicago commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Luria Steel & Trading Corp., Erman Howell Div., 125 S. Wacker Dr., Chicago, IL 60606. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 56270 (Sub-24TA), filed March 8, 1979. Applicant: LEICHT TRANSFER & STORAGE CO., 1401-55 State St., Green Bay, WI 54306. Representative: Dennis L. Sedlacek, same address as applicant. *Disposable sanitary paper products,* from Green Bay, WI to points in IA, IL, IN, MI, MN & OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diana Mfg. Co., 1522 S. Broadway St., Green Bay, WI 54305. 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 67450 (Sub-82TA), filed March 1, 1979. Applicant: PETERLIN CARTAGE COMPANY, 9651 South Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Defatted Wheat Germ*, in bulk, from the facilities of Vitamins, Inc. at Michigan City, IN to Cedar Rapids, IA and Omaha, NE, for 180 days. Supporting Shipper(s): Vitamins, Inc., 200 East Randolph Drive, Chicago, IL 60601. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley, Dirksen Building, 219 South Dearborn Street, Room, 1386, Chicago, Illinois 60604.

MC 95920 (Sub-55TA), filed March 8, 1979. Applicant: SANTRY TRUCKING CO., 10505 N. E. 2nd Avenue, Portland, OR 97211. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier*, irregular routes, *chemicals* in bags from Richmond, B. C., Canada to Seattle, WA and Portland, OR, for 180 days. Supporting shipper(s): Van Waters & Rogers, Ltd., Richmond, B. C. Canada V6X 1W5. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 106401 (Sub-63TA), filed March 20, 1979. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham St., Charlotte, NC 28231. Representative: Roger W. Rash, P.O. Box 31577, Charloette, NC 28231. (1) *Frozen Foods* from the facilities owned or utilized by Southern Frozen Foods, Division of Seabrook Farms, Inc., at or near Montezuma, GA to points in AL, DE, KY, LA, MD, MI, MS, NC, OH, SC, TN, TX, VA, WV, and DC, (2) *Materials, supplies and equipment (except commodities in bulk)* used in the manufacture and distribution of Frozen Foods from points in AL, DE, KY, LA, MD, MI, MS, NC, OH, SC, TN, TX, VA, WV and DC to the facilities owned or utilized by Southern Frozed Foods, Division of Seabrook Farms at or near Montezuma, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southern Frozen Foods, Division of Seabrook Farms Inc., P.O. Box 306, Montezuma, GA 31063. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd, Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 109891 (Sub-38TA), filed March 6, 1979. Applicant: INFINGER TRANSPORTATION CO., INC., P.O. Box 7398, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Petroleum and petroleum products, in bulk, in tank vehicles*, from Wilmington, NC to points and places in SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): EXXON Company USA, 1500 Woodlawn Road, Charlotte, NC 28209. Send protests to: E. E. Strotheid, D/S ICC, Rm. 302, 1400 Bldg., Pickens Street, Columbia, SC 29201.

MC 109891 (Sub-40TA), filed March 8, 1979. Applicant: INFINGER TRANSPORTATION COMPANY, INC., P.O. Box 7398, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Paper and paper products and materials, equipment and supplies used in the manufacture thereof*, between the facilities of Union Camp Corporation, near Savannah, GA, on the one hand, and, on the other, points in the State of FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: E. E. Strotheid, District Supervisor, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 111401 (Sub-550TA), filed March 5, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (Same address as applicant). *Flour*, in bulk, in tank vehicles, from Enid, OK, to Terre Haute, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Pillsbury Company, 515 E. Spruce, Enid, OK 73701. 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 111401 (Sub-551TA), filed March 5, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Chlorosulfonic acid*, in bulk, in tank vehicles, from Sauget, IL, to Brownsville, TX, in foreign commerce only, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63017. 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 113271 (Sub-52TA), filed March 2, 1979. Applicant: CHEMICAL TRANSPORT, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Agricultural chemicals* from the facilities of Falls Chemicals, Inc. located at or near Great Falls, MT to points in AZ, CA, CO, ID, IL, IA, KS, MN, MO, NE, NV, NM, ND, OR, SD, UT, WA and WY; and from points in CA, IL, MN, OR and WA to the facilities of Falls Chemicals, Inc. located at or near Great Falls, MT. Supporting shipper(s): Falls Chemcials, Inc., P.O. Box 6323, Great Falls, MT 59406. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 113271 (Sub-53TA), filed March 5, 1979. Applicant: CHEMICAL TRANPORT, P.O. Box 2644, Great Falls, MT 59403. Representative: Patrick W. Rice (same address as applicant). *Zinc dross* from the facilities of American Chemet at or near East Helena, MT to the U.S.-Canada International Boundary line, restricted to foreign commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Chemet Corp., P.O. Box D, East Helena, MT 59635. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 113651 (Sub-300TA), filed March 8, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Glen L. Gissing (address same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, except commodities in bulk, in tank vehicles, and hides, from Omaha, NE, to points in CT, NY, NJ, PA, MA, ME, NH, DE, MD, DC, VA and VT, for 180 days. Supporting shipper: Palamera Beef Corp., 25 and 2 Street, Omaha, NE. Send protests to: Beverly J. Williams, Transportation Assistant, I.C.C. 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 115001 (Sub-9TA), filed March 6, 1979. Applicant: WESTERN OIL TRANSPORTATION COMPANY, INC., 2000 South Post Oak, Houston, TX 77001. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Common carrier over irregular routes. *Crude oil*, in bulk, in tank vehicles from points in OK to points in TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Derby Refining Company, P.O. Box 1030, Wichita, KS 67201; Vickers Petroleum Corp., P.O. Box 2240, Wichita, KS 67201. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal

Bldg., 515 Rusk Avenue, Houston, TX 77002.

MC 115311 (Sub-348TA), filed March 2, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. (1) *Adhesives, adhesive cement, carpet tacking strip, fabricated and shaped metal articles, building materials, polyurethane, plastic and fiberglass articles (except commodities in bulk, and (2) Materials, equipment, and supplies used in the manufacture, distribution, production and installation of the commodities named in (1) above (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment)* between Atlanta, GA and Kewanee, IL on the one hand, and, on the other, points in the states of AL, AR, FL, GA, IN, KY, LA, MD, MS, NO, NC, OH, OK, PA, SC, TN, TX, VA and WV. Restricted to traffic originating at or destined to the facilities of Kinkead Industries, Inc. at or near Atlanta, GA and Kewanee, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kinkead Industries, Inc., 2801 Finley Road, Downers Grove, IL 60515. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 115331 (Sub-494TA), filed March 5, 1979. Applicant: TRUCK TRANSPORT, INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: Steve Vogt, 11040 Manchester Rd., St. Louis, MO 63122. *(1) Silica sand, in bulk, and (2) soda ash, in bulk,* (1) from points in LaSalle County, IL to Winchester, IN and (2) from Green River, WY to Gurnee, IL, Winchester, IN and Lancaster, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anchor Hocking Corporation, 109 N. Broad St., Lancaster, OH 43130. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 115331 (Sub-495TA), filed March 5, 1979. Applicant: TRUCK TRANSPORT, INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: Steve Vogt, 11040 Manchester Rd., St. Louis, MO 63122. *(1) Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and (2) materials, ingredients, equipment and supplies used in the manufacture, distribution and sale of products in (1) above,* between the facilities of Ralston Purina Co. at or near Clinton and Davenport, IA; Battle Creek, MI; Louisville, KY, and Sharonville and Lancaster, OH, on the one hand, and points in IN, MI, OH, MO, and WI on the other, for 180 days. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: P. E. Binder, OC, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 115730 (Sub-71TA), filed March 7, 1979. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. *Fire hydrants, valves, castings, pipe, fittings, and accessories, materials and supplies used in the installation thereof,* from the facilities of The Clow Corporation at or near Oskaloosa, IA to points in AL, AR, CO, FL, IL, KS, LA, MN, MO, NE, NJ, NY, NC, OK, TN, TX, VA, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clow Corporation, 1211 West 22nd Street, Oak Brook, IL, 60521. Send protests to: Herbert W. Allen, District Supervisor, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115841 (Sub-690TA), filed March 2, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Foodstuffs (except in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration,* from the facilities of Kraft, Inc., at Greenville, TN to Springfield, MO, for 180 days. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: Glenda Kuss, TA, Bureau of Operations, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-691TA), filed March 2, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Malt beverages (except commodities in bulk),* from Eden, NC to points in IL, IN, OH, KY, MI, and WI, for 180 days. Supporting shipper(s): Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116770 (Sub-5TA), filed March 7, 1979. Applicant: ACTIVE CARTAGE LIMITED, 1065 Martin Grove Road, Rexdale, Ontario, Canada M9W 4W6. Representative: Robert D. Gunderman, Esq., Suite 710 Statler Building, Buffalo, NY 14202. *Bridge Girders, the transportation of which because of size or weight require the use of special equipment, and related parts and assemblies. FROM* ports of entry on the International Boundary line between the US and Canada in NY to all points in NY, for 180 days. Supporting shipper: Canron Limited (Eastern Structural Division), 100 Disco Road, Rexdale, Ontario, Canada. Send protests to: Richard H. Cattadoris, DS, 111 West Huron Street, Buffalo, NY 14202.

MC 116877 (Sub-6TA), filed March 8, 1979. Applicant: A & B TRANSPORTATION SERVICES, INC., 2645 Nevin Avenue, Los Angeles, California 90011. Representative: Daniel W. Baker, Handler, Baker & Greene, P.C., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Common: *regular:* Hanging or cartoned garments, clothing and wearing apparel and component parts used in the manufacture thereof, as defined in 61 MCC 288 and 289 (except natural furs and natural fur-trimmed garments), handbags and costume jewelry, (1) Between San Jose, CA, and Salinas, CA, serving all intermediate points, and Hollister and San Juan Bautista, as off-route points: From San Jose over U.S. Hwy 101 to Salinas, and return over the same route. (2) Between San Jose, CA, and Santa Cruz, CA, serving all intermediate points, and Felton, as an off-route point: From San Jose over State Hwy 17 to Santa Cruz, and return over the same route. (3) Between Santa Cruz, CA, and Carmel, CA, serving all intermediate points, and Watsonville, as an off-route point: From Santa Cruz over State Hwy 1 to Carmel, and return over the same route. (4) Between Salinas, CA, and Monterey, CA, serving all intermediate points: From Salinas over State Hwy 68 to Monterey, and return over the same route, for 180 days. Note: Applicant seeks authority to tack with its authority held under Docket No. MC–116877 Sub No. 5 An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): The Emporium, 835 Market Street, San Francisco, CA 94103; WTC Air Freight, 140 Belle Air Road, So. San Francisco, CA 94080; Footwear Sector—Genesco, Inc., Genesco Park, E–101, Nashville, TN 37202. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 117730 (Sub-48TA), filed March 7, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Hospital supplies and*

drugs, in vehicles equipped with mechanical refrigeration from the facilities of Abbott Laboratories at North Chicago, IL to Cincinnati, OH and points in its commercial zone, for 180 days. Supporting shipper(s): Abbott Laboratories, 1400 Sheridan Road, North Chicago, IL 60064. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 117940 (Sub-320TA), filed March 1, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Foodstuffs, except commodities in bulk*, from the facilities of American Home Foods, Division of American Home Products Corporation at or near LaPorte, IN to points in MO, NE, IA, KS, M and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(S): American Home Foods Division, American Home Products Corporation, 685 Third Avenue, New York, NY 10017. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 117940 (Sub-321TA), filed March 8, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Foodstuffs, (except commodities in bulk)* from Easton, Portland and Washburn, ME to joints in AR, DE, IL, IN, KS, KY, MD, MI, MO, NJ, NY, OH, PA, TN, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McCain Foods, Inc., 5 Wade Road, Washburn, ME 04786. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 117940 (Sub-322TA), filed March 8, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Such commodities as are dealt in by wholesale, retail and chain grocery stores (except commodities in bulk)* from the Chicago, IL Commercial Zone to points in MN and WI, restricted to traffic originating at the facilities of the Courzens Distribution System and destined to named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Couzens Distribution System 6600 South River Road, Hodgkins, IL 60525. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118130 (Sub-108TA), filed March 6, 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. *Bakery goods (except frozen)*, from Valdosta, GA, to points in LA, for 180 days. Supporting shipper(s): Crakin' Good Bakers, Inc., P.O. Box 370, Valdosta, GA 31601. Send protests to: Martha A. Powell, T/A, I.C.C. Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 118130 (Sub-111TA), filed March 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. (1) *Carpeting;* and (2) *materials, equipment and supplies* used in the manufacture and distribution of carpeting, (1) from Marlin, TX to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY; and (2) from points in AL, GA, NC, and SC to Marlin, TX, for 180 days. Supporting shipper(s): Marlin Mills, Inc., P.O. Box 510, Marlin, TX 76661. Send protests to: Martha A. Powell, TA, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 119641 (Sub-159TA), filed March 5, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Plywood, paneling, gypsum board, composition board, molding and particleboard*, from the facilities of Pan American Gyro-tex Co. at or near Jasper, Fl, to points in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Pan American Gyro-Tex Co., 520 Cedar Bay Rd., Jacksonville, FL 32218. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 East Ohio Street, Indianapolis, IN 46204.

MC 119670 (Sub-41TA), filed March 5, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40601. *Paper and paper products (other than building and roofing paper and building products)*, from Miaimisburg, OH, to points in IL, IN, the lower Peninsula of MI, that part of NY located on and west of U.S. Hwy 15, that part of PA located on and west of a line extending along U.S. Hwy 15 from the New York-Pennsylvania State line south to junction U.S. Hwy 15–11, and thence along U.S. Hwy 15–11 south to the Pennsylvania-Maryland State line, Harrisburg, PA, that part of WI located south and east of a line extending west along U.S. Hwy 18 from Lake Michigan to Madison, WI, thence along U.S. Hwy 14 to Junction U.S. Hwy 51, and thence along U.S. Hwy 51 to the Wisconsin-Illinois State line, including points on the indicated portions of the highways specified, and those in Jefferson, Kenton, Campbell, Mason and Boyd Counties, KY, Cabel, Kanawha, Wood, Ohio, Brooke and Hancock Counties, WV, and St. Louis, MO; and rejected shipments of the immediately above-specified commodities, and machinery, equipment, materials and supplies used in the manufacture of paper and paper products, from the destination points named immediately above to Miamisburg, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Interstate Folding Box, Robert Lansdell, Traffic Manager, 300 S. Verity Parkway, P.O. Box 390, Middletown, OH 45042. Send protests to: Paul J. Lowry, DS, ICC, 5514–B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 119741 (Sub-157TA), filed March 2, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha, NE to points in CO, IL, IN, IA, KS, MI, MN, MO, ND, OH, SD and WI, restricted to traffic originating at the named origin and destined to the named destinations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Packing Co. of Omaha, 4501 South 36th Street, Omaha, NE 68107. Send protests to: Herbert W. Allen, District Supervisor, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119741 (Sub-158TA), filed March 7, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Canned and preserved foodstuffs* from the facilities of Heinz USA at or near Iowa City and Muscatine, IA, to points in the state of Kansas, restricted to traffic originating at the named facilities and destined to the name states for 180 days. An underlying ETA seeking 90 days

authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen, District Supervisor, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 120181 (Sub-15TA), filed March 1, 1979. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, MO 63077. Representative: Ralph Howard (same address as above). *Foodstuff* (except in bulk) and *empty containers, materials, supplies and equipment* used in the manufacture of the commodities, between Owensboro and Henderson, KY and Alton, IL and AR, IL IN, IA, KS, KY, LA, MS, MO, NE, OK, TN and TX, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Ragu's Foods, Inc., 33 Benedict Pl., Greenwich, CT 06830; Chattanooga Glass Co., 400 W. 45th St., Chattanooga, TN 37410; Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Peter E. Binder, OC, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 123091 (Sub-31TA), filed March 2, 1979. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, OH 44403. Representative: James Duvall, Esq., 220 West Bridge Street, Dublin, OH 43017. *Iron and steel articles* between Sharon, PA, on the one hand, and on the other, South Boston, VA, for 180 days. Supporting shipper(s): Westinghouse Electric Corp., 469 Sharpsville Avenue, Sharon, PA 16146. Send protests to: Mary Wehner, District Supervisor, Interstate Commerce Commission, 1240 E. Ninth Street, Cleveland, OH 44199.

MC 124251 (Sub-60TA), filed March 7, 1979. Applicant: JACK JORDAN, INC., 3681 South Dixie Road (P.O. Box 689), Dalton, GA 30720. Representative: Archie B. Clubreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Synthetic plastic, liquid, in bulk in tank vehicles* from Seneca, IL to points in GA, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Industrial Adhesives, Inc., 359 DeKalb Industrial Way, Decatur, GA 30030. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 124711 (Sub-82TA), filed March 2, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper, P.O. Box 1050 El Dorado, KS 67042. *Liquid feed and liquid feed supplements, in bulk*, in tank vehicles; from Creten, NE to points in CA, NV, UT, OR, WA, ID, AR, TN, NC, VA, KY, IL, SD, IA, MN, KS, OK, TX, AZ, AL, MT, MO, CO, NM, WY, FL, GA, SC, MS, LA, ND & WI; 180 days, common, irregular. Supporting shipper(s): Feed Service Corporation, P.O. Box 348, Crete, NE 68333. Send protests to: M.E. Taylor, Dist. Supv., Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 126930 (Sub-20TA), filed March 8, 1979. Applicant: BRAZOS TRANSPORT CO., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Waste paper or scrap paper* between points in MO, KS, IL, AR, LA, TX, MS, TN, IA, CO, OK, NE, and MN, for 180 days. An underlying ETA seeking 90 days authority was granted. Supporting shipper(s): Packaging Corporation of America, 1603 Orrington Avenue, Evanston, IL 60204. Send protests to: Haskell E. Ballard, District Supervisor, Box F-13206 Federal Building, Interstate Commerce Commission—Bureau of Operations, Washington, DC 20423.

MC 127651 (Sub-41TA), filed March 20, 1979. Applicant: EVERETT G. ROEHL, INC., East 29 St., P.O. Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles* from Elk Grove Village, IL to points in MI and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Materials Corp., 2525 Arthur Ave., Elk Grove Village, IL 60007. 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 127840 (Sub-93TA), filed March 1, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Corn Syrup* from Keokuk, IA to points in the United States (Except IA, AK and HI), for 180 days. Supporting shipper(s): Hubinger Company, 601 Main Street, Keokuk, IA 52632. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135691 (Sub-28TA), filed March 8, 1979. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, Box 340080, Dallas, TX 75234. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Contract carrier, irregular routes. *(1) Coiled sheet steel.* (a) from Burns Harbor, Indiana Harbor, Gary and Portage, IN to Birmingham, AL; Seward and Cozad, NE; Paragould, AR; Hartwell, GA; (b) from Chicago, IL to Paragould, AR; Hartwell, GA; and Seward and Cozad, NE; (c) from Lackawanna, NY to Chicago, IL; (2) Coiled sheet steel, rods and bars, from Burns Harbor, Indiana Harbor, Gary and Portage, IN to Paragould, AR; Cozad, NE; and Hartwell, GA under a continuing contract(s) with Tenneco Automotive, a Division of Tenneco, Inc. for 180 days. *a* Supporting shipper(s): Tenneco Automotive a Division of Tenneco, Inc., 108 Wilmot Road, Deerfield, IL 60015. Send protests to: Opal M. Jones, Trans. Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 136291 (Sub-14TA), filed March 2, 1979. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Francis W. McInery, Esq., 1000 Sixteenth St., N.W., Washington, D.C. 20036. *Contract carrier*—Irregular route: Liquid argon, liquid nitrogen and liquid oxygen in specially designed cryogenic vehicles provided by the shipper from Theodore, AL to points in AR, GA, FL, KY, LA, MS, NC, SC, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Carbide Corporation, 270 Park Avenue, New York, NY 10017. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission-BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 136511 (Sub-36TA), filed March 1, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, Virginia 24502. Representative: Lester R. Gutman, 805 McLachlen Bank Building, 666 Eleventh Street N.W., Washington, D.C. 20001. *New Furniture*, from Galax, VA to points in CA; WA; OR; AZ; NV; NM; UT; CO; WY; ID; MT; TX; and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vaughan Furniture Company, P.O. Box 330, Galax, Virginia 24333. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th St., Richmond, VA 23240.

MC 136540 (Sub-5TA), filed March 2, 1979. Applicant: REFINERS TRANSPORT SERVICES, INC., 4850 Bloomfield Street, New Orleans, LA 70121. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *Fibreboard, boxes, corregated and other than corregated, pulpboard, flat sheets in bundles* from the Owens-Illinois

plant site at or near Minden, LA to all points in MS, under a continuing contract with Owens-Illinois, Inc., for 180 days. Applicant has filed an ETA for 90 days. Supporting shipper(s): Owens-Illinois, Inc., 405 Madison Ave., Toledo, OH 43666. Send protests to: Connie A. Guillory, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 139391 (Sub-9TA), filed March 5, 1979. Applicant: G & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, AR 72394. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Such commodities as are manufactured, processed or dealt in by manufacturers of glass, plastic, chinaware and metal products* (except commodities in bulk), between the facilities of Anchor Hocking Corporation and its subsidiaries in the states of IN, OH, PA, and WV, on the one hand, and on the other, points in the states of AZ, AR, CA, CO, ID, KS, MT, NV, NM, OK, OR, TX, UT, WA, and WY, for 180 days as a contract carrier over irregular routes. Supporting shipper(s): Anchor Hocking Corporation, 109 North Broad Street, Lancaster, OH 43130. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 141921 (Sub-52TA), filed March 5, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykes (same address as above). (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 (1) above, between the facilities of Ralston Purina Co., at or near Clinton and Davenport, IA, on the one hand and, on the other, points in IN, MI, OH, PA, and NY, 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: Ross J. Seymour, DS ICC, Rm. 3, 6 Loudon Road, Concord, NH 03301.

MC 143021 (Sub-2TA), filed March 6, 1979. Applicant: R. E. BAIRD & SONS LTD., Perth-Andover, New Brunswick, Canada EOJ 1V0. Representative: Graeme S. Shaw, Main St., Perth-Andover, New Brunswick, Canada EOJ 1V0. *Contract carrier:* irregular routes: *Woodchips, sawdust and shavings* in bulk, from ports of entry on the International Boundary between the U.S. and Canada at or near Houlton and Fort Fairfield, ME, to Houlton, Lincoln and Oldtown, ME. Supporting shipper(s): Ralph F. Sadler Limited, Box 190, Perth-Andover, New Brunswick, Canada. Send protests to: ICC, 76 Pearl St., Rm. 303, Portland, ME 04111.

MC 143570 (Sub-10TA), filed March 5, 1979. Applicant: D & G TRUCKING, INC., 4420 E. Overland Road, Meridian, Idaho 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Chemicals,* except liquid commodities in bulk in tank-type vehicles and salt, (1) from points in CA and UT to points in the States of OR, WA and points in ID on or south of the southern boundary of Idaho County; (2) from points in the WA Counties of Benton, Franklin and Walla Walla and Multnomah County, OR to points in ID on or south of the southern boundary of Idaho County; and (3) from Nampa, ID to points in the NV Counties of Humboldt and Pershing, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Hunter Farm Supply & Grain Co., Inc., P.O. Box 10, Terreton, ID 83450; H J. Stoll and Sons, Inc., 2320 S.E. Grand, Portland, OR 97214; Union Seed Co., P.O. Box 339, Nampa, ID 83651; Chemical Distributors, Inc., P.O. Box 10763, Portland, OR 97210; Smith-Ardussi Inc., 1200 W. Amity, Boise, ID 83705. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 144041 (Sub-30TA), filed March 6, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, N.E., Atlanta, GA 30345. Representative: Paul M. Daniell, 1200 Gas Light Tower, 235 Peachtree Street, N.E., Atlanta, GA 30303. *Plastic articles (except in bulk)* from the facilities of Polysar Packaging Division of Polysar Plastics, Inc. at Middletown, NY to points in the U.S. on and east of U.S. Hwy. 85, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polysar Packaging, Div. of Polysar Plastics, 5 Main Street, So. Glens Falls, NY 12801. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 144701 (Sub-2TA), filed March 15, 1979. Applicant: BLACKSHEAR REFRIGERATED TRANSPORT, inc., 1178 Wright Avenue, Camden, NJ 08102. Representative: James H. Sweeney, P.O. Box 684, Woodbury, NJ 08096. *Frozen foods,* from Salisbury, MD, to points in NJ, NY, DE, MD, OH, MI, KY, VA, ME, NH, VT, CT, RI, and MA, for 180 days. An underlying ETA in part seeks 90 days authority. Supporting shipper(s): The Cambell Soup Company, P.O. Box 1618, Salisbury, MD 21801. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 145441 (Sub-23TA), filed March 6, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same as applicant). *Furniture parts and panels, flakeboard, finished lumber, and plywood,* from Memphis, TN to Denver, CO; Los Angeles, CA; Dallas, TX; Oklahoma City, OK; Huntingburg, IN; and Adrian, MI, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Speltz Plywood Corporation, P.O. Box 9206, Memphis, TN 38109. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145441 (Sub-25TA), filed March 8, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, (same as applicant). *Confectionery* between Salinas, CA on the one hand, and on the other, Naugatuck, CT; Hazelton and York, PA; and Frankfort, IN, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Peter Paul, Inc., New Haven Road, Naugatuck, CT 06770. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145560 (Sub-8TA), filed March 7, 1979. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, VA 22210. Contract, irregular: *Candy,* from the facilities of American Candy Manufacturing Company, Inc., near Selma, AL, to points in AZ, CA, CO, ID, OR, UT and WA, restricted to shipments transported under a continuing contract or contracts with American Candy Manufacturing Company, Inc., for 180 days. Supporting shipper(s): American Candy Manufacturing Company, Inc., P.O. Box 879, Selma, AL 36701. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145950 (Sub-8TA), filed March 5, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: Arthur Grimes, 2611 University Parks Drive, Waco, TX 76706. *Foodstuffs (except commodities in bulk)* from the facilities of M&M Mars, Snack Master Division at or near Albany, GA, to Elizabeth, NJ; Detroit, MI; Chicago, IL; Arlington and Waco, TX; Salt Lake City, UT; Foxboro,

MA; Milpitas, CA; Vernon, CA; and Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M&M Mars, Snack Master Division, P.O. Box 3289, Albany, GA 31706. Send protests to: Martha A. Powell, T/A, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145950 (Sub-9TA), filed March 5, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: Arthur Grimes, 2611 University Parks Drive, Waco, TX 76706. *Foodstuffs (except commodities in bulk),* from the facilities of M&M Mars, East Coast Division, at or near Elizabeth, NJ, to Denver, CO; Arlington and Waco, TX; Salt Lake City, UT; Vernon and Milpitas, CA; Chicago, IL; Detroit, MI; Foxboro, MA; and Morrow and Albany, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M&M Mars, Snack Master Division, P.O. Box 3289, Albany, GA 31706. Send protests to: Martha A. Powell, T/A, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 146041 (Sub-1TA), filed March 1, 1979. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Greg P. Steffire, 700 S. Flower Street, Suite 1724, Los Angeles, CA 90017. *(1) Chemicals, esters (fatty acid of animal oils), esters (fatty acid of vegetable-oils), fatty alcohol, inedible fatty alcohol, coconut oil, softeners textile, cleaning and washing compounds (liquid), lubricating oils (other than petroleum), lubricating oils (petroleum), wax and fireproofing compounds (except in bulk); and (2) materials and supplies used in the manufacture and sale of the commodities in (1) above, except in bulk,* between Greenville, SC; Lock Haven, PA; Linden, NJ; and Santa Fe Springs, CA, and points in their commerical zones, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s) Emery Industries, Inc., Box 628, Mauldin, SC 29662. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012

MC 146091 (Sub-3TA), filed March 5, 1979. Applicant: JOHN E. HOTH and BOBBIE J. HOTH, d.b.a. W. I. EXPRESS, P.O. Box 43, Garnavillo, IA 52049. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Fresh meats and packinghouse products from the facilities of Wilson Food Corporation located at Cedar Rapids, IA to points in AL, AR, GA, KY, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Wilson Foods Corporation, 4545 Lincoln Boulevard, Oklahoma City, OK 73105. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 146290 (Sub-2TA), filed March 8, 1979. Applicant: DON THREDE d.b.a. DON THREDE TRUCKING CO., 1777 Arnold Industrial Highway, Concord, CA 94520. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108, (415) 986–8696. *Contract carrier:* irregular routes: *Flat glass,* from facilities of Guardian Industries Corp. at Kingsburg, CA to points in AZ and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Guardian Industries Corp., 11535 E. Mountainview, Kingsburg, CA 93631. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 146380 (Sub-1TA), filed February 27, 1979. Applicant: PIERCE TRUCKING, 205 First Street, Ludington, MI 49431. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Chemicals and goods and packaging* used in the manufacture thereof between Ludington, MI, on the one hand, and various points in WI, IO, MO, IL, IN, OH, WV, KY, PA and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Dow Chemical USA, South Madison Street, Ludington, MI 49431. Send protests to: C. R. Flemming, DS, ICC, 225 Federal Building, Lansing, MI 48933.

MC 146381 (Sub-2TA), filed March 2, 1979. Applicant: CONVERTERS II, INC., 300 Bostwick Avenue, Bridgeport, CT. Representative: Piken & Piken, Esqs., One Lefrak City Plaza, Flushing, NY 11368. *Contract carrier:* irregular routes: *Piece goods,* between the facilities of Hull Dye & Print Works, Inc. at or near Shelton and Derby, CT, on the one hand, and, on the other, New York, NY, points in Dutchess, Orange, Rockland, Westchester, Nassau and Suffolk Counties, NY, Hudson, Passaic, Union, Middlesex, Bergen, Essex, Morris, Somerset Counties, NJ, and Lehigh County, PA. *Materials and supplies, equipment and machinery,* (except commodities in bulk), used in the dyeing and finishing of piece goods from the above named points in NY, NJ and PA, to the facilities of Hull Dye & Print Works, Inc., at or near Derby and Shelton, CT, for 180 days. Supporting shipper: Hull Dye & Print Works, Inc., Roosevelt Drive, Derby, CT 06418. Send protests to: J. D. Perry, Jr., DS, ICC, 135 High Street, Hartford, CT 06103.

MC 146400 (Sub-2TA), filed March 1, 1979. Applicant: GOLDEN STATE AGRICULTURAL CARRIERS, INC., 1422 South Garey Avenue, Pomona, CA 91769. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 South Beverly Drive, suite 315, Beverly Hills, CA 90212. *Contract:* irregular: *Iron or steel articles,* from the facilities of Jersey Shore Steel in Avis and Williamsport, PA to Los Angeles County, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Jersey Shore Steel, P.O. Box 5055, Jersey Shore, PA 17740. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Buiding, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 146560 (Sub-1TA), filed March 19, 1979. Applicant: FATHER & SON AGENCY, INC., 5000 Wyoming Avenue, Dearborn, MI 48026. Representative: Edwin M. Snyder, Sullivan & Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Tractors,* except truck tractors, from the plant site of Ford Motor Company at Romeo, MI to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC, for 180 days. The operations authorized herein are restricted to the transportation of traffic (a) originating at the above named origin point, and (b) destined to points in the named destination states, except that restriction (b) above shall not apply to traffic moving in foreign commerce. Supporting shipper: J. O. Darnell, Supervisor, Forward Planning & Analysis, Ford Motor Co.—Ford Tractor Operations, 2500 E. Maple Rd., Troy, MI 48084. Send protests to: C. R. Flemming, DS, ICC, 255 Federal Building, Lansing, MI 48933.

MC 146631 (Sub-1TA), filed March 12, 1979. Applicant: WILLIAM W. BLAUVELT, d.b.a. BILLY B TRUCKING CO., 44 Forest Street, Wilmington, MA 01887. Representative: Michael Varda, 121 South Pinckney Street, Madison, WI 53703. Contract carrier: irregular routes: *Paper and paper articles* from Oshkosh, WI to points in AZ, CA, NV, OR, and WA for 180 days. Supporting shipper(s): Hoffmaster Co., Inc., 2920 N. Main St., Oshkosh, WI 54903. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East

Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[Notice No. 68]

[FR Doc. 79-13181 Filed 4-27-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 79-11405, appearing at page 21934 in the issue of Thursday, April 12, 1979, the first line of the second entry for MC 119988, in the third column of page 21936, should read "MC 119988 (Sub-188TA), filed".

[Notice No. 48]

BILLING CODE 1505-01-M

Drivers Truk-Train of America, Inc.—Operation—Between Sanford, FL, and Alexandria, VA, and between Sanford, FL, and Louisville, KY; Filing of Application; Correction

In FR Doc. 79-12357 appearing at page 23651 in the issue for Friday, April 20, 1979, insert the following docket number immediately above the **Federal Register** file line "[Finance Docket No. 29007F]".

BILLING CODE 7035-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Arkansas Louisiana Gas Co., et al.; Further Extension of Time

April 23, 1979.

On April 11, 1979, an extension of time was granted for compliance with the filing requirement of Ordering Paragraph (N) of the Commission's order of March 30, 1979.

Notice is hereby given that a further extension of time is granted to and including May 21, 1979, for compliance with Ordering Paragraph (N) by all pipelines to which the Paragraph applies.

Lois D. Cashell,

Acting Secretary.

Docket Nos. RP79-53 and RP79-54, *et al.*]

[FR Doc. 79-13256 Filed 4-27-79; 8:45 am]

BILLING CODE 6450-01-M

Columbia Gulf Transmission Co. and Columbia Gulf Transmission Corp.; Certification of Settlement

April 24, 1979.

Take notice that on April 2, 1979, Presiding Administrative Law Judge Samuel Z. Gordon certified to the Commission a proposed Stipulation and Agreement together with transcript Volumes 1 through 7 and Exhibits 2, 3, and 4. If approved, the Agreement will resolve most of the issues in the proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments and/or reply comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should serve the same on all parties to this proceeding. Initial comments shall be filed on or before May 14, 1979; reply comments are due on June 1, 1979. All comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[Docket Nos. RP78-19 and RP78-20]

[FR Doc. 79-13257 Filed 4-27-79; 8:45 am]

BILLING CODE 6450-01-M

El Paso Natural Gas Co.; Notice of Application

April 20, 1979.

Take notice that on April 2, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-251 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 2,500 Mcf of natural gas per day for the account of Western Gas Interstate Company (WGI), on a best efforts basis, to Southern Union Company (Southern) at certain existing points of delivery located on El Paso's interstate transmission pipeline system situated in New Mexico and Texas, all as more fully set forth in the application which is on file with the commission and open to public inspection.

El Paso states that WGI has acquired natural gas supplies situated in the San Juan Basin area of New Mexico which are in proximity to El Paso's existing field gathering and other related facilities. WGI seeks to cause such quantities of gas to be tendered to El Paso at an initial point of receipt located in San Juan County, New Mexico, for transportation and delivery by El Paso to certain points on Southern's distribution system located in Curry County, New Mexico and Hutchinson County, Texas, it is stated. In order to assist WGI in making such quantities of gas available to Southern, WGI and El Paso have entered into a gas transportation agreement dated January 31, 1979, whereby gas supplies acquired by WGI can be made available for sale by WGI to Southern, so that Southern may continue to serve its high priority end-use requirement customers, it is asserted.

El Paso states that it has agreed to accept at an existing point of receipt, and such other points of receipt as may hereinafter be agreed to, and to transport for WGI's account, up to 2,500 Mcf per day of natural gas acquired by WGI and to redeliver equivalent volumes of gas, less shrinkage if any, to Southern for the account of WGI at delivery points in Curry County, New Mexico and Hutchinson County, Texas. It is indicated that El Paso shall have the right to purchase as excess gas, that volume of gas in excess of the gross transportation volume designated by WGI pursuant to the gas transportation agreement between WGI and EL Paso.

El Paso also requests authorization to transport gas from additional points of receipt when additional volumes of gas become available to WGI, so long as the quantities of gas transported do not exceed the aggregate total of 2,500 Mcf per day. El Paso requests authorization as well, for the deletion by mutual consent, of points of receipt and delivery as conditions require.

El Paso states that any facilities constructed in furtherance of the agreement would be the responsibility of WGI, unless such facilities constitute an integral part of El Paso's existing interstate transmission pipeline system.

It is stated that pursuant to the agreement, WGI would compensate El Paso through the payment of an administrative fee consisting of one cent for each Mcf of gas delivered at the points of delivery. It is stated further that additional compensation would take the form of the rates in effect as set forth on Sheet No. 1-D.2 of El Paso's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or

1.10) and the regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, if a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[Docket No. CP79-251]

[FR Doc. 79-3258 Filed 4-27-79; 8:45 am]

BILLING CODE 6450-01-M

Guadalupe-Blanco River Authority; Petition for Declaratory Order

April 19, 1979.

Take notice that on November 22, 1978, the Guadalupe-Blanco River Authority (hereinafter GBRA or Petitioner) filed a petition under the Federal Power Act (Act), 16 U.S.C. §§ 791a–825r, for an order declaring that six hydroelectric projects and appurtenant facilities owned and operated by the GBRA on the Guadalupe River in Guadalupe and Gonzales Counties, Texas, are not subject to the Commission's licensing jurisdiction. Correspondence with the GBRA on this matter should be addressed to: Larry R. Veselka, Vinson & Elkins, 1101 Connecticut Avenue, N.W., Washington, D.C. 20036, and John H. Specht, General Manager, Guadalupe-Blanco River Authority, P.O. Box 271, Seguin, Texas 78155.

The GBRA states that each of the six projects (the dams are named Dunlap, McQueeny, Seguin, Nolte, No. H–4, and No. H–5) was constructed prior to 1935, that the Guadalupe River is non-navigable above River Mile 175.9 and that all six projects are located above this point, and that there has been no construction since 1935 that would require the filing of a declaration of intent pursuant to Section 23(b) of the Act (16 U.S.C. § 817).

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any protest or petition to intervene must be filed on or before June 4, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. EL79-4]

[FR Doc. 79-13264 Filed 4-27-79; 8:45 am]

BILLING CODE 6450-01-M

Michigan Wisconsin Pipe Line Co.; Petition to Amend

April 20, 1979.

Take notice that on April 17, 1979, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP70–22 a petition to amend further the order issued April 30, 1970, as amended, in said docket pursuant to Section 3 of the Natural Gas Act so as to authorize Petitioner to continue to import natural gas from Canada to the United States at the increased border price of $2.30 (U.S.) per million Btu's equivalent established by the National Energy Board of Canada (NEB), effective May 1, 1979, all as more fully set forth in the petition to amend further which is on file with the Commission and open to public inspection.

It is indicated that the subject gas is purchased from TransCanada Pipelines Limited (TransCanada) at the current border price of $2.16 (U.S.) per million Btu's and is imported at a point on the international boundary near Emerson, Manitoba. It is further indicated that TransCanada exports the gas pursuant to export license GL–38. Petitioner states that natural gas imported from Canada forms a vital portion of its gas supply and that unless Petitioner's existing import authorization is amended prior to May 1, 1979, to provide for payment of the increased rate, Petitioner would be faced with the termination of its gas supply from Trans-Canada.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,

Acting Secretary.

[Docket No. CP70-22]

[FR Doc. 79-13259 Filed 4-27-79; 8:45 am]

BILLING CODE 6450-01-M

Montana Power Co.; Petition To Amend

April 20, 1979.

Take notice that on April 13, 1979,[1] The Montana Power Company (Montana Power), 40 East Broadway, Butte, Montana 59701, filed in Docket No. CP74–187 a petition to amend further the order issued March 21, 1975, as amended, in said docket pursuant to Section 3 of the Natural Gas Act by authorizing Petitioner to import natural gas from Canada at an increased border price of $2.30 per million Btu's equivalent of natural gas, effective May 1, 1979, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it currently is authorized in the subject docket to import from Canada natural gas purchased from Canadian-Montana Pipe Line Company at a price of $2.16 per million Btu's and that on March 28, 1979,

[1] The application was initially tendered for filing on April 13, 1979; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 18, 1979; thus, filing was not completed until the latter date.

the Canadian government increased the border price to $2.30 per million Btu's, effective May 1, 1979. Petitioner asserts that it imports from Canada more than 65 percent of the natural gas supply necessary to serve its market and that the ability of Petitioner to meet its customers' requirements and avoid curtailment of service directly depends on continued importation of gas under the authorization granted in the subject docket. Accordingly, Petitioner requests that the order of March 21, 1975, as amended, be further amended to permit Petitioner to import gas purchased at the increased price.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP74-187]
[FR Doc. 79-13260 Filed 4-27-79; 8:45 am]
BILLING CODE 6450-01-M

Northern Natural Gas Co.; Application

April 20, 1979.

Take notice that on March 29, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain small volume sales measuring stations, and the sale and delivery of additional volumes of natural gas in the states of Montana, South Dakota, Minnesto, Iowa, Nebraska, Kansas, Oklahoma, and Texas to 53 right-of-way grantors, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has received numerous requests for service from right-of-way grantors whose easements provide for the contractual right to gas service as partial consideration for the easement to construct and operate pipeline facilities across their property. Applicant requests authorization to construct and operate 46 small volume sales measuring stations in Minnesota, South Dakota, Iowa, Nebraska, Kansas, and Texas in order to sell natural gas to rights-of-way grantors through its Peoples Division. The firm volumes to be delivered would be provided from Peoples Division's presently authorized contract demand.

Applicant indicates that granting of the proposed service to the 5 right-of-way grantors in Oklahoma would result in an increase in annual sales to Southern Union Gas Company (So Union), under Rate Schedule X-46, of 8,234 Mcf, requiring an increase in the authorized annual sales from 746,469 Mcf to 754,703 Mcf. Applicant further indicates that the granting of the proposed service to 1 of its pipeline right-of-way grantors in Texas with annual heating requirements of 188 Mcf would result in a total annual authorized sales of 2,294,2407 Mcf to West Texas Gas, Incorporated (WTN) which resells the gas to Applicant's right-of-way grantors. Applicant states that it has received a request from one individual in rural Hill County, Montana, who, being right-of-way grantor desires natural gas service from Applicant's pipeline. Such service would be rendered pursuant to a farm tap service contract between Applicant and the new customer, it is stated.

The Applicant states that the small volume industrial, commercial and residential service would provide necessary natural gas volumes for individual rural dwellings for space heating, cooking, water heating and clothes drying appliances; seasonal use by farms as irrigation engine fuel; seasonal use by farms in direct firing of agricultural crop drying equipment and for space heating farm buildings.

The total cost of the facilities proposed to be constructed is $62,030, which cost Applicant proposes to finance from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedng. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP79-246]
[FR Doc. 79-13261 Filed 4-27-79; 8:45 am]
BILLING CODE 6450-01-M

Northwest Alaskan Pipeline Co. et al.; Order Consolidating Proceedings, Establishing Procedures, Granting Interventions, and Initiating Hearings

April 20, 1979.

In the matter of Northwest Alaskan Pipeline Co., Docket Nos. CP78-123, *et al.*; Northwest Pipeline Corp., Docket No. CP79-56; El Paso Natural Gas Co., Docket No. CP79-57; Pacific Interstate Transmission Co., Docket No. CP79-58; Northwest Alaskan Pipeline Co., Docket No. CP79-59; Pacific Gas Transmission Co., Docket No. CP79-60; Northwest Alaskan Pipeline Co., Docket No. CP79-170; Northern Border Pipeline Co., Docket No. CP78-124.

On April 5, 1978, Northwest Alaskan Pipeline Company (Northwest Alaskan) filed in Docket Nos. CP78-123, *et al.*, two applications, pursuant to Section 3 of the Natural Gas Act and Sections 5 and 9 of the Alaska Natural Gas Transportation Act (ANGTA), requesting the Commission to grant conditional authorization for the importation of natural gas from Canada. In these applications, Northwest Alaskan requested authorization to import, on an average daily basis, up to 240,000 Mcf of gas at an existing import point on the U.S.-Canada Boundary near Kingsgate,

British Columbia and up to 800,000 Mcf of gas per day at a proposed import point on the U.S.-Canadian Boundary in the vicinity of Monchy, Saskatchewan. Northwest Alaskan proposes to purchase such gas from Pan-Alberta Gas, Ltd. (Pan-Alberta) [1] pursuant to the terms of contracts dated March 9, 1978. It asserts that this purchase will facilitate the pre-building of the southern portions of the Alaskan Natural Gas Transportation System (ANGTS). In one application, Northwest Alaskan requested import authorization for a sale to Pacific Interstate Transmission Company (Pac-Interstate) for ultimate delivery to markets served by Southern California Gas Company (So-Cal). In the second application, Northwest Alaskan requested the import authorization for a sale to United Gas Pipe Line Company (United), Northern Natural Gas Company (Northern), and Panhandle Eastern Pipe Line Company (Panhandle).

On June 7, 1978, the Commission granted conditional approval of the requested import authorizations. On July 24, and August 4, 1978, the Commission issued orders denying petitions for rehearing and reconsideration of the June 7, 1978 order.

The Commission's June 7, July 24 and August 4, 1978 orders granting conditional import authorizations were affirmed by the United States Court of Appeals for the District of Columbia Circuit in *Midwestern Gas Transmission Company* v. *FERC*, 589 F.2d 603 (1978).

Subsequent to the issuance of the conditional import authorization and judicial review thereof, other related applications have been filed as follows:

Western Leg

On November 6, 1978, as amended on February 15, 1979, Northwest Alaskan filed an application in Docket No. CP79–59, pursuant to the provisions of Section 7(c) of the Natural Gas Act and ANGTA, for a certificate of public convenience and necessity authorizing the sale of a daily average volume of 240,000 Mcf of natural gas to Pac-Interstate for use in market areas served by So-Cal. The volumes to be sold by Northwest Alaskan to Pac-Interstate are those volumes Northwest Alaskan proposes to import pursuant to the prior Commission orders in Docket Nos. CP78–123, *et al.* In order to effectuate delivery of the Canadian gas to So-Cal, Pacific Gas Transmission Company (PGT), Northwest Pipeline Corporation (Northwest), El Paso Natural Gas Company (El Paso), and Pac-Interstate have entered into various arrangements whereby the gas to be imported and sold to Pac-Interstate for delivery to So-Cal would be transported utilizing existing and/or expanded facilities of PGT, Northwest and El Paso.

In its application Northwest Alaskan states that the volumes of natural gas would be delivered into the facilities of Pacific Gas Transmission Company by Alberta Natural Gas Company, Ltd. (ANG) for the accounts of Northwest Alaskan and Pan-Alberta. The sale by Northwest Alaskan to Pac-Interstate would be concurrent with the delivery by ANG to PGT at the Kingsgate, British Columbia delivery point.

On November 6, 1978, PGT filed an application in Docket No. CP79–60, pursuant to Section 7(c) of the Natural Gas Act and Section 9 of ANGTA, for a certificate of public convenience and necessity authorizing PGT to construct and operate 160.5 miles of 36-inch pipeline loops to be installed in six sections on PGT's pipeline between the U.S.-Canada Boundary and Stanfield, Oregon and further authorizing the transportation of up to 240,000 Mcf of natural gas per day for Pac-Interstate. In its application, PGT states that the proposed facilities would be a "pre-built" portion of the Western leg of the Alaska Highway Pipeline Project approved by the President and Congress under ANGTA. PGT further states that it would receive the gas at the International Boundary and would transport the gas to Northwest's facilities near Stanfield, Oregon for the account of Pac-Interstate.

On November 6, 1978, Northwest filed an application in Docket No. CP79–56, pursuant to Section 7(c) of the Natural Gas Act and Section 9 of ANGTA, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of 240,000 Mcf per day of natural gas for Pac-Interstate. More specifically, Northwest requests authorization to transport 240,000 Mcf of gas per day from a point of interconnection with the facilities of PGT in the vicinity of Stanfield, Oregon to a point in interconnection with the facilities of El Paso in the vicinity of Ignacio, Colorado.

On November 6, 1978, El Paso filed an application in Docket No. CP79–57, pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities on its existing transmission system and the transportation and delivery of up to 240,000 Mcf of natural gas per day for the account of Pac-Interstate. In its application, El Paso states that it would transport the gas received from Northwest through utilization of its interstate transmission system, exanded as proposed in this application, and deliver said gas to So-Cal at an existing delivery point on the Arizona-California Boundary for Pac-Interstate's account.

On November 6, 1978, Pac-Interstate filed its applicatin in Docket No. CP79–58, pursuant to Section 7(c) of the Natural Gas Act and the Alaska Natural Gas Transportation Act, for a certificate of public convenience and necessity authorizing the sale of natural gas to So-Cal. The Pac-Interstate application requests approval for the sale of up to 240,000 Mcf of natural gas per day to So-Cal.

The above applications for the transportation and sale of the volumes of gas to be imported by Northwest Alaskan were noticed by this Commission on December 4, 1978.

Eastern Leg

On February 1, 1979, as amended on February 15, 1979, Northwest Alaskan filed an application in Docket No. CP79–170, pursuant to Section 7(c) of the Natural Gas Act and the provisions of ANGTA, for a certificate of public convenience and necessity authorizing the sale of a daily average quantity of 800,000 Mcf of natural gas to Northern, Panhandle, and United for use in their respective market areas. The volumes to be sold by Northwest Alaskan to Northern, United and Panhandle are those volumes Northwest Alaskan proposes to import pursuant to the prior Commission orders in Docket Nos. CP78–123, *et al.*

Of the 800,000 Mcf, 200,000 Mcf per day would be initially allocated for sale to Northern, 150,000 Mcf per day would be allocated for sale to Panhandle, and 450,000 Mcf per day would be initially allocated for sale to United. Northwest Alaskan states that with the beginning of the third contract year and each year thereafter, Northern may elect to increase its average daily quantity to 250,000 Mcf and, if Northern so elects, the deliveries to United would be decreased by an equal amount.

Northwest Alaskan proposes to purchase such gas from Pan-Alberta and states that said gas would be delivered into the facilities of Northern Border Pipeline Company (Northern Border) by Foothills Pipeline Saskatchewan, Ltd. (Foothills Saskatchewan) for the accounts of Northwest Alaskan and Pan-Alberta and that this sale would be

[1] Pan-Alberta is an affiliate of Alberta Gas Trunkline Company, Ltd., one of the sponsoring companies for the Canadian segment of the Alaskan Natural Gas Transportation System.

concurrent with the delivery by Foothills Saskatchewan to Northern Border at the Monchy, Saskatchewan delivery point.

On January 26, 1979, Northern Border filed a supplemental application in Docket No. CP78–124, pursuant to Section 7 of the Natural Gas Act and the provisions of ANGTA, for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation and delivery of those volumes of gas purchased by Northern, United, and Panhandle from Northwest Alaskan. More specifically, Northern Border proposes to prebuild 809 miles of the 42-inch pipeline extending from a point near Port of Morgan, Montana on the International Border to a point near Ventura, Iowa, which was approved and authorized [2] by the President's Decision and Report on the *Alaskan Natural Gas Transportation System*, issued September 22, 1977. Northern Border states that prebuilding this segment of the approved facilities will permit delivery of Canadian gas directly or by exchange arrangements to the systems of the proposed purchasers (United, Panhandle and Northern).

On February 7 and March 1, 1979, the Commission issued notices of Northwest Alaskan's application in Docket No. CP79–170. On February 7 and 12, 1979, the Commission issued notices of Northern Border's supplemental application.

In accordance with the Commission's Administrative Order No. 3, issued on February 21, 1979, the Director of the Alaska Gas Project Office presided over preliminary, on the record, conferences on March 16, 19, and 20, 1979. The purpose of these preliminary conferences was to encourage the participants to enter into stipulations or other formal or informal agreements that would serve to narrow and define the issues for adjudication. In accordance with Administrative Order No. 3, the Director has reported to the Commission summarizing the results of these on the record discussions and has made certain recommendations for expediting the Commission's consideration of these applications under the mandate of ANGTA. Under Section 9 of ANGTA, these related applications must be expedited and they take precedence over any similar applications before the Commission. We adopt the phasing procedures and expedited procedural dates recommended by the Director, including the consolidation of these related applications for the purposes of hearing.

Discussion

1. *Consolidation for hearing.* As noted, the Commission previously has granted conditional import authorization to Northwest Alaskan. This import authorization was conditioned, *inter alia*, upon the related filings for the construction and operation of all necessary facilities, applications for the sale and transportation of the gas in question, final certification of these related arrangements, and final approval of the imports applied for. A majority of the requisite applications have now been filed.[3] Based on the stated interrelationship between these filings and the ANGTS, the Commission conditionally finds that the sales applications of Northwest Alaskan and all related transportation and downstream sales applications may be "necessary or related to the construction and initial operation of the [ANGTS]" within the meaning of ANGTA. Because Section 9 of ANGTA requires this Commission to expedite consideration of and rulings upon applications related to ANGTS, we shall provide for expedited consideration of the instant applications.[4]

For purposes of hearing, the import applications and all related Section 7 applications for both the Eastern and Western legs are consolidated, and the consolidated proceeding shall be subject to the expedited procedures as hereinafter detailed. The downstream Eastern leg applications will be consolidated when filed. The Commission reserves the right to issue separate decisions on the Eastern and Western legs if it subsequently develops after hearing that the applications with respect to one segment are ripe for decision prior to a decision on the applications for the other segment.

2. *Phasing of hearing.* Pursuant to our statutory duty to expedite as mandated by ANGTA, the Commission establishes the following hearing procedures.

(1) There appears to be a concensus among the parties that phasing these proceedings will expedite final determination by the Commission.[5] The Commission will, therefore, phase the hearing in the manner hereinafter provided. In order to assure that the Presiding Law Judge is afforded the necessary flexibility to develop a full record in these proceedings, we shall permit him to deviate from the phasing and time schedule provided for in this order under certain limited circumstances. If the Presiding Law Judge is of the view that the state of the record requires augmentation or clarification in order to eliminate some deficiency or misunderstanding, he is free to deviate from the procedures set forth herein in order to cure such a defect. If at the time of Commission decision on the applications the requisite counterpart authorizations have not been issued by Canadian regulatory authorities, the Commission may condition any order approving any aspect of these imports to the issuance of satisfactory Canadian export authorizations.

(2) Phase I will be confined to examination of the relationship between the prebuild project and implementation of the ANGTS as approved by the President and the Congress in the *Decision*. The objective of this phase will be development of specific terms and conditions defining the relationship between the prebuild project and the ANGTS as a whole, which conditions are to be attached to any Commission certificates for the prebuild project if subsequently approved by the Commission. In order to facilitate timely development of these conditions, the Presiding Administrative Law Judge is requested to close the record on this Phase and certify it to the Commission no later than July 13, 1979. Briefs to the Commission shall be filed by July 31, 1979, with reply briefs filed by August 13, 1979. To the extent consistent with this time schedule, Phase I should address such matters as: the relationship between the depreciation schedules for the facilities and the allocation of project risks of the pre-built facilities as well as the total ANGTS; the relationship of these imports and related applications to the overall construction and operation of

[2] The approved system for the Eastern Leg is 1,117 miles of 42-inch pipeline, extending from the named point on the Canada-U.S. border to Dwight, Illinois (near Chicago). The size of the authorized pipeline is subject only to certification by the Secretary of Energy to the Commission: "" " " whether there has been any material change in the facts regarding future potential gas supplies for the East or West since the date of this Decision that would warrant certification of such facilities at a different rated capacity than authorized herein." (*Decision*, pp. 39–40). Western Leg facilities which are part of ANGTS are subject to the same requirement.

[3] Additional filings relating to downstream delivery arrangements for gas moving through the Eastern Leg remain to be filed. When filed, the issues raised in such applications shall be heard in Phase II of the hearing process as more fully described hereinafter.

[4] The Court of Appeals for the District of Columbia Circuit in *Midwestern Gas Transmission Company* v. *FERC*, 589 F.2d 603 (1978), has upheld the Commission's determination that the approved import authority is necessary or related to the construction and initial operation of the ANGTS within the ANGTA, and is therefore entitled to expedited consideration under Section 9 of that Act.

[5] Only a few parties filed comments that related to the proposed phasing of these proceedings. These comments did not express general opposition to phasing of the proceedings as provided for in this order.

the ANGTS; any specific benefits of the imports to the ANGTS including possible expedition; and the role of the prebuild project in obtaining financing for the project as a whole.

(3) Phase II will be a general examination of the merits of the prebuild project. Phase II will consider whether the proposed imports meet the standards of Section 3 of the Natural Gas Act and should, therefore, be approved in all respects. Phase II will also include issues relating to the Pan-Alberta—Northwest Alaskan gas purchase contracts; the desirability of these imports from a policy standpoint; the need for the gas to be imported; the Northern Border Partnership Agreement; all issues related to facilities utilized for importation, transportation and sale; gas supplies; the environment; right-of-way; all downstream transportation and exchange arrangements; all issues relating to the resale of the imported gas, including marketability; all costs estimates and financing plans; and any tariff-related issues which are not decided by the Commission in Docket No. RM78–12.[6] Phase II shall also include any issue in Phase I whose consideration could not be completed by the date upon which the record in Phase I was certified to the Commission, but shall not reconsider any issue (in particular, the certificate conditions) that was already fully considered in Phase I.

(4) Phase III shall deal with the various proposals that certain parties contend are competitive with the instant proposal and the needs of these parties for continued or additional supplies of Canadian gas.

The Commission will make provision herein for the Presiding Administrative Law Judge designated to preside over these proceedings to convene a prehearing conference after this order issues for the purpose of fixing appropriate procedural dates for the final two phases of the hearing. The Presiding Judge will submit a report to the Commission on or before June 1, 1979, on the procedural schedule he has established.

Michigan Wisconsin Pipeline Company (Michigan Wisconsin) filed certain comments which, while posing no basic objection to the proposed phasing, did request some clarification of the phasing procedures, particularly those relating to the issues set forth above in Phase I as proposed by the project sponsors.[7] Michigan Wisconsin contends that the issue relative to the desirability of these imports and the relationship and benefits of these imports and related applications and facilities to the ANGTS should not be wholly restricted to their Phase I. Michigan Wisconsin asserts that the facts necessary to quantify and basically general testimony called for in Phase I will be presented in subsequent phases and that Phase III is especially relevant to the general desirability issue that the sponsors would have incorporated into Phase I of this hearing.

The basic reason for phasing the testimony in these proceedings is to fulfill our statutory duty, as mandated by ANGTA, to expedite the proceedings relating to the construction of ANGTS. The phasing of the testimony does not in any way preclude the utilization of detailed testimony introduced in one of the later phases to either support or contest positions taken by parties on any general issues. We do recognize that there may be an essential relationship between the testimony introduced in the various phases provided for in this order. It would be difficult to perceive any objection to a party indicating on the record that portions of the testimony it had presented in a subsequent phase was in support or opposition to a particular presentation made in Phase I. However, no party should be permitted to reiterate any general testimony in any of the subsequent phases. The Presiding Judge has the authority to rule with respect to any disputes between the parties dealing with the scope of the evidence that may be introduced in the various phases.

Midwestern and those parties who contend that they are in a competitive posture with the applicants herein for prospective supplies of Canadian gas request advice relating to the phase in which this issue should be addressed. Phase III is the appropriate place in which to introduce matters relating to their specific needs for Canadian gas and other Canadian import proposals that may be in conflict or competition with the proposal of the applicants. The reservation of the competitive issues for the final phase should facilitate an expeditious and uninterrupted presentation by the applicants and provide those parties that may be in a competitive posture with this proposal with the opportunity of making a full response during the course of their own presentation.

In addition it is possible that the Canadian National Energy Board (N.E.B.) may, before the final phase of these proceedings is concluded, render a determination on one or more of the proposals that certain parties contend are competitive in nature with the proposals of the applicants in the instant proceedings. Such a determination by the N.E.B. could moot or otherwise help clarify the scope of proposals that may be considered as being competitive with the instant proposal to import additional Canadian gas supplies.

Michigan Wisconsin also requests that we clarify whether the "need for the gas to be imported", which is to be addressed by the parties in Phase I, relates to the national need for Canadian gas, or to the needs of the specific importers, or both. In view of the existing energy shortage confronting the nation it would seem that the importation of additional Canadian supplies would tend to ease both the over-all national needs as well as the needs of the specific importers to these consolidated proceedings. It is our opinion that testimony relating both to the national and individual implications of this importation will prove helpful in the developments of a full record in these proceedings. However, it would be more consistent with the prescribed procedures to reserve for the final phase of the hearing the needs of those parties alleging that they are involved in proposals that are by nature competitive with those of the applicants.

On April 6, 1979, the Commission issued its Notice of Proposed Rulemaking in Docket No. RM78–12.[8] At this juncture it is not possible to guage the impact that the final rule promulgated in Docket No. RM78–12 will have with respect to the need for adjudication of the issues that we have included in Phase II. There will of course be no need to adjudicate in these proceedings those tariff-related issues and other Phase II issues pertaining to the pre-delivery of Canadian gas involved herein to the extent that they are decided by the Commission in the rulemaking proceeding. As previously indicated, the Presiding Judge will establish procedural dates for adjuciation of the issues set forth in Phase II and reschedule these dates if that becomes necessary due to the final rule that is ultimately issued in Docket No. RM78–12.

The Commission notes that the applicants have the burden of demonstrating that their applications, as

[6] See Notice of Proposed Rulemaking to Set Values for Incentive Rate of Return, Approve Filed Tariffs and Establish Change of Scope and Inflation Adjustment Procedures in Docket No. RM78–12 issued on April 6, 1979.

[7] See Comments filed with the Director of the Alaska Gas Project Office by Michigan Wisconsin in a letter dated March 28, 1979, which comments were adopted by Midwestern Gas Transmission Company (Midwestern) by letter to the Director of the same date.

[8] See footnote 6, *supra*.

filed, meet the requirements of the Natural Gas Act and the Alaska Natural Gas Transportation Act. As a corollary, any party in opposition to the applications, as filed, has the burden of filing evidence to the contrary if such opposition depends upon facts to be established of record. Provision may be made herein by the Presiding Judge for the filing of answering testimony and the parties opposing the applications filed in these proceedings may file such testimony setting forth the basis of their opposition to these applications.

3. *Other procedural matters.* The project sponsors suggest that the Commission is mandated under the requirements of ANGTA to waive the intermediate decision procedure pursuant to § 1.30(c) of its rules and regulations. Conversely the Commission Staff and several of the other parties contend that an initial decision from the Presiding Judge would be most helpful to the Commission and that the waiver requested by the project sponsors should not be granted. Motions for waiver of the intermediate decision procedure are normally made at the conclusion of a hearing before the Presiding Judge fixes a briefing schedule. There is usually no need for the Commission to determine, prior to the commencement of the formal hearing, whether the intermediate decision procedure should be waived. However, due to the importance that Phase I may have to the implementation of the over-all project, we find it appropriate to waive the intermediate decision procedure with respect to that phase at this time. The parties will be free to make such a motion with respect to the remaining two phases at the conclusion of the hearing and we will entertain such a request at that time. If at the conclusion of the hearing a request for such a waiver is made and granted, the Commission will also, at that time, fix a suitable briefing schedule.

One further procedural issue should be resolved at this time. While numerous parties have petitioned to intervene in these dockets, many parties have not requested a hearing nor indicated their intent to participate in any hearing. Accordingly, the Commission hereby directs the Presiding Administrative Law Judge to establish procedures for a limited service list for all future filings. While any party who has been granted intervention by our order issued today may be placed on the restricted service list, the Commission notes that in prior cases such as this, a large service list has constituted a burden on the Commission, its Staff and all filing parties. Therefore, the Commission requests that only those parties who find it necessary to receive all future pleadings, filings and evidence request to be placed on the restricted service list. Of course, all parties to the proceeding will receive all notices and orders of the Commission.

Prior to this order, the Commission granted intervention to a large number of persons in the start-up phase of these proceedings relating to the application filed by Northwest Alaskan in Docket Nos. CP78–123, *et al.*[9] In our June 7, 1978, order we recognized that additional applications will be filed in the overall proceedings in Docket Nos. CP78–123, *et al.* to cover all its various phases and segments. We noted in that order that while we will entertain petitions to intervene with respect to these subsequent applications at the appropriate time, we will also extend the party status of a person permitted to intervene in a particular overall proceedings. We will continue the practice of extending party status in applications subsequently filed to any person previously permitted to intervene in the proceedings. Therefore, those persons already permitted to intervene herein are not obliged to make a further filing in order to attain party status in any subsequent applications filed in these proceedings.

The Commission publicly noticed the import applications in Docket Nos. CP78–123, *et al.* on April 12, 1978, and provided in that notice for the filing of petitions to intervene and protests on or before April 21, 1978. A large number of petitions to intervene filed in these proceedings, both timely and untimely, have been granted by the Commission. (See footnote 9, *supra.*). A number of additional untimely petitions and notices of intervention in Docket Nos. CP78–123, *et al.* have since been received by the Commission.[10] All of these petitions will be hereinafter granted.

In our June 7, 1978, order issued in Docket Nos. CP78–123, *et al.*, we made the observation that a number of applications remain to be filed in connection with Northwest Alaskan's application. In that order we granted untimely petitions to intervene, absent the required showing of good cause, because certain of the filings necessary to complete the consolidation were still outstanding. As we have previously indicated in this order, there are still a number of applications outstanding that must be filed before these proceedings can be concluded. Due to the unique problems associated with this complex matter, we will continue, as noted, our policy of authorizing a person permitted to intervene in one docket the right to participate in all other dockets that are now or will be consolidated therewith. Moreover, in the unique circumstances of this case, good cause exists to permit all requests for intervention notwithstanding that some may have been filed out of time with no showing of cause having been made.

A number of petitions have also been received requesting permission to intervene in the more recently filed applications that relate to specific segments of the overall project. Some of these petitioners seeking to intervene in specific applications of these consolidated proceedings have not been afforded a party status in any other phase of the overall proceedings in Docket Nos. CP78–123, *et al.* Therefore, we will grant all of the latter petitioners permission to intervene in the instant consolidated proceedings.[11]

We have attached for reference a copy of the memorandum submitted to the Commission by the Director of the Commission's Alaska Gas Project Office. The view's expressed therein do not necessarily reflect the views of the Commission.

The Commission finds: (1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act and the Alaska Natural Gas Transportation Act that the Commission enter upon a hearing concerning the applications of Northwest Alaskan Pipeline Company, Northern Border Pipeline Company, Pacific Gas Transmission Company, Pacific Interstate Transmission

[9] See Commission orders issued in these proceedings on June 7, 1978, and August 4, 1978, granting numerous petitions to intervene in the instant proceedings.

[10] Untimely applications to intervene in Docket Nos. CP78–123, *et al.* were filed by the following petitions: North Central Public Service Company, Division of Donovan Companies, Inc., Central Illinois Public Service Company, Wisconsin Natural Gas Company, *supra*, Firstmiss, Inc., Pacific Gas and Electric Company, Great Lakes Gas Transmission Company, the Upper Tananna Development Corporation, General Service Customer Group, The Brooklyn Union Gas Company, Northern States Power Company (Wisconsin and Minnesota), United Mid-Continent Pipeline Company, Minnesota Gas Company, Metropolitan Utilities District of Omaha (2), and Iowa Public Service Company. The Wisconsin Public Service Commission and the Iowa State Commerce Commission have filed notices of intervention in these proceedings.

[11] Timely petitions by petitioners, not previously granted intervention in any of the applications consolidated in the instant proceedings, were filed in specific applications, consolidated for hearing purposes in this order, by the following persons: Entex Inc., Iowa Electric Light and Power Company, General Motors Corporation, Washington Natural Gas Company and Southern Union Company.

Company, Northwest Pipeline Corporation, El Paso Natural Gas Company and the applications to be filed by Panhandle Eastern Pipe Line Company, Northern Natural Gas Company, and United Gas Pipe Line Company for downstream delivery of the gas subject to these applications.

(2) Participation by the petitioners to intervene listed above may be in the public interest.

(3) Good cause exists to permit those petitioners filing untimely petitions the right to intervene in these proceedings.

(4) The applications filed in Docket Nos. CP78–123, CP78–124, CP79–170, CP79–56, CP79–57, CP79–58, CP79–59 and CP79–60 and the applications to be filed by Panhandle Eastern Pipe Line Company, Northern Natural Gas Company and United Gas Pipe Line Company for downstream delivery of the gas subject to these applications, are conditionally found to be necessary or related to the construction and initial operation of the Alaskan Natural Gas transportation System subject to a final determination that these applications are not inconsistent with the public interest under Section 3 of the Natural Gas Act and that such applications are required by the public convenience and necessity under Section 7 of the Natural Gas Act, where such standard is applicable.

(5) Due to common issues of fact and law consolidation of the foregoing applications is necessary.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7 and 9 thereof, the Alaska Natural Gas Transportation Act, and the Commission's rules and regulations, a public hearing shall be held on the above referenced applications, in the manner provided for in the instant order.

(B) The petitioners named or referenced herein are hereby permitted to intervene as requested subject to the rules of the Commission; provided that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the petitions to intervene, and that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order issued by the Commission in these proceedings.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene and preside at a prehearing conference in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, for the purpose of determining an appropriate procedural schedule for the two final phases of the hearing as more fully described in this order. The date to be fixed for the convening of such a prehearing conference should be sufficiently early so that the Presiding Judge can file a report to the Commission, on or before June 1, 1979, with respect to the procedural schedule he has established.

(D) The Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for the purposes set forth in ordering paragraph (C) above shall preside over the hearing provided for in this order, and shall consistent therewith assure its timely commencement, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further rules and any other procedural dates as provided for in this order and in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

Federal Energy Regulatory Commission,
Washington, D.C., April 19, 1979.

Memorandum for the Commission.
From: John B. Adger, Jr., Director Alaska Gas Project Office.
Subject: Hearing Schedule for "Pre-Build" Applications.

The Commission has now received and noticed almost all of the required filings for the ANGTS sponsors' proposals to construct, in advance of when they would be required for Alaska gas service, certain of the facilities authorized by the President and the Congress under the provisions of the Alaska Natural Gas Transportation Act (ANGTA).[1] The President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System* [2] mentioned the possibility of a "pre-build project" (see, e.g., pp. 92–93), but left for the Commission any consideration of specific proposals which might be developed.

I held three on-the-record conferences regarding these filings (March 16, 19 and 20, 1979), with a fourth on tariff issues (March 27, 1979), some of which also impact the Eastern Leg proposal. The conferences were useful in getting the parties to substantially agree on what the issues are in this proceeding, and to agree that Commission consideration of the issues can and should be phased.

There are two important timing matters which the Commission should try to accommodate in its consideration of the proposals. First, I understand that the ANGTS sponsors will be seeking financial commitments for the project as a whole later on this year. They have asserted that the pre-build project could facilitate obtaining financing for the project. Thus, the role of the pre-build project in the financing of the entire project should be defined in time to be part of presentations to the financial community if it is to have any beneficial effect.

Secondly, the Government of Canada is expected to begin in early summer consideration of specific projects to export natural gas found surplus to Canada's requirements in the recent report of the National Energy Board.[3] Decisions are expected later this year. Representatives of the Canadian Government have publicly stated [4] that Canada would not approve the Canadian portions of the pre-build project without adequate assurances that the entire project would be completed. Accordingly the Commission at the earliest opportunity should speak to the relationship of the pre-build project to completion of the ANGTS.

In addition to the two timing matters, certain specific aspects of the pre-build project as proposed also require Commission evaluation on a threshold issue basis. In particular, tying the depreciation schedules for the pre-build segments to the length of the Canadian gas supply contracts involves some redistribution of risk from that which was inherent in Northwest's proposal filed with the Federal Power Commission in March of 1977. The short depreciation schedules also raise a question with regard to whether transportation charges based on such schedules would constitute "* * * a fee, surcharge, or other payment in relation to the [ANGTS] * * *.", which payments are prohibited prior to completion of the system by finance condition 3 in the *Decision* (pp. 37–38).

Because of matters such as these, I recommend early Commission action in conditioning any approvals which might be granted to the pre-build project with respect to its role in implementation of the rest of the project. I believe the product of Commission consideration of these matters should be a list of specific conditions under which the Commission is prepared to further consider the pre-build applications. I would specifically encourage the Presiding Judge and all parties to explore such conditions fully and completely, but I believe a Commission decision would be best developed directly from the record, and

[1] The filings also cover certain facilities which are in addition to those authorized under ANGTA.

[2] Executive Office of the President, Energy Policy and Planning: *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (referred to as "the *Decision*"); September 1977.

[3] National Energy Board, *Canadian Natural Gas Supply and Requirements*, February 1979.

[4] See, e.g., the testimony of the Honorable Mitchell Sharp, Commissioner of the Canadian Northern Pipeline Agency, before the Standing Committee in the House of Commons on February 13, 1979, and that of Mr. C. G. Edge, Vice-Chairman of the National Energy Board, before the same Committee on February 15, 1979.

would recommend waiving the initial decision.

[Docket Nos. CP 78-123, *et al.*; CP 79-56—60 and CP 78-124]

[FR Doc. 79-13263 Filed 4-27-79; 8:45 am]

BILLING CODE 6450-01-M

Pactex Pipeline Co.; Pipeline Rates: Order on Petition for Declaratory Order

Issued April 19, 1979.

By petition filed August 14, 1978, supplemented August 17, 1978, and modified on October 25, 1978,[1] Pactex Pipeline Company (Pactex) requests that this Commission issue an order that "will allow Pactex or its successors in interests in [a proposed] project, to recover [certain expenditures] through the inclusion of [the expenditures in its proposed] project rate base and the earning of a return thereon on the same basis as other carrier property and that the Commission will allow the expense of operating and maintaining [the project] as operating and maintenance expense for ratemaking purposes."[2]

Pactex is a wholly-owned subsidiary of The Standard Oil Company of Ohio (Sohio) and was organized for the purpose of constructing and operating a crude oil pipeline running approximately 1,033 miles from Long Beach, California to the vicinity of Midland, Texas. Pactex states that the majority of the pipeline to be used in the system is already in place and will be converted from natural gas to crude oil service.[3]

Principal access to the pipeline will be through a new two-berth marine terminal to be constructed in Long Beach, California. The proposed marine oil terminal and tankage at Long Beach will result in air pollution through the emission of hydrocarbon vapors, sulfur oxides, nitrogen oxides and particulate matter to the atmosphere. Pactex states that under applicable federal and state laws and regulations governing air quality in the South Coast Air Basin of California, the requirements for construction and operation of the marine terminal include the amelioration by Pactex of existing sources of air pollution within such Air Basin. In particular, under Section 110 of The Clean Air Act, 42 U.S.C. § 7410, each state is required to adopt a State Implementation Plan which will cause air quality in that state to comply with primary national ambient air quality standards (as defined in Section 109 of the Act) as expeditiously as practicable. As part of its implementation plan, each state is required to provide for a preconstruction review of new or modified air pollution sources and to disapprove the construction of any sources which would interfere with the attainment or maintenance of the primary standards. 40 C.F.R. § 51.18. For areas of the country in which air quality does not meet the primary standards (called non-attainment areas), construction of major new industrial facilities was thus effectively precluded by The Clean Air Act as originally enacted.

In order to allow growth in non-attainment areas while still providing for progress toward the primary standards, the United States Environmental Protection Agency (EPA) developed the concept of emission offsets which was incorporated by Congress into Section 129 of The Clean Air Act Amendments of 1977, P.L. 95-95. Under this concept, a new source can be built in a non-attainment area if (1) its emissions are controlled to the maximum practicable extent and (2) reductions are achieved in existing emissions from other sources in the area such that the net effect of the new source together with its external emission reductions, or offsets, represents a decrease in pollutant emissions. The emission reductions required by The Clean Air Act are slightly greater than one-for-one, although each state is free to adopt more stringent requirements in its State Implementation Plan.

Southern California has one of the most severe air quality problems in the country. The South Coast Air Quality Management District has adopted a new source review rule (Rule 213) implementing The Clean Air Act pursuant to which anyone wishing to construct facilities representing a new source of pollution in the South Coast Air Basin must demonstrate that the effect of the source will be a net benefit to basin air quality. For a business which has no operations in the South Coast Air Basin, the rule requires that compensating emission controls be placed on third-party emission sources. Such controls must eliminate more pollutants than are expected to be emitted by the proposed new facilities.

Pactex states that since it currently has no operations in the South Coast Air Basin, it proposes to provide the required emission offsets by installing pollution control equipment on another party's facilities, namely Southern California Edison Company's[4] Alamitos electric generating station. Specifically, Pactex proposes to construct and install a scrubber system and an oxides of nitrogen emission control system adjacent to the boiler stack at Edison's generating unit No. 6 for the purpose of treating flue gas emitted from such boiler. Pursuant to an arrangement between Pactex and Edison, Pactex will be responsible for all costs associated with acquisition, construction, operation and maintenance of such facilities. All of such facilities shall be the property of Pactex and title shall remain in Pactex. Edison will grant a license to Pactex for a period commensurate with the duration of the agreement to construct and install such facilities on real property owned by Edison.

Edison will operate the facilities and maintain them in such condition as may be required by governmental authorities. Pactex shall be liable for all costs and expenses of construction and operation and maintenance during the term of the agreement, subject to a maximum aggregate amount of $78 million. The proposed agreement between Pactex and Edison will terminate on whichever of the following events occurs first: the passage of approximately fifteen years; the permanent shutdown of Edison's electrical generating Unit No. 6 or the pollution control facilities; or certain other events as set forth in Section 9 of the Construction and Operating Agreement.[5]

Pactex states that since the construction, operation, and maintenance of the pollution control facilities will be very costly, the "manner in which those costs will be treated by the Commission for ratemaking purposes will have a significant impact on the economics of the entire pipeline project." At the time it filed the instant petition, Pactex noted that "a substantial number of governmental permits, authorizations and approvals necessary to commence construction of the pipeline project have been issued, and [it believed] that there is a reasonable chance that the balance will be forthcoming [before the end of 1978]." Pactex then requested that the Commission issue an order making five specific findings so that Pactex "would

[1] Additional information was submitted April 4, 1979.

[2] Petition at 9.

[3] See Opinion Nos. 4 and 4-A, Docket No. CP75-362, approving abandonment by El Paso Natural Gas Company (El Paso) of a section of pipeline which will be used in the Pactex project.

[4] Southern California Edison Company ("Edison"), a California corporation, is an investor-owned utility engaged in the generation and transmission of electrical energy in central and southern California. It services residential, commercial, industrial and wholesale customers in an area which includes the cities of Long Beach, San Bernardino, Santa Monica and Santa Barbara.

[5] A conformed copy of the Construction and Operating Agreement between Pactex and Edison was included in the April 4, 1979, filing made by Pactex.

be able, at that time, to evaluate the economics of the project prior to committing substantial amounts of money and resources." The Commission notes that it does not appear that all the necessary authorizations have yet been received.[6] However, because Pactex may receive all the necessary authorizations in the near future, we believe it to be in the public interest to rule on Pactex's petition now so that when it receives those necessary authorizations, it may then proceed to perform the evaluation of the economics of the project.

Requested Findings and Discussion

As noted previously, Pactex requests five specific findings as follows:

1. The Commission has jurisdiction over the rates to be charged for the use of the pipeline and the related marine terminal;

2. The costs of acquisition, construction and installation of the aforesaid pollution control facilities will be includable in the rate base of the project owner company on which a rate of return may be earned on the same basis as other carrier property;

3. The appropriate property account in which this property should be included for F.E.R.C. accounting purposes and for purposes of calculating valuation is Carrier Property Account 166—Other Property;[7]

4. The appropriate Element Code and Guide Service Life for this property under the ICC Bureau of Accounts' Schedule of Element Codes and Titles, and Guide Service Lives for Oil Pipeline Property (June, 1968) for purposes of calculating valuation is Element Code 102—Miscellaneous and Guide Service Life—15 years (being approximately the longest period during which the aforesaid agreement between Pactex and Edison will be in effect); and

5. Expenditures for operation and maintenance of the pollution control equipment will be treated as expenses for ratemaking purposes and are includable in Accounts 320—Outside Services and 420—Outside Services, respectively, of the ICC Uniform System of Accounts for accounting purposes.

We shall grant the requested finding 1, which relates to our jurisdiction. The Commission was vested with jurisdiction over oil pipelines pursuant to section 402 of the Department of Energy Organization Act, 42 U.S.C. § 7172(b). That provision transferred from the Interstate Commerce Commission to this Commission jurisdiction over rates or charges for the transportation of oil by pipeline. The Commission finds that this jurisdiction extends to and includes the rates to be charged for the use of the pipeline and the related marine terminal.

Insofar as requested findings 2 and 5 relate to rate treatment, we grant these requested findings to the following extent: There would be no doubt that, if the applicable federal and state law required Pactex to install pollution control facilities on carrier property owned by Pactex we would allow a return on the prudent investment in those facilities and all prudently incurred operating and maintenance costs associated therewith. Given the facts underlying this application for a declaratory order and in consideration of the stated national interest to be served by this pipeline,[8] we see no reason to disallow these costs for ratemaking purposes merely because the pollution control facilities are on property owned by others. As stated previously, Pactex has no other facilities in the area of its proposed marine oil terminal. In order for the Pactex project to be built, the relevant environmental standards must be met. The capital and operating costs of these facilities are associated with the Pactex project and, under the unique circumstances of this case, it is appropriate that shippers who use the Pactex line be charged these costs.[9] Accordingly, we grant the requested findings insofar as they seek to include the capital expenditures for the Edison pollution control facilities in Pactex's rate base, and to recover operation and maintenance expenses, subject to the normal showing regarding the prudence of all expenditures. These findings are limited to the facilities detailed in the petition (i.e. a flue gas scrubber and an ammonia injection unit). In addition, these findings do not authorize inclusion in Pactex's rates of any amounts spent by Pactex in excess of its contractual ceiling obligation of $78 million.[10]

In response to that portion of requested finding 2 which would have the Commission determine that the rate base treatment for the pollution control facilities discussed in Pactex's application would be the same as for other carrier property, the Commission finds that these facilities should be generically classed as "property" and should receive whatever rate base treatment the Commission determines to accord to property of the same type. However, Pactex has not filed its initial rates. When Pactex files its initial rates, the Commission will be able to determine the proper rate base treatment for the various categories of carrier property involved in this project, including the precise rate base treatment of the property described in the present application. Accordingly, the Commission will defer ruling on the portion of requesting finding 2 discussed in this paragraph until Pactex files its initial rates with this Commission.

Consistent with the finding in the preceding paragraph, the Commission also finds that a determination as to the proper accounting treatment for these facilities, as set forth in requested findings 3 and 4, is premature. Therefore, the Commission will also defer ruling on requests 3 and 4 until Pactex files its initial rates with this Commission.

As noted previously, Pactex shall be permitted to reflect prudently incurred operation and maintenance expenses for the facilities described in its application in its rates in accordance with accepted ratemaking principles. The Commission also approves the accounting treatment proposed in requested finding 5. The level of expenses which will be permitted for rate treatment shall be determined at such time as Pactex's initial rates are filed.

The Commission orders:

Requested findings 1 and 5 in Pactex's petition are granted as set forth in the body of the order. Requested finding 2 is granted in part and deferred in part, as set forth in the body of the order. A ruling on requested findings 3 and 4 is deferred as set forth in the body of the order.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[Docket No. OR78-10]

[FR Doc. 79-13262 Filed 4-27-79; 8:45 am]

BILLING CODE 6450-01-M

[6] *See*, Washington Post, March 21, 1978, at A14.

[7] The original petition sought inclusion in Account 162—Delivery Facilities. By letter dated October 25, 1978, the petition was modified as shown above.

[8] See Affidavit of Douglas C. Robinson, Assistant Administrator for Regulations and Emergency Planning, Economic Regulatory Administration, Exhibit "A" in this Docket.

[9] It is not clear that all of the air pollution to be offset by the Edison pollution control facilities will be caused by Pactex's operations. Some portion of the pollution may result from movement of tankers into Long Beach Harbor. However, to the extent that the oil carried by these tankers is to be transported through the Pactex line, we have no objection, in the circumstances of this project, to permitting recovery of the cost of the pollution control facilities in Pactex's tariff.

[10] See Petition, Appendix C at 2.

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42

U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States and the Government of Sweden and the Agreement for Cooperation Between the Government of the United States and the European Atomic Energy Community.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following transfer from Sweden to the United Kingdom (Windscale) for the purpose of reprocessing:

Name of Reactor and Owner	No. of Elements	Kgs of U	U-235%	Kgs of Pu
Oskarshamn 1 and 2, Oskarshamnverkets Kraft grupp Aktiebolage	182 (BWR)	13,850	.80	254

The Department of Energy has received a letter of assurance from the Swedish Government that the recovered uranium and plutonium will not be transferred from the Windscale site without prior consent of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: April 26, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-13418 Filed 4-26-79; 1:10 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Governments of the United States and Japan and the Agreement for Cooperation Between the Government of the United States and the European Atomic Energy Community.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following transfers from Japan to the United Kingdom (Windscale) and France (La Hague), for the purpose of reprocessing:

Names of reactor and owner	Number of elements	Kgs of U	U-325%	Kgs of Pu
Tsuruga-1, Japan Atomic Power Co.	28 to Windscale	5,300	1.06	42
Fukushima No. 1, Tokyo Electric Power Co.	244 to Windscale	41,116	.75	266
Takahama No. 2, Kansai Electric Power Co.	30 to La Hague	13,500	.99	82

The Department of Energy has received letters of assurance from the Japanese Government that the recovered uranium and plutonium will not be transferred from the Windscale and La Hague sites without prior consent of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: April 26, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-13423 Filed 4-27-79; 1:10 am]

BILLING CODE 6450-01-M

Public Meetings on DOE 60-Day Coal Study

AGENCY: Department of Energy.

ACTION: Notice of Public Participation on DOE 60-Day Coal Study on Increasing Coal Use.

The President in his Energy Message of April 5, 1979, requested that the Secretaries of the Department of Energy and the Department of Interior and the Administrator of the Environmental Protection Agency report to him on June 5, 1979 on "How Coal Production, Development and Use Can Be Increased." Pursuant to that request, DOE plans to hold a series of meetings with interested parties to solicit their views on the subject. The meetings whose schedule is shown below will be informal and open to the public. They will be held on May 10 and 11.

Under normal conditions DOE policy is to give at least 30 days notice before any public meeting. Because of the limited time available to complete this study DOE has decided to proceed with these meetings despite the limited notice. Invited participants will be asked for oral comments. The presiding officer will permit questions/comments from the audience as time limitations permit. Any person who wishes to submit written statements may do so. Written statements should be submitted to:

Liz Overstreet (202-252-5877), Office of Consumer Affairs, Department of Energy, Mail Stop 8G-031, Washington, D.C. 20585.

no later than May 17, 1979. A document describing the status of the report and issues DOE plans to examine will be available at the meetings. For further information contact: Liz Overstreet as above.

Schedule

Interest groups	Meeting time
Industry/Suppliers—Major Users	May 10, 8-10 a.m.
State and Local Agencies and Organizations	May 10, 10:30-12:30 p.m.
Environmental Organizations	May 10, 2-4 p.m.
Consumer Groups	May 11, 8-10 a.m.
Labor Groups	May 11, 10:30-12:30 p.m.

Location of meeting: Room 8E-069, Forrestal Building, 1000 Independence Ave. S.W., Washington, D.C.

Transcripts of the hearings will be made and the entire record of the meetings, including the transcript, will be retained by DOE and made available for inspection at the Freedom of Information Office, Room GA-152 Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C.

between the hours of 8:00 a.m. and 4:40 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

SUPPLEMENTARY INFORMATION:

Comments should be directed towards the following three general issues:

- What are the major barriers or impediments to increased coal production, development and use in 1980–1990 time frame?
- What kinds of measures should be implemented in this time frame in order to minimize the impediments to increased coal production, development and use.
- What are the costs and benefits associated with the above measures? Which solutions would be the most effective in stimulating coal use and the most acceptable to your interests?

Issued in Washington, D.C. on April 27, 1979.

Alvin L. Alm,

Assistant Secretary, Policy and Evaluation, Department of Energy.

[FR Doc. 79-13569 Filed 4-27-79; 11:29 am]

BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 84
Monday, April 30, 1979

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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	Items
Federal Communications Commission	1, 2, 3
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National Council on Educational Research	9
National Mediation Board	10
National Transportation Safety Board	11
Nuclear Regulatory Commission	12, 13
White House Conference on Library and Information Services	14

1

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, May 3, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Private Radio—1—Frequency assignment policies for 800-MHz trunked mobile radio systems.

Private Radio—2—Shortage of capacity for "Conventional" private land mobile radio systems in the 800 MHz bands.

Private Radio—3—Inquiry concerning the multiple licensing of land mobile radio systems (community repeaters) in bands 806–821 and 851–866 MHz.

This meeting may be continued the following work day to allow the Commission to complete appropiate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: April 25, 1979.

[S-832-79 Filed 4-26-79; 2:55 pm]

[BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2:30 p.m., Thursday, April 26, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open and closed Commission meetings.

CHANGES IN THE MEETINGS: With the exception of the subjects listed below, the open and closed meetings scheduled for Thursday, April 26, 1979, will now be held at 9:30 a.m., Wednesday, May 2, 1979. The following items will be considered beginning at 2:30 p.m., Thursday, April 26, 1979:

Agenda, Item Number, and Subject

Open Meeting

Renewal—1—Petition to deny filed by the Community Coalition for Better Broadcasting against the applications of the Mississippi Authority for Educational Television and for a new UHF translator station at Columbia, Miss.

Renewal—3—Petitions to deny and informal objections filed by the New Jersey Coalition for Fair Broadcasting; Brendan Byrne, Governor of New Jersey; New Jersey Legislative; and Department of the Public Advocate for the State of New Jersey, et al.

Television—1—Motion for expedited consideration for the applications for Seaford, Del.

Common Carrier—1—Complaint of Western Union v. Graphic Scanning, file No. TS 45–74.

Common Carrier—2—Implementation of requirements of the International Maritime Satellite Telecommunications Act (CC Docket No. 79-35).

Common Carrier—3—Graphnet Systems, Inc., consideration of authorizations to provide overseas services as required by court remand in ITT World Communications v. FCC, No. 77-4028 (2d cir, March 22, 1979).

Common Carrier—4—Proposed amendment of accounting rules for telephone companies to provide for expensing station connection costs and to provide accounting requirements for terminal equipment offerings.

Common Carrier—5—In the Matter of Satellite Business Systems, applications for authority to construct domestic communication satellite tracking, telemetary and command earth stations at Castle Rock, Colo. and Clarksburg, Md.

Closed Meeting

Broadcast—1—Planning underway for a Region 2, Administrative Radio Conference for AM broadcasting.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: April 26, 1979.

[S-831-79 Filed 4-26-79; 2:55 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, April 26, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Additional item to be considered at closed Commission meeting following the open meeting.

MATTER TO BE CONSIDERED:

Agenda, Item Number, and Subject

Broadcast—1—Planning underway for a Region 2 Administrative Radio Conference for AM broadcasting.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: April 25, 1979.

[S-830-79 Filed 4-26-79; 2:55 pm]

BILLING CODE 6712-01-M

4

FEDERAL ELECTION COMMISSION.

DATE AND TIME: 10 a.m., Thursday, May 3, 1979.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

Setting of dates for future meetings.
Correction and approval of minutes.
Draft AO 1979-9, John C. Pouland, Treasurer, Texas Democratic Voter Project.
Draft AO 1979-2, continued from April 26, 1979.
Senior Executive Service: 1980 elections and related matters—
Prospective Presidential candidates with political action committees.
Guidelines for submission in good order (matching funds).
Presidential data entry procedures.
Appropriations and budget.
Pending legislation.
Progress report on S. 623.
Classification actions.
Routine administrative matters.

Portions Closed to the Public (following open session)

Compliance, litigation, personnel, labor/management relations.
Audits continued from the meetings of April 11, 19, 25, and 26.

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred S. Eiland, Public Information Officer, Telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary to the Commission.
[S–834–79 Filed 4–26–79; 3:30 pm]
BILLING CODE 6715–01–M

5

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10:00 a.m., May 2, 1979.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, hearing room A.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 275–4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

Power Agenda—290th Meeting, May 2, 1979, Regular Meeting (10 a.m.)

CAP–1. Docket No. ER79–211, Duke Power Co.
CAP–2. Docket No. ER79–139, Appalachian Power Co.
CAP–3. Docket No. ER79–253, Florida Power & Light Co.
CAP–4. Docket No. ER79–213, Public Service Co. of Indiana.
CAP–5. Docket No. ER79–210, Electric Energy, Inc.
CAP–6. Docket No. ER79–131, Georgia Power Co.
CAP–7. Project No. 2809, Maine Hydroelectric Development Corp.
CAP–8. Project No. 2372, Pennsylvania Electric Co.

Miscellaneous Agenda—290th Meeting, May 2, 1979, Regular Meeting

CAM–1. Connecticut Yankee Atomic Power Co.
CAM–2. Hartford Electric Light Co.

Gas Agenda—290th Meeting, May 2, 1979, Regular Meeting

CAG–1. Docket No. RP79–62, Southern Natural Gas Co.
CAG–2. Docket No. CP76–104, Pacific Interstate Transmission Co.
CAG–3. Docket Nos. RP71–130, et al., Texas Eastern Transmission Corp.
CAG–4. Docket No. G–14475, Union Oil Co. of California; Docket No. CI75–749, Marathon Oil Co.; Docket No. CI78–33, Amoco Production Co.; Docket No. CI78–93, Gulf Oil Corp.; Docket No. CI77–370, Union Oil Co.; Docket No. CI76–375, Exxon Corp.; Docket No. CI78–1199, Amoco Production Co.; Docket No. CI78–972, Northwestern Mutual Life Insurance Co.; Docket No. CI78–462, CIG Exploration, Inc.; Docket No. CI77–119, Cities Service Co.; Docket No. CI78–672, Cities Service Co.; Docket No. CI78–932, Ocean Production Co.; Docket No. CI79–311, Freeport Oil Co.; Docket No. CI77–350 (G–5985), Ashland Exploration, Inc.; Docket No. CI75–633, MBT Exploration Co.; Docket No. CI78–889, Pogo Producing Co.; Docket No. CI78–934, Pogo Producing Co.; Docket No. CI78–935, Pogo Producing Co.; Docket No. CI78–936, Pogo Producing Co.; Docket No. CI78–937, Pogo Producing Co.; Docket No. CI78–938, Pogo Producing Co.; Docket No. CI78–939, Pogo Producing Co.; Docket No. CI78–1103, et al., Getty Oil Co.; Docket No. CI78–1104, Getty Oil Co.; Docket No. CI78–864, Shell Oil Co.; Docket No. CI78–463, Tenneco Oil Co.; Docket No. CI78–464, Tenneco Oil Co.; Docket No. CI79–38, Florida Gas Exploretion Co.; Docket No. CS72–973, Brooks Hall Oil Corp.; Docket No. CS75–536, Nancy P. Tonkin; Docket No. CS75–379, Benson-Montin-Greer Drilling Corp.; Docket No. CS78–529, N. P. Energy Corp., Alltah Corp.; Docket No. CI76–629, et al., Continental Oil Co.; Docket No. CI76–766, Getty Oil Co.; Docket No. CI78–625, Shell Oil Co.; and Docket No. CI78–818, Transco Exploration Co.
CAG–5. Docket No. CI78–372, R. J. A. Deseife, Trustee, and Gibbs L. Barer.
CAG–6. Docket No. CI72–692, et al., Pennzoil Oil & Gas, Inc.
CAG–7. Docket No. CP79–95, Michigan Wisconsin Pipe Line Co.
CAG–8. Docket No. CP79–167, Colorado Interstate Gas Co.
CAG–9. Docket No. CP79–161, Transcontinental Gas Pipe Line Corp. and Docket No. CI79–339, Mesa Petroleum Co., et al.
CAG–10. Docket No. CP79–87, Mountain Fuel Supply Co.
CAG–11. Docket No. CP79–103, United Gas Pipe Line Co. and Michigan Wisconsin Pipe Line Co.
CAG–12. Docket No. CP79–158, Kansas-Nebraska Natural Gas Co., Inc.
CAG–13. Docket No. CP79–156, Cities Service Gas Co.

Power Agenda—290th Meeting, May 2, 1979, Reguar Meeting

I. Licensed Project Matters

P–1. Project No. 199, South Carolina Public Service Authority.
P–2. Project No. 2548, Georgia Pacific Corp.

II. Electric Rate Matters

ER–1. Docket No. ER77–485, Carolina Power & Light Co.
ER–2. Docket Nos. ER79–242, ER79–245, ER79–247, ER79–250, ER79–254, and ER79–269, AEP Affiliate Cos.
ER–3. Docket No. E–9555, The Metropolitan Water District of Southern California.
ER–4. Docket No. ER76–90 and ER76–445, Boston Edison Co.

Gas Agenda—290th Meeting, May 2, 1979, Regular Meeting

I. Pipeline Certificate Matters

CP–1. Docket No. CP77–287, Mid-Louisiana Gas Co. and Transcontinental Gas Pipe Line Corp.

Kenneth F. Plumb,
Secretary.
[S–825–79 Filed 4–26–79; 10:57 am]
[BILLING CODE 6740–02–M

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published April 24, 1979; 44 FR 24244.

PREVIOUSLY ANNOUNCED TIME AND DATE OR MEETING: 10:00 a.m., April 25, 1979.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

M–5(B) Natural Gas Pipeline Co. of America, Inland Gas Co., Inc.
M–5(C) TC79–94, et al., Curtailment Impact 1979–80 winter season.

Kenneth F. Plumb,
Secretary.
[S–834–79 Filed 4–26–79; 10:57 am]
BILLING CODE 6740–02–M

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., May 3, 1979.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling (202–377–6677).

MATTERS TO BE CONSIDERED:

Consideration of association request for waiver of liquidity deficiency penalties—First Federal Savings & Loan Association of Walworth County, Delavan, Wisc.

Consideration of claims against the Federal Home Loan Bank Board under the Federal Tort Claims Act.

Concurrent consideration of applications for Permission to Organize—(1) Jack Sutherlin, et al., Covington, La.; and (2) Harold J. Hanson, et al., Covington, La.

Satellite application—Milford Federal Savings & Loan Association, Milford, Mass.

Application for bank membership—Concord Cooperative Bank, Concord, Mass.

Applications for bank membership and insurance of accounts—Grand Prairie Savings & Loan Association, Stuttgart, Ark.

Consideration of proposed amendments regarding mobile home loans.

No. 236, April 26, 1979.
[S–833–79 Filed 4–26–79; 3:04 pm]
BILLING CODE 6720–01–M

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 2:30 p.m., April 26, 1979.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling (202–377–6677).

MATTERS TO BE CONSIDERED: Consideration of report to the bank board on internal review office activities.

ANNOUNCEMENT IS BEING MADE AT THE EARLIEST PRACTICABLE TIME.

No. 230, April 26, 1979.

[S-826-79 Filed 4-26-79; 12:15 pm]

BILLING CODE 6720-01-M

9

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1548-78 filed July 26, 1978; 11:44 a.m.

The National Council on Educational Research hereby gives notice that its May 11, 1979, meeting is **canceled.** The next meeting is scheduled for July 12-13, 1979. Agenda and location of the July meeting will be published in the **Federal Register** at a later date.

PERSON TO CONTACT FOR MORE INFORMATION: Ella L. Jones, Administrative Coordinator, 202/254-7900.

Peter B. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-823-79 Filed 4-26-79; 9:28 am]

BILLING CODE 4110-39-M

10

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Wednesday, May 9, 1979.

PLACE: Board hearing room, eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of board actions taken by notation voting during the month of April, 1979.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's Office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, (202) 523-5920.

Date of notice: April 26, 1979.

[S-829-79 Filed 4-26-79; 1:56 pm]

BILLING CODE 7550-01-M

11

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 24692, April 26, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m. [NM-79-15], Thursday, May 3, 1979.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Rocky Mountain Airways, Inc., DeHavilland DHC-6 Twin Otter, N25RM, near Steamboat Springs, Colo., December 4, 1978.

2. *Highway Accident Report*—Ross Ambulance Service, ambulance high-speed overturn, State Route 116, Littleton, N.H., August 22, 1978.

3. *Pipeline Accident Report*—Mid-America Pipeline System, ruptured 8-inch liquefied petroleum gas pipeline, Donnellson, Iowa, August 4, 1978.

4. *Special Investigation Report on the Safe Transportation of Hazardous Materials*—Hazardous Materials Accident Mapping Standards.

5. *Discussion* of policy concerning oral arguments.

6. *Letters* to attorneys for pilot of *Santa Cruz II* and Empress Lineas Maritimas re *Cuyahoga/Santa Cruz II* marine accident report.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

April 26, 1979.

[S-835-79 Filed 4-26-79; 3:36 pm]

BILLING CODE 4910-58-M

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, April 26, 1979.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Thursday, April 26.

9:30 a.m.

1. Continuation of staff briefing on emergency planning (approximately 1 hour—public meeting).

2. Affirmation session (approximately 10 minutes—public meeting), items as announced.

1:30 p.m.

1. Staff briefing on five-plant shutdown (seismic design) (approximately 1½ hours—public meeting).

2. Continuation of discussion of principal factors related to current status of operating plants (including B&W) (approximately 1½ hours—public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

ADDITIONAL INFORMATION: The previously announced meetings, "Legislative Proposals" and "Bailly" are **Postponed.**

Walter Magee,

Office of the Secretary

[S-827-79 Filed 4-26-79; 1:29 pm]

BILLING CODE 7590-01-M

13

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, May 2, 1979.

PLACE: Commissioner conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Wednesday, May 2

9:30 a.m.: 1. Briefing on steam generator denting and replacement (approximately 1 hour—public meeting).

1:30 p.m.: 1. Discussion of upgrade rule and supporting guidance (approximately 2 hours—closed, exemption 1) (Continued from four 18).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, 202-634-1410.

Walter Magee,

Office of the Secretary.

[S-828-79 Filed 4-26-79; 1:29 pm]

BILLING CODE 7590-01-M

14

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES.

TIME AND DATE: 9 a.m. to 5 p.m. (daily), May 8-9, 1979.

PLACE: Reception Suite, National Museum of History and Technology, Smithsonian Institution, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: White House Conference Status Report:

Special reports:

(1) Richard Neustadt, Assistant Director, White House Domestic Policy Staff.

(2) White House Visit.

(3) Literacy Conference.

(4) Information Community Advisory Committee.

Subcommittee workshops.

Subcommittee reports.

Computer conferencing demonstration.

Committee members comments.

Other business.

CONTACT PERSON FOR MORE INFORMATION: Marilyn K. Gell, Director, (202) 653-6252.

Marilyn K. Gell,

Director

April 23, 1979.

[S-836-79 Filed 4-26-79; 3:45 pm]

BILLING CODE 7527-01-M

Federal Register

Monday
April 30, 1979

Part II

Department of Commerce

Office of the Secretary
Semiannual Agenda of Regulations;
Addendum Containing Regulations of the
National Marine Fisheries Service

DEPARTMENT OF COMMERCE

Office of the Secretary

[50 CFR Ch. II]

Semiannual Agenda of Regulations

AGENCY: U.S. Department of Commerce.

ACTION: Amendment to Semiannual Agenda of Regulations.

SUMMARY: In compliance with Executive Order 12044, the Department of Commerce (DOC) published its first agenda of significant regulatory actions under consideration by its various departmental units in the **Federal Register** on March 7, 1979 (44 FR 12562). Included in the agenda was a list of existing rules and regulations which have been selected for review.

The Department's agenda advised that additional regulatory actions being considered by the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), would be published as an addendum. The NMFS/NOAA regulatory review process has been completed and the DOC agenda is hereby amended.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in this addendum, contact the individual identified as the contact person. Comments or inquiries of a general nature about the addendum should be directed to the following individual: Mr. Robert R. Miki, Director, Office of Regulatory Economics and Policy, Room 7614, U.S. Department of Commerce, Main Commerce Building, Washington, D.C. 20230, Telephone Number: (202) 377-2482.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service, NOAA, as an operating unit of the Department of Commerce, complies with the descriptions, purposes, objectives, timetables, etc., outlined in the March 7, 1979, Department of Commerce Agenda.

The National Marine Fisheries Service, NOAA, has attempted to list all significant regulations under consideration (Schedule A), and to also list those existing regulations that have been scheduled for review during the forthcoming year (Schedule B). The latter list (Schedule B) is not limited to significant regulations; but includes *all* regulations that will be reviewed.

Explanation of Information Contained in This Addendum

The Fishery Conservation and Management Act of 1976 (FCMA), 16 USC 1801 *et seq.*, requires that a preliminary fishery management plan (PMP) be prepared for all fisheries engaged in by foreign fishing nations within the fishery conservation zone (FCZ). The FCZ contains those waters from the outer edge of the United States territorial sea to a distance of 200 miles (i.e., generally from 3 to 200 miles offshore). In addition, for fisheries in the FCZ in which there is domestic fishing, fishery management plans (FMP's) shall be prepared if it is determined that those fisheries require conservation and management measures. Although PMP's apply only to foreign fishing, the FMP's regulate both foreign and domestic fishing. The FMP's, when promulgated, supersede the PMP's regulating the corresponding foreign fisheries. Under the FCMA, eight Regional Fishery Management Councils have been established for the purpose of preparing FMP's for fisheries within their respective areas.

The FCMA requires that certain standards be met in regulating fisheries. Among other factors, the optimum yield (OY) of the fisheries must be specified. This entails the development of appropriate regimes to ensure sound management of involved stocks while taking into account relevant biological, social, and economic factors. Domestic fishermen are given a preferred status by the FCMA. However, for those fisheries in which there exists a surplus over domestic harvest, foreign nations are permitted to fish, provided certain conditions are met. For each fishery, the total allowable level of foreign fishing (TALFF) is determined. Governing International Fishery Agreements (GIFA's) must be executed between the United States and those nations desiring to fish. The TALFF is allocated among foreign nations by the Secretary of State. Allocations are based upon certain standards, such as historic fishing rights and reciprocal fishing privileges. Vessels of foreign nations must apply for and receive permits to fish in the FCZ.

Classes of domestic fishermen regulated under FMP's, if certain standards are met. Such allocations may not be discriminatory and must relate to the conservation and management of the concerned fishery. There may be allocations between the commercial and recreational sectors of the fishery.

In allocating fish stocks, not only those fish caught as the result of directed effort (target catch), but also those fish caught incidentally (incidental catch) are taken into account. Various management tools may be used to effectively regulate fisheries. These may include the limitation of certain types of gear (e.g., bottom trawls, longlines), seasons, and the necessity of opening or closing areas to fishing based upon gear conflicts, conditions of the stocks, or other factors.

The initiation of preparation of FMP's is the responsibility of the eight Regional Fishery Management Councils. In the course of the development of such plans (and regulations) the Councils are required by law to conduct public hearings on the draft plans during which, among other things, alternative means of regulating the fishery are considered. However, at the time the semi-annual regulatory agenda is published, the National Marine Fisheries Service, in the case of many plans, is unable to determine either the specific plan objectives or the alternatives for management since the Councils have not as yet approved such plans nor submitted them to the Secretary of Commerce for review and possible adoption and implementation. Hence, the information about some plans must, of necessity, be quite limited.

Foreign fishing regulations and foreign fee schedules are published yearly (and/or as necessary) in the **Federal Register** to provide foreign nations with the necessary information ("1979 Fee Schedule for Foreign Fishing"—43 FR 57148; "Foreign Fishing, Foreign Fee Surcharge"—43 FR 59507; "Foreign Fishing Regulations—Activities Within the U.S. Fishery Conservation Zone"—43 FR 59292). Guidelines for the development of the FMP's are also published in the **Federal Register** to serve the needs of the Regional Fishery Management Councils.

Juanita M. Kreps,
Secretary of Commerce.

Schedule A.—*Significant Regulations Under Consideration by the Department of Commerce*

Department unit	Title	Contact person
NOAA/NMFS	Determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles (50 CFR Part 226).	Mr. Richard B. Roe, Acting Deputy Director, Office of Marine Mammals and Endangered Species (202) 634-7287.
NOAA/NMFS	Designation of Critical Habitat for the Hawaiian Monk Seal (50 Cfr Part 222).	Dr. R. V. Miller, Research Program Manager, Office of Marine Mammals and Endangered Species (202) 634-7461.
NOAA/NMFS	Regulation Declaring Port Canaveral Navigation Channel A Restricted Fishing Area (50 CFR Parts 222 and 227).	Mr. Richard B. Roe, Acting Deputy Director, Office of Marine Mammals and Endangered Species (202) 634-7287.
NOAA/NMFS	*Section 7 of the Endangered Species Act: Interagency Cooperation (50 CFR Part 402).	Dr. William Aron, Director, Office of Marine Mammals and Endangered Species (202) 634-7454.
NOAA/NMFS	Fish and Wildlife Coordination Act Regulations.	Mr. Kenneth R. Roberts, Acting Director, Office of Habitat Protection (202) 634-7490.
NOAA/NMFS	*Atlantic Mackerel Fishery Management Plan (FMP).	Mr. Robert W. Hanks, Acting Director, Northeast Region (617) 281-3600.
NOAA/NMFS	*Atlantic Squid Fishery Management Plan (FMP).	Mr. Robert W. Hanks, Acting Director, Northeast Region (617) 281-3600.
NOAA/NMFS	*Butterfish Fishery Management Plan (FMP).	Mr. Robert W. Hanks, Acting Director, Northeast Region (617) 281-3600.
NOAA/NMFS	*Extension of Commercial/Recreational Salmon Off California, Oregon, and Washington Fishery Management Plan (FMP) (50 CFR Part 661).	Mr. Donald R. Johnson, Director, Northwest Region (206) 442-7575.
NOAA/NMFS	Fraser River Sockeye and Pink Salmon Fishery.	Mr. Donald R. Johnson, Director, Northwest Region (206) 442-7575
NOAA/NMFS	*Gulf of Alaska Groundfish Fishery Management Plan Regulations.	Mr. Harry L. Rietze, Director, Alaska Region (907) 586-7221.
NOAA/NMFS	*High Seas Salmon Fishery Management Plan (FMP).	Mr. Harry L. Rietze, Director, Alaska Region (907) 586-7221.
NOAA/NMFS	*Pacific Billfish Preliminary Fishery Management Plan (PMP).	Mr. Gerald V. Howard, Director, Southwest Region (213) 548-2575
NOAA/NMFS	Pacific Halibut Fisheries Regulations	Mr. Donald R. Johnson, Director, Northwest Region (206) 442-7575
NOAA/NMFS	*Stone Crab Fishery Management Plan (FMP).	Mr. William H. Stevenson, Director, Southeast Region (813) 993-3141.
NOAA/NMFS	*Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan (PMP).	Mr. Donald R. Johnson, Director, Northwest Region (206) 442-7575
NOAA/NMFS	*Trawl and Herring Gillnet Fishing in the Eastern Bering Sea Preliminary Fishery Management Plan (PMP).	Mr. Harry L. Rietze, Director, Alaska Region (907) 586-7221.

* Indicates that regulatory action under consideration will likely require Regulatory Analysis because of the anticipated consequences associated with the proposal.

National Marine Fisheries Service, NOAA

Determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles (50 CFR Part 226)

(a) Description and Need for Regulation:

On October 4, 1978, the National Marine Fisheries Service (NMFS) published proposed determination of Critical Habitat for Kemp's ridley and loggerhead sea turtles in the Port Canaveral navigation channel, Cape Canaveral, Florida. The action was taken to provide protection to endangered and threatened sea turtles hibernating in the channel.

(b) Legal Authority:

Endangered Species Act of 1973 (P.L. 93-205) (87 Stat. 884) (16 U.S.C. 1531-1543)

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes ☐, no ☐, unknown x)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) Proposal in proposed form appeared on (October 4, 1978)

(ii) In final form (October 1979)

(e) Tentative Plan for Obtaining Public Comments:

Proposed regulations were published in the **Federal Register** on October 4, 1978. The proposal solicited public comments and hearing requests. On November 27, 1978, a supplemental notice was published which extended the comment period; announced the holding of a public meeting and hearing; and requested comments on economic impacts of the designation. Notice of the proposed regulation and meeting/hearing was published in two local newspapers and offered for publication in three scientific journals. The proposed regulation and environmental assessment were sent to state and local government officials, Federal agencies, Congressional offices, conservation organizations, and selected individuals.

(f) Major Issues Surrounding Proposed Regulation Action:

The environmental assessment determined that the proposed Federal action is not a major action having significant impact on the quality of the human environment. The major effect of designating this area as Critical Habitat will be to require any Federal agency that authorizes funds or carries out activities that might result in the destruction or adverse modification of the area to comply with section 7 of the Act.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes ☐, no ☐, unknown x)

(i) Anticipated date of draft analysis (not determined)

(ii) Anticipated date of final analysis (not determined)

(2) Other Documents Available: Environmental Impact Assessments: Proposed Determination of Critical Habitat for the Kemp's Ridley and Loggerhead Sea Turtles in the Port Canaveral Navigation Channel. September 1978.

(h) Agency Contact:

Mr. Richard B. Roe, Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, Phone: (202) 634-7287.

Designation of Critical Habitat for the Hawaiian Monk Seal (50 CFR Part 222)

(a) Description and Need for Regulation:

Designation of Critical Habitat for the Hawaiian Monk Seal is pursuant to the Endangered Species Act of 1973, as amended. The Act requires that critical habitat be designated for endangered and threatened species now listed in accordance with the Act. Critical habitat means the specific areas within (or outside) the geographical range of the species on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection.

(b) Legal Authority:

Endangered Species Act of 1973 (Pub. L. 93-205) (87 Stat. 884) (16 U.S.C. 1531-1543)

(c) Importance of Regulations:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes ☐, no ☐, unknown x)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed from (*June 1, 1979*)

(ii) In final form (*Fall 1979*)

(e) Tentative Plan for Obtaining Public Comments:

Public comment and consultation with state and local governments will be

solicited at all stages of the process of designation, including those opportunities available through the National Environmental Policy Act process. Public comments will also be solicited when the proposed area(s) designated are published in the **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Impact of the designation on state and Federal activities within, and adjacent to, the critical habitat; economic impact of the proposed area designation on the private sector; effectiveness of the area designation on increasing the likelihood of the survival of endangered species; ecological impact of the area designation on the associated flora and fauna within, and adjacent to, the critical habitat.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes ☐, no ☐, unknown x)

(i) Anticipated date of draft analysis (*not determined*)

(ii) Anticipated date of final analysis (*not determined*)

(2) Other Documents Available: None

(h) Agency Contact:

Dr. R.V. Miller, Research Program Manager, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, Phone: (202) 634–7461.

Regulation Declaring Port Canaveral Navigation Channel A Restricted Fishing Area (50 CFR Parts 222 and 227).

(a) Description and Need for Regulation:

On November 22, 1978, the National Marine Fisheries Service (NMFS) published in the **Federal Register** emergency regulations, effective for a period of 120 days, declaring the Port Canaveral navigation channel, Cape Canaveral, Florida, a restricted fishing area (43 FR 54639). The use of any commercial trawl gear in this area during the emergency period is prohibited. This action was taken to protect endangered and threatened species of sea turtles hibernating in this area from shrimp trawling operations. Regulations will be proposed to modify or extend these regulations beyond the emergency period.

(b) Legal Authority:

Endangered Species Act of 1973 (Pub. L. 93–205) (87 Stat. 884) (16 U.S.C. 1531–1543)

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes ☐, no ☐, unknown x)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*April 1979*)

(ii) In final form (*September 1979*)

(e) Tentative Plan for Obtaining Public Comments:

Emergency regulations were published in the **Federal Register** on November 22, 1978. This publication solicited public comments on the disirability of extending or modifying these regulations and announced the time, date, and place of a public hearing on this matter.

(f) Major Issues Surrounding Proposed Regulatory Action:

The environmental assessment determined that the proposed Federal action is not a major action having significant impact on the quality of the human environment. It was concluded that area closure to commercial trawling would have an insignificant impact on the overall fishing activities in the Canaveral area.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes ☐, no ☐, unknown x)

(i) Anticipated date of draft analysis (*not determined*)

(ii) Anticipated date of final analysis (*not determined*)

(2) Other Documents Available: Environmental Assessment on Emergency Regulations Declaring the Port Canaveral Navigation Channel a Restricted Fishing Area. November 15, 1978

(h) Agency Contact:

Mr. Richard B. Roe, Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235. Phone (202) 634–7287.

Section 7 of Endangered Species Act: Interagency Cooperation (50 CFR Part 402)

(a) Description and Need for Regulation:

In January 1978, the National Marine Fisheries Service (NMFS) and the Fish and Wildlife Service (FWS) published final regulations describing how consultation with federal agencies under Section 7 of the Endangered Species Act of 1973 was to be carried out. In November 1978, the President signed the Endangered Species Act Amendments of 1978. This regulation will amend the January 1978 regulation to conform to the new statutory requirements. The Interior Department will be responsible for compliance with E.O. 12044.

(b) Legal Authority:

Endangered Species Act of 1973 as Amended (16 U.S.C. 1531–1543)

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*not determined*)

(ii) In final form (*not determined*)

(e) Tentative Plan for Obtaining Public Comments:

Under discussion with the Fish and Wildlife Service; exact dates of action unknown.

(f) Major Issues Surrounding Proposed Regulatory Action:

When is it necessary to prepare a biological assessment What should be contained in it? What procedures should be followed during consultations?

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)

(i) Anticipated date of draft analysis (*not determined*)

(ii) Anticipated date of final analysis (*not determined*)

(2) Other Documents Available: None

(h) Agency Contact:

Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, Phone: (202) 634–7454.

Fish and Wildlife Coordination Act Regulations

(a) Description and Need for Regulation:

Defines requirements and procedures that must be met for fully complying with the Fish and Wildlife Coordination Act (FWCA).

(b) Legal Authority:

President's Water Policy Memorandum issued July 12, 1978, Fish and Wildlife Coordination Act (16 U.S.C. 661), Fish and Wildlife Act of 1956 (16 U.S.C. 742–(a–k)).

(c) Importance of Regulations:

(i) Is the regulation significant? (yes x, no ☐ unknown ☐)

(ii) Is the regulations major? (yes ☐, no x, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*April 1, 1979)*

(ii) In final form (*July 1, 1979)*

(e) Tentative Plan for Obtaining Public Comments:

Joint NOAA/Interior Notice of Intent to proposed rules was published in **Federal Register** on September 29, 1978; Proposed (draft) regulations to be published in **Federal Register** in April 1979, and distributed widely to those state governments, Federal agencies, and public groups known to be interested (60-day public review); Public hearings to held in Washington, D.C.; Sacramento, California; Denver, Colorado (tentatively scheduled for April 1979).

(f) Major Issues Surrounding Proposed Regulatory Action:

(1) Applicability of FWCA to a variety of Federal activities including outer Continental Shelf oil and gas leases, permits, licenses, grants, financial or technical assistance, or other projects affecting waters of the U.S. and oceanic waters; (2) assessment methods to be used to evaluate wildlife resource values and project effects on those values; (3) establish a definition of "equal consideration of wildlife" in planning projects and "justifiable measures" for wildlife conservation; (4) degree of involvement by National Marine Fisheries Service (NMFS) field biologists in the planning process of Federal construction and regulatory agencies; (5) geographic or functional jurisdiction of NMFS and of U.S. Fish and Wildlife Service (FWS) in estuarine and marine waters and waters supporting anadromous or commercial species of fish; (6) funding of NMFS Regional Offices by Federal construction agencies for FWCA studies of various types of projects—primarily Federal projects.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes ☐, no x unknown ☐)

(i) Anticipated date of draft analysis (*not applicable*)

(ii) Anticipated date of final analysis (*not applicable*)

(2) Other Documents Available: None

(h) Agency Contact:

Mr. Kenneth R. Roberts, Acting Director, Office of Habitat Protection, National Marine Fisheries Service, Washington, D.C. 20235, Phone: (202) 634–7490.

Atlantic Mackerel Fishery Management Plan (FMP)

(a) Description and Need for Regulation:

Implementation of Atlantic Mackerel FMP. Regulates foreign and domestic fishermen in Fishery Conservation Zone (FCZ) of Atlantic Ocean.

(b) Legal Authority:

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

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*March 1979*)

(ii) In final form (*May 1979*)

(e) Tentative Plan for Obtaining Public Comments:

Publish proposal in **Federal Register.**

(f) Major Issues Surrounding Propsed Regulatory Action:

Optimum Yield of Atlantic Mackerel. Allocation between commercial and recreational domestic users.

(g) Documents Available to interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)

(i) Date of draft analysis (*February 1979*)

(ii) Anticipated date of final analysis (*May 1979*)

(2) Other Documents Available: Atlantic Mackerel Fishery Management Plan

(h) Agency Contact:

Mr. Robert W. Hanks, Acting Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, Phone: (617) 281–3600.

Atlantic Squid Fishery Management Plan (FMP)

(a) Description and Need for Regulation:

Implementation of Squid Fishery Management Plan (FMP). Regulates domestic and foreign harvest of squid in the Fishery Conservation Zone (FCZ) of the Atlantic Ocean.

(b) Legal Authority:

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

(c) Importance of Regulations:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*March 1979*)

(ii) In final form (*May 1979*)

(e) Tentative Plan for Obtaining Public Comments:

Will be published in the **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Optimum yield of Atlantic Squid. Appropriate allocation among domestic and foreign user.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)

(i) Date of draft analysis (*February 1979*)

(ii) Anticipated date of final analysis (*May 1979*)

(2) Other Documents Available: Atlantic Squid Fishery Management Plan.

(h) Agency Contact:

Mr. Robert W. Hanks, Acting Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, Phone: (617) 281–3600.

Butterfish Fishery Management Plan (FMP)

(a) Description and Need for Regulation:

Implementation of Butterfish Fishery Management Plan Regulation of domestic and foreign fishing for butterfish in the Fishery Conservation Zone (FCZ) of the Atlantic Ocean.

(b) Legal Authority:

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

(c) Importance of Regulations:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*April 1979*)
(ii) In final form (*June 1979*)

(e) Tentative Plan for Obtaining Public Comments:

Will be published in the **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Optimum yield of butterfish. Allocation among foreign and domestic users.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)
(i) Date of draft analysis (*February 1979*)
(ii) Anticipated date of final analysis (*May 1979*)
(2) Other Documents Available: Butterfish Fishery Management Plan.

(h) Agency Contact:

Mr. Robert W. Hanks, Acting Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, Phone: (617) 281–3600.

Extension of Commercial/Recreational Salmon off California, Oregon, and Washington Fishery Management Plan (FMP) (50 CFR Part 661)

(a) Description and Need for Regulation:

Regulates the domestic troll fishery for salmon in the Fishery Conservation Zone (FCZ) off California, Oregon, and Washington.

(b) Legal Authority:

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

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)
(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (March 1979)
(ii) In final form (June 1979)

(e) Tentative Plan for Obtaining Public Comments:

Will be published in the **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Length of fishing season. Allocation among domestic user groups.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)
(i) Anticipated date of draft analysis (not determined)
(ii) Anticipated date of final analysis (not determined)
(2) Other Documents Available: Commercial and Recreational Salmon FMP Amendment; Commercial and Recreational Salmon Fisheries off the coasts of Washington, Oregon, and California FMP amendment.

(h) Agency Contact:

Mr. Donald R. Johnson, Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109. Phone: (206) 442–7575.

Fraser River Sockeye and Pink Salmon Fishery

(a) Description and Need for Regulation:

Regulates all fishing for sockeye or pink salmon conducted in United States convention waters during the time of the International Pacific Salmon fisheries Commission exercises jurisdiction over the sockeye salmon and pink salmon fishery. The regulation will ensure an orderly and rational fishery so that equitable catches will be made by fisherman of both the United States and Canada. The regulation will also ensure that adequate escapement will occur to guarantee production of future stocks.

(b) Legal Authority:

16 U.S.C. 776–776F

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)
(ii) Is the regulation major? (yes ☐, no ☐, unknown x)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (not determined)
(ii) In final form (not determined)

(e) Tentative Plan for Obtaining Public Comments:

Will be published as proposed regulations in the **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Protection, preservation, and extension of the sockeye and pink salmon fisheries of the Fraser River System.

(g) Documents Available to Interested Parties:

(l) Regulatory Analysis Required: (yes ☐, no ☐, unknown x)
(i) Anticipated date of draft analysis (not determined)
(ii) anticipated date of final analysis (not determined)
(2) Other Documents Available: Sockeye or Pink Salmon Fishery Act of 1947; amendment to the protocol to the Convention between the United States and Canada for the protection, preservation and extension of the sockeye salmon fishery of the Fraser River System (December 28, 1956).

(h) Agency Contact:

Mr. Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109, Phone: (206) 442–7575.

Gulf of Alaska Groundfish Fishery Management Plan Regulations

(a) Description and Need for Regulation:

Regulates foreign and domestic trawling and longlining for groundfish in the Fishery Conservation Zone (FCZ) of the Gulf of Alaska.

(b) Legal Authority:

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

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)
(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable) Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*March 1979*)
In final form (*May 1979*)

(e) Tentative Plan for Obtaining Public Comments:

Will be published in **Federal Register** as proposed regulations.

(f) Major Issues Surrounding Proposed Regulatory Action:

Optimum yield of stocks; incidental catches; area allocations.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)
(i) Anticipated date of draft analysis (*not determined*)
(ii) Anticipated date of final analysis (*not determined*)

(2) Other Documents Available: Gulf of Alaska Groundfish Fishery Management Plan (FMP) and amendments.

(h) Agency Contact:

Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Post Office Box 1668, Juneau, Alaska 99802, Phone: (907) 586–7221.

High Seas Salmon Fishery Management Plan (FMP)

(a) Description and Need for Regulation:

Regulates domestic troll salmon fishery in Fishery Conservation Zone (FCZ) off Alaska.

(b) Legal Authority:

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

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*April 1979*)

(ii) In final form (*June 1979*)

(e) tentative Plan for Obtaining Public Comments:

Will be published in **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Controlling fishing effort on stocks.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)

(i) Anticipated date of draft analysis (*not determined*)

(ii) Anticipated date of final analysis (*not determined*)

(2) Other Documents Available: High Seas Salmon Fishery Management Plan.

(h) Agency Contact:

Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Phone: (907) 586–7221.

Pacific Billfish Preliminary Fishery Management Plan (PMP)

(a) Description and Need for Regulation:

Implementation of Pacific Billfish Preliminary Fishery Management Plan. Regulates foreign longline fishing in Fishery Conservation Zone (FCZ) off Hawaii, Guam, and American Samoa.

(b) Legal Authority:

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

(c) Importance of Regulations:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable: Anticipated dates Proposal will appear in **Federal Register:**

(i) In proposed form (*March 1979*)

(ii) In final form (*June 1979*)

(e) Tentative Plan for Obtaining Public Comments:

Will be published in **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Controlling incidental catch of billfish by foreign longliners.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)

(i) Anticipated date of draft analysis (*not determined*)

(ii) Anticipated date of final analysis (*not determined*)

(2) Other Documents Available: Pacific Billfish Fishery Management

(h) Agency Contact:

Mr. Gerald V. Howard, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California, Phone: (213) 548–2575.

Pacific Halibut Fisheries Regulations

(a) Description and Need for Regulation:

Regulates fishing for halibut in areas under jurisdiction of the International Pacific halibut Commission in the territorial waters and high seas off the western coast of Canada and the U.S. Regulations will provide for orderly fishery that will harvest the maximum amount of fish; but not reduce the basic productivity of the stocks.

(b) Legal Authority.

Art. III, 5 U.S.T.5; TIAS 2900

(c) Importance of Regulation:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes ☐, no ☐, unknown x)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (*not determined*)

(ii) In final form (*not determined*)

(e) Tentative Plan for Obtaining Public Comments:

Proposed regulations will be published in **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Maximum sustainable yield of Pacific halibut, fishing seasons, size limits, and quotas. The International Convention is scheduled to expire in the near future.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes ☐, no ☐, unknown x)

(i) Anticipated date of draft analysis (*not determined*)

(ii) Anticipated date of final analysis (*not determined*)

(2) Other Documents Available: Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea (March 2, 1953).

(h) Agency Contract:

Mr. Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109, Phone: (206) 442–7575.

Stone Crab Fishery Management Plan (FMP)

(a) Description and Need for Regulation:

Implementation of Stone Crab Fishery Management Plan Controls domestic harvest of stone crabs in Fishery Conservation Zone (FCZ) off the southwest coast of Florida.

(b) Legal Authority:

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

(c) Importance of Regulations:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (April 1979)

(ii) In final form (June 1979)

(e) Tentative Plan for Obtaining Public Comments:

Publication in the **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Establishment of management measures which will control harvest of stone crabs and which will minimize

gear conflicts between shrimp fishermen and stone crab fishermen.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)

(i) Date of draft analysis (January 1979)

(ii) Date of final analysis (April 1979)

(2) Other Documents Available: Stone Crab Fishery Management Plan.

(h) Agency Contact:

Mr. William H. Stevenson, Director, Southwest Region, National Marine Fisheries Services, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702, Phone: (813) 993–3141.

Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan (PMP)

(a) Description and Need for Regulation:

Implements Trawl Fishery of Washington, Oregon and California PMP. Regulates foreign trawl fishery in Fishery Conservation Zone (FCZ) off of Washington, Oregon and California.

(b) Legal Authority:

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

(c) Importance of Regulations:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (March 1979)

(ii) In final form (May 1979)

(e) Tentative Plan for Obtaining Public Comments:

Will be published in the **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Regulating allowable levels of incidental catch.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)

(i) Anticipated date of draft analysis (not determined)

(ii) Anticipated date of final analysis (not determined)

(2) Other Documents Available: Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan.

(h) Agency Contact:

Mr. Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109, Phone: (206) 442–7575.

Trawl and Herring Gillnet Fishing in the Eastern Bering Sea Preliminary Fishery Management Plan (PMP)

(a) Description and Need for Regulation:

Regulates foreign trawl and herring gillnet fishery in the Eastern Bering Sea.

(b) Legal Authority:

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

(c) Importance of Regulations:

(i) Is the regulation significant? (yes x, no ☐, unknown ☐)

(ii) Is the regulation major? (yes x, no ☐, unknown ☐)

(d) Timetable—Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (March 1979)

(ii) In final form (May 1979)

(e) Tentative Plan for Obtaining Public Comments:

Will be published as proposed regulations in **Federal Register.**

(f) Major Issues Surrounding Proposed Regulatory Action:

Optimum yield of stocks; allocation among domestic users.

(g) Documents Available to Interested Parties:

(1) Regulatory Analysis Required? (yes x, no ☐, unknown ☐)

(i) Anticipated date of draft analysis (not determined)

(ii) Anticipated date of final analysis (not determined)

(2) Other Documents Available: Trawl and Herring Gillnet Fishery of the Bering Sea and Aleutian Islands PMP.

(h) Agency Contact:

Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Phone: (907) 586–7221.

Schedule B.—Regulations Selected for Review by DOC Departmental Units

[Calendar Year 1979]

Title of regulation	Responsible operating unit	Legal authority	Proposed date for start of review	Target date for completion of review	Contact person and address
*Administration of Pribilof Islands (Marine Mammals) (50 CFR Part 215, Subpart B).	NOAA/NMFS	16 U.S.C. 1151–1187	Not determined	Not determined	Mr. Walter Kirkness, Director, Pribilof Islands Program (206) 442–7776.
*Regulated Commercial Fisheries (50 CFR Part 240).	NOAA/NMFS	16 U.S.C. 981–991	April 1979	Fall 1979	Mr. Carmen Blondin, Deputy Director, Office of International Fisheries (202) 634–7267.
*Salmon Fisheries (50 CFR Part 241)	NOAA/NMFS	16 U.S.C. 986	April 1979	Fall 1979	Mr. Carmen Blondin, Deputy Director, Office of International Fisheries (202) 634–7267.
*Continental Shelf Fisheries Resource (50 CFR Part 295).	NOAA/NMFS	16 U.S.C. 1084, 1085	April 1979	Fall 1979	Mr. William P. Allen, Fishery Management Officer, Permits and Regulations Division (202) 634–7265.
**Field Organization of the National Marine Fisheries Service (50 CFR 210).	NOAA/NMFS	5 U.S.C. 301	March 1979	Fall 1979	Mr. Winfred H. Meibohm, Executive Director (202) 634–7292.
**Offshore Shrimp Fisheries Act (50 CFR Part 245).	NOAA/NMFS	16 U.S.C. 1100(b) and 1100(b) note	June 1979	Not determined	Mr. Keith Brouillard, Staff Assistant (202) 634–7267.
**Uniform Standards for Organization, Practices and Procedures—Regional Fishery Management Councils (50 CFR Part 601, Subpart C).	NOAA/NMFS	16 U.S.C. 1852, 1854 and 1855	March 1979	Fall 1979	Mr. Winfred H. Meibohm, Executive Director (202) 634–7292.
**U.S. Standards for Grades of Frozen Fried Scallops (50 CFR Part 266, Subpart B).	NOAA/NMFS	7 U.S.C. 1621–1630	Not determined	Not determined	Mr. James R. Brooker, Staff Specialist (202) 634–7458.
**U.S. Standards for Grades of Raw Headless Shrimp (50 CFR Part 265, Subpart A).	NOAA/NMFS	7 U.S.C. 1621–1630	Not determined	Not determined	Mr. James R. Brooker, Staff Specialist (202) 634–7458.

*Addendum.

**Included in March 7, 1979, Department of Commerce Agenda.

[FR Doc. 79-12974 Filed 4-27-79; 8:45 am]

BILLING CODE 3510-22-M

federal register

Monday
April 30, 1979

Part III

Environmental Protection Agency

Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 201]

Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers

AGENCY: Environmental Protection Agency.

ACTION: Correction to Notice of Proposed Rulemaking.

SUMMARY: This is a notice of corrections to the **Federal Register** published April 17, 1979 at pages 22960 to 22972, titled "Environmental Protection Agency [40 CFR Part 201] Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers."

FOR FURTHER INFORMATION CONTACT: Dr. William E. Roper, Office of Noise abatement and Control, (703) 557–7747.

Corrections

Errors, were made to: Line 67, column 3 on page 22963. Line 2, column 2 on page 22966. Table 4.1 on page 22964. Table 4.3 on page 22965–22966. Table 4.4 on page 22966. Paragraph 201.26(d)(1) on page 22971. Figures 2 and 3 were deleted

Corrected line 67, column 3 on page 22963 is as follows: "we reviewed several types of descriptors"

Corrected line 2, column 2 on page 22966 is as follows: "and rely on assumptions regarding"

Corrected Tables 4.1, 4.3, and 4.4 and corrected paragraph 201.26(d)(1) are as follows:

Table 4.1.—Noise abatement techniques To Limit Flat and Hump yard Noise to $L_{dn} = 70$

Technique	Flat yard	Hump yard
Refrigerator car Treatment	X	X
Switch Engine Treatment	X	X
Relocate or Enclose Load Cell Test Site	X	X
Relocate or Shut Down Idling Locomotive	X	X
Retarder Noise barriers		X

Table 4.3.—*Cost Estimates for Noise Abatement of U.S. Railroads to Reach L_{dn} 70*

Noise sources	Control techniques			
Type	Type	Unit cost	Capital costs ($000)	Annualized costs ($000)
Hump Yards: 124:				
Master Retarders	Barrier Sets	$22,500	$2,790	$594
Group Retarders	Barrier Sets	15,000	11,160	2,374
Switch Engines	Mufflers and Fan Treatment	1,200	372	170
Load Test Site	Relocate or Enclose	90,000	2,790	575
Measurement	Instrumentation	10,000	1,240	582
Subtotal—Hump yard costs			18,352	4,295
Flat Classification Yards: 1113:				
Switch Engines	Mufflers and Fan Treatment	1,200	3,340	1,527
Load Test Site	Relocate or Enclose	90,000	16,650	3,430
Measurement				1,013
Subtotal—Flat classification yard costs			19,990	5,970
Industrial Yards: 1361:				
Switch Engines	Mufflers and Fan Treatment	1,200	4,142	1,894
Measurement	Instrumentation	10,000	4,630	4,311
Subtotal—Industrial yards			8,772	6,205
Refrigerator Cars	Mufflers and Fan Treatment	110	2,640	328
Grand Total			49,754	16,798

Table 4.4.—*Additional Costs for Hump Yard Facilities To Go From L_{dn} 70 to 65*

Hump Yards: 124:				
Master and Group Retarders	Ductile Iron Shoes	$112,000		$13,861
Inert Retarders	Releasable Retarders	10,000	39,960	10,496
Total—Hump yard costs			39,960	24,357

(d) *Alternative Microphone Locations.* (1) If the criteria of Sec. 201.26 do not permit measurements at the distances defined above, the measurement location may be adjusted within the distance limits listed in Table 3 below. When such an alternate location is selected, the measured maximum sound level shall be adjusted by addition of the amount listed in Table 3 for the appropriate distance.

The deleted Figures 2 and 3 are attached.

Dated: April 19, 1979.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation (ANR–443)

[Docket No. ONAC 78–01; FRL 1053–8]

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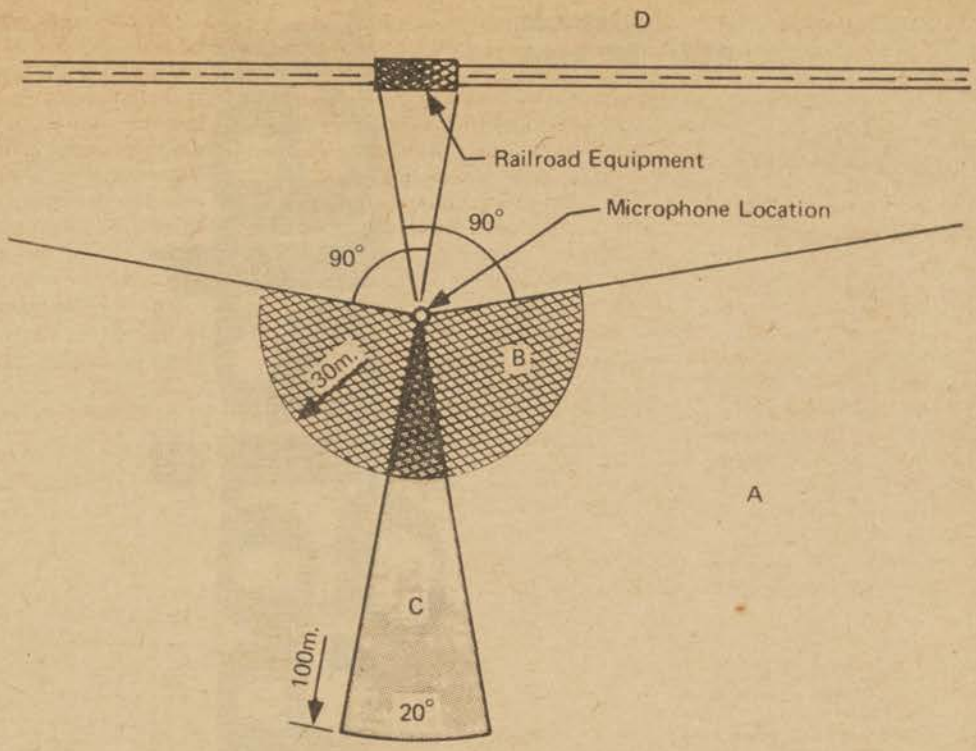

Figure 2. Microphone Location and Areas of Consideration for Retarder, Car Coupling and Refrigerator Car Tests

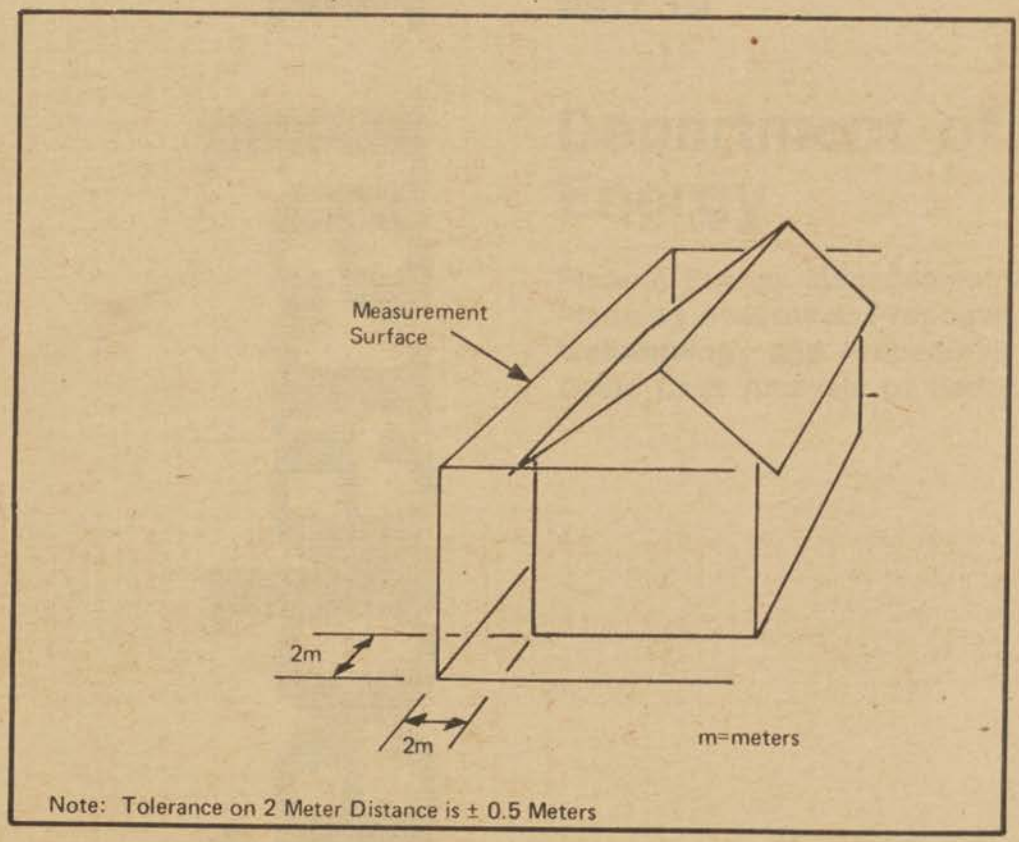

Figure 3. Example of Residential Dwelling Measurement Surface

[FR Doc. 79-13051 Filed 04-27-79; 8:45 am]

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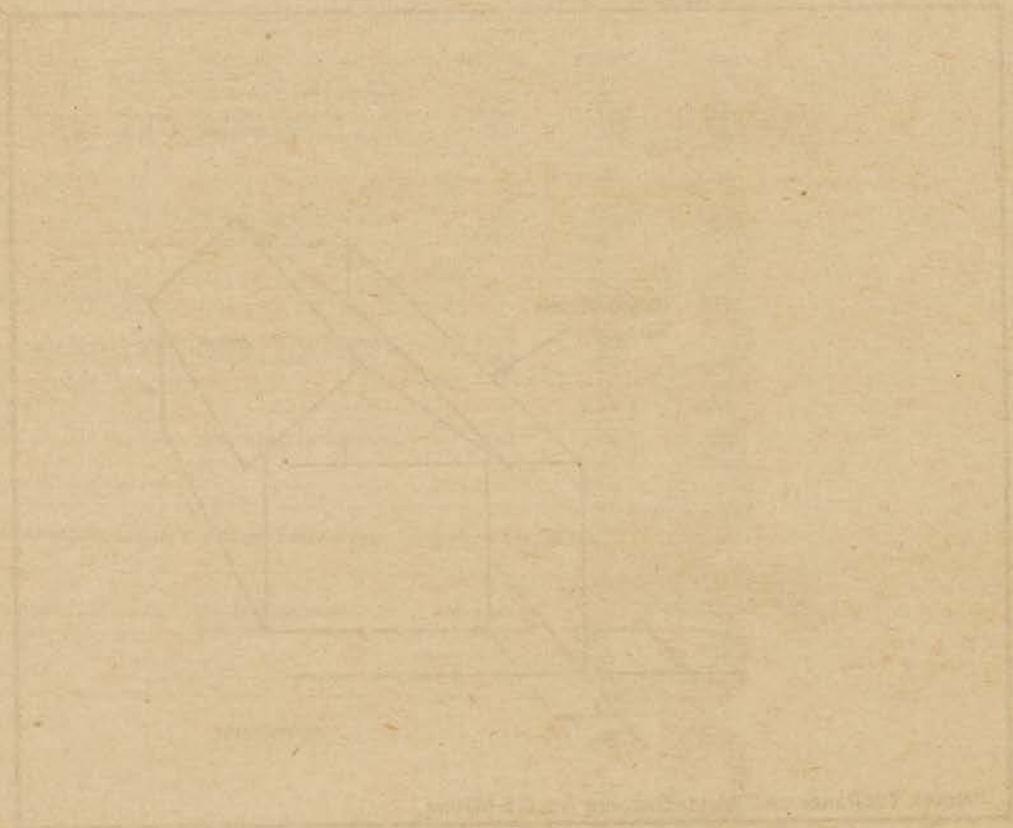

federal register

Monday,
April 30, 1979

Part IV

Department of Energy

Federal Energy Management and Planning Programs; Proposed Methodology and Procedures for Life Cycle Cost Analysis of Federal Buildings

DEPARTMENT OF ENERGY

[10 CFR Part 436]

Federal Energy Management and Planning Programs; Proposed Methodology and Procedures for Life Cycle Cost Analysis of Federal Buildings

AGENCY: Department of Energy.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Department of Energy proposes a methodology and procedures to conduct life cycle cost analyses involving estimation and comparison of the cost effects of replacing building systems with energy-saving alternative building systems in existing Federal buildings or of selecting among alternative building designs containing different energy using building systems for a new Federal building. The methodology will be subpart A of the new Part 436 of Title 10 of the Code of Federal Regulations and will be used in accordance with the guidelines for Federal building plans to reduce consumption of scarce fossil fuels for building energy use and with the rule for solar demonstration project proposals which will be subparts C and D of part 436, respectively.

DATES: Comments must be received by June 29, 1979, 4:30 d.s.t., in order to ensure their consideration. Hearings will be held at the places and on the dates indicated below.

ADDRESSES: Comments to: Margaret W. Sibley, Office of Conservation and Solar Applications, Department of Energy, 20 Massachusetts Ave., N.W., Washington, D.C. 20585.

HEARINGS: Public Hearings will be held in three cities, beginning at 9:00 a.m. local time on the dates and locations specified below:

City	Hearing date	Request to testify by 4:30 p.m.	Submit requests to testify to—	Hearing locations
San Francisco	May 17	May 7	Robert Laffel, DOE, 1111 Pine Street, San Francisco, CA 94111.	Holiday Inn, Golden Gate Way, 1500 Van Ness Ave., San Francisco, CA.
Kansas City	June 4	May 24	Suzanne Mathews, 324 East 11th Street, Kansas City, MO 64106.	Conference Rm. 140, 601 E. 12th St., Kansas City, MO.
Washington, D.C.	June 19	June 7	Margaret Sibley, DOE, 20 Mass. Avenue, N.W., Wash., D.C. 20461.	Room 2105, 2000 M Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Jack Vitullo, Office of Conservation and Solar Applications, Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376–4017.

Margaret W. Sibley, Office of Conservation and Solar Applications, DOE, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376–1651.

Neal J. Strauss, Office of the General Counsel, DOE, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376–9472.

Mark Friedrichs, Office of Policy and Evaluation, Department of Energy, 12th & Pennsylvania Ave. NW., room 5316, Washington, D.C. 20461, (202) 633–8595.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. The Proposed Life Cycle Cost Methodology.
III. Developing Cost Data and Methodological Assumptions:
A. Non-Fuel Use Categories,
B. Energy Cost Data,
C. Discount Rate and Constant Dollars,
D. Study Period,
E. Possible Special Solar Incentives.
IV. Applying the Proposed Life Cycle Cost Methodology:
A. Formatting Cost Data,
B. "Modes of Analysis—Combining Cost Data and Measuring Cost Effectiveness".
V. Retrofit Interdependencies.
VI. Sensitivity Analysis.
VII. Leased Federal Buildings.
VIII. When to Assume Cost Effectiveness Results.
IX. Environmental Review:
A. NEPA,
B. EPA Review.
X. Determinations Under Executive Order 12044.
XI. Public File.
XII. Effective Date.
XIII. Comment and Hearing Procedures:
A. Written Comments,
B. Request Procedures,
C. Conduct of Hearing.

I. Introduction

The Department of Energy (DOE) hereby proposes to add a Subpart A to Part 436 of Chapter II, Title 10 of the Code of Federal Regulations (10 CFR Part 436). Part 436 will eventually comprise the rules for energy conservation and renewable energy (e.g., solar) programs applicable to Federal buildings. Today's proposal involves a methodology and procedures for the conduct of life cycle cost analyses to evaluate and compare the estimated cost effects of energy-saving investments in existing and new Federal buildings for the purpose of reducing consumption of scarce fossil fuels. The DOE proposes this life cycle costing methodology and procedures pursuant to section 381(a)(2) of the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6361(a)(2), section 10 of Executive Order 11912, as amended, (Executive Order) and Title V of the National Energy Conservation Policy Act (NECPA), 92 Stat. 3275.

The DOE has already proposed a Subpart D for Part 436 which is intended to provide the rules for the Solar in Federal Buildings Demonstration Program under Title V, Part 2 of the NECPA. The DOE expects to add to Part 436 a Subpart B for preliminary energy audit procedures and a Subpart C for guidelines for Federal agency plans to reduce building energy use under the Executive Order and Title V, Part 3, of the NECPA. Subsequent to the proposal of Subparts B and C, the DOE intends to propose a Subpart E for Part 436 which will provide rules for monitoring and assessing the performance of photovoltaic solar electric systems to be installed at Federal facilities under Title V, Part 4 of the NECPA.

The life cycle costing methodology and procedures of Subpart A will be used to evaluate and compare the estimated cost effects of energy-saving investments during the formulation and execution of Buildings Plans under Subpart C. Subpart A will also be used to evaluate and compare the estimated cost effects of solar demonstration project under Subpart D. It should be emphasized, however, that the result of a life cycle cost analysis will be treated differently under Subparts C and D as required by law. The result will be determinative under the planning guidelines of subpart C, while, under Subpart D, it will merely be a factor to be considered in evaluating a proposed solar demonstration project.

Both the Executive Order and Title V of the NECPA set requirements for the methodology and procedures proposed today. Read together, they require that the methodology and procedures be practical, effective, and suitable for estimating—

- Whether retrofitting an alternative building system to an existing Federal building is cost effective and tends to minimize the life cycle cost of that building;
- Relative ranking, based on cost-effectiveness, of retrofit investments in Building Plans;
- Whether an alternative building design for a new Federal Building will minimize the life cycle cost of that building;
- Payback time for solar demonstration projects; and
- Present value of net benefits or excess costs of a solar demonstration project in comparision to a substitute conventional, non-solar alternative building system in an existing Federal building or in the design of a new Federal building.

In compliance with the Executive Order and the NECPA, proposed § 436.11 defines the term "life cycle cost" to mean "the total costs of owning, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of *alternative building systems* * * *" [Emphasis added.]. Today's proposed rule defines the term "alternative building system" as "an energy conservation measure as defined by § 436.41, including a renewable energy system, for an existing Federal building, or a primary energy-saving building system, including a renewable energy system, for consideration as part of the design for a new Federal building." The DOE considered defining the term "alternative building system," to include only those systems which can attribute at least 50 percent of their projected overall cost savings to energy cost savings, but chose instead to leave the fixing of a precise cutoff point to agency discretion.

Today's proposal was developed in consultation with the Office of Management and Budget (OMB), the National Bureau of Standards (NBS), the General Services Administration (GSA), the Department of Defense (DOD), the Veterans Administration (VA), and other Federal agencies who, among other things, provided information on existing analytical techniques used to estimate life cycle cost. The Director of OMB has concurred in the proposal.

Substantial technical assistance was provided by the experts of the NBS who are conversant with the technical aspects of life cycle cost analysis and are established consultants in the field. NBS was instrumental in the development of a manual for Federal agencies to use in applying the rule. The manual is entitled "Life Cycle Cost Manual for Federal Energy Management and Planning Programs." A draft of that manual is available for inspection in the public file.

Today's proposed rule, when finalized, will promote standardization in life cycle cost analytical techniques already in use by Federal agencies. The final rule is likely to promote energy conserving investment decisions which are more consistent and rational. It may also influence private sector decisionmakers to balance the importance of initial investment costs with the implications of compensating cost savings over the life cycle of an investment in energy-saving building systems and building designs.

II. The Proposed Life Cycle Cost Methodology

A life cycle cost "methodology" is a set of systematic procedures which makes apparent the tradeoffs between additional dollars invested today and reduced costs tomorrow. The methodology permits an analyst to assess a give investment decision or choose among alternative investment decisions on the basis of the estimated economic consequences (measurable in dollars) over a given period of time. It involves analyzing the net effect of all significant cash flows associated with an investment over a period of time, using an adjustment "technique" to reflect the fact that the future dollar consequences of a present dollar investment can be accurately assessed only by taking account of the influence of time on the value of money. Dollars invested can earn a return over time, and it is this earing potential which determines the time value of money.

The DOE considered two closely related "techniques" for accounting for the time value of money: discounting future dollars to present values, and alternatively, converting present and future dollars to uniform annual values. Under certain circumstances, the uniform annual value technique is advantageous due to simplicity in computation. However, that advantage appears to be lost if one systematically escalates energy cost figures to take account of the prospect for long term increases in the price of most fossil fuel energy sources at a rate faster than the rate of increase in the general level of prices. Moreover, proposing a methodology with this technique would result in additional computation for the solar demonstration program authorized by Part 2 of Title V of the NECPA which requires an evaluation of the present value of benefits and costs. The additional computation would be the arithmetic conversion from annual value to present value. Inasmuch as the DOE considers adjustments to reflect rising energy prices to be essential and in light of the desirability to minimize the required calculation generally and for the NECPA solar demonstration program specifically, the DOE decided to propose use of present values.

The methodology proposed today employs the technique of discounting future costs to present values over a period of time referred to as a "study period". It involves different combinations of present value cost data to measure the cost effectiveness of energy-saving investments. The combinations of cost data are referred to as "modes of analysis," and are described as "total life cycle costs," "net savings," and the "savings-to-investment ratio."

In addition to these measures of cost effectiveness, the DOE proposes a procedure for calculating estimated simple payback time. Simple payback is a rough approximate indicator of cost effectiveness. It is not, however, a true measure of life cycle cost effectiveness because the calculation ignores cost savings and costs after the point in the life cycle at which cumulative cost savings equals investment costs. Moreover, although simple payback has the advantage of computational simplicity, it does not take into account the time value of money or anticipated increases in energy prices. The DOE is including it in the proposed rule because calculation of payback time is required for the solar demonstration program and may be useful as a rough indicator of cost effectiveness.

III. Developing Cost Data and Methodological Assumptions

A. Non-Fuel Use Cost Categories

Proposed § 436.16 identifies four categories of non-energy costs to be analyzed. These categories are: (1) investment costs; (2) non-fuel operation and maintenance costs; (3) replacement costs, and (4) salvage values. These categories cover the range of non-fuel use costs covered by the definition of the term "life cycle cost" in both the Executive Order and the NECPA.

The term "investment costs" is defined by proposed § 436.11 to include the initial costs of design, engineering, purchase and installation (exclusive of "sunk costs," that is to say, costs incurred prior to the life cycle cost analysis). Proposed § 436.14 provides for the assumption that the investment costs represent a lump sum occurring in

the base year which is the year is which the life cycle cost analysis takes place. This assumption is proposed for ease of computation.

The term "non-fuel operation and maintenance costs" is defined to include labor and non-fuel materials required for routine upkeep costs. Operating energy costs are excluded here, but included elsewhere, because the proposed rule provides for adjustments in future energy costs to reflect anticipated real price increases, but provides for no such adjustments of the non-energy costs. That feature of today's proposal made it desirable to separate energy from non-energy categories.

"Replacement costs" are defined by proposed § 436.11 as future costs to replace a building system or a component thereof which wears out during the study period.

"Salvage value" is defined by proposed § 436.11 as value of any building system removed or replaced during the study period, remaining at the end of the study period, or captured in resale if the building is to be sold before the end of the study period.

Proposed § 436.14 provides for Federal agencies to establish cost data for the foregoing categories by referring to standard estimating sources.

It is intended that Federal agencies only consider those costs of investment, non-fuel operation and maintenance, and replacement, and salvage values directly incurred by the Federal government. This is an important point to bear in mind with respect to leased Federal buildings when the lease does not provide for the United States or a Federal agency to pay for these costs.

B. Energy Cost Data

Proposed § 436.14(c) provides for Federal agencies to use the estimated base year energy prices indicated in Table 1, Appendix C, by appropriate region, sector, and fuel type, or, alternatively, their own base year energy prices if they exceed the DOE regional estimates.

Proposed § 436.17 provides for estimating energy costs, in accordance with § 436.14(c), on the basis of the energy delivered to the Federal building. For example, if a Federal agency is billed directly for electricity delivered to a particular building, the price of electricity to be used in calculating the life cycle costs of an alternative building system for that building is the base-year price indicated for electricity in Table 1, Appendix C, for the appropriate region and sector, unless the price actually charged by the utility is higher. However, if the Federal agency buys coal which is then used to generate electricity, the price of the electricity used in calculating the life cycle costs of an alternative building system should reflect the cost of the coal, plus the costs incurred by the agency in generating and distributing the electricity. If the total cost to the agency (including the cost of the primary fuel) of generating and distributing the electricity is higher than the the appropriate DOE regional price indicated in Appendix C, a unit price based on actual agency costs should be used. It is intended that Federal agencies only consider energy cost savings when the agencies are directly charged for the energy used in a building. This is a point to bear in mind when, with respect to leased Federal buildings, the lease does not privide for the United States or a Federal agency to pay for the costs of utilities.

The base year energy prices for 1980 were derived from actual prices obtained from DOE's Energy Information Administration (EIA) for the year 1977. These prices were then escalated and inflated to approximate actual 1980 prices by region, sector, and fuel type.

In the development of today's proposal, DOE considered a requirement that Federal agencies use base year energy prices and projected energy price escalation rates which reflect the replacement or marginal costs of producing and delivering additional supplies of energy rather than average retail prices. Such prices should reflect the cost savings to the Nation as a whole of energy conserving actions, rather than simply the cost savings to the Federal Government. It has been estimated that replacement costs prices, at the retail level, for electricity, natural gas, and petroleum products are currently 10–30 percent higher than actual retail prices. Because reliable projections of such replacement cost prices are not yet available, and DOE wants to solicit comments before proceeding, the proposed rule uses projections of average retail prices. DOE would welcome comment now on the desirability of using replacement cost prices. DOE is particularly interested in comments about (1) the accuracy of estimates of replacement cost prices (for electricity, natural gas, and petroleum products) that are 10–30 percent higher than actual costs, (2) how much the difference will narrow between average real prices and replacement costs as a result of the Natural Gas Policy Act of 1978 and oil decontrol, and (3) whether replacement costs reflect accurately the cost savings to the Nation of energy conserving actions. Prior to incorporating any replacement cost prices in future rulemakings, however, DOE will provide public notices of their availability for comment.

The projected energy prices and escalation rates used in today's proposal were developed from preliminary March 1979, results of the Mid-Term Energy Forecasting System (MEFS), developed by EIA. MEFS is an integrated computer model of the domestic energy system with explicit representation at the regional level of the supplies and costs of petroleum products, natural gas and coal; costs of petroleum refining, electricity generation, and transportation; and price sensitivity of energy demands. In forecasting future energy supply, demand and prices, MEFS simulates the effects of a number of different variables, such as economic growth, world oil prices and the discovery of additional domestic energy resources. In order to reflect the uncertainty of such forecasts, EIA develops a range of forecasts based on different assumptions about key variables.

The MEFS is the latest version of a model which was called Project Independence Evaluation System (PIES). PIES was fully documented in a 15 volume set of reports published in September, 1976. This documentation is available from the National Technical Information Service (NTIS), Springfield, Virginia 22161, under the number of the initial volume FEA/N–76/411. It is now being updated to document the Mid-Term Energy Market Model which is the basis of MEFS. Additional information about the model will be released in April by the EIA Administrator and will be available in the public file.

The projected energy price escalation rates used in these proposed rules represent the preliminary results of a forecast based on a series of "pessimistic" assumptions regarding long term world and domestic energy supplies. These "pessimistic" assumptions result in energy price projections on the high end of the range of forecasts being developed by EIA. For example, this high-price case assumes that the price in 1990 of crude oil on the world market (in constant 1978 dollars) will be $23.50. This is contrasted by a medium-price case which assumes the 1990 world oil price to be $18.50 and a low-price scenario which assumes the price will be $15.00.

As can be seen from recent movement in World Oil prices, the "high" case more closely reflects actual price trends than does the medium or low price cases. Therefore, DOE has selected the high price case as the most suitable at

this time for use in developing estimates and making energy conserving investments in Federal Buildings. DOE specifically invites comments on the choice of this high-price case. The price forecasts used in the final rule, to be issued later this year, will be adjusted to reflect the final results of EIA's most recent forecasts of energy prices, under the high-price case, subject to public comment. DOE plans annually to update these forecasts of energy prices, as well as the base year energy prices indicated in Table 1, Appendix C.

Specific assumptions upon which the high-price case is based, include:

1. Real (inflation adjusted) annual growth rate for the Gross National Product (GNP) will average 3.9 percent a year from 1980 to 1985 and about 3.3 percent per year thereafter.

2. Real price of oil imports, in 1978 dollars, will increase to $21.50 by 1985, to $23.50 by 1990 and to $31.50 by 1995.

3. The provisions of the National Energy Act are fully implemented.

4. Domestic oil prices are decontrolled by September 30, 1981.

5. There is no oil pipeline from the West Coast to eastern portions of the U.S.

6. A gas pipeline from Alaska would be in place by 1985.

7. The United States Geologic Survey low domestic resource base exists.

8. As gas prices rise, various non-traditional supplemental sources of natural gas become available.

A more detailed description of the assumptions, underlying the price forecasts in today's proposed rule will be contained in an Energy Information Administration memorandum of case assumptions which will be available in the public file. This document sets forth the assumptions for cases in addition to the high-price case used today. The basis for the different sets of assumptions for the range of forecasts by EIA will also be fully discussed in the annual report of the Administrator of EIA.

Data on the price growth are derived from the price projections. These include a rate for the period from 1979–1985 derived from the historical 1977 prices and the projected 1985 prices, a rate for the period 1985–1990 derived from the forecasts for 1985 and 1990 and a rate for years beyond 1990 derived from the 1990 and 1995 price forecasts. The energy price projections from which these escalation rates were derived are represented in constant 1978 dollars and, thus, disregard those price increases expected to result from general inflation alone. The use of these "real" energy price escalation rates is in conformance with the requirements of OMB Circular A–94 and accepted life cycle costing techniques. This approach, however, does result in escalation rates which are lower than the rates (including inflation) of energy price growth perceived by Federal agencies and other energy users. The following Tables show examples of escalated prices and inflated prices for each 5 years through 1995.

Escalated Prices (1980 Dollars)

Year	Elec.	Residential		Commercial Residual	Industrial Coal
		Nat. Gas	Distillate		
1980	14.17	3.24	4.38	3.20	1.15
1985	15.47	4.25	5.49	4.44	2.16
1990	15.96	4.91	6.02	4.93	2.28
1995	17.82	5.64	7.70	6.41	3.06
Inflated Prices (Current Dollars)					
1980	14.17	3.24	4.38	3.20	1.15
1985	21.08	5.79	7.48	6.06	2.93
1990	27.37	8.40	10.31	8.47	3.90
1995	38.27	12.09	16.52	13.79	6.55

Fuel prices per million Btu's. Assumed inflation rates 6.4 percent to 1985; 4.7 percent from 1985 to 1990, and 4.6 percent from 1990 to 1995.

C. Discount Rate and Constant Dollars

The annual discount rate proposed today for evaluating both energy-saving retrofit investments and new building designs under today's rule is 10 percent. This is the prescribed rate under OMB Circular A–94, and represents an estimate of the average rate of return on private investment before taxes. It is the standard rate for evaluating Federal programs and projects. The Executive Order requires that the life cycle methodology be consistent with OMB Circular A–94.

Consistent with OMB Circular A–94, the DOE is proposing that both costs and savings be expressed in constant dollars, that is, exclusive of the inflationary trends in the general level of prices in the economy.

Appendices A and B to this Part contain tables of present worth factors based on a 10 percent discount rate for adjusting future energy and other costs to present values. Tables 1 and 2, Appendix A, are used for adjusting future nonenergy costs to present values. Tables 1 through 11, Appendix B, which contain present worth factors adjusted for energy price escalation (as discussed below), are used for adjusting energy cost data to present values. This combined table simplifies the computation of life cycle cost data.

D. Study Period

The "study period" for owned existing and new Federal buildings, as well as leased Federal buildings is set forth as proposed § 436.14.

The proposed rule provides for the following study periods—

- The lesser of 30 years of project life or building life for evaluating or ranking alternative building systems for an owned existing Federal building;
- A common study period for comparing the total life cycle costs or net savings of mutually exclusive alternatives for a given building system, such as alternative sizes of a solar energy system, or alternative thicknesses of insulation;
- The lesser of 30 years or the period of intended use for evaluating alternative building designs for an owned new Federal building; and
- The effective remaining term of a lease, taking renewal options into account, as appropriate, for leased Federal buildings.

With respect to ranking retrofits, project life (where it is less than 30 years) instead of building life was selected as the study period for several reasons. First, use of project life makes calculation simpler due to elimination of multiple replacements of the entire project from consideration. Second, use of project life appears to focus more closely on the specific investment decision at hand rather than on future decisions to replace the project. In any event, it should be noted that the savings-to-investment ratio used to rank retrofits appears to be relatively insensitive to the choice of a study period between project life and building life. A common study period for all projects need not be used in calculating the savings to investment ratio.

The proposed rule provides that common study periods be employed in comparing the total life cycle costs or net savings of alternative building systems that are substitutable for the same building system, such as double-glazed and triple-glazed windows. The possibilities identified in proposed § 436.14(d)(2) are estimated useful life of one of the alternatives, a common multiple of the estimated useful lives of the alternatives, or the lesser of 30 years or the useful life of the Federal building. It is important to use a common study period for such mutually exclusive alternative building systems because the values for total life cycle cost and net savings will vary depending on the length of the study period. Comment on these alternatives and suggestions for improving this aspect of the methodology would be welcome.

E. Possible Special Solar Incentives

This rulemaking uses the same methodology to determine the life cycle cost of energy conservation and solar investments. This methodology is consistent with that used to determine the cost-effectiveness of many other non-energy investments made by the Federal Government. At this time, DOE wants to solicit comments about whether this approach is appropriate.

Consistent with this approach, DOE could consider external costs and benefits realized by the Nation, such as a reduction in environmental pollution. DOE is particularly interested in any comments about whether such external costs and benefits can be identified and quantified.

An alternative to this methodology that has been suggested, but not incorporated in the current rulemaking, is an approach that would provide a special adjustment for solar and other renewable energy systems being considered for new buildings. For example, the initial investment cost of a renewable energy system might be reducted to reflect the Federal renewable energy tax incentives made available to businesses and individuals.

Specifically, the Energy Tax Act of 1978 (Pub. L. 95–618) allows a 10 percent tax credit for business investments in a wide rage of renewable energy systems, and the Act provides a tax credit for up to 30 percent of the cost of renewable energy systems intalled in residences. Comparable adjustments could be made for renewable systems considered, respectively, for Federal non-residential and residential buildings. Some have argued that such adjustments should be made since the external benefits to the Nation cannot be quantified and the incentives in the Energy Tax Act can be used as a proxy for these benefits. DOE would welcome comment on the extent to which this argument has merit.

More generally, DOE would welcome comment about the desirability of using the above-mentioned alternative methodology for energy conservation measures and comment about any other special incentives that can be considered for energy conservation and/or renewable resource measures.

IV. Applying the Proposed Life Cycle Cost Methodology

A. Formatting Cost Data

A format for performing a life cycle cost analysis is commonly used to facilitate computations in developing cost data and presenting combinations of cost data to measure cost-effectiveness. The proposed rule encourages but does not require use of a format contained in the "Life Cycle Cost Manual for Federal Energy Management and Planning Programs." The Manual illustrates how to perform a life cost analysis with necessary calculations in compliance with the rule. As noted above, this manual is available in draft for inspection in the public file for this rulemaking.

Two alternative approaches to estimating life cycle energy costs are possible and were considered for today's proposal. One approach is a detailed, step-by-step calculation and summation of year-by-year energy costs, and the other is a simplified approach which computes life cycle energy costs in two calculation steps.

The year-by-year procedure adjusts for energy price escalation and the time value of money in two separate steps by first multplying the yearly physical quantity of energy saved by the constant dollar price per unit of energy for each year, and then multiplying each product by the appropriate single present worth discounting factors for that year. The total of life-cycle energy savings is then found by summing yearly present value energy savings over all years of the study period.

The alternative procedure uses uniform present worth factors preadjusted to reflect energy price escalation. By this two-step procedure, total life-cycle energy savings are found by multiplying the physical quantity of energy saved by the price per unit of energy in the base year and then multiplying the product by the adjusted uniform present worth factor for the appropriate study period.

The year-by-year procedure requires the projection of yearly energy prices over the study period, while the second requires the projection of rates of change in prices over the study period.

The year-by-year procedure offers the advantage of greater flexibility in evaluating projects that are expected to be significantly deferred in time. A futher possible advantage is the flexibility to pair the price tables and the discounting tables in the appropriate combinations as time passes. This means that the table remain usuable for successive years provided the energy price forecasts do not change. The disadvantage of this technique is the greater number of calculations required.

The two-step procedure offers the advantage of greater ease and simplicity in computation. Its disadvantage is that in relying on adjustment factor tables that combine energy price escalation and discounting, it is less flexible than the first procedure. Unless the energy price escalation rates on which it is based are smoothed over relatively wide intervals of time, annual updating of the adjustment factor tables may be required even if the energy price projections do not change.

Because of the expectation that most projects will be evaluated on the basis that they will be completed in the base year, flexibility in treating time-delayed projects is not considered of primary importance. Furthermore, because it is likely that annual revisions will be required to the energy prices and escalation rates regardless of the procedure adopted for calculating energy savings, the difference between the two procedures in their requirements for revisions to factor table does not appear substantial.

For these reasons, it was decided to suggest the two-step procedure as the method of calculating present value energy savings for the proposed rule.

B. "Modes of Analysis"—Combining Cost Data and Measuring Cost Effectiveness

The proposed rule provides for four "modes of analysis" which represent four different ways of combining and presenting some or all of the cost data over the appropriate study period. Each "mode of analysis" describes a measure of cost effectiveness and is useful for a specific part of the planning guideline program of Subpart C and of the solar demonstration program under Subpart D of Part 436, but no one of them is suitable for all parts. The uses of each "mode of analysis" are described in proposed § 436.18. The four modes of analysis for combining and presenting cost data are: "Total Life Cycle Costs" "Net Savings," "Savings-to-Investment Ratio," and "Estimated Payback Time." These four modes of analysis are described by proposed § 436.19–436.22, respectively, and they are standard descriptions.

The proposed rule does not attempt to set forth a rigorous set of computations for each "mode of analysis." As stated earlier, the "Life Cycle Cost Manual for Federal Energy Management and Planning Programs" provides samples and advice on determining results for all of them. The proposed rule would permit each Federal agency to compute results in conformance with the description of each "mode of analysis" and with the methodological assumptions discussed above.

One critical point about proposed § 436.18 should be underscored. It identifies the savings-to-investment ratio as the ranking criterion for establishing priorities among retrofits of

alternative building systems. Some have suggested that Btu savings per dollars invested, rather than dollar energy savings, should be emphasized in ranking retrofits. The planning guidelines of Subpart B will provide for using such a ratio as a means of ranking projects which are equally cost effective as indicated by the savings to investment ratios, but DOE has otherwise rejected this suggestion because the Executive Order provides for ranking strictly on the basis of life cycle cost and the NECPA ultimately requires minimization of life cycle cost for all Federal buildings. The intent is to make investment decisions on the basis of all cost effects and not just changes in the physical quantity of energy.

V. Retrofit Interdependencies

For existing Federal buildings, an objective of the economic analysis is to try to optimize, to the extent possible, both the energy conservation retrofit investments for a given building and the retrofit investments for all buildings across the government within the confines of the overall budget. Achieving these objectives requires accurate assessments of the energy savings that will result from particular energy conservation measures. When two or more conservation measures are likely to be budgeted for a particular building, such assessments should take into account the interdependencies of the measures. Some projects are so closely interdependent that a simultaneous solution of the design and sizing of the projects is necessary for maximum cost-effectiveness of the investments. For example, installing insulation in a particular building may reduce the fuel oil required for heating by 1,000 gallons per year. Replacing the furnace of that same building may also reduce fuel oil requirements by 1,000 gallons per year. However, adopting both measures would reduce fuel oil use by significantly less than 2,000 gallons per year because the two measures are interdependent. For another example, the optimal sizing of a solar energy system to provide energy and the optimal level of energy conservation investments to reduce energy requirements are decisions that need to be considered jointly in order to determine the economically efficient tradeoffs between the two. Decisionmaking would be improved by procedures for establishing cost-effectiveness which takes into account such interdependencies, but such procedures may add to the complexity of the analyses. Comments are invited on the manner in which interdependencies can best be reflected in agency project evaluations.

VI. Sensitivity Analysis

Because life cycle cost analysis deals with estimates, questions of uncertainty can arise with respect to the reliability of some of the cost data. The proposed rule provides for testing the "sensitivity" of a life cycle cost analysis to variations in cost estimates by assessing the relative impact of variations on the result. For example, if one were uncertain about the reliability of estimated replacement costs of an alternative building system for retrofit to an existing building, one could compute several savings-to-investment ratios for that system varying only the assumptions as to estimated replacement costs. The proposed rule would not require the conduct of a sensitivity analysis. Neither would it mandate the use of probability analysis although such an analysis might be indicated in the case of variable factors showing a high degree of variability for which probability estimates would be established.

VII. Leased Federal Buildings

The proposed rule is applicable to leased as well as owned Federal buildings. In performing a life cycle cost analysis under the rule, costs which are *not* paid by a Federal agency are excluded. Thus analysis of cost effectiveness for Federal buildings which have the same energy consumption characteristics may differ markedly depending on whether the Federal agency is the owner of the building or the lessee.

VIII. When To Assume Cost Effectiveness Results

The proposed rule permits assumptions as to results in certain narrowly defined circumstances without performing a life cycle cost analysis. Energy-saving investments are deemed not to be cost-effective for buildings under lease where the Federal agency does not pay the cost of utilities, and for buildings scheduled to be demolished or retired by fiscal year 1985. At the same time, an investment can be assumed to be cost-effective when the cost is insignificant and savings are relatively certain.

IX. Environmental review

A. *NEPA.* It has been determined that the promulgation of this rule *per se* does not constitute a major Federal action significantly affecting the quality of the human environment pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) 42 U.S.C. 4321 *et seq.* As stated previously, when finalized, this rule will become subpart A of 10 CFR Part 436. Actions taken under Part 436 to implement this rule must be evaluated to determine the need for further environmental review so as to ensure full compliance with NEPA.

B. EPA Review

The DOE provided a draft of today's proposed rule to the Administrator of the Environmental Protection Agency for written comments concerning impacts on the quality of the environment, pursuant to section 7(a) of the Federal Energy Administration Act, as amended, 15 U.S.C. 766(a). The Administrator had no comments.

X. Determinations Under Executive Order 12044

Today's proposed rule has been reviewed under Executive Order 12044, 43 FR 12661, and is deemed to be "significant" because of the widespread impact on the Executive Branch. The proposed rule is not considered to be a major rulemaking because the rule is not expected to have the kinds of gross effects which call for a regulatory analysis. Accordingly, a comment period of 60 days is provided.

XI. Public File

A public file for this rulemaking is open to public inspection at the DOE in Room 8–G–152 of the DOE Freedom of Information Office, which is located at the Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. This file contains a copy of OMB Circular A–994, the draft "Manual for Life Cycle Cost Analysis," and a copy of "Life Cycle Cost Analyses—A Guide for Architects" (a useful introductory document prepared by a task force under the auspices of the American Institute of Architects). Additional materials of significance may be added to this file.

XII. Effective Date

The DOE proposes making the rule effective upon final publication because the methodology is to be used in conjunction with the planning guidelines of subpart C in order to constitute a set of rules governing the drafting of building plans to conserve building energy use. An expedited effective date is necessary in order to affect agency actions on a timely basis during the cycle for developing the Federal budget for fiscal year 1981 which will be ongoing throughout most of calendar 1979.

XIII. Comment and Hearing Procedures

A. Written Comments

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed procedures, standards, and criteria. Comments should be submitted to the address indicated in the addresses section of this preamble and should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Life Cycle Costs—Proposed Rule (Docket No. CAS–RM–79–107)." Fifteen copies should be submitted. All comments received by June 29, 1979, and all other relevant information will be considered by DOE before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and treat it according to its determination.

B. Request Procedures

The times and places of these public hearings are indicated in the dates and addresses section of this preamble. DOE invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated in the addresses section of this preamble and must be received before 4:30 p.m. d.s.t.

May 7 for San Francisco hearing
May 24 for Kansas City hearing
June 7 for Washington, D.C. hearing

Such requests may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Life Cycle Cost—Proposed Rule (Docket No. CAS–PM–79–104)." The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through the day before the hearing. DOE will notify each person selected to appear at the hearing, before 4:30 p.m. d.s.t.

May 10 for San Francisco hearing
May 30 for Kansas City hearing
June 11 for Washington, D.C. hearing

Each person selected to be heard must bring 15 copies of her or his statement to the hearing at the address given in the addresses section of this preamble.

C. Conduct of Hearings

DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of the persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if she or he so desires, 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 person who wishes to have a question asked of a speaker at the hearing 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 be to presented for answer.

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 the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 8G152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the trasncript from the reporter.

In consideration of the foregoing, the DOE hereby proposes to amend chapter II of title 10, Code of Federal Regulations, by establishing Subpart A of Part 436 as set forth below.

Issued in Washington, D.C., April 20, 1979.

Kelly C. Sandy,
Executive Director Conservation and Solar Application.

Subpart A—Methodology for Life Cycle Cost Analysis for Federal Buildings

Sec.
436.10 Purpose.
436.11 Definitions.
436.12 Life Cycle Cost Methodology.
436.13 Presuming Cost Effectiveness Results.
436.14 Methodological Assumptions.
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Table C–3—1985 Projected Energy Prices.
Table C–4—Projected 1990 Energy Prices.
Table C–5—1995 Energy Prices.

Authority: Energy Policy and Conservation Act, as amended, 42 U.S.C. 6361, Executive Order 11912, as amended, 42 FR 37523 (July 20, 1977); National Energy Conservation Policy Act, Title V, Part 3, 92 Stat. 3275; Department of Energy Organization Act, 42 U.S.C. 7254.

Subpart A—Methodology and Procedures for Life Cycle Cost Analysis of Federal Buildings

§ 436.10 Purpose.

This subpart establishes a methodology for estimating and comparing the life cycle costs of Federal buildings and for making determinations of life-cycle cost effectiveness. The methodology is to be used for evaluation of the economic consequences of investments in alternative building systems for existing Federal buildings and alternative building designs for new Federal buildings under subpart C of this Part, and in solar heating or solar heating and cooling projects for Federal buildings under subpart D of this Part.

§ 436.11 Definitions.

As used in this subpart—

"Alternative building system" means an energy conservation measure, as defined by § 436.41, including a renewable energy system, for an existing Federal building, or a primarily energy saving building system, including a renewable energy system, for consideration as part of the design for a new Federal building.

"Base Year" means the year in which a life cycle cost analysis is conducted.

"Building" means any structure with a roof and walls designed for storage or human use.

"Building system" means any portion of the structure of the building or of any energy using system in the building.

"Existing Federal building" means a Federal building the construction of which was complete by November 9, 1978, or the design of which cannot feasibly be modified after the effective date of subpart C of this Part.

"Federal agency" means an Executive agency under 5 U.S.C. 105(1970), the United States Postal Service, and each entity specified in 5 U.S.C. 5721(1)(B)–(H) (1970).

"Federal building" means any building, structure, or facility, as defined in § 436.41, which is constructed, renovated or leased or purchased in whole or in part for use by the United States, and which includes a heating system, or cooling system, or both.

"Investment costs" means the initial costs of design, engineering, purchase, and installation exclusive of sunk costs.

"Life Cycle Cost" means the total costs of owning, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of alternative building systems; except that in the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease.

"New Federal building" means a Federal building for which construction was not completed prior to November 9, 1978, and the design of which can be feasibly modified on the effective date of subpart C of this Part.

Non-recurring costs" means costs that are not uniformly incurred annually over the study period.

"Non-fuel operation and maintenance costs" means material and labor costs for routine upkeep and operation exclusive of energy costs.

"Recurring costs" means costs that are incurred uniformly and annually over the study period.

"Replacement costs" means future costs to replace a building system or any component thereof which wears out.

"Retrofit" means to install an alternative building system in an existing Federal building.

"Salvage value" means the value of any building system removed or replaced during the study period or remaining at the end of the study period, or recovered through resale at the end of the study period.

"Study period" means the time period covered by a life cycle cost analysis.

"Sunk costs" means costs incurred prior to the year in which the life cycle cost analysis occurs.

§ 436.12 Life cycle cost methodology.

The life cycle cost methodology for this Part is a systematic analysis of relevant costs, excluding sunk costs, over a study period, relating initial costs to future costs by the technique of discounting future costs to present values.

§ 436.13 Presuming cost-effectiveness results.

(a) If the investment and other costs for an alternative building system considered for retrofit to an existing Federal building are insignificant, a Federal agency may presume that such a system is life cycle cost effective without further analysis.

(b) A Federal agency may presume that an investment in an alternative building system for retrofit to an existing Federal building is *not* life cycle cost effective if the Federal building is—

(1) occupied under a short-term lease without a renewal option or with a renewal option which is not likely to be exercised;

(2) occupied under a lease which excludes the cost of utilities from rent; or

(3) scheduled to be demolished or retired from service by last day of FY 1985.

§ 436.14 Methodological assumptions.

Except in determining estimated simple payback time, each Federal agency shall assume:

(a) that the annual discount rate is 10 percent, and shall adjust cost data accordingly by applying the appropriate present worth factors from the tables in Appendix A;

(b) that energy prices will rise at rates faster than the rate of increase in the general price level, and shall adjust energy cost data accordingly by applying the appropriate modified present worth factors based on the 10 percent discount rate and adjusted for energy price escalation for the applicable region, sector, fuel type, and study period from tables 1 through 11 of Appendix B;

(c) that the price of energy in the base year is the price for the appropriate region, sector, and fuel type given in Table 1 in Appendix C, or, if higher, the actual price to the Federal agency of energy delivered to the Federal building;

(d) that the appropriate study period—

(1) for evaluating or ranking alternative building system retrofits for an owned existing Federal building, is the lesser of 30 years or the estimated life of the alternative building system or the estimated life of the building;

(2) for determining the Total Life Cycle Costs or Net Savings of mutually exclusive alternatives for a given building system is an equivalent study period which may be:

(i) the estimate useful life of one of the alternatives;

(ii) a common multiple of the useful lives of both alternatives; or

(iii) the lesser of 30 years or the useful life of the building;

(3) for evaluating alternative designs for an owned new Federal building, is the lesser of 30 years or the period of intended use for that building; and

(4) for a leased Federal building, is the effective remaining term of the lease which may include renewal options likely to be exercised.

(e) that the useful life of any building system is the period of service without major renewal or overhaul estimated by the manufacturer or any other reliable source;

(f) that the investment costs are a lump sum occurring in the base year;

(g) that energy costs and non-fuel operation and maintenance begin accruing in the year following the base year; and

(h) that costs in any year occur in a lump sum at the end of the year in which they are incurred.

§ 436.15 Formatting cost data.

In establishing cost data under §§ 436.16 and 436.17 and measuring cost effectiveness by the modes of analysis described by §§ 436.19–436.22, a format for accomplishing the analysis shall be used. Federal agencies are encouraged to use formats such as those set forth in the "Life Cycle Cost Manual for Federal Energy Management and Planning Programs."

§ 436.16 Establishing non-fuel cost data.

(a) The relevant non-fuel cost categories are—

(1) investment costs;

(2) non-fuel operation and maintenance costs;

(3) replacement costs; and

(4) salvage value.

(b) The investment costs are assumed to be a present value under § 436.14(f).

(c) The present value of recurring costs is the sum of the product of the base year value of recurring costs as multiplied by the appropriate uniform present worth factor for the applicable study period from table 2 in Appendix A.

(d) The present value of non-recurring costs under § 436.16(a)(2)–(a)(4) is the sum of the products of the non-recurring costs as mulitplied by appropriate single present worth factors from table 1 of Appendix A for the respective years in which the costs are expected to be incurred.

§ 436.17 Establishng energy cost data.

(a) Each Federal agency shall establish energy costs in the base year by multiplying the total units of energy used in the base year as measured at the boundary of the building by the price per unit of energy in the base year as determined in accordance with § 436.14(c).

(b) The present value of energy costs over the study period shall be calculated by multiplying the energy costs in the base year as established under § 436.17(a) by the appropriate modified uniform present worth factor adjusted for energy price escalation for the applicable region, sector, fuel type, and study period from tables 1 through 11 of Appendix B.

§ 436.18 Measuring cost effectiveness.

(a) In accordance with this section, each Federal agency shall measure cost effectiveness by combining cost data established under §§ 436.16 and 436.17 in the appropriate mode of analysis as described in §§ 436.19–436.22.

(b) Replacement of a building system with an alternative building system by retrofit to an existing Federal building or substitution in the design for a new Federal building shall be deemed cost effective if—

(1) total life cycle costs, as described by § 436.19, are estimated to be lower; or

(2) net savings, as described by § 436.20, are estimated to be positive; or

(3) the savings-to-investment ratio, as described by § 436.21, is estimated to be greater than one.

(c) As a rough, approximate measure, each Federal agency may determine estimated simple payback time under § 436.22 which indicates whether a retrofit is likely to be cost effective under § 436.18(b). An alternative system is likely to be cost-effective if estimated payback time is significantly less than the useful life of that system and of the Federal building in which it is installed.

(d) Mutually exclusive alternatives for a given building system considered in determining such matters as the optimal size of a solar energy system, the optimal thickness of insulation, or the best choice of double- or triple-glazing for windows, shall be compared evaluated on the basis of total life cycle costs or net savings over equivalent study periods. The alternative which is estimated to result in the lowest total life cycle costs or the highest net savings of the alternative considered, shall be deemed the most cost effective because it tends to minimize the life cycle cost of the Federal building.

(e) Cost effective alternative building systems shall be ranked in descending order of their savings-to-investment ratios.

(f) Alternative building designs for new Federal buildings shall be evaluated on the basis of total life cycle costs. The alternative design which results in the lowest total life cycle costs for a given new building shall be deemed the most cost effective.

§ 436.19 Total life cycle costs.

Total life-cycle costs are the sum of the present values of—

(a) Investment costs less salvage values at the end of the study period;

(b) Non-fuel operation and maintenance costs;

(c) Replacement costs less salvage costs of replaced building systems; and

(d) Energy costs.

§ 436.20 Net savings.

Net savings is the difference in the present values of savings and costs of an alternative building system.

§ 436.21 Savings-to-investment ratio.

The savings-to-investment ratio is the ratio of present value saving to present value costs over the study period for an alternative building system as compared to an existing building system. The numerator of the ratio is the net difference in present value energy and non-fuel operation and maintenance costs between the alternative and the existing building system. The denominator of the ratio is the net difference between the alternative and existing building system in present value investment and replacement costs less salvage value.

§ 436.22 Estimated simple payback time.

The estimated simple payback time is the number of years required for the cumulative value of energy cost savings less future non-fuel costs to equal the investment costs of the building system, without consideration of future fuel price increases or discount rates.

§ 436.23 Sensitivity analysis.

If there is uncertainty regarding particular items of cost data, a sensitivity analysis may be performed by varying the analysis under § 436.19–§ 436.21 for those items to determine whether the variation has a significant impact on the result of an analysis.

Appendix A to Subpart A of Part 436

Table A–1: *Single present worth factors for discounting future non-recurring cost to present value (based upon a 10 percent discount rate)*

Study period	Factor
1	0.9091
2	0.8264
3	0.7513
4	0.6830
5	0.6209
6	0.5645
7	0.5132
8	0.4665
9	0.4241
10	0.3855
11	0.3505
12	0.3187
13	0.2897
14	0.2633
15	0.2394
16	0.2176
17	0.1979
18	0.1798
19	0.1635
20	0.1486
21	0.1351
22	0.1229
23	0.1117
24	0.1015
25	0.0923
26	0.0839
27	0.0763
28	0.0693
29	0.0630
30	0.0573

Table A–2: *Uniform present worth factors for discounting future non-fuel recurring cost to present value (based on 10 percent discount rate)*

Study period	Factor
1	0.9091
2	1.7355
3	2.4868
4	3.1698
5	3.7907
6	4.3552
7	4.8684
8	5.3449
9	5.7590
10	6.1445
11	6.4930
12	6.8137
13	7.1034
14	7.3667
15	7.6061
16	7.6238
17	8.0216
18	8.2014
19	8.3649
20	8.5135
21	8.6486
22	8.7715
23	8.8832
24	8.9847
25	9.0770
26	9.1610
27	9.2370
28	9.3070
29	9.3700
30	9.4270

Appendix B to Subpart A of Part 436

Table B-1—Uniform Present Worth Factor for DOE Region I, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island

Study period	Residential sector				Commerical sector				Industrial sector					
	Electricty	Natural Gas	Distillate	Liquid Gas	Electricity	Natural Gas	Distillate	Residual	Electricity	Natural Gas	Distillate	Residual	Liquid Gas	Coal
1	0.922	0.933	0.945	0.946	0.921	0.935	0.949	0.965	0.929	0.950	0.937	0.956	0.947	0.968
2	1.772	1.804	1.839	1.840	1.770	1.808	1.849	1.895	1.791	1.853	1.816	1.869	1.845	1.963
3	2.555	2.616	2.684	2.685	2.551	2.625	2.704	2.792	2.592	2.710	2.640	2.742	2.695	2.926
4	3.277	3.374	3.483	3.485	3.272	3.388	3.515	3.658	3.336	3.524	3.412	3.576	3.501	3.877
5	3.943	4.082	4.238	4.241	3.935	4.101	4.284	4.493	4.026	4.298	4.135	4.374	4.264	4.816
6	4.547	4.736	4.937	4.940	4.537	4.763	4.997	5.268	4.653	5.016	4.806	5.114	4.970	5.685
7	5.096	5.342	5.584	5.586	5.084	5.377	5.658	5.987	5.223	5.683	5.428	5.801	5.623	6.488
8	5.595	5.903	6.184	6.183	5.581	5.947	6.271	6.655	5.740	6.302	6.004	6.438	6.226	7.231
9	6.047	6.423	6.739	6.735	6.032	6.476	6.839	7.275	6.209	6.876	6.538	7.030	6.785	7.918
10	6.459	6.903	7.253	7.245	6.442	6.967	7.365	7.851	6.635	7.409	7.033	7.579	7.302	8.554
11	6.840	7.348	7.744	7.737	6.822	7.422	7.868	8.403	7.033	7.920	7.507	8.105	7.801	9.162
12	7.194	7.760	8.212	8.211	7.175	7.845	8.350	8.933	7.404	8.411	7.960	8.609	8.284	9.745
13	7.522	8.142	8.659	8.668	7.502	8.238	8.811	9.440	7.749	8.881	8.393	9.093	8.750	10.303
14	7.827	8.495	9.086	9.109	7.806	8.602	9.252	9.927	8.072	9.332	8.808	9.556	9.200	10.837
15	8.109	8.823	9.493	9.534	8.088	8.941	9.673	10.394	8.373	9.765	9.205	10.000	9.635	11.348
16	8.371	9.126	9.882	9.944	8.350	9.255	10.076	10.842	8.654	10.180	9.584	10.425	10.056	11.838
17	8.614	9.406	10.253	10.339	8.593	9.546	10.462	11.272	8.915	10.577	9.947	10.833	10.462	12.307
18	8.839	9.666	10.607	10.720	8.818	9.817	10.831	11.684	9.160	10.959	10.294	11.224	10.854	12.756
19	9.048	9.907	10.945	11.087	9.027	10.068	11.184	12.078	9.387	11.325	10.626	11.598	11.233	13.186
20	9.242	10.130	11.267	11.442	9.222	10.301	11.521	12.457	9.600	11.676	10.943	11.957	11.600	13.598
21	9.422	10.336	11.575	11.783	9.402	10.518	11.844	12.821	9.798	12.013	11.247	12.301	11.954	13.992
22	9.588	10.527	11.869	12.112	9.569	10.719	12.153	13.169	9.983	12.336	11.537	12.630	12.296	14.370
23	9.743	10.704	12.150	12.430	9.724	10.905	12.449	13.503	10.155	12.646	11.815	12.946	12.626	14.731
24	9.886	10.868	12.417	12.736	9.869	11.078	12.731	13.823	10.316	12.943	12.081	13.249	12.945	15.078
25	10.020	11.019	12.673	13.031	10.002	11.239	13.002	14.131	10.466	13.228	12.335	13.539	13.254	15.409
26	10.143	11.160	12.917	13.316	10.126	11.388	13.260	14.425	10.606	13.501	12.579	13.817	13.552	15.727
27	10.258	11.290	13.149	13.590	10.242	11.527	13.507	14.708	10.736	13.763	12.811	14.084	13.840	16.030
28	10.364	11.410	13.371	13.854	10.348	11.655	13.744	14.979	10.858	14.014	13.034	14.339	14.118	16.322
29	10.462	11.522	13.584	14.109	10.448	11.775	13.970	15.239	10.971	14.255	13.247	14.584	14.387	16.600
30	10.554	11.625	13.786	14.355	10.540	11.886	14.187	15.488	11.077	14.486	13.450	14.818	14.646	16.867

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-2—Uniform Present Worth Factor for DOE Region II, New York, New Jersey, Puerto Rico, Virgin Islands

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural Gas	Distillate	Liquid Gas	Electricity	Natural Gas	Distillate	Residual	Electricity	Natural Gas	Distillate	Residual	Liquid Gas	Coal
1	0.908	0.935	0.950	0.950	0.910	0.932	0.952	0.973	0.922	0.984	0.940	0.964	0.950	1.017
2	1.731	1.810	1.852	1.853	1.739	1.801	1.857	1.921	1.773	1.952	1.823	1.893	1.853	2.052
3	2.479	2.629	2.708	2.710	2.494	2.610	2.719	2.844	2.557	2.905	2.654	2.788	2.710	3.105
4	3.158	3.394	3.522	3.524	3.181	3.365	3.538	3.741	3.280	3.843	3.434	3.651	3.524	4.176
5	3.774	4.110	4.295	4.298	3.807	4.068	4.318	4.616	3.947	4.765	4.168	4.483	4.298	5.265
6	4.334	4.785	5.010	5.013	4.376	4.734	5.041	5.427	4.554	5.622	4.847	5.254	5.014	6.274
7	4.844	5.421	5.672	5.674	4.894	5.365	5.711	6.179	5.106	6.417	5.477	5.970	5.676	7.207
8	5.308	6.020	6.285	6.284	5.365	5.963	6.332	6.878	5.609	7.156	6.060	6.633	6.288	8.072
9	5.730	6.584	6.852	6.848	5.793	6.530	6.907	7.526	6.067	7.842	6.600	7.248	6.854	8.872
10	6.113	7.117	7.378	7.369	6.183	7.067	7.440	8.127	6.483	8.479	7.100	7.819	7.377	9.613
11	6.468	7.614	7.879	7.872	6.543	7.570	7.950	8.703	6.871	9.091	7.579	8.365	7.883	10.325
12	6.795	8.078	8.358	8.356	6.875	8.042	8.437	9.255	7.233	9.677	8.037	8.888	8.371	11.008
13	7.098	8.511	8.814	8.822	7.182	8.484	8.904	9.784	7.570	10.240	8.476	9.388	8.843	11.664
14	7.377	8.916	9.250	9.271	7.466	8.898	9.350	10.290	7.884	10.780	8.895	9.867	9.299	12.294
15	7.635	9.294	9.666	9.704	7.728	9.286	9.777	10.775	8.177	11.298	9.296	10.325	9.739	12.899
16	7.873	9.648	10.064	10.122	7.970	9.650	10.185	11.240	8.450	11.796	9.680	10.764	10.164	13.479
17	8.093	9.978	10.443	10.524	8.193	9.991	10.576	11.686	8.705	12.273	10.047	11.183	10.574	14.037
18	8.297	10.286	10.804	10.911	8.400	10.310	10.949	12.112	8.942	12.731	10.398	11.585	10.971	14.572
19	8.485	10.574	11.150	11.285	8.590	10.609	11.306	12.521	9.163	13.170	10.734	11.969	11.354	15.086
20	8.658	10.842	11.479	11.645	8.766	10.890	11.648	12.912	9.369	13.592	11.056	12.337	11.724	15.580
21	8.818	11.093	11.794	11.991	8.929	11.153	11.975	13.288	9.561	13.996	11.363	12.689	12.082	16.054
22	8.966	11.328	12.094	12.325	9.079	11.400	12.288	13.647	9.741	14.384	11.658	13.026	12.427	16.509
23	9.103	11.547	12.381	12.647	9.217	11.631	12.587	13.991	9.907	14.757	11.939	13.348	12.760	16.946
24	9.229	11.752	12.654	12.958	9.345	11.847	12.873	14.321	10.063	15.114	12.209	13.656	13.083	17.365
25	9.346	11.943	12.915	13.257	9.464	12.050	13.147	14.637	10.208	15.457	12.466	13.952	13.394	17.768
26	9.453	12.121	13.164	13.545	9.573	12.240	13.409	14.939	10.343	15.786	12.713	14.234	13.694	18.155
27	9.553	12.288	13.402	13.823	9.674	12.418	13.659	15.229	10.469	16.102	12.949	14.504	13.984	18.526
28	9.645	12.443	13.629	14.090	9.767	12.585	13.899	15.507	10.587	16.405	13.174	14.763	14.265	18.883
29	9.729	12.589	13.846	14.348	9.853	12.742	14.128	15.773	10.696	16.695	13.390	15.011	14.536	19.225
30	9.808	12.725	14.053	14.596	9.932	12.888	14.347	16.028	10.798	16.974	13.597	15.248	14.797	19.554

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used n developing the factors.

Table B-3—Uniform Present Worth Factor for DOE Region III, Pennsylvania, Maryland, West Virginia, Virginia, District of Columbia, Delaware

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural gas	Distillate	Liquid gas	Electricity	Natural gas	Distillate	Residual	Electricity	Natural gas	Distillate	Residual	Liquid gas	Coal
1	0.920	0.946	0.955	0.960	0.915	0.937	0.953	0.983	0.933	0.965	0.944	0.969	0.955	1.036
2	1.765	1.841	1.867	1.881	1.754	1.816	1.862	1.948	1.802	1.896	1.836	1.909	1.868	2.109
3	2.543	2.688	2.739	2.765	2.521	2.640	2.728	2.896	2.613	2.794	2.678	2.820	2.740	3.220
4	3.258	3.488	3.571	3.614	3.223	3.412	3.553	3.828	3.369	3.661	3.474	3.703	3.572	4.371
5	3.915	4.246	4.365	4.429	3.866	4.135	4.340	4.744	4.075	4.498	4.225	4.559	4.368	5.564
6	4.517	4.955	5.100	5.181	4.455	4.815	5.069	5.593	4.722	5.310	4.920	5.353	5.103	6.669
7	5.067	5.619	5.780	5.875	4.994	5.454	5.744	6.380	5.315	6.099	5.565	6.089	5.782	7.693
8	5.571	6.239	6.409	6.516	5.487	6.054	6.368	7.109	5.859	6.865	6.162	6.771	6.410	8.643
9	6.033	6.820	6.990	7.108	5.939	6.617	6.947	7.786	6.359	7.609	6.714	7.404	6.991	9.523
10	6.455	7.364	7.528	7.655	6.352	7.146	7.483	8.412	6.817	8.332	7.226	7.991	7.527	10.339
11	6.847	7.871	8.040	8.180	6.738	7.641	7.996	9.011	7.246	9.025	7.715	8.552	8.044	11.124
12	7.213	8.342	8.529	8.684	7.097	8.102	8.486	9.583	7.648	9.691	8.183	9.089	8.542	11.881
13	7.553	8.781	8.995	9.169	7.431	8.533	8.955	10.129	8.026	10.329	8.630	9.601	9.023	12.609
14	7.870	9.190	9.439	9.635	7.743	8.936	9.404	10.650	8.379	10.942	9.056	10.091	9.486	13.311
15	8.165	9.571	9.862	10.083	8.033	9.312	9.833	11.148	8.711	11.530	9.464	10.559	9.932	13.986
16	8.439	9.926	10.266	10.513	8.303	9.663	10.243	11.624	9.022	12.094	9.854	11.006	10.362	14.636
17	8.694	10.256	10.651	10.927	8.555	9.990	10.635	12.078	9.313	12.635	10.227	11.434	10.777	15.262
18	8.931	10.564	11.018	11.324	8.790	10.296	11.011	12.512	9.586	13.154	10.583	11.843	11.176	15.865
19	9.152	10.850	11.368	11.706	9.009	10.582	11.370	12.926	9.843	13.653	10.923	12.233	11.562	16.446
20	9.358	11.117	11.701	12.072	9.213	10.849	11.713	13.321	10.083	14.131	11.248	12.607	11.933	17.005
21	9.550	11.366	12.019	12.425	9.402	11.098	12.042	13.699	10.308	14.590	11.559	12.963	12.291	17.543
22	9.728	11.597	12.322	12.763	9.579	11.331	12.356	14.060	10.519	15.030	11.856	13.304	12.636	18.062
23	9.893	11.813	12.611	13.089	9.744	11.548	12.656	14.404	10.716	15.452	12.140	13.630	12.968	18.561
24	10.048	12.013	12.887	13.402	9.897	11.751	12.944	14.733	10.902	15.858	12.411	13.942	13.289	19.042
25	10.191	12.200	13.149	13.702	10.040	11.941	13.219	15.047	11.076	16.247	12.670	14.239	13.598	19.504
26	10.325	12.374	13.400	13.991	10.174	12.118	13.481	15.348	11.239	16.620	12.918	14.524	13.896	19.950
27	10.449	12.536	13.639	14.268	10.298	12.283	13.733	15.634	11.391	16.978	13.155	14.796	14.183	20.379
28	10.565	12.687	13.866	14.535	10.413	12.437	13.973	15.908	11.535	17.322	13.381	15.055	14.460	20.792
29	10.673	12.828	14.083	14.791	10.521	12.581	14.203	16.169	11.669	17.651	13.597	15.304	14.727	21.190
30	10.773	12.959	14.290	15.037	10.621	12.716	14.423	16.419	11.795	17.968	13.803	15.541	14.984	21.573

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-4—Uniform Present Worth Factor for DOE Region IV, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Canal Zone

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural Gas	Distillate	Liquid Gas	Electricity	Natural Gas	Distillate	Residual	Electricity	Natural Gas	Distillate	Residual	Liquid Gas	Coal
1	0.925	0.954	0.961	0.969	0.926	0.949	0.958	0.983	0.944	0.993	0.948	0.966	0.968	1.033
2	1.781	1.863	1.883	1.908	1.784	1.850	1.875	1.951	1.836	1.979	1.845	1.900	1.906	2.100
3	2.573	2.731	2.770	2.818	2.579	2.705	2.754	2.902	2.678	2.959	2.696	2.802	2.813	3.203
4	3.305	3.558	3.622	3.700	3.315	3.517	3.596	3.837	3.473	3.931	3.502	3.673	3.692	4.342
5	3.982	4.347	4.440	4.555	3.997	4.287	4.402	4.757	4.224	4.897	4.266	4.515	4.542	5.519
6	4.605	5.078	5.196	5.344	4.623	5.004	5.149	5.612	4.915	5.847	4.974	5.297	5.329	6.601
7	5.176	5.756	5.896	6.073	5.198	5.669	5.841	6.407	5.552	6.779	5.629	6.024	6.055	7.596
8	5.700	6.383	6.543	6.745	5.725	6.288	6.482	7.145	6.139	7.696	6.236	6.699	6.726	8.512
9	6.182	6.964	7.142	7.366	6.210	6.863	7.075	7.831	6.680	8.597	6.798	7.326	7.347	9.353
10	6.624	7.503	7.696	7.939	6.655	7.398	7.626	8.468	7.179	9.482	7.318	7.909	7.920	10.127
11	7.036	8.009	8.223	8.490	7.069	7.903	8.152	9.080	7.647	10.338	7.816	8.468	8.472	10.872
12	7.421	8.484	8.726	9.019	7.456	8.379	8.655	9.666	8.086	11.165	8.291	9.005	9.005	11.589
13	7.780	8.930	9.204	9.527	7.816	8.829	9.138	10.229	8.499	11.965	8.746	9.520	9.517	12.279
14	8.115	9.349	9.660	10.016	8.151	9.253	9.595	10.769	8.888	12.738	9.180	10.015	10.012	12.944
15	8.427	9.743	10.094	10.485	8.464	9.654	10.035	11.286	9.252	13.485	9.595	10.489	10.488	13.583
16	8.718	10.113	10.507	10.936	8.756	10.032	10.455	11.783	9.595	14.207	9.992	10.945	10.947	14.198
17	8.990	10.460	10.901	11.369	9.028	10.389	10.857	12.259	9.916	14.906	10.371	11.383	11.389	14.790
18	9.244	10.787	11.276	11.785	9.281	10.726	11.241	12.716	10.219	15.581	10.733	11.803	11.814	15.360
19	9.480	11.093	11.633	12.185	9.517	11.044	11.609	13.154	10.503	16.233	11.080	12.206	12.225	15.909
20	9.701	11.381	11.973	12.570	9.738	11.344	11.960	13.574	10.769	16.863	11.411	12.593	12.620	16.437
21	9.906	11.651	12.297	12.939	9.943	11.628	12.295	13.977	11.020	17.473	11.727	12.964	13.001	16.945
22	10.098	11.905	12.606	13.294	10.134	11.895	12.616	14.364	11.256	18.062	12.029	13.321	13.368	17.434
23	10.277	12.144	12.900	13.635	10.312	12.147	12.923	14.735	11.477	18.632	12.318	13.663	13.722	17.904
24	10.444	12.368	13.180	13.962	10.478	12.386	13.217	15.090	11.685	19.182	12.595	13.992	14.063	18.357
25	10.600	12.578	13.446	14.277	10.633	12.611	13.497	15.431	11.880	19.714	12.858	14.307	14.392	18.793
26	10.745	12.776	13.700	14.579	10.778	12.823	13.766	15.759	12.063	20.229	13.111	14.610	14.708	19.213
27	10.881	12.962	13.942	14.870	10.912	13.023	14.022	16.073	12.236	20.726	13.352	14.900	15.013	19.617
28	11.007	13.136	14.173	15.149	11.038	13.213	14.267	16.374	12.397	21.207	13.582	15.179	15.307	20.006
29	11.125	13.300	14.392	15.417	11.155	13.391	14.502	16.663	12.550	21.671	13.802	15.447	15.590	20.380
30	11.235	13.454	14.601	15.675	11.263	13.560	14.726	16.940	12.692	22.121	14.013	15.704	15.863	20.740

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-5—Uniform Present Worth Factor for DOE Region V, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural gas	Distillate	Liquid gas	Electricity	Natural gas	Distillate	Residual	Electricity	Natural gas	Distillate	Residual	Liquid gas	Coal
1	0.923	0.958	0.949	0.960	0.925	0.958	0.951	0.957	0.940	0.983	0.939	0.946	0.961	1.029
2	1.775	1.877	1.848	1.880	1.780	1.876	1.854	1.872	1.824	1.950	1.820	1.840	1.885	2.086
3	2.562	2.757	2.702	2.764	2.572	2.755	2.713	2.747	2.655	2.900	2.648	2.686	2.773	3.178
4	3.288	3.600	3.511	3.611	3.303	3.598	3.530	3.585	3.436	3.835	3.424	3.486	3.626	4.299
5	3.958	4.408	4.279	4.425	3.980	4.405	4.307	4.386	4.170	4.753	4.154	4.242	4.446	5.454
6	4.573	5.162	4.992	5.178	4.601	5.161	5.027	5.132	4.845	5.637	4.831	4.946	5.206	6.513
7	5.136	5.866	5.653	5.877	5.170	5.868	5.697	5.826	5.467	6.488	5.460	5.602	5.911	7.486
8	5.653	6.523	6.266	6.523	5.692	6.530	6.319	6.472	6.038	7.307	6.044	6.211	6.564	8.379
9	6.127	7.137	6.836	7.122	6.171	7.150	6.896	7.074	6.564	8.095	6.586	6.778	7.169	9.199
10	6.562	7.710	7.364	7.677	6.609	7.730	7.432	7.634	7.047	8.853	7.090	7.306	7.731	9.952
11	6.967	8.248	7.869	8.212	7.019	8.277	7.946	8.171	7.502	9.582	7.573	7.813	8.273	10.680
12	7.346	8.753	8.353	8.728	7.402	8.792	8.439	8.686	7.931	10.282	8.036	8.298	8.797	11.383
13	7.700	9.229	8.816	9.226	7.760	9.278	8.912	9.180	8.335	10.954	8.479	8.764	9.303	12.063
14	8.030	9.675	9.260	9.706	8.093	9.736	9.365	9.653	8.716	11.599	8.904	9.210	9.792	12.720
15	8.338	10.094	9.684	10.168	8.405	10.168	9.800	10.106	9.074	12.219	9.312	9.639	10.264	13.355
16	8.626	10.489	10.090	10.614	8.696	10.575	10.216	10.541	9.412	12.815	9.703	10.050	10.721	13.969
17	8.895	10.859	10.478	11.044	8.968	10.959	10.616	10.958	9.730	13.387	10.077	10.444	11.162	14.562
18	9.146	11.207	10.850	11.459	9.222	11.321	10.999	11.358	10.029	13.937	10.436	10.822	11.588	15.135
19	9.380	11.534	11.206	11.859	9.460	11.662	11.366	11.742	10.312	14.464	10.780	11.184	11.999	15.690
20	9.599	11.841	11.547	12.245	9.681	11.983	11.718	12.109	10.577	14.971	11.110	11.532	12.397	16.225
21	9.803	12.130	11.873	12.617	9.888	12.287	12.055	12.461	10.828	15.459	11.426	11.865	12.781	16.743
22	9.993	12.401	12.185	12.975	10.081	12.572	12.379	12.799	11.063	15.926	11.729	12.185	13.152	17.244
23	10.171	12.656	12.484	13.321	10.262	12.842	12.690	13.123	11.285	16.376	12.020	12.492	13.510	17.727
24	10.338	12.896	12.770	13.655	10.430	13.096	12.987	13.433	11.495	16.807	12.298	12.786	13.857	18.195
25	10.493	13.121	13.043	13.976	10.587	13.335	13.272	13.731	11.692	17.222	12.565	13.068	14.191	18.647
26	10.638	13.332	13.305	14.286	10.734	13.561	13.546	14.016	11.877	17.620	12.821	13.338	14.514	19.083
27	10.773	13.531	13.556	14.585	10.872	13.774	13.808	14.290	12.052	18.003	13.066	13.598	14.827	19.506
28	10.899	13.718	13.796	14.874	11.000	13.974	14.060	14.552	12.217	18.370	13.301	13.847	15.128	19.914
29	11.017	13.893	14.025	15.152	11.120	14.164	14.301	14.804	12.372	18.723	13.526	14.085	15.420	20.308
30	11.127	14.058	14.245	15.420	11.231	14.342	14.532	15.045	12.518	19.062	13.742	14.314	15.701	20.689

These uniform present worth worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-6—Uniform Present Worth Factor for DOE Region VI, Texas, New Mexico, Oklahoma, Arkansas, Louisiana

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural Gas	Distillate	Liquid Gas	Electricity	Natural Gas	Distillate	Residual	Electricity	Natural Gas	Distillate	Residual	Liquid Gas	Coal
1	0.952	0.967	0.963	0.968	0.956	0.984	0.964	0.988	0.981	1.019	0.951	0.977	0.967	1.002
2	1.858	1.903	1.891	1.904	1.870	1.953	1.982	1.965	1.942	2.057	1.855	1.932	1.903	2.006
3	2.720	2.808	2.786	2.809	2.745	2.906	2.787	2.931	2.885	3.114	2.715	2.866	2.808	3.012
4	3.540	3.684	3.647	3.686	3.581	3.843	3.649	3.886	3.809	4.191	3.533	3.778	3.684	4.020
5	4.321	4.531	4.477	4.534	4.380	4.766	4.480	4.829	4.716	5.288	4.311	4.669	4.531	5.030
6	5.040	5.329	5.245	5.319	5.117	5.640	5.250	5.706	5.554	6.331	5.032	5.497	5.317	5.955
7	5.703	6.080	5.956	6.047	5.797	6.467	5.964	6.520	6.330	7.322	5.701	6.266	6.044	6.802
8	6.314	6.787	6.615	6.721	6.424	7.251	6.626	7.276	7.048	8.264	6.320	6.981	6.719	7.579
9	6.877	7.453	7.225	7.345	7.003	7.992	7.239	7.978	7.711	9.160	6.895	7.644	7.345	8.289
10	7.395	8.080	7.790	7.923	7.536	8.694	7.808	8.630	8.326	10.011	7.427	8.260	7.925	8.940
11	7.876	8.668	8.330	8.480	8.032	9.356	8.352	9.255	8.899	10.815	7.937	8.851	8.485	9.570
12	8.323	9.220	8.845	9.018	8.493	9.979	8.873	9.855	9.434	11.576	8.425	9.419	9.026	10.178
13	8.738	9.739	9.337	9.536	8.922	10.568	9.372	10.431	9.933	12.295	8.892	9.963	9.548	10.765
14	9.123	10.226	9.807	10.036	9.320	11.122	9.849	10.983	10.399	12.975	9.340	10.485	10.053	11.333
15	9.480	10.683	10.256	10.517	9.690	11.645	10.306	11.513	10.834	13.618	9.768	10.986	10.541	11.882
16	9.812	11.112	10.684	10.982	10.033	12.137	10.743	12.021	11.240	14.226	10.178	11.467	11.012	12.413
17	10.120	11.515	11.094	11.430	10.353	12.602	11.161	12.509	11.619	14.801	10.570	11.928	11.467	12.925
18	10.406	11.894	11.485	11.862	10.650	13.040	11.562	12.977	11.973	15.344	10.946	12.371	11.906	13.421
19	10.671	12.249	11.858	12.278	10.926	13.453	11.945	13.425	12.303	15.858	11.306	12.795	12.330	13.900
20	10.917	12.582	12.214	12.680	11.182	13.842	12.312	13.856	12.611	16.343	11.650	13.202	12.740	14.363
21	11.146	12.895	12.555	13.067	11.421	14.209	12.664	14.269	12.899	16.802	11.980	13.593	13.136	14.810
22	11.358	13.189	12.880	13.440	11.642	14.555	13.000	14.665	13.167	17.237	12.296	13.968	13.519	15.242
23	11.555	13.465	13.190	13.800	11.848	14.881	13.322	15.046	13.418	17.647	12.598	14.328	13.888	15.660
24	11.738	13.724	13.487	14.147	12.039	15.188	13.630	15.410	13.652	18.035	12.887	14.673	14.245	16.064
25	11.908	13.967	13.770	14.481	12.217	15.478	13.925	15.760	13.870	18.402	13.164	15.005	14.590	16.454
26	12.065	14.195	14.041	14.804	12.383	15.751	14.207	16.096	14.074	18.749	13.429	15.322	14.923	16.831
27	12.212	14.410	14.299	15.115	12.536	16.009	14.477	16.418	14.264	19.077	13.683	15.627	15.244	17.196
28	12.347	14.611	14.545	15.415	12.679	16.252	14.736	16.727	14.441	19.387	13.926	15.920	15.555	17.548
29	12.474	14.800	14.781	15.704	12.812	16.480	14.984	17.023	14.607	19.680	14.159	16.200	15.855	17.888
30	12.591	14.977	15.006	15.982	12.935	16.696	15.220	17.308	14.762	19.957	14.382	16.470	16.145	18.217

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-7—Uniform Present Worth Factor for DOE Region VII, Kansas, Missouri, Iowa, Nebraska

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural gas	Distillate	Liquid gas	Electricity	Natural gas	Distillate	Residual	Electricity	Natural gas	Distillate	Residual	Liquid gas	Coal
1	0.920	0.963	0.949	0.959	0.925	0.973	0.951	0.980	0.934	1.012	0.939	0.964	0.961	1.013
2	1.765	1.892	1.850	1.879	1.780	1.920	1.856	1.941	1.805	2.036	1.821	1.893	1.884	2.041
3	2.543	2.786	2.705	2.762	2.570	2.841	2.717	2.882	2.619	3.073	2.649	2.789	2.771	3.081
4	3.258	3.648	3.517	3.608	3.301	3.737	3.535	3.805	3.379	4.121	3.426	3.653	3.623	4.136
5	3.915	4.478	4.287	4.420	3.977	4.609	4.314	4.709	4.088	5.183	4.156	4.485	4.442	5.205
6	4.512	5.265	5.002	5.173	4.590	5.441	5.036	5.549	4.732	6.233	4.833	5.258	5.202	6.185
7	5.053	6.012	5.664	5.871	5.146	6.234	5.706	6.330	5.315	7.272	5.462	5.976	5.907	7.083
8	5.545	6.721	6.277	6.518	5.651	6.989	6.328	7.055	5.845	8.301	6.045	6.643	6.560	7.907
9	5.991	7.393	6.846	7.118	6.109	7.710	6.905	7.728	6.325	9.318	6.585	7.263	7.167	8.661
10	6.395	8.031	7.374	7.674	6.525	8.397	7.440	8.354	6.760	10.325	7.087	7.838	7.730	9.353
11	6.770	8.634	7.879	8.212	6.910	9.050	7.953	8.954	7.166	11.292	7.568	8.390	8.275	10.024
12	7.117	9.205	8.362	8.732	7.267	9.670	8.445	9.529	7.544	12.222	8.030	8.920	8.802	10.675
13	7.438	9.745	8.825	9.235	7.597	10.259	8.917	10.081	7.895	13.116	8.473	9.428	9.313	11.306
14	7.736	10.255	9.268	9.721	7.904	10.819	9.369	10.610	8.223	13.975	8.898	9.916	9.808	11.919
15	8.011	10.738	9.692	10.192	8.188	11.350	9.803	11.117	8.529	14.800	9.306	10.384	10.287	12.514
16	8.266	11.195	10.098	10.646	8.451	11.855	10.220	11.603	8.813	15.593	9.697	10.833	10.751	13.091
17	8.502	11.627	10.487	11.086	8.695	12.335	10.619	12.069	9.078	16.356	10.072	11.264	11.201	13.650
18	8.720	12.036	10.859	11.511	8.922	12.790	11.002	12.516	9.325	17.089	10.432	11.678	11.636	14.194
19	8.923	12.423	11.215	11.922	9.131	13.223	11.369	12.945	9.554	17.793	10.777	12.075	12.057	14.721
20	9.110	12.788	11.557	12.319	9.326	13.634	11.721	13.356	9.768	18.470	11.109	12.456	12.465	15.232
21	9.283	13.134	11.883	12.703	9.506	14.024	12.058	13.750	9.968	19.120	11.427	12.821	12.860	15.728
22	9.444	13.461	12.196	13.075	9.673	14.395	12.382	14.128	10.154	19.746	11.732	13.172	13.243	16.210
23	9.592	13.771	12.495	13.434	9.827	14.747	12.693	14.490	10.327	20.347	12.024	13.509	13.613	16.677
24	9.730	14.064	12.782	13.781	9.971	15.082	12.990	14.837	10.488	20.924	12.305	13.832	13.972	17.130
25	9.857	14.341	13.056	14.117	10.104	15.400	13.276	15.170	10.638	21.479	12.574	14.142	14.320	17.570
26	9.975	14.603	13.319	14.442	10.227	15.702	13.550	15.490	10.778	22.013	12.832	14.440	14.656	17.996
27	10.085	14.851	13.570	14.756	10.341	15.989	13.812	15.796	10.908	22.525	13.080	14.725	14.982	18.410
28	10.186	15.085	13.811	15.060	10.447	16.261	14.064	16.089	11.029	23.018	13.318	14.999	15.297	18.812
29	10.279	15.307	14.041	15.353	10.545	16.520	14.306	16.371	11.142	23.492	13.546	15.262	15.603	19.202
30	10.366	15.516	14.262	15.637	10.636	16.766	14.538	16.641	11.247	23.947	13.765	15.514	15.899	19.580

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-8—Uniform Present Worth Factor for DOE Region VIII, Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural Gas	Distillate	Liquid Gas	Electricity	Natural Gas	Distillate	Residual	Electricity	Natural Gas	Distillate	Residual	Liquid Gas	Coal
1	0.932	0.996	0.952	0.956	0.939	1.006	0.954	0.970	0.961	1.022	0.944	0.960	0.958	1.018
2	1.801	1.989	1.857	1.869	1.821	2.018	1.865	1.910	1.885	2.065	1.835	1.883	1.876	2.054
3	2.611	2.978	2.719	2.742	2.649	3.036	2.735	2.821	2.773	3.132	2.676	2.769	2.755	3.108
4	3.366	3.963	3.538	3.576	3.427	4.059	3.565	3.705	3.627	4.221	3.470	3.620	3.598	4.181
5	4.070	4.944	4.318	4.373	4.157	5.089	4.357	4.561	4.447	5.334	4.220	4.437	4.405	5.274
6	4.704	5.861	5.042	5.111	4.814	6.053	5.093	5.360	5.181	6.379	4.916	5.199	5.153	6.272
7	5.275	6.718	5.713	5.794	5.404	6.954	5.776	6.104	5.838	7.360	5.563	5.909	5.847	7.183
8	5.788	7.519	6.335	6.427	5.935	7.798	6.410	6.797	6.426	8.282	6.163	6.571	6.489	8.016
9	6.251	8.267	6.912	7.013	6.412	8.587	7.000	7.443	6.952	9.147	6.720	7.188	7.084	8.777
10	6.667	8.966	7.447	7.556	6.841	9.325	7.547	8.044	7.422	9.960	7.237	7.763	7.636	9.472
11	7.054	9.628	7.959	8.078	7.241	10.025	8.071	8.622	7.865	10.735	7.733	8.315	8.168	10.161
12	7.413	10.254	8.448	8.582	7.613	10.690	8.574	9.176	8.282	11.474	8.208	8.845	8.682	10.843
13	7.747	10.846	8.916	9.067	7.960	11.320	9.055	9.708	8.673	12.180	8.662	9.354	9.178	11.520
14	8.057	11.407	9.364	9.534	8.283	11.919	9.516	10.218	9.042	12.853	9.098	9.842	9.657	12.191
15	8.345	11.937	9.792	9.983	8.583	12.487	9.958	10.708	9.388	13.495	9.515	10.311	10.119	12.855
16	8.612	12.439	10.201	10.417	8.863	13.025	10.381	11.177	9.714	14.107	9.914	10.762	10.565	13.514
17	8.860	12.915	10.593	10.834	9.124	13.537	10.787	11.628	10.021	14.691	10.296	11.194	10.996	14.167
18	9.091	13.364	10.967	11.236	9.366	14.022	11.175	12.061	10.309	15.249	10.663	11.609	11.412	14.814
19	9.305	13.790	11.325	11.623	9.593	14.482	11.548	12.476	10.581	15.781	11.013	12.008	11.813	15.455
20	9.503	14.193	11.668	11.996	9.803	14.919	11.904	12.874	10.836	16.288	11.349	12.390	12.200	16.090
21	9.688	14.574	11.995	12.355	9.999	15.334	12.246	13.256	11.076	16.772	11.671	12.758	12.574	16.720
22	9.860	14.935	12.308	12.701	10.182	15.727	12.573	13.623	11.302	17.234	11.979	13.111	12.935	17.345
23	10.019	15.276	12.608	13.034	10.352	16.100	12.887	13.975	11.514	17.674	12.274	13.449	13.283	17.963
24	10.167	15.599	12.894	13.355	10.510	16.455	13.188	14.312	11.714	18.094	12.557	13.774	13.620	18.576
25	10.304	15.905	13.168	13.664	10.658	16.791	13.476	14.636	11.902	18.495	12.828	14.086	13.944	19.184
26	10.432	16.194	13.431	13.962	10.795	17.110	13.752	14.947	12.079	18.878	13.087	14.386	14.258	19.787
27	10.550	16.468	13.681	14.249	10.923	17.412	14.016	15.245	12.245	19.243	13.335	14.674	14.560	20.383
28	10.660	16.727	13.921	14.525	11.042	17.700	14.269	15.532	12.402	19.591	13.573	14.950	14.852	20.975
29	10.763	16.972	14.150	14.791	11.153	17.972	14.512	15.806	12.549	19.923	13.801	15.215	15.134	21.561
30	10.857	17.204	14.369	15.048	11.256	18.231	14.744	16.070	12.687	20.240	14.019	15.470	15.406	22.143

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-9—Uniform Present Worth Factor for DOE Region IX, California, Nevada, Arizona, Hawaii, Trust Territory of the Pacific Islands, American Samoa, Guam

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural Gas	Distillate	Liquid Gas	Electricity	Natural Gas	Distillate	Residual	Electricity	Natural Gas	Distillate	Residual	Liquid Gas	Coal
1	0.932	0.993	0.949	0.946	0.925	0.970	0.953	0.960	0.935	0.993	0.941	0.952	0.953	1.039
2	1.801	1.979	1.850	1.840	1.781	1.912	1.861	1.882	1.809	1.980	1.828	1.857	1.861	2.117
3	2.611	2.958	2.704	2.685	2.573	2.825	2.726	2.768	2.626	2.960	2.662	2.719	2.727	3.237
4	3.366	3.930	3.515	3.484	3.306	3.711	3.551	3.618	3.390	3.934	3.447	3.539	3.552	4.401
5	4.070	4.895	4.285	4.240	3.984	4.571	4.336	4.435	4.104	4.901	4.186	4.320	4.339	5.609
6	4.710	5.793	4.990	4.940	4.600	5.375	5.056	5.184	4.754	5.798	4.864	5.035	5.068	6.731
7	5.292	6.631	5.637	5.588	5.160	6.126	5.716	5.871	5.344	6.630	5.484	5.691	5.744	7.772
8	5.821	7.410	6.229	6.189	5.669	6.828	6.321	6.501	5.881	7.401	6.053	6.293	6.371	8.740
9	6.301	8.136	6.771	6.745	6.132	7.483	6.875	7.079	6.368	8.115	6.575	6.844	6.952	9.683
10	6.738	8.813	7.268	7.260	6.553	8.096	7.383	7.609	6.812	8.778	7.052	7.350	7.490	10.472
11	7.142	9.428	7.744	7.760	6.942	8.654	7.870	8.119	7.223	9.417	7.510	7.836	8.014	11.270
12	7.515	9.989	8.199	8.244	7.303	9.162	8.337	8.608	7.605	10.033	7.950	8.303	8.523	12.033
13	7.859	10.499	8.634	8.714	7.636	9.624	8.785	9.078	7.958	10.626	8.372	8.752	9.019	12.764
14	8.176	10.963	9.050	9.170	7.944	10.045	9.215	9.530	8.287	11.198	8.776	9.184	9.500	13.464
15	8.470	11.386	9.448	9.612	8.228	10.428	9.627	9.965	8.591	11.749	9.164	9.599	9.969	14.133
16	8.741	11.771	9.829	10.040	8.492	10.777	10.023	10.382	8.873	12.281	9.536	9.997	10.424	14.774
17	8.991	12.121	10.193	10.456	8.736	11.095	10.402	10.783	9.135	12.793	9.893	10.361	10.867	15.387
18	9.222	12.440	10.541	10.859	8.961	11.384	10.766	11.168	9.378	13.286	10.236	10.749	11.298	15.974
19	9.435	12.730	10.875	11.250	9.170	11.648	11.115	11.538	9.603	13.762	10.564	11.104	11.717	16.535
20	9.632	12.994	11.194	11.629	9.362	11.888	11.450	11.893	9.812	14.220	10.880	11.444	12.124	17.073
21	9.814	13.234	11.499	11.997	9.541	12.106	11.772	12.235	10.005	14.662	11.182	11.772	12.520	17.587
22	9.982	13.453	11.790	12.353	9.706	12.305	12.080	12.563	10.185	15.088	11.472	12.086	12.906	18.079
23	10.137	13.652	12.069	12.699	9.858	12.486	12.376	12.878	10.352	15.499	11.750	12.389	13.280	18.550
24	10.280	13.834	12.336	13.035	9.999	12.650	12.659	13.181	10.506	15.894	12.017	12.680	13.645	19.001
25	10.412	13.999	12,591	13.360	10.130	12.800	12.931	13.473	10.650	16.276	12.273	12.959	13.999	19.432
26	10.534	14.149	12,836	13.675	10.251	12.937	13.192	13.752	10.782	16.643	12.519	13.228	14.343	19.845
27	10.647	14.286	13.069	13.981	10.362	13.061	13.443	14.021	10.906	16.997	12.754	13.486	14.678	20.240
28	10.751	14.411	13.293	14.278	10.465	13.175	13.683	14.279	11.020	17.339	12.980	13.735	15.004	20.616
29	10.847	14.524	13.506	14.566	10.561	13.278	13.913	14.527	11.126	17.668	13.197	13.973	15.321	20.980
30	10.936	14.627	13.711	14.845	10.649	13.372	14.134	14.766	11.224	17.985	13.405	14.203	15.629	21.326

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-10—Uniform Present Worth Factor for DOE Region X, Washington, Oregon, Idaho, Alaska

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural gas	Distillate	Liquid gas	Electricity	Natural gas	Distillate	Residual	Electricity	Natural gas	Distillate	Residual	Liquid gas	Coal
1	0.918	0.966	0.950	0.944	0.922	0.967	0.955	0.962	0.966	1.000	0.943	0.954	0.957	1.062
2	1.760	1.899	1.853	1.835	1.771	1.903	1.868	1.886	1.899	2.001	1.833	1.865	1.872	2.189
3	2.533	2.800	2.710	2.675	2.554	2.807	2.740	2.775	2.800	3.003	2.672	2.733	2.747	3.386
4	3.242	3.670	3.525	3.469	3.276	3.682	3.572	3.630	3.671	4.005	3.463	3.562	3.585	4.658
5	3.893	4.510	4.299	4.218	3.941	4.529	4.368	4.452	4.511	5.007	4.210	4.353	4.386	6.007
6	4.497	5.289	5.009	4.911	4.558	5.316	5.097	5.206	5.301	5.927	4.894	5.079	5.129	7.238
7	5.056	6.012	5.659	5.554	5.129	6.048	5.765	5.897	6.044	6.771	5.520	5.744	5.817	8.361
8	5.574	6.682	6.254	6.149	5.657	6.728	6.377	6.530	6.742	7.545	6.095	6.354	6.456	9.384
9	6.054	7.304	6.800	6.700	6.147	7.361	6.938	7.111	7.397	8.256	6.621	6.914	7.048	10.318
10	6.500	7.880	7.300	7.210	6.601	7.950	7.452	7.644	8.013	8.908	7.103	7.427	7.596	11.169
11	6.913	8.419	7.778	7.705	7.022	8.502	7.945	8.156	8.593	9.536	7.566	7.921	8.130	11.989
12	7.297	8.923	8.236	8.185	7.413	9.020	8.418	8.650	9.139	10.142	8.010	8.394	8.649	12.780
13	7.654	9.395	8.673	8.651	7.776	9.506	8.872	9.124	9.653	10.726	8.436	8.850	9.153	13.542
14	7.986	9.836	9.092	9.103	8.113	9.962	9.307	9.581	10.137	11.289	8.844	9.287	9.644	14.277
15	8.294	10.248	9.492	9.541	8.426	10.390	9.724	10.020	10.593	11.831	9.236	9.707	10.121	14.985
16	8.581	10.634	9.875	9.965	8.717	10.791	10.125	10.443	11.022	12.354	9.612	10.110	10.585	15.668
17	8.847	10.994	10.241	10.377	8.987	11.168	10.509	10.849	11.425	12.858	9.972	10.498	11.037	16.326
18	9.094	11.331	10.592	10.776	9.238	11.522	10.878	11.241	11.805	13.343	10.318	10.870	11.475	16.960
19	9.324	11.647	10.927	11.164	9.471	11.853	11.231	11.617	12.163	13.811	10.650	11.226	11.902	17.572
20	9.537	11.942	11.248	11.540	9.687	12.165	11.570	11.980	12.500	14.263	10.968	11.571	12.317	18.161
21	9.735	12.217	11.554	11.904	9.888	12.457	11.896	12.328	12.817	14.697	11.273	11.901	12.721	18.729
22	9.919	12.475	11.848	12.257	10.074	12.730	12.208	12.664	13.115	15.116	11.566	12.216	13.113	19.277
23	10.090	12.717	12.128	12.600	10.247	12.988	12.507	12.986	13.396	15.520	11.847	12.523	13.495	19.804
24	10.249	12.942	12.397	12.932	10.408	13.229	12.794	13.297	13.660	15.910	12.116	12.816	13.866	20.313
25	10.397	13.153	12.654	13.255	10.557	13.455	13.070	13.596	13.909	16.285	12.375	13.097	14.227	20.804
26	10.534	13.350	12.899	13.567	10.695	13.667	13.334	13.883	14.144	16.646	12.623	13.367	14.578	21.276
27	10.662	13.535	13.134	13.870	10.824	13.867	13.588	14.160	14.364	16.995	12.861	13.626	14.919	21.732
28	10.780	13.707	13.359	14.164	10.943	14.053	13.831	14.426	14.572	17.331	13.089	13.875	15.251	22.171
29	10.890	13.869	13.574	14.449	11.054	14.229	14.064	14.682	14.767	17.655	13.308	14.115	15.574	22.595
30	10.993	14.020	13.779	14.726	11.157	14.393	14.288	14.928	14.951	17.967	13.518	14.344	15.888	23.003

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Table B-11—Uniform Present Worth Factor for the United States, U.S. Average

Study period	Residential sector				Commercial sector				Industrial sector					
	Electricity	Natural gas	Distillate	Liquid gas	Electricity	Natural gas	Distillate	Residual	Electricity	Natural gas	Distillate	Residual	Liquid gas	Coal
1	0.925	0.959	0.951	0.961	0.926	0.961	0.953	0.971	0.945	1.002	0.944	0.962	0.962	1.030
2	1.781	1.880	1.855	1.884	1.785	1.886	1.862	1.913	1.837	2.005	1.836	1.887	1.886	2.092
3	2.573	2.763	2.715	2.771	2.580	2.774	2.728	2.828	2.681	3.010	2.678	2.777	2.775	3.186
4	3.305	3.611	3.533	3.623	3.317	3.628	3.553	3.716	3.478	4.017	3.473	3.633	3.630	4.314
5	3.982	4.424	4.311	4.442	3.999	4.449	4.340	4.578	4.231	5.026	4.224	4.457	4.452	5.476
6	4.602	5.184	5.032	5.200	4.624	5.220	5.069	5.378	4.923	5.986	4.919	5.221	5.213	6.544
7	5.169	5.896	5.698	5.901	5.195	5.943	5.745	6.121	5.559	6.900	5.563	5.929	5.918	7.526
8	5.688	6.561	6.316	6.551	5.719	6.621	6.370	6.811	6.144	7.770	6.159	6.587	6.572	8.429
9	6.163	7.184	6.888	7.152	6.197	7.258	6.950	7.451	6.682	8.598	6.711	7.197	7.177	9.260
10	6.597	7.766	7.417	7.708	6.636	7.855	7.488	8.046	7.176	9.387	7.223	7.762	7.737	10.023
11	7.000	8.311	7.922	8.244	7.043	8.414	8.002	8.616	7.639	10.134	7.712	8.305	8.279	10.759
12	7.375	8.820	8.405	8.761	7.422	8.939	8.494	9.162	8.074	10.843	8.180	8.825	8.802	11.469
13	7.723	9.296	8.867	9.259	7.774	9.430	8.966	9.685	8.481	11.515	8.628	9.323	9.308	12.153
14	8.047	9.740	9.307	9.739	8.102	9.891	9.417	10.186	8.863	12.152	9.056	9.801	9.797	12.813
15	8.348	10.156	9.728	10.202	8.407	10.323	9.849	10.666	9.221	12.756	9.466	10.260	10.269	13.449
16	8.628	10.545	10.130	10.649	8.690	10.727	10.263	11.126	9.557	13.328	9.858	10.699	10.726	14.063
17	8.888	10.908	10.513	11.079	8.954	11.107	10.659	11.567	9.871	13.871	10.234	11.121	11.167	14.654
18	9.130	11.248	10.880	11.494	9.199	11.462	11.038	11.989	10.166	14.386	10.593	11.525	11.593	15.225
19	9.354	11.565	11.230	11.893	9.426	11.795	11.401	12.393	10.443	14.874	10.936	11.912	12.005	15.774
20	9.563	11.862	11.564	12.279	9.638	12.107	11.749	12.781	10.702	15.336	11.265	12.284	12.403	16.305
21	9.757	12.140	11.884	12.650	9.835	12.400	12.082	13.152	10.946	15.775	11.579	12.640	12.788	16.816
22	9.937	12.399	12.189	13.009	10.018	12.674	12.400	13.508	11.174	16.191	11.880	12.981	13.159	17.308
23	10.104	12.642	12.480	13.354	10.189	12.931	12.705	13.849	11.387	16.585	12.167	13.309	13.519	17.784
24	10.260	12.868	12.758	13.687	10.347	13.171	12.997	14.175	11.588	16.959	12.443	13.623	13.866	18.242
25	10.405	13.080	13.024	14.008	10.495	13.397	13.276	14.488	11.776	17.313	12.706	13.924	14.201	18.684
26	10.539	13.278	13.278	14.317	10.632	13.609	13.544	14.788	11.952	17.649	12.958	14.212	14.525	19.110
27	10.664	13.463	13.520	14.615	10.759	13.807	13.800	15.075	12.117	17.968	13.199	14.489	14.839	19.520
28	10.780	13.637	13.751	14.903	10.877	13.993	14.045	15.350	12.272	18.270	13.430	14.754	15.141	19.916
29	10.888	13.798	13.973	15.180	10.988	14.167	14.280	15.614	12.417	18.556	13.650	15.009	15.434	20.298
30	10.989	13.950	14.184	15.447	11.090	14.330	14.505	15.867	12.553	18.827	13.862	15.253	15.717	20.666

These uniform present worth factors are based on a 10 percent discount rate adjusted for energy price escalation. See Appendix C for price projections used in developing the factors.

Appendix C to Subpart A of Part 436

Table C-1—Base Year Energy Prices (1980 Prices Per Million Btu in 1980 Dollars)

Fuel type	DOE 1	DOE 2	DOE 3	DOE 4	DOE 5	DOE 6	DOE 7	DOE 8	DOE 9	DOE 10	Average
Residential Sector											
Electricity	17.95	20.75	15.67	12.53	14.58	14.02	13.76	12.23	15.46	6.49	14.17
Natural gas	5.14	4.25	3.55	3.00	3.05	3.07	2.74	2.61	2.98	4.04	3.24
Distillate	4.49	4.46	4.51	4.44	4.21	4.09	4.15	4.19	4.36	4.33	4.38
Liquid gas	5.12	5.09	5.12	4.89	4.69	4.53	4.58	4.91	4.55	4.58	4.73
Commercial Sector											
Electricity	17.66	20.52	15.17	12.85	14.24	12.81	12.73	10.52	14.42	6.56	14.14
Natural gas	4.41	3.71	3.26	2.60	2.75	2.40	2.28	2.33	2.92	3.50	2.84
Distillate	4.17	4.19	4.18	4.09	4.00	3.86	3.94	3.90	4.02	3.97	4.07
Residual	3.24	3.17	3.26	2.94	3.39	2.88	3.03	3.03	3.24	3.16	3.20
Industrial Sector											
Electricity	13.40	11.94	10.74	8.54	9.61	9.21	9.51	6.61	11.74	2.82	9.38
Natural gas	3.78	3.16	2.79	2.18	2.61	1.83	1.95	1.86	2.77	2.81	2.21
Distillate	4.44	4.43	4.47	4.39	4.25	4.11	4.20	4.15	4.26	4.22	4.30
Residual	3.44	3.42	3.42	3.18	3.58	3.03	3.27	3.14	3.40	3.39	3.33
Liquid gas	4.85	4.84	4.90	4.61	4.50	4.35	4.40	4.66	4.14	4.07	4.51
Coal	1.69	1.36	1.17	1.23	1.10	1.29	1.11	0.79	1.21	1.02	1.15

Table C-2—Base Year Energy Prices (1980 Prices Per Unit of Energy Purchased in 1980 Dollars)

Fuel type and unit purchased	DOE 1	DOE 2	DOE 3	DOE 4	DOE 5	DOE 6	DOE 7	DOE 8	DOE 9	DOE 10	U.S. average
Residential Sector											
Electricity (Kwh)	0.061	0.071	0.053	0.043	0.050	0.048	0.047	0.042	0.053	0.022	0.048
Natural gas (cubic foot)	0.005	0.004	0.004	0.003	0.003	0.003	0.003	0.003	0.003	0.004	0.003
Distillate (gallon)	0.622	0.618	0.626	0.615	0.584	0.568	0.576	0.581	0.604	0.600	0.608
Liquid gas (gallon)	0.489	0.486	0.489	0.467	0.448	0.433	0.437	0.469	0.434	0.437	0.452
Commercial Sector											
Electricity (Kwh)	0.060	0.070	0.052	0.044	0.049	0.044	0.043	0.036	0.049	0.022	0.048
Natural gas (cubic foot)	0.005	0.004	0.003	0.003	0.003	0.002	0.002	0.002	0.003	0.004	0.003
Distillate (gallon)	0.579	0.581	0.580	0.568	0.555	0.535	0.546	0.541	0.557	0.550	0.564
Residual (gallon)	0.485	0.474	0.488	0.440	0.508	0.431	0.454	0.454	0.485	0.473	0.479
Industrial Sector											
Electricity (Kwh)	0.046	0.041	0.037	0.029	0.033	0.031	0.032	0.023	0.040	0.010	0.032
Natural gas (cubic foot)	0.004	0.003	0.003	0.002	0.003	0.002	0.002	0.002	0.003	0.003	0.002
Distillate (gallon)	0.616	0.615	0.620	0.609	0.590	0.570	0.582	0.576	0.591	0.585	0.597
Residual (gallon)	0.515	0.512	0.512	0.476	0.536	0.454	0.489	0.470	0.508	0.507	0.498
Liquid gas (gallon)	0.464	0.462	0.468	0.441	0.430	0.415	0.421	0.445	0.395	0.388	0.431
Coal (ton)	41.456	33.299	28.630	30.202	27.010	31.493	27.155	19.255	29.567	24.985	28.188

Table C-3—1985 Projected Energy Prices

Fuel	DOE 1	DOE 2	DOE 3	DOE 4	DOE 5	DOE 6	DOE 7	DOE 8	DOE 9	DOE 10	U.S.
Residential Sector											
Electricity	19.25	20.59	16.60	13.67	15.74	17.63	14.57	13.86	17.53	6.80	15.47
Natural gas	5.85	4.90	4.33	3.82	3.97	4.18	3.67	4.13	4.64	5.47	4.25
Distillate	5.46	5.55	5.77	5.85	5.22	5.47	5.15	5.25	5.40	5.40	5.49
Liquid gas	6.24	6.34	6.71	6.73	6.14	6.19	5.98	6.31	5.53	5.33	6.25
Commercial Sector											
Electricity	18.86	20.68	15.71	14.11	15.51	16.49	13.85	12.37	15.74	7.03	15.53
Natural gas	5.07	4.20	3.79	3.22	3.58	3.57	3.20	3.86	4.04	4.78	3.75
Distillate	5.17	5.25	5.31	5.31	5.00	5.17	4.94	4.98	5.08	5.08	5.16
Residual	4.35	4.46	4.80	4.35	4.38	4.37	4.41	4.18	4.26	4.18	4.44
Industrial Sector											
Electricity	14.89	12.83	12.20	10.33	11.36	13.44	10.87	8.74	13.49	8.82	11.37
Natural gas	4.71	4.69	3.75	3.39	3.86	3.22	3.32	3.32	4.31	4.54	3.59
Distillate	5.17	5.24	5.41	5.40	5.00	5.15	4.93	5.02	5.08	5.06	5.20
Residual	4.41	4.57	4.71	4.31	4.36	4.36	4.38	4.13	4.26	4.32	4.41
Liquid gas	5.96	6.03	6.27	6.32	5.94	5.94	5.80	6.05	5.24	5.24	5.96
Coal	2.56	2.40	2.25	2.33	2.04	2.10	1.91	1.39	2.36	2.22	2.16

Fuel prices per million Btu in 1980 dollars.
Prices based on DOE Mid Range Energy Forecasting System (MEFS) Projection Series "B" (High Case).

Table C-4—Projected 1990 Energy Prices

Fuel	DOE 1	DOE 2	DOE 3	DOE 4	DOE 5	DOE 6	DOE 7	DOE 8	DOE 9	DOE 10	U.S.
Residential Sector											
Electricity	19.16	20.66	17.16	14.37	16.44	18.86	14.45	13.21	17.53	7.49	15.96
Natural gas	6.40	5.86	5.01	4.20	4.53	4.99	4.54	4.73	5.24	6.04	4.91
Distillate	5.98	6.08	6.28	6.37	5.78	6.00	5.67	5.80	5.62	5.62	6.02
Liquid gas	6.78	6.88	7.25	7.27	6.75	6.80	6.60	6.91	6.06	6.06	6.83
Commercial Sector											
Electricity	18.76	20.75	16.27	14.82	16.20	17.72	13.71	11.71	15.74	7.72	16.06
Natural gas	5.62	5.16	4.47	3.60	4.14	4.37	4.06	4.06	4.46	5.35	4.39
Distillate	5.70	5.78	5.82	5.84	5.56	5.70	5.47	5.54	5.29	5.29	5.67
Residual	4.83	4.94	5.30	4.85	4.93	4.86	4.92	4.73	4.46	4.37	4.93
Industrial Sector											
Electricity	14.80	12.90	12.76	11.04	12.05	14.66	10.74	8.07	13.49	4.51	12.03
Natural gas	5.23	5.22	5.22	5.01	5.14	4.02	5.08	3.91	4.76	4.76	4.52
Distillate	5.70	5.76	5.94	5.93	5.56	5.67	5.46	5.58	5.29	5.29	5.71
Residual	4.90	5.06	5.20	4.80	4.90	4.85	4.87	4.68	4.45	4.52	4.88
Liquid gas	6.50	6.57	6.81	6.86	6.55	6.55	6.42	6.66	5.78	5.78	6.55
Coal	2.79	2.63	2.48	2.46	2.14	2.18	1.99	1.42	2.63	2.26	2.28

Fuel prices per million Btu in 1980 dollars.
Prices based on DOE Mid Range Energy Forecasting System (MEFS) projection series "B" (High Case).

Table C-5—1995 Energy Prices

Fuel	DOE 1	DOE 2	DOE 3	DOE 4	DOE 5	DOE 6	DOE 7	DOE 8	DOE 9	DOE 10	U.S.
Residential Sector											
Electricity	21.19	2.37	19.29	16.34	18.78	20.93	15.82	14.70	18.95	8.35	17.82
Natural gas	7.02	6.71	5.66	4.94	5.34	5.86	5.54	5.79	5.27	6.96	5.64
Distillate	7.64	7.75	7.97	8.05	7.47	7.67	7.35	7.47	7.25	7.25	7.70
Liquid gas	9.09	9.21	9.56	9.58	9.07	9.13	8.99	9.23	8.38	8.38	9.16
Commercial Sector											
Electricity	20.80	22.46	18.39	16.80	18.54	19.79	15.10	13.21	17.16	8.58	17.99
Natural gas	6.24	6.01	5.11	4.35	4.96	5.24	5.06	5.53	4.67	6.27	5.11
Distillate	7.35	7.45	7.51	7.51	7.26	7.37	7.14	7.20	6.91	6.91	7.35
Residual	6.31	6.42	6.78	6.34	6.43	6.36	6.42	6.20	5.88	5.80	6.41
Industrial Sector											
Electricity	16.83	14.62	14.88	13.01	14.39	16.73	12.13	9.57	14.92	5.37	14.03
Natural gas	6.83	6.83	6.83	6.81	6.76	4.90	6.71	4.98	6.37	6.37	5.57
Distillate	7.35	7.43	7.62	7.61	7.25	7.35	7.14	7.25	6.91	6.91	7.37
Residual	6.37	6.53	6.68	6.31	6.40	6.35	6.39	6.14	5.88	5.95	6.37
Liquid gas	8.82	8.90	9.13	9.17	8.87	8.86	8.80	8.99	8.09	8.09	8.89
Coal	3.61	3.45	3.30	3.28	2.91	2.96	2.76	2.19	3.39	3.03	3.06

Fuel prices per million Btu in 1980 dollars.
Prices based on DOE Mid Range Energy Forecasting System (MEFS) projection series "B" (High Case).

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federal register

Monday
April 30, 1979

Part V

Endangered Species Scientific Authority

American Alligator, Bobcat, Lynx, River Otter, Alaskan Wolf, Alaskan Brown Bear and American Ginseng; 1979–1980 Export Finding Procedures

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

[50 CFR part 810]

Export of American Alligator, Bobcat, Lynx, River Otter, Alaskan Wolf, Alaskan Brown Bear and American Ginseng; Procedures for Making 1979–1980 Export Findings

AGENCY: Endangered Species Scientific Authority.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice states in general terms what types of information the Endangered Species Scientific Authority (ESSA) will need in order to make findings in favor of export of legally obtained specimens of the following Appendix II species: American alligators taken in 1979; bobcat, lynx, river otter, Alaskan brown bear, and Alaskan gray wolf taken in 1979–1980; and American ginseng harvested in 1979. This notice also establishes certain interim policies concerning the findings, and states procedures to be followed in 1979–1980 to help ensure public participation in the development of ESSA's findings for these species.

DATE: The ESSA requests any interested individuals, organizations or agencies with information relevant to the ESSA's export findings for these seven species to supply this information to the ESSA as soon as possible, but no later than 60 days after the forthcoming proposed rulemaking addressing these species.

ADDRESS: Comments should be addresed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240. Comments received will be available for public inspection at 1717 H Street, N.W., Washington, D.C., Room 536, 7:45 a.m. to 5:30 p.m., Mondays through Fridays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dr. William Y. Brown, Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240 (202/653–5948).

SUPPLEMENTARY INFORMATION: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its implementing regulations, 50 CFR Part 23, control international trade in animal and plant species, subspecies or geographically separate populations included in any of three Appendices, listed in 50 CFR 23.23. Currently 51 nations are party to the CITES. The CITES is implemented in each Party by one or more scientific authorities and one or more management authorities. The CITES Appendices are distinct from the list of species issued under the Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.

Findings by Scientific Authorities

Findings and the purpose of listing

All seven species discussed in this notice are, or, in the case of the American alligator, will soon be included in Appendix II. According to Article II, paragraph 2 of the CITES, Appendix II is to include:

(a) All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) Other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

Although the CITES provides for the inclusion of species in Appendix II for two distinct purposes, Parties proposing additions in the past usually have not clearly identified the purpose of listing in their original proposals or in other supporting documents.

At the second meeting of the Conference of the Parties (held in San Jose, Costa Rica in March 1979), the Parties recommended "that proposals for additions to Appendix II should make it clear whenever possible whether the proposal is made under Article II 2(a) or Article II 2(b) . . ." (Com. 2.13, see also Com. 2.12). This recommendation is intended to clarify the responsibility of the Parties' scientific authorities in making findings on applications to export or to import specimens of species protected by the CITES.

Before a Party's management authority may grant an export permit for a specimen of an Appendix II species, the Party's scientific authority must find that the export "will not be detrimental to the survival of that species" (Article IV 2(a)). For specimens of species included in Appendix II under Article II 2(a), scientific authorities should address the potential effect of exports on the listed species itself; for species included in Appendix II under Article II 2(b), scientific authorities should address how such exports may affect the status of the species intended to be protected: those associated species included in Appendix II under Article II 2(a), or included in Appendix I. The ESSA will propose procedural regulations in the near future concerning this and other interpretations and procedures for making findings and for the present will follow the interpretations above concerning the differing effect of inclusion in Appendix II under Article II 2(a) versus II 2(b)

At the second meeting of the Conference of the Parties, the Parties agreed that the Alaskan and Canadian populations of brown bear, *Ursus arctos*, and wolf, *Canis lupus*, were to be treated as being included in Appendix II under Article II 2(b). After these agreements become effective on June 28, the ESSA will limit its review of export applications for Alaska brown bear and gray wolf to the preparation of findings made with respect to Article II 2(b). When reviewing proposals to export these Alaskan specimens, the ESSA will only consider and will only make a finding on the probable impact that export of specimens from Alaska will have on the status of other populations of the same species.

In certain cases it may be necessary to include a species in Appendix II both because it may become threatened with extinction and because its trade must be regulated to effectively control trade in other species included because of biological jeopardy. In such cases a scientific authority should make two findings on detriment, one with respect to Article II 2(a) and the other with respect to Article II 2(b).

The U.S. proposed to transfer the American alligator (*Alligator mississippiensis*) from Appendix I to Appendix II under Aritcle II 2(a) and Article II 2(b) (February 14, 1979, **Federal Register**, 44 FR 9689). Transfer to Appendix II was agreed to at the second meeting of the Conference of the Parties and will become effective June 28, 1979. The ESSA intends to propose separate findings on detriment with respect to Article II 2(a) and Article II 2(b) for exports of the 1979 harvest of this species.

When a single species has been included in Appendix II without reference to the purpose for listing, unlike the species discussed above, the ESSA for the present will treat the species as included under Article II 2 (a) alone. This interim policy will be addressed in the ESSA's procedural regulations. American ginseng (*Panax quinquefolius*) is one species to which this policy applies. Therefore, for proposals to export American ginseng, the ESSA only will examine the

potential effect of export on the species itself.

When a species was included in Appendix II as part of a higher taxon and the purpose for listing is not clear, the ESSA for the present will treat the species as included in Appendix II under both Article II 2(a) and Article II 2(b). This interim policy also will be addressed in the ESSA's procedural regulations.

This interpretation is consistent with the purpose for listing higher taxa. For example, the Berne Criteria for addition (Conf. 1.1, 5.11. 1976) state: "Genera should be listed if some of their species are threatened and identification of individual species within the genus is difficult. The same should apply to listing any smaller taxa within larger ones."

The bobcat (*Lynx rufus*) and lynx (*Lynx canadensis*) were added to Appendix II on February 4, 1977 as part of the Felidae. The porposal to include the Felidae in Appendix II was prepared by the United Kingdom of Great Britain and Northern Ireland. In this case the proposal stated that "all species must be considered as vulnerable" and that all "wild species not in Appendix I should be on Appendix II, so that the scale of their occurrence in trade can be monitored." The river otter was included in Appendix II on February 4, 1977 as part of the Lutrinae. This proposal was prepared by Switzerland and stated, in part: "All otters are heavily exploited for their skins to the extent that they could become endangered. The skins of different species are difficult to distinguish from one another." No additional clarification was given as to why individual species of cats and otters were included in Appendix II. These statements suggest that scientific authority findings on any species of these taxa should address potential threat to their own survival as well as the need to control trade in other species in the taxa.

Consequently, the ESSA intends to make separate findings on detriment with respect to Article II 2(a) and Article II 2(b) for export of specimens of bobcat, lynx, and river otter harvested in 1979–80. This approach differs from the past two seasons, when findings were limited to those conforming to listing under Article II 2(a).

Guidelines for ESSA Findings Based on Listing Under Article II 2(a).

In the July 11, 1977, **Federal Register** (42 FR 35799), the ESSA proposed general criteria for determining whether an export will not be detrimental to the survival of the species. Guidelines for ESSA findings in favor of export, a discussion of the biological review, and a request for specific information on state populations of bobcat, lynx, river otter, and American ginseng were published in the April 10, 1978, **Federal Register** (43 FR 15097). Although directed at the 1978–1979 harvest, this notice is equally applicable to findings for the 1979–1980 harvest of these species as well as for the findings under Article II 2(a) for the 1979 harvest of the American alligator. The ESSA will continue to follow these guidelines for findings made for the upcoming season, pending adoption of any revised interpretation in procedural regulations.

Guidelines for ESSA Findings Under Article II 2(b).

The ESSA has not developed criteria for determining whether exports of American alligator, bobcat, lynx, river otter, Alaskan brown bear and Alaskan gray wolf will not be detrimental to the survival of other species of crocodilians, felids, otters and other populations of brown bear and gray wolf. Such criteria will be proposed concurrently with the proposed findings for these species. This notice, however, does provide a discussion of our current views on two major aspects of such findings as well as a discussion of certain criteria that could be established and that, when satisfied, may be considered sufficient support for a finding of no detriment.

In making a finding on detriment with respect to Article II 2(b) the ESSA should first determine whether the specimens proposed for export are distinguishable from specimens of the other associated species that are or may be threatened with extinction. To the degree that the latter species may be confused with the former, trade in the former may potentially impact the latter. Second, the ESSA should determine to what extent trade in any species included in Appendix II under Article II 2(b) may create a demand, or otherwise promote exploitation of these other species.

In regard to the identification problem, the ESSA may prescribe certain specific conditions that, if satisfied, would support a finding of no detriment. Conditions would necessarily differ from species to species because of the type of specimens in trade and the degree of difficulty encountered in distinguishing between specimens of related species. For example, an intact raw hide of an American alligator may be easily distinguished by trained personnel from raw hides of other crocodilians, whereas even an expert may not be able to distinguish raw hides of river otters from certain other otter pelts. Also, distinguishing between different species of crecodilians may considerably more difficult once hides are made into finished products. The degree of difficulty in identifying specimens will help determine what conditions on trade may be warranted to ensure that trade in those specimens does not adversely impact other protected species.

For the bobcat, lynx, and river otter, the U.S. Fish and Wildlife Service currently requires tagging of pelts to be exported and requires that the tags:

1. Are made of some sort of metal or permanent material;
2. Are permanently attached to each skin, preferably by State personnel;
3. Accompany finished fur products to the port where the tags will be collected by USFWS officers;
4. Are applied within a specified time of taking that is set by the State;
5. State the State of origin;
6. State the year of taking;
7. State the species name; and
8. Are serially unique.

Evidence of compliance with these conditions may be sufficient to ensure generally that pelts of the bobcat and lynx are distinguishable from the pelts of other cats, particularly the morphologically distinct species included Appendix I. These conditions provide less assurance of adequate controls in the case of otters and protected populations of bobcat and lynx. In such cases additional conditions may need to be imposed to support more strongly a finding of no detriment. For example, such conditions may include requiring that all pelts harvested be tagged or that export only be allowed for tanned pelts imprinted with an indelible identifying mark over the entire inside of the pelt. Tagging and other conditions similar to those for the furbearers should be applied to exports of American alligator hides to help ensure that the hides are identifiable. Further steps may be required to ensure that small pieces of hides and products can be identified.

Assessing whether trade in one species may promote exploitation of other species is more complex than the problem of identification. Analysis of such relationships can only be initiated once trade data are accumulated.

However, certain conditions on trade may help ensure that trade in one species will not adversely impact the status of other species that may be threatened with extinction. Examples of such conditions would be restriction of exports to nations party to the CITES; and a requirement that the Management

Authority verify that exports to party nations are actually imported by those nations. Additional potential conditions may become apparent as more trade information is obtained.

Procedures for Public Participation

The ESSA plans to follow the schedule below, with dates approximate, in establishing export findings on detriment concerning the harvest of these species in the upcoming seasons.

May 31

The ESSA will publish proposed findings for the 1979 harvest of American ginseng and American alligator, with a sixty day comment period.

July 2

The ESSA will publish proposed findings for the 1979–1980 harvest of bobcat, lynx, river otter, Alaskan wolf, and Alaskan brown bear, with a sixty day comment period.

August 10

The ESSA will publish final findings for the 1979 harvest of American ginseng and American alligator.

September 14

The ESSA will publish final findings for the 1979–1980 harvest of bobcat, lynx, river otter, Alaskan wolf, and Alaskan brown bear.

Publication of this notice has been approved by the Endangered Species Scientific Authority.

Dated: April 24, 1979.

William Y. Brown,

Executive Secretary, Endangered Species Scientific Authority.

[FR Doc. 79-13248 Filed 4-27-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Monday
April 30, 1979

Part VI

Department of Transportation

Federal Highway Administration

Highway Beautification Program; Reassessment and Public Hearings

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Parts 750 and 751]

Highway Beautification Program; Reassessment and Public Hearings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking and public hearings.

SUMMARY: There are now pending before the Federal Highway Administration (FHWA) several matters related to the Highway Beautification Act of 1965, as amended, 23 U.S.C. 131, 136, and 319, and particularly relating to the outdoor advertising and junkyard control programs, sections 131 and 136. A discussion of these matters is contained in the Supplementary Information Section. As a result of these matters, the FHWA is considering a reassessment of the Highway Beautification Program, particularly 23 U.S.C. 131 and 136. As part of this reassessment, the FHWA will hold public hearings for the purpose of soliciting comments from all interested parties who may wish to express their ideas about the future direction of the program. While any of the areas mentioned in the Supplementary Information Section of this Notice are open for comment, the main purpose of the hearings will be to formulate a basis for an overall approach to the program in the future, both as to its administration and possible recommendations for legislative change.

DATES: The public hearings announced in this Notice will be held in all ten Federal regions. Hearings are tentatively scheduled to be held on June 5 (and 6, if necessary), 1979, in Boston, Massachusetts, Chicago, Illinois, and Portland, Oregon; on June 12 (and 13, if necessary) in Baltimore, Maryland, Kansas City, Missouri, and San Francisco, California; on June 19 (and 20, if necessary) in Atlanta, Georgia, Dallas, Texas, and Denver, Colorado and on June 26 (and 27, if necessary) in New York City, New York. An additional hearing will be held in Washington, D.C., on July 10 (and 11, if necessary). More specific details of the site, time, and procedures for the hearings will be announced in the **Federal Register** at a later date. Written comments are due by July 15, 1979.

ADDRESS: Submit written comments, if possible in triplicate, to FHWA Docket No. 79–10, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Moeller, Chief, Junkyard and Outdoor Advertising Branch, telephone number (202) 245–0021, or Mr. Edward Kussy, Deputy Assistant Chief Counsel for Right-of-Way and Environmental Law, (202) 426–0791. Office hours are 7:45 a.m. to 4:15 p.m., e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: Sections 131 and 136, title 23, U.S.C. (the Highway Beautification Act of 1965), require the States to effectively control outdoor advertising devices and junkyards adjacent to Interstate and Federal-aid primary highways. Failure to provide control in either program requires the Secretary of Transportation to withhold 10 percent of a State's Federal-aid highway apportionment until such time as control is achieved. Effective control of outdoor advertising limits the erection of new outdoor advertising devices, hereinafter called signs, and requires the removal with compensation of certain nonconforming signs. New signs, other than those specifically exempted by the 1965 Act, may be erected only in zoned commercial or industrial areas or in areas which are unzoned but developed as commercial or industrial land uses as defined by an agreement between the various States and the U.S. Secretary of Transportation. Such signs must also comply with requirements for size, lighting, and spacing as specified in the same agreement. Effective control of junkyards requires that junkyards which are subject to control be either screened so as not to be visible or be removed from sight if located outside of industrial areas.

A final section of the Highway Beautification Act of 1965, as amended, now codified at 23 U.S.C. 319, deals with landscaping and scenic enhancement adjacent to Federal-aid highways and will be further discussed in paragraph IC4 of the *Comments Requested* section.

Since their inception, the programs established by the Highway Beautification Act have had some success. As of September 30, 1978, the States have acquired 98,215 nonconforming signs. Over 88,000 of these have been removed. An estimated 197,791 nonconforming signs remain to be acquired. In addition, the States have removed 380,464 illegal signs. The total number of nonconforming junkyards which have been either screened or removed is 2,345 and the total number of illegal junkyards removed is 1,055. An estimated 10,608 nonconforming junkyards remain to be screened or removed.

It is generally accepted that the greatest accomplishment of the beautification program to date has been its control aspect. Controls resulting from the program have prohibited the placement of substantial numbers of outdoor advertising signs and junkyards adjacent to our primary and Interstate highways with resultant esthetic and safety benefits.

At various times, the States, the outdoor advertising and junkyard/automotive recycling/scrap processing industries, environmental groups, the academic community, advertisers, and Federal, State, and local legislators and officials have expressed concerns. This has resulted in many amendments to the law and, in turn, to administrative changes. All of the matters referred to in this Supplementary Information Section have resulted from the concerns with the Highway Beautification Program as expressed by these various sectors of society.

Impact of 1978 Amendments

The first matter pertains to the implementation of the existing program as revised by amendments contained in the Surface Transportation Assistance Act of 1978, Pub. L. 95–599, November 6, 1978 (the 1978 Act). The outdoor advertising control provision of the law was also amended by the Congress in 1968, 1974, and 1976. The junkyard control provision of the law was amended in 1974. All these amendments have met with varying reactions by those affected by or interested in these programs. All amendments prior to 1978 have been implemented by the Federal Highway Administration through the promulgation of regulations. The 1978 amendments on outdoor advertising will again necessitate major revisions to Federal regulations and State law and regulations. A synopsis of the amendments contained in the 1978 Act follows:

1. Section 121 of the 1978 Act added a new category of permitted signs to section 131(c) which allows the placement of signs off the highway right-of-way denoting the availability of free coffee distributed by nonprofit organizations at locations accessible to travelers on the Interstate and primary systems. The term "free coffee" includes coffee for which a donation may be made but is not required. Such signs are presently permitted on the highway right-of-way under Section 2F–36 of the 1978 Manual on Uniform Traffic Control Devices (MUTCD).

2. The most significant change in the 1978 Act was provided in sections 122(a) and (b) which amended section 131(g), the just compensation provision, and section 131(k), the provision allowing stricter sign standards and limitations by States. The States are required to ensure that just compensation is paid for any sign lawfully erected along the Interstate and primary systems and required to be controlled, even though the removal is made pursuant to a State or local law unrelated to the Highway Beautification Act. The amendment has been interpreted to apply to and guarantee the payment of just compensation for all signs lawfully erected under State law and in existence on or after November 6, 1978. The FHWA will not require the payment of just compensation for signs that were not in existence on November 6, 1978, except for such signs that were the subject of pending litigation on that date. Failure to provide compensation for such signs will subject the State to a reduction of its Federal-aid apportionment, 23 U.S.C. 131(b).

3. Sections 122(c) and 122(d) of the new law amended section 131(c)(3), the exemption for on-premise signs, and section 131(j), concerning bonus payment provisions which, in effect: *Provided,* That the States which had entered into an agreement to control outdoor advertising in accordance with the 1958 Bonus Act and the National Standards (23 CFR Part 750, Subpart A) may now allow the erection and maintenance of electronic or changeable message signs as on-premise signs without violation of the terms of the bonus agreement. Such on-premise signs had been prohibited only adjacent to the controlled portions of the Interstate System for the 23 bonus States. Thus, this amendment does not affect the nonbonus States nor the primary system controls in the bonus States.

4. In addition to the aforementioned provisions contained in the 1978 Act, the Conference Report (H.R. Rep. No. 95–1797), which was issued with the Act, included advisory language as follow:

"The conferees agreed not to amend subsection (o) of Section 131 in the absence of experience that can be gained through its adequate implementation. When enacting subsection (o) in 1976, the Congress intended that it be administered by the Secretary in a meaningful way and that he approves the requests of States for the retention of signs, displays, and devices whenever the requests meet the requirements set forth in the subsection. The conferees emphasize that we expect the Secretary to expedite the implementation of subsection (o) to carry out this Congressional intent and to assist those States which desire to utilize its provisions in doing so." [1]

Subsection (o) of 23 U.S.C. 131 provides that certain nonconforming signs may be eligible for retention in specific areas if the signs provide directional information about goods and services in the interest of the traveling public and that removal of same would work a substantial economic hardship in the defined area.

In response to the advisory language contained in the Conference Report, the FHWA has announced that it will hold a Workshop/Open Meeting in Washington, D.C., on May 15, 1979, for the purpose of explaining and discussing the section 131(o) exemption provisions.[2]

GAO Report

The second of the matters involves a Report to the Congress by the Comptroller General of the United States on March 27, 1978, entitled "Obstacles to Billboard Removal," CED–78–38. That report indicates that the outdoor advertising control program fostered by the Act has been effective in curbing the number of new signs erected and removing illegal signs along the Nation's Interstate and primary highway systems. However, the report also indicates that the removal of signs made nonconforming by the Act has been slow, that many signs will remain due to exemptions granted by the law, and that, as a result, motorists in many States will not see a tangible difference when the sign removal program is completed. The report concludes that in light of the problems and limited progress by most States in removing nonconforming signs, it appears that the objectives of the Highway Beautification Act will not be accomplished in the near future. It recommends that the Congress reassess the program and that, if it wants to strengthen the removal program, it amend the Act to encourage the States to remove all signs except on-premise or landmark signs or, alternatively, remove all signs, except on-premise signs, landmark signs, and signs in areas of actual commercial or industrial use.

Revision of FHWA Regulations

The third matter concerns the proposed revision of current FHWA regulations relating to the control and acquisition of outdoor advertising signs, displays, and devices, and junkyard control. The proposed revision would be in furtherance of the policies set forth in Executive Order 12044, "Improving Government Regulations," dated March 23, 1978, and the general thrust toward deregulation of private industry.

The proposed revision of existing rules would combine existing regulations, 23 CFR Part 750, Subparts D and G, and existing interim regulations 23 CFR Part 750, Subpart E. It would also result in the simplification of 23 CFR Part 751. Subpart D of Part 750 concerns the acquisition of rights of sign and sign site owners; Subpart E concerns signs which are exempt from removal in defined areas; and Subpart G concerns the control of signs. Part 751 concerns the control of junkyards. The FHWA has delayed issuance of the proposed rules pending the outcome of legislative changes to the program and this reassessment. Upon the conclusion of this reassessment, the FHWA will publish proposed rules.

Restudy of National Standards

The fourth matter concerns the restudy of existing standards for two types of directional signs; the first authorized by 23 U.S.C. 131(c)(1) and the latter by 23 U.S.C. 131(f). The first category includes signs located off the right-of-way and is regulated by the "National Standards for Directional and Official Signs," which are codified at 23 CFR Part 750, Subpart B. The second category includes signs located on the right-of-way and is regulated on the Interstate and primary systems by the "National Standards for Specific Information Signs," which are codified at 23 CFR Part 655, Subpart C.

The aforementioned restudy was mandated by the addition of a new Subsection 131(q)(1), to 23 U.S.C. 131, by Section 122(b) of the Federal-Aid Highway Act of 1976, 90 Stat. 425, Pub. L. 94–280, May 5, 1976. The FHWA established a multidisciplinary task force to conduct this restudy and has used the mandate of section 131(q)(1) to examine the entire spectrum of motorist information systems. Two research projects were authorized by the task force and both have been completed. Several alternative revisions to both the directional and the informational sign standards are now being considered, as well as the development of information systems that will assure the availability of information of interest to the traveling public.

Although the draft final report has not yet been completed, the task force has

[1] H.R. Rep. No. 95–1797, 95th Cong., 2d Sess. 91 (October 14, 1978).

[2] For further information on this Workshop/Open Meeting contact: Mr. Richard W. Moeller, Chief, Junkyard and Outdoor Advertising Branch, telephone number (202) 245–0021, Federal Highway Administration, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.s.t., Monday through Friday.

explored numerous options to improve the motorist information system. The task force report will be submitted to the Federal Highway Administrator prior to the completion of the rulemaking process referred to in prior paragraphs. Comments received in response to the questions listed in paragraph 4 of *Comments Requested*, see below, will be considered by the FHWA prior to any final decision on this restudy.

Comments Requested

The FHWA, in seeking comments on the future direction of the Highway Beautification Program, would appreciate comments on the following questions, which are divided into three basic groups:

1. Part I—*Current Program.*—This part sets forth issues relating to the implementation of current requirements, especially the implementation of the 1978 amendments, the economic hardship exemption, and other areas which have resulted in controversy in the past.

2. Part II—*Alternative Program Approaches.*—This part explores revisions to the existing law and regulations. Considerable controversy has been generated by the existing program and comments are requested on alternative approaches to the program. One such approach would require stricter Federal controls, while another would reduce present Federal controls.

3. Part III—*Alternative Motorists Information Systems.*—This part seeks comment on alternative means of providing directional information to the traveling public.

Persons submitting comment need not address all of the following questions, nor are their comments limited to the matters addressed in these questions.

I. *Current Program.*—The FHWA desires comments relative to the implementation of the existing program including the following:

A. *Implementation of the 1978 Amendments.*—The 1978 Act made several significant changes in the program.

1. *Just Compensation.*—Revised just compensation requirements will have significant impacts in several areas. The matter of State compliance could involve amendments to State outdoor advertising control laws, zoning enabling statutes, and possibly some State constitutions, as well as the revision of many local ordinances.

(a) What FHWA actions and policies will facilitate an expeditious and orderly transition to the new requirements created by this legislation?

(b) How can the FHWA best serve the States, local governments, industry, and other interested parties to ensure compliance by State and local governments in the administration of the new just compensation provisions?

(c) The 1978 amendments dealing with just compensation no longer allow the States or local governments to remove signs without compensation following the expiration of an amortization period. In the future, any sign removed along Federal-aid Interstate and primary systems must be compensated for, if the sign was legally erected and in existence on or after November 6, 1978, or, if removed, in litigation on that date, unless the sign is maintained in a manner which violates reasonable maintenance requirements. Compliance with such maintenance requirements must be possible in the course of normal business operation by the sign or site owner and such requirements may not be confiscatory in nature.

(1) What are the impacts of this provision (which precludes the use of amortization) in dealing with nonconforming signs along the Interstate and primary systems?

(2) Will this legislation have an effect on the control of other nonconforming land uses by local governments?

(3) How will this legislation affect general business regulatory requirements that a State or community may want to administer such as sign permit or business licensing systems?

(4) What are the legal and constitutional implications of this legislation?

2. *"Free Coffee" Signs.*—What restrictions, if any, should be placed on the erection of off right-of-way "free coffee" signs in terms of duration of display, message, size, number, collection of donations, who can erect, and what should be the relationship to such "free coffee" signs allowed on the highway right-of-way?

3. *Electronic Signs.*—What restrictions, if any, should be placed on electronic signs now authorized in on-premise Interstate locations in bonus States, generally and in terms of the frequency of message change? Should further research be conducted in the area of the motorist safety and esthetic characteristics of such electronic variable message or flashing signs?

B. *Economic Hardship Exemptions.*—Pursuant to Section 131(o), the FHWA requires an economic analysis demonstrating a substantial hardship throughout a defined area before an approval can be given exempting from acquisition certain nonconforming signs which provide directional information about goods and services in the interest of the traveling public. Should the FHWA:

1. Continue to require an economic analysis for the purpose of demonstrating hardship throughout a defined area?

2. Retain its present policy and allow exemptions only where economically justified?

C. *Other Significant Program Areas.*—1. *Nonconforming Uses.*—Nonconforming land use controls have been required by Federal regulation in both the outdoor advertising and junkyard control programs. A number of problems have been experienced from the standpoint of their acceptance by the outdoor advertising and junkyard/automotive recycling/scrap processing industries and the administration and enforcement problems on the part of the government entities having the responsibility for controlling signs and junkyards. Should the FHWA:

(a) Strengthen existing regulations concerning land use controls which regulate customary maintenance, abandonment, destruction, discontinuance, etc., as they pertain to the outdoor advertising and junkyard control programs?

(b) Eliminate or modify the land use controls in the Highway Beautification Program? If the controls are eliminated or modified, how can an effective control program be maintained otherwise?

(c) Allow each State to decide what it must do concerning land use control requirements applicable to nonconforming land uses in that State?

2. *Zoning.*—The Highway Beautification Program is a land use control program and, by statute, relies on zoning and land use planning decisions made by State and local governments. On some occasions, zoning decisions have been made designating land areas as commercial or industrial solely to permit the erection of outdoor advertising signs. Such practices are not consistent with accepted land use planning or comprehensive zoning principles and cannot, under present law, be recognized for outdoor advertising control purposes. These practices circumvent the intent of the Federal and State laws which have as their purpose the limitation of commercial advertising to true commercial or industrial zones. Similar abuses can occur in the junkyard control program in industrial zoning decisions. Comments are requested on the following alternatives or on any other ways of dealing with this problem.

(a) Should actual commercial or industrial land use be required in areas zoned commercial and industrial before it is eligible for the erection of outdoor advertising signs, as suggested by GAO and required by several States?

(b) Should local zoning actions be recognized even if they are intended to circumvent Federal law by allowing the erection of outdoor advertising signs?

3. *Vegetation Clearance.*—Inherent in the existing Highway Beautification Program is the problem of the illegal destruction of landscaping on highway rights-of-way to ensure visibility of outdoor advertising signs. Parallel to this is the issue of the authorized or legal clearance of vegetation to ensure visibility of outdoor advertising signs which may be permitted in accordance with the FHWA highway maintenance policy. This policy gives States the discretion to contract, as appropriate, for the removal of vegetation in front of billboards. Comments would be appreciated on both of these issues.

(a) What can be done to stop the illegal destruction of highway landscaping to achieve billboard visibility?

(b) Should the FHWA maintain or revise its current policy on authorized vegetation clearance by States?

4. *Landscaping.*—There are conflicting purposes between highway landscaping and outdoor advertising signs when both occur on the same section of the highway. Landscaping is for the purpose of enhancement or beautification of the highway. It serves to contain or direct the views of and from the highway. Signs are for the purpose of informing the highway user and are dependent upon visibility or lack of visual obstructions such as vegetation on the highway right-of-way. The two are most often at cross purposes in metropolitan areas and approaches to interchange ramps where both landscaping and advertising are advantageous. There are no Federal laws or regulations guaranteeing the visibility of outdoor advertising signs.

(a) Should a State be permitted to landscape a section of highway where authorized outdoor advertising signs occur?

(b) Should Federal-aid highway funds be authorized for landscaping sections of highway where signs are permitted?

(c) Should the Federal government be involved in determining the compatibility of highway landscaping and outdoor advertising signs on a particular section of highway?

5. *Anticompetitive Impact.*—A substantial number of signs have been removed as a result of the acquisition portion of the program. At the same time, the erection of new signs has been prohibited in protected areas.

(a) Have these conditions contributed to the elimination or crippling of smaller outdoor advertising companies due to their inability to compete with larger companies for the limited sites available for new signs?

(b) Should there be any effort to protect the small companies and individual sign owners from such a situation? If so, how and by whom?

II. *Alternative Program Approaches.*—Frequent amendment of the Highway Beautification Act and its implementing regulations, along with limited funding, has raised the possibility that the program will never achieve its original goal as it is presently structured. This concern could be met by two basic alternative legislative and regulatory approaches. The first would be to substantially expand the scope of the present mandatory requirements. This would require increased Federal involvement and would call for stricter controls. The second would be to turn over more responsibility for the Highway Beautification Program to the States by eliminating or limiting Federal requirements. Thus, those States wishing to strictly control outdoor advertising would be free to do so, while those wishing not to control outdoor advertising would be able to do so with fewer or no Federal constraints.

A. *Stricter Controls.*—Should the FHWA recommend amendments to the Highway Beautification Act to increase esthetic controls along the Nation's highways? Towards this end, should any of the following be considered:

1. *First GAO Alternative.*—Removal of all signs except on-premise and landmark signs as suggested by the GAO report, which would, in effect, eliminate all off-premise outdoor advertising signs? or

2. *Second GAO Alternative.*—Removal of all signs except on-premise signs, landmark signs, and signs in areas of actual commercial and industrial use as suggested by the GAO report? This would restrict off-premise signs to areas zoned commercial and industrial which are actually developed for that use. This would also eliminate directional and official signs (Section 131(c)(1)), and "free coffee" signs (Section 131(c)(5)), that are presently permitted.

3. *Other Options—Outdoor Advertising.*—Should the FHWA also consider:

(a) Eliminating or providing further limitations on the unzoned commercial and industrial area definition which is applied in areas which are not comprehensively zoned?

(b) Controlling the size, height, lighting, and quantity of on-premise signs?

(c) Mandating sign acquisition and removal priorities in such a way that a visually apparent accomplishment can be realized, i.e., clean up designated scenic routes first, then Interstate, etc.?

(d) Revising all agreements with the States to establish uniform national standards relative to:

(1) The designation of areas eligible for erection of outdoor advertising signs, and

(2) The delineation of size, lighting, and spacing criteria to achieve effective minimum esthetic controls?

(e) Attempting to ensure adequate Federal funding levels to complete the acquisition portion of the program within a set period of time?

(f) Seeking more effective control on Federal Indian lands?

(g) Establishing and enforcing minimum national standards for the maintenance of nonconforming signs? (e.g., abandonment, destruction, discontinuance, etc.)

4. *Stricter Junkyard Regulation.*—In the area of junkyard/automotive recycler/scrap processor controls, should the FHWA consider any of the following:

(a) Requiring that junkyards/automotive recyclers/scrap processors be given similar benefits or rights as those given to sign and site owners in the area of just compensation?

(b) Specifying junkyard abatement priorities in such a manner that accomplishment can be realized, i.e., scenic routes, Interstate routes, etc.?

(c) Attempting to ensure adequate Federal funding levels and establish a definite timetable to complete the junkyard program?

(d) Establishing and enforcing national maintenance standards for nonconforming junkyards?

(e) Establishing and enforcing national criteria for junkyard screening?

(f) Establishing a Federal incentive grant program to encourage recycling programs?

(g) Eliminating State screening and abatement programs for nonconforming junkyards/automotive recyclers/scrap processors which are at the "expense of the owner"?

B. *Reduced Controls.*—Should the FHWA consider requesting either partial or total repeal of the outdoor advertising and junkyard control programs? Comment on the following alternatives would be appreciated:

1. *Repeal.*—Total and immediate repeal of mandatory Section 131 (outdoor advertising control), 136 (junkyard control), or both.

2. *Voluntary State Programs.*—Allow the existing program or a revised federally funded program to continue on a voluntary basis in those States that desire to participate. A bill, S. 344, embracing this concept for only the outdoor advertising program was introduced in the U.S. Senate on February 6, 1979, by Senator Robert T. Stafford of Vermont. The section-by-section analysis of S. 344, as submitted for the record by Senator Stafford and published in the Daily Congressional Record, S. 1125, February 6, 1979, is as follows:

Sec. 1. Title of the Act.

Sec. 2. Creates a new Section 131 of Title 23, United States Code, as follows:

Sec. 131. (a) Declares it a national policy for the Federal Government to assist the States in controlling outdoor advertising.

(b) Permits States to establish a statewide program of billboard control and provides that where the State program meets the requirements of subsection (c), Federal funds will make up 80 percent of the cost of the State's purchase of signs along the Interstate or primary systems. A State is not required to pay compensation but where it elects to do so, Federal funds will be made available.

(c) To be eligible for Federal assistance, a State must limit signs within 660 feeet of the road in urban areas or visible from the road outside urban areas, to (1) specified directional and official signs and notices, (2) signs for the sale or lease of property on which the signs are located, (3) on-premise signs, (4) landmark signs, and (5) signs in commercial and industrial areas.

(d) Requires the Secretary to provide within the Interstate right-of-way for signs giving information of use to travelers and permits the Secretary to provide for such signs along the primary system.

(e) Permits States to provide travelers information and advertising at safety rest areas and provides for Federal assistance in establishing information centers or systems.

(f) Retains payments to States which entered into agreements with the Secretary to control signs along the Interstate System under the Bonus Act.

3. *Selective Regulation of Systems.*—Revise the law to regulate only the Interstate System and scenic sections of the primary system on a mandatory or voluntary basis.

4. *Partial Program Modification.*—Retain the present program's mandatory controls on the erection of new signs, but eliminate the acquisition and compensation requirements of the law, with respect to existing nonconforming signs.

5. *Eliminate Federal Oversight.*—Eliminate Federal oversight of all or part of the program.

6. *Reduce Junkyard Screening Standards.*—With reference to existing junkyard screening requirements, modify or eliminate the provision that junkyards be screened "so as not to be visible" from controlled highways.

III. *Alternative Motorist Information Systems.*—As to such system options, should the FHWA:

A. Mandate or encourage a basic system?

1. Provide for the addition of motorist information elements (to be applied incrementally) to a basic motorist information system depending on needs and justification?

2. Provide the opportunity and encourage private industry to operate the various elements of the system such as logo signs, information centers, conforming outdoor advertising signs, etc., for profit?

B. Retain present policy of totally voluntary participation in motorist information systems in combination with billboard advertising?

C. Place greater reliance on billboard advertising to provide motorist information by seeking repeal of mandatory outdoor advertising controls?

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. 131, 136, and 315 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

Note.— The Federal Highway Administration has determined that this document contains a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. An evaluation of this proposal will be placed in the docket for public inspection.

Issued on: April 25, 1979.

John S. Hassell, Jr.,

Deputy Administrator.

[FHWA Docket No. 79-10.]

[FR Doc. 79-13294 Filed 4-27-79; 8:45 am]

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Federal Register

Vol. 44, No. 84

Monday, April 30, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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	HEW/FDA			HEW/FDA

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.)**

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

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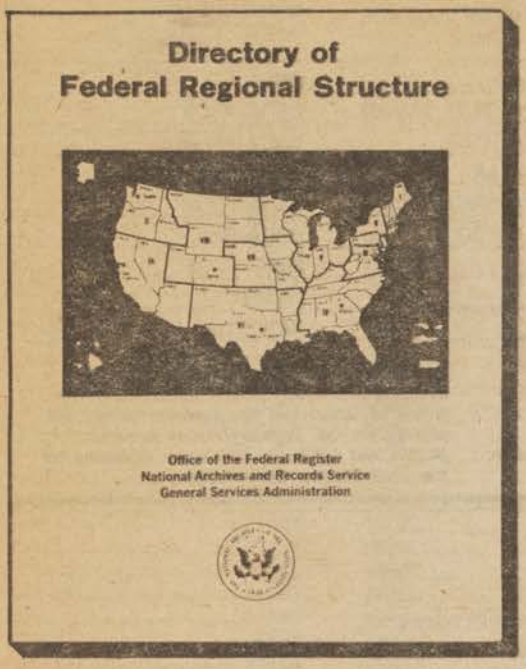

Directory of Federal Regional Structure

[Revised as of May 1, 1978]

The Directory serves as a guide to the regional administrative structure of the departments and agencies of the Federal Government.

Designed to provide the public with practical information about regional offices, the Directory is particularly useful to citizens residing outside the Nation's Capital.

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