

Federal Register

Tuesday
May 8, 1979

Highlights

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

- 26841 President's Export Council** Executive order establishing
- 26892 Mobile Homes** FHLBB proposes amendments to make loans more available and affordable to consumers; comments by 6-8-79
- 26967 Family Planning Services** HEW/HSA announces grants availability for research projects in the field of program implementation; apply by 8-1-79
- 26991 Friendship and Cooperation with Spain** State announces availability of grants for research activities
- 26991** State publishes notice of availability of postdoctoral research grants
- 26979 Pension Benefits** Labor/P & WBP issues notice permitting certain specially taxable transactions; effective 5-1-79

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Area Code 202-523-5240

Highlights

- 26887 Handicapped Persons** NRC proposes an amendment making it unlawful for any recipient of Federal financial assistance to discriminate on the basis of handicap; comments by 7-9-79
- 26850 Nuclear Material** NRC sets forth rules governing licensing of carriers and persons who possess formula quantities for the purpose of transport; effective 6-7-79
- 26855 Natural Gas Policy** DOE/FERC establishes permanent curtailment rule providing for interstate pipeline protection of deliveries for essential agricultural users; effective 6-7-79
- 26894 Alternate Fuel Use** DOE/FERC proposes to establish procedure for determining economic practicability and reasonable availability for agricultural establishments; comments by 5-30-79
- 26854 Rate Schedules** DOE/FERC extends deadline for filing of protests to blanket affidavits and interim collection findings; effective 4-30-79
- 26944 Common Carriers—Domestic Offshore Trades** FMC proposes to publish guidelines for determining what constitutes a just and reasonable rate of return or profit; comments by 7-9-79
- 26852 Interlocking Relationships** CAB exempts persons involved in domestic cargo transportation
- 26885 Domestic Relations—Property Rights** OPM proposes compliance to a provision dealing with apportionment of retirement benefits in certain circumstances; comments by 7-9-79
- 26893 Currency Exchange Conditions** CAB proposes to terminate rulemaking proceedings and adopt a case-by-case method for handling
- 27040 Area Wage Adjustment** Labor/ETA promulgates revised index for Fiscal Year 1979; effective 1-26-79 (Part II of this issue)
- 26993 Bonds of 2004-2009** Treasury announces interest rate of 9½ percent per annum
- 26868 Income Tax** Treasury/IRS provides final rules relating to exchanges under the final system plan for the Consolidated Rail Corporation
- 26848 Set-Aside and Marketing Quotas** USDA/ASCS adds, changes and updates rules for its programs; effective 5-8-79

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Executive Order 12131 of May 4, 1979

The President

The President's Export Council

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to expand the membership of the President's Export Council, in accord with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

1-1. *Establishment and Membership.*

1-101. There is established the President's Export Council.

1-102. The membership of the Council shall be as follows:

(a) The heads of the following Executive agencies or their representatives:

(1) Department of State.

(2) Department of the Treasury.

(3) Department of Agriculture.

(4) Department of Commerce.

(5) Department of Labor.

(6) Office of the Special Representative for Trade Negotiations.

(7) Export-Import Bank of the United States.

(b) Three members of the United States Senate, designated by the President of the Senate, and three members of the United States House of Representatives designated by the Speaker of the House.

(c) Not to exceed 28 citizens appointed by the President. These individuals shall be selected from those who are not full-time Federal officers or employees. They shall include representatives of business and industry, agriculture, and labor.

1-103. The President shall designate a Chairman and a Vice Chairman from among the members appointed by the President.

1-104. The Secretary of Commerce, with the concurrence of the Chairman, shall appoint an Executive Director.

1-2. *Functions.*

1-201. The Council shall serve as a national advisory body on matters relating to United States export trade, including advice on the implementation of the President's National Export Policy, which was announced on September 26, 1978. It shall, through the Secretary of Commerce, report to the President on its activities and on its recommendations for expanding United States exports.

1-202. The Council should survey and evaluate the export expansion activities of the communities represented by the membership. It should identify and examine specific problems which business, industrial, and agricultural practices may cause for export trade, and examine the needs of business, industry, and agriculture to expand their efforts. The Council should recommend specific solutions to these problems and needs.

1-203. The Council may act as liaison among the communities represented by the membership; and, may provide a forum for those communities on current and emerging problems and issues in the field of export expansion. The

Council should encourage the business, industrial, and agricultural communities to enter new foreign markets and to expand existing export programs.

1-204. The Council shall provide advice on Federal plans and actions that affect export expansion policies which have an impact on those communities represented by the membership.

1-205. The Council may establish, with the concurrence of the Secretary of Commerce, an executive committee and such other subordinate committees it considers necessary for the performance of its functions. The Chairman of a subordinate committee shall be designated, with the concurrence of the Secretary of Commerce, by the Chairman of the Council from among the membership of the Council. Members of subordinate committees shall be appointed by the Secretary of Commerce.

1-3. Administrative Provisions.

1-301. The Secretary of Commerce shall, to the extent permitted by law, provide the Council, including its executive and subordinate committees, with administrative and staff services, support and facilities as may be necessary for the effective performance of its functions.

1-302. Each member of the Council, including its executive and subordinate committees, who is not otherwise paid a salary by the Federal Government, shall receive no compensation from the United States by virtue of their service on the Council, but all members may receive the transportation and travel expenses, including per diem in lieu of subsistence, authorized by law (5 U.S.C. 5702 and 5703).

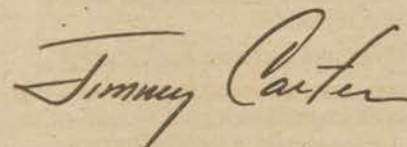
1-4. General Provisions.

1-401. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Council, shall be performed by the Secretary of Commerce in accordance with guidelines and procedures established by the Administrator of General Services.

1-402. Executive Order No. 11753 is revoked; however, nothing in this Order shall be deemed to require new charters for the Council, including its executive and subordinate committees, which were current immediately prior to the issuance of this Order.

1-403. The Council shall terminate on December 31, 1980, unless sooner extended.

THE WHITE HOUSE,
May 4, 1979.



Rules and Regulations

Federal Register

Vol. 44, No. 90

Tuesday, May 8, 1979

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Department of the Air Force

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule A one position of Supervisory Criminal Investigator, GS-14, three positions of Criminal Investigator, GS-12, and eight positions of Criminal Investigator, GS-11, in the Air Force Office of Special Investigations for employment not to exceed April 30, 1984, on projects concerned with security of national defense activities and materials. These positions are excepted under Schedule A because examination for them is impracticable.

EFFECTIVE DATE(S): April 5, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3109 is amended by adding paragraph (f)(1) follows:

§ 213.3109 Department of the Air Force.

(f) *Air Force Office of Special Investigations.*

(1) One position of Supervisory Criminal Investigator, GS-14; three positions of Criminal Investigator, GS-12; and eight positions of Criminal Investigator, GS-11, for employment not to exceed April 30, 1984, on projects concerned with security of national defense activities and materials.

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

Office of Personnel Management,

Beverly M. Jones,

Issuance Systems Manager.

[FR Doc. 79-14294 Filed 5-7-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Defense

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment modifies the exception under Schedule B to change position title from Net Assessment Coordinator to Net Assessment Analyst by which to reflect more appropriate classification. Further, this amendment excepts under Schedule B one additional Net Assessment Analyst position because it is impracticable to examine competitively for the position.

EFFECTIVE DATE: April 23, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3206(a)(5) is amended as set out below:

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* * * *

(5) Two Net Assessment Analysts.

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

Office of Personnel Management,

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-14295 Filed 5-7-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; National Foundation on the Arts and the Humanities

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment shows that the Schedule A authorities for one position of Assistant to the Director, Office of Planning and Policy Assessment, GS-14, and one position of Assistant Director, Program Development, Division of Public Programs, GS-14, in the National Endowment for the Humanities (NEH), National foundation on the Arts and the Humanities, are revoked because the

positions are no longer filled and exception is no longer needed. This amendment also shows that one position of Assistant Director, Program Development, Division of Special Programs, GS-14, NEH, is excepted under Schedule B because competitive examination is impracticable for this position.

EFFECTIVE DATE(S): April 10, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3182(b)(10) and (17) are revoked and 5 CFR 213.3282(b)(27) is added, as follows:

§ 213.3182 National Foundation on the Arts and the Humanities.

(b) *National Endowment for the Humanities.* * * *

(10) [Revoked]. * * *

(17) [Revoked].

§ 213.3282 National Foundation on the Arts and the Humanities.

(b) *National Endowment for the Humanities.* * * *

(27) Until September 30, 1980, one position of Assistant Director, Program Development, Division of Special Programs, GS-14

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

Office of Personnel Management,

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-14293 Filed 5-7-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 735

Ethics in Government Act; Financial Reporting Requirements

AGENCY: Office of Personnel Management.

ACTION: Interim regulations made immediately effective with comments invited for consideration in final rulemaking.

SUMMARY: The Office of Personnel Management is issuing an interim regulation concerning financial reporting requirements. These interim regulations are issued under Title II of the Ethics in Government Act of 1978 (Pub. L. 95-521). This regulation supplements the

requirements in the Act. This regulation does not restate the reporting requirements in the Act and is not intended to be comprehensive.

DATE: Effective date: May 8, 1979.

Comment date: Written comments will be considered if received no later than September 30, 1979.

ADDRESS: Send written comments to: Office of Government Ethics, Room 5315, 1900 E Street, NW, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: David Reich at (202) 632-7642.

SUPPLEMENTARY INFORMATION: On October 26, 1978, Congress enacted the Ethics in Government Act of 1978 ("the Act"). Title IV of the Act created a separate statutory Office of Government Ethics (OGE) within the Office of Personnel Management (OPM). It provides that the new office be headed by the Director, Office of Government Ethics ("the Director"), whose responsibilities include developing and recommending to OPM or the President, in consultation with the Attorney General, regulations pertaining to conflict-of-interest and ethics in the executive branch. OPM is promulgating these regulations on the recommendation of the Director of the Office of Government Ethics.

Title II of the Act establishes a comprehensive system of financial reporting for certain employees of the executive branch of the government. These regulations supplement the financial reporting provisions. These are interim, not proposed, regulations. Because annual financial reports are due from employees of the executive branch on May 15, 1979, the Director of OPM, Alan K. Campbell, acting pursuant to 5 U.S.C. 553(b)(B) has found good cause for dispensing with the notice of proposed rulemaking.

All interested persons are invited to submit comments. After OGE evaluates both the comments received and the experience of executive agencies during the forthcoming review of annual financial reports, OPM will promulgate final regulations.

The substance of certain of these interim regulations has been made known in advance to the executive agencies so that the first filing of annual reports required by the Act could go forward without delay.

Part 735 of Title 5 of the Code of Federal Regulations is amended by adding new Subpart E to read as follows:

Subpart E—Regulations Supplementing the Financial Reporting Requirements of the Ethics in Government Act

Sec.

735.501 Purpose.

735.502 Agency regulations.

735.503 Additional instructions regarding certain persons required to file.

735.504 Information required to be reported—reporting forms.

735.505 Custody of and public access to reports.

735.506 Waiver regarding certain personal gifts.

735.507 Review of reports and corrective action.

735.508 Extensions for filing of reports.

Authority: Title II of the Ethics in Government Act of 1978 (Pub. L. 95-521), 5 U.S.C. App.

Subpart E—Regulations Supplementing the Financial Reporting Provisions of the Ethics in Government Act

§ 735.501 Purpose.

This subpart provides interim regulations to supplement Title II of the Ethics in Government Act of 1978 (Pub. L. 95-521), hereinafter referred to as "the Act". These regulations are not intended to state reporting requirements comprehensively, but only to deal with selected problems as a supplement to the reporting requirements of the Act. Comprehensive regulations will be published at a later time.

§ 735.502 Agency regulations.

Each agency may issue regulations implementing this subpart. These regulations:

(a) Shall be consistent with the Act and with this subpart, and

(b) Shall impose no additional reporting requirements on individuals subject to the Act, except as may be specifically authorized by statute or by the Office of Government Ethics.

§ 735.503 Additional instructions regarding certain persons required to file.

(a) Under section 201(f)(3) of the Act a report is required of any person occupying a position which is not classified on the General Schedule, but the rate of pay for which (excluding "step" increases) is equal to, or greater than, the rate of pay fixed for GS-16 (step 1) by the General Schedule.

(b) Under section 201(f)(5) of the Act, a report is required of any person in the executive branch in a position excepted from the competitive service by reason of being of a confidential or policymaking character. However, an exclusion is available, as provided below, for a person in any such position classified below GS-16 (or the rate of

basic pay for which is less than the minimum rate of basic pay fixed for GS-16) who has no role in advising or making policy determinations with respect to agency programs or policies. Such persons may include chauffeurs, private secretaries, stenographers and those who hold positions of similar nature where consistent with the basic criterion set forth in the preceding sentence. The foregoing exclusion will be effective as follows:

(1) The exclusion of any person pursuant to this subparagraph will be effective as of the time the employing agency or other governmental entity files with the Office of Government Ethics a list and description of each position for which exclusion is sought, as well as the identity of its current occupant. Such a list must be filed with the Office of Government Ethics on or before the date on which such reports are due under the Act.

(2) In the event that the Office of Government Ethics finds that one or more positions has been improperly excluded, it will so advise the agency or other governmental entity and set a date for the filing of the report.

§ 735.504 Information required to be reported—reporting forms.

Information required to be reported by the Act shall be set forth in the manner specified in, and in accordance with the instructions contained in, Standard Forms issued by the Office of Personnel Management, to be used as follows:

(a) Standard Form 278—for use by an officer or employee filing (1) an annual report pursuant to section 201(d) of the Act; or (2) a departure report upon termination of employment, pursuant to section 201(e) of the Act;

(b) Standard Form 278A—for use by (1) a candidate for nomination or election to the office of President or Vice President pursuant to section 201(c) of the Act; (2) an individual assuming a position for which reporting is required pursuant to section 201(a) of the Act; or (3) and individual whose nomination has been transmitted by the President to the Senate, pursuant to section 201(b) of the Act.

§ 735.505 Custody of and public access to reports.

(a) *Official Position Descriptions.* (i) A copy of the official position description of the Government office or position held by the reporting individual shall, if available, be attached by the designated agency ethics official or by the Secretary concerned to each report filed. If an official position description is not available, but another form of

position description is, the latter shall be attached. (ii) The requirements of subparagraph (i) apply to members of the uniformed services, except that such position descriptions need not be attached at the time a list of individuals nominated for appointment to a rank in the uniformed services is transmitted to the Senate, unless otherwise requested by a committee of the Senate considering such nominations.

(b) *Availability for public inspection.*
(i) Pursuant to section 205(b) of the Act, each report must be made available for public inspection within 15 days after the report is received by the agency, whether or not the review of the report prescribed by section 206 of the Act has been completed; (ii) An agency may request the name of an individual seeking inspection of, or a copy of, any report filed, but may not state or suggest that the furnishing of such identity is a condition of access to a report.

§ 735.506 Waiver regarding certain personal gifts.

An individual seeking an exemption pursuant to subsection 202(a)(2)(B) of the Act (to exempt one or more gifts from aggregation under the provisions of said subsection) shall file a request with the Office of Government Ethics which sets forth: the identity and occupation of the donor; a statement that the relationship between the donor and the reporting individual is purely personal in nature; and a statement that neither donor nor any person or organization for whom the donor actually works or serves as a representative conducts business with, or is subject to regulation by, or is directly affected by action taken by, the agency by which the reporting individual is employed. In the event that the immediately preceding statement cannot be made without qualification, the reporting individual may indicate such qualifications along with a statement demonstrating that he or she plays no role in any official action which might directly affect the donor or any organization for which such donor works or serves as a representative. Such a request will be made publicly available if, and at the time, it is granted.

§ 735.507 Review of reports and corrective action.

Any corrective action required pursuant to subsection 206(b)(3) of the Act shall ordinarily be completed within 90 days after an individual is notified, pursuant to subsection 206(b)(2)(B), that he or she is not in compliance with applicable laws and regulations.

§ 735.508 Extensions for filing of reports.

A designated agency ethics official may, for good cause, grant to any employee or class of employees:

- (a) An extension of up to 20 days, or
- (b) In the case of employees located outside the continental United States, an extension of up to 45 days. An additional extension of 15 days may be granted where the employee sets forth in writing reasons showing good cause for an additional extension. Any other extension must have the approval of the Office of Government Ethics.

Office of Personnel Management.
Roderick S. Speer,
Assistant Issuance System Manager.
[FR Doc. 79-14372 Filed 5-7-79; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 17

Regulations Governing the Financing of Commercial Sales of Agricultural Commodities; Supplier Reporting Requirements

AGENCY: Office of the General Sales Manager, USDA.

ACTION: Final rule and interpretation.

SUMMARY: This rule amends the regulations governing the financing of sales of agricultural commodities under Title I, Pub. L. 480, 83d Cong. (hereinafter referred to as the Act), to require the reporting of certain information by (1) suppliers of commodities financed under the Act and (2) suppliers of U.S. flag vessels on which such commodities are transported, if ocean freight differential payments are made by Commodity Credit Corporation (CCC) with respect thereto. Such a supplier is required to report any commission, fee or other compensation of any kind that was paid or is to be paid by the supplier, in connection with the supplying of such commodities or vessels, to any agent, broker, or other representative of the importer or importing country. The "Food and Agricultural Act of 1977," Pub. L. 95-113, 91 Stat. 955, amended the Act by adding section 115(b) which requires that suppliers report the information outlined above. This rule establishes procedures for reporting the required information and procedures to be followed should a supplier fail to comply with such requirements.

In addition, this document sets forth certain interpretations, which will

appear in the Code of Federal Regulations, with respect to the application of these final regulations.

EFFECTIVE DATE: June 7, 1979. See Supplementary Information.

FOR FURTHER INFORMATION CONTACT:

George J. Pope, Room 4085, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone: (202) 447-5637.

SUPPLEMENTARY INFORMATION:

Effective Date

The provisions of this amendment shall not apply with respect to transactions involving purchase authorizations issued prior to June 7, 1979.

Background

On March 30, 1978, the Office of the General Sales Manager (OGSM) published a proposed rule (43 FR 13385) to amend the regulations governing the financing of the sale and exportation of agricultural commodities made available under the Act. The provisions of this amendment are required by the "Food and Agricultural Act of 1977" (Pub. L. 95-113, 91 Stat. 955).

Eight comments were received on the proposed rule. They were carefully reviewed, and several changes in the regulation were made based on the comments. The changes are explained in detail in the "Discussion of Comments" below.

Supplier Reporting Requirements—3

A number of the comments were submitted in question form, requesting interpretations of provisions of the proposed rule rather than making substantive suggestions or observations on the content of the proposed rule. These questions are also discussed below. However, in order to establish a permanent record of these interpretations, it has been determined that, in appropriate cases, an interpretation will be published with the rule.

Discussion of Comments

Comment: Must a payment to a trading company owned by the government of the importing country be reported? Are such payments "legal"?

Response: Such a payment must be reported. The text of the proposed rule states (§ 17.8(f)(1)) that a payment to "any representative of the importing country, including a corporation owned or controlled by the importing country," must be reported. This clearly indicates that a

payment to a state-owned trading company must be reported.

Such payments are not "illegal" under the Pub. L. 480 regulations. However, the payment would not be eligible for CCC financing. Existing § 17.8(c)(3) states "No commission paid or to be paid to any agency, including a corporation, owned or controlled by the . . . government of the destination country will be eligible for [CCC] financing." If a payment to such an agency is made, the amount of the payment is deducted from the amount to be financed by CCC in connection with the transaction. The new supplier reporting requirement will assist USDA in enforcing this provision of the existing regulations.

Comment: How is the term "other compensation of any kind" to be construed? Does it include business expenses in connection with the entertainment of representatives of the importer, such as meals, theatre tickets, taxicabs, guided tours, bus, rail and airline tickets, hotel bills, tickets for sporting events, convention expenses, greens fees, etc.? Such expenditures do not consist of any money payments to such representatives but are clearly made for them or on their behalf. The expenditures may not be incurred in connection with or cannot be related to a particular Pub. L. 480 transaction or purchase authorization.

Response: "Compensation" refers to any thing given in return for any consideration, services, or benefits received or to be received by the supplier in connection with the supplying of commodities or vessels financed under the Act. In order to clarify this point, a new paragraph has been added to the regulation (new § 17.8(f)(2)) defining the term in these words. There is no general requirement under this regulation for suppliers to report all business entertainment expenses; however, such expenses must be reported if made to a representative of the importer or importing country in return for any consideration, services, or benefits received by the supplier in connection with a Pub. L. 480 transaction financed under the Act.

If a supplier is uncertain whether a payment is reportable, the supplier should report the payment.

Comment: Will a certification to the commodity supplier by representatives of the supplier that they are not "agents, brokers, or other representatives of the importer or importing country, including a corporation owned or controlled by the importer or the government of the country" satisfy the requirements of the rule?

Response: The commodity supplier may choose to require a certification as described above from the supplier's representatives. However, the existence of such a certification would not relieve the supplier from the responsibility to report payments made to any person known by the supplier to be a representative of the importer or importing country.

The obligation of the supplier, in this regard, has been clarified in the regulations by a new paragraph 17.8(f)(4). It is intended that a supplier will be liable for failure to file a report, or for filing a false report, if under the circumstances it is determined that the supplier knew or should reasonably have known that the recipient of a payment was a representative of the importer or importing country.

Comment: When a broker acts on behalf of the vessel's owner in offering a vessel to an importing country, then acts for the importing country in discharging the vessel under a free out contract, is his commission to be reported?

Response: This comment may be interpreted two ways. First, if it addresses the reportability of the commission received when the broker acts for the importing country in discharging the vessel, such commission need not be reported under this regulation as it is not paid by the supplier of ocean transportation (or of the commodity). Rather, it is paid by the importing government.

Second, the comment may question the reportability of the original commission paid by the vessel owner (supplier of ocean transportation) to the broker for offering the vessel, in light of the broker's acting later in the movement of the cargo as an agent of the importing country in discharging the vessel. In this instance, the commission is reportable if the supplier of ocean transportation (vessel owner) knows, or should reasonably have known, of the relationship between the broker and the importing country. (See new paragraph 17.8(f)(4).) It is important to note, in this regard, that any payment to any representative of the importer or importing country at loading or discharge port must be reported.

Comment: Is the information to be reported at the time the obligation is incurred or when the payment is to be made?

Response: The Act refers to a payment ". . . made or to be made . . ." We recognize that the language in the proposed rule, which required that the supplier include the "date . . . of each payment" in the information reported, implied that the

report could be made only after payment had been made. In response to this comment, therefore, this section has been rewritten to require reporting of the "Date payment made or approximate date when payment is to be made." The required information should be reported as soon as it is available to the supplier.

Comment: When a cotton supplier makes a payment to the importer for quality allowance, is this payment required to be reported under the rule?

Response: A bona fide payment for quality allowance, which is agreed upon between supplier and importer in their sales contract based on the quality of the commodity delivered, is not required to be reported. This is considered a contract price adjustment under this regulation and not a "commission, fee or other compensation."

Comment: The suspension and debarment process is insufficient penalty for failure to report or filing a false report; suggest immediate termination of supplier's participation and imposition of a criminal penalty.

Response: It is felt that the general suspension and debarment process as outlined in the proposed rule is appropriate and should be retained. This process has been designed to provide the supplier with adequate opportunity to present information which may bear on any final determination.

In addition to the five-year debarment provided in the act, the supplier would also be subject to appropriate criminal statutes relative to false statements and concealment of material facts.

The reference to the 30-day suspension has been deleted. It is felt that the term of any suspension should be governed by the provisions of 7 CFR Part 1407 in order to preserve uniformity in the application of 7 CFR Part 1407.

Comment: A number of comments indicated confusion about the application of the proposed rule to selling agents.

Response: Any payment to a representative of the importer or importing country must be reported under the terms of the rule. However, selling agents represent the commodity supplier and may not be " . . . employed by or otherwise connected with the importer or the importing country," under § 17.2(c)(19). Thus, a selling agent meeting the definition in the regulations would not be a representative of the importing country and a payment to such a selling agent would not be subject to this new reporting requirement.

In this connection, it is important to note that payment of a commission to a

selling agent to obtain a contract for food commodities is prohibited under § 115(a) of Pub. L. 480, § 17.8(c)(1)(ii) of the Regulations and the Interpretative Rule (43 FR 27981) dated June 28, 1978. Therefore, it is not anticipated that reportable payments will be made to selling agents for food commodities.

Accordingly, 7 CFR Part 17, Subpart A, Regulations Governing the Financing of Commercial Sales of Agricultural Commodities is amended by adding a new paragraph (f) to § 17.8 and accompanying interpretations to read as follows:

§ 17.8 Fees, discounts, commissions, brand names, purchasing agents, shipping agents.

* * * * *

(f) *Reports required from suppliers of commodities and ocean transportation.*

(1) Suppliers of (i) agricultural commodities financed under the Act and (ii) U.S. flag vessels on which such commodities are transported, if ocean freight differential payments are made by CCC with respect thereto, shall report to the General Sales Manager (GSM) any commission, fee or other compensation of any kind (hereinafter referred to as "payment") which, in connection with the supplying of such commodities or vessels, is paid or to be paid by the supplier to any agent, broker, or other representative of the importer or importing country, including a corporation owned or controlled by the importer or importing country, to which he supplies such commodities or vessels.

(2) The term "other compensation of any kind" means anything given in return for any consideration, services, or benefits received or to be received by the supplier in connection with the supplying of commodities or vessels financed under the Act.

(3) The supplier shall report in writing as soon as he knows that a payment as described in paragraph (f)(1) of this section is made or to be made. Reports shall be submitted to the GSM, Office of the General Sales Manager, Room 4073-S, U.S. Department of Agriculture, Washington, D.C. 20250. The supplier shall include in the report the following information with respect to each payment reported pursuant to paragraph (f)(1):

(i) The name and address of the person to whom the payment was made or is to be made, and his relationship to the importer or importing country.

(ii) Date payment made or approximate date when payment is to be made, and amount or approximate amount of payment.

(iii) An explanation of the transaction in connection with which the payment was made or is to be made.

(iv) The number(s) of the purchase authorization(s) providing for the financing under the Act of the sale of agricultural commodities to the importer or importing country to whose agent, broker or other representative the payment was made or is to be made.

(4) Knowledge of any fact material to obligations under paragraph (f) of this section shall be imputed to the supplier if the supplier should reasonably have known that such fact existed.

(5) The information in reports filed hereunder will be available for public inspection by contacting the General Sales Manager, OGSM, USDA, at the address given in paragraph (f)(3) of this section.

(6) Failure to file a required report or the filing of a false report hereunder constitutes a cause for debarment pursuant to 7 CFR 1407.5(c). Whenever the GSM believes, or has reason to believe, that a supplier has failed to file a report as required by this paragraph (f) or has filed a false report thereunder, the GSM is authorized to institute suspension or debarment proceedings against the supplier in accordance with the provisions of 7 CFR Part 1407.

(7) If a final determination has been made under 7 CFR Part 1407 that a supplier has failed to file a report as required by this paragraph (f) or has filed a false report thereunder, the supplier shall be debarred, for a period of five years from the date of such final determination, from furnishing—directly or indirectly—commodities financed under the Act or U.S. flag vessels on which such commodities are to be transported if ocean freight differential payments are to be made by CCC with respect thereto. Such supplier may also be debarred (in accordance with 7 CFR Part 1407) from participating in other programs administered or financed by CCC.

Interpretations

1. Payments to a trading company owned by the government of the importing country.

The text of the applicable regulation (§ 17.8(f)(1)) states that a payment to "... any ... representative of the ... importing country, including a corporation owned or controlled by the ... importing country ..." must be reported. This clearly indicates that a payment to a state owned trading company must be reported.

2. Business expenses in connection with the entertainment of representatives of the importer, such as meals, theatre tickets, etc.

"Compensation" refers to anything given in return for any consideration, services, or benefits received or to be received by the supplier in connection with the supplying of commodities or vessels financed under the Act. See § 17.8(f)(2). There is no general requirement under this regulation for suppliers to report all business entertainment expenses; however, such expenses must be reported if made to a representative of the importer or importing country in return for any consideration, services, or benefits received or to be received by the supplier in connection with a Pub. L. 480 transaction financed under the Act.

3. Certification to the commodity supplier by representatives of the supplier that they are not "agents, brokers, or other representatives of the importer or importing country, including a corporation owned or controlled by the importer or the government of the country."

The commodity supplier may choose to require a certification as described above from the supplier's representatives. However, the existence of such a certification would not relieve the supplier from the responsibility to report payments made to any person whom the supplier knew, or should reasonably have known to be a representative of the importer or importing country.

4. A broker acting on behalf of the vessel's owner in offering a vessel to an importing country, and also the importing country in discharging the vessel under a free out contract.

The commission paid by the vessel's owner to the broker is reportable if the supplier of ocean transportation (vessel owner) knew, or should reasonably have known at the time of payment, of the relationship between the broker and the importing country.

5. Payments made to any representative of the importer or importing country at a loading or discharge port.

The regulations require that any payment made by a supplier of commodities or ocean transportation to a representative of the importer or importing government be reported. Accordingly, such payments must be reported.

6. Payments made by a commodity supplier to the importer for a quality allowance, as specified in the sales contract.

Payments for bona fide quality allowances agreed upon between supplier and importer in their sales contract are not required to be reported. This is considered a contract price adjustment under the regulations and not a "commission, fee or other compensation . . ."

(Sec. 1202, 91 Stat. 955, Pub. L. 95-113, 7 U.S.C. 1715(b))

Note.—This rule has been determined not significant under the USDA criteria implementing Executive Order 12044 "Improving Government Regulations." A Final Impact Statement is available from George J. Pope, Room 4085 South Building, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone (202) 447-5637.

Signed at Washington, D.C. on May 1, 1979.

Fred C. Welz,
Acting General Sales Manager, Office of the General Sales Manager.

[FR Doc. 79-14297 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-21-M

Agricultural Stabilization and Conservation Service

7 CFR Part 718

Determination of Acreage and Compliance

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This amendment adds, changes, and updates certain of the rules for determining acreages under the set-aside and marketing quota programs. These changes are required because of changes in the programs most notable the decision of the Secretary of Agriculture to have set-aside programs in 1978 and 1979 for various commodities and to improve the administration of the programs.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT: Samuel T. Brown, Production Adjustment Division, Agricultural Stabilization and Conservation Service, U.S.D.A., P.O. Box 2415, Washington, D.C. 20013, (202) 447-6817.

SUPPLEMENTARY INFORMATION: This rule provides for the application of new rules for measurement variance to marketing quota crops, program crops, and set-aside acreage. This amendment sets forth the definitions for (1) Set-Aside Maintenance Check and (2) Minimum Size and Width Requirements for Set-

Aside. These rules were not included in the latest revision of Part 718 since the Secretary had determined for previous years that there would not be a set-aside program.

The rules for sending a Notice of Measured Acreage have been rewritten and the authority for issuance has been given jointly to the county executive director and county committee in the interest of program administration.

This rule provides other changes that will clarify administration procedures in determining crop acreage for 1978 and subsequent years for marketing quota, set-aside, and program crops.

Since producers are planting their 1979 crop acreages, I have determined that compliance with the public rulemaking requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. I have further determined that it is not possible to publish these regulations in proposed form and allow 60 days for comment in accordance with the provisions of Executive Order 12044. Therefore, these amendments shall become effective upon publication in the Federal Register.

Accordingly, 7 CFR Part 718 is amended to read as follows:

Final Rule

1. Section 718.1 is amended to read as follows:

§ 718.1 Applicability.

The provisions of this part apply to compliance determinations for 1978 and subsequent years under the programs administered by the Agricultural Stabilization and Conservation Service through State and county committees, as authorized by the Agricultural Adjustment Act of 1938, as amended.

2. Section 718.2 is amended as follows:

§ 718.2 Definitions [Amended]

(a) By revising paragraph (b)(3) to read as follows:

(3) *Director.* The Director, or Acting Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, Department of Agriculture.

(b) By redesignating paragraphs (b) (15) through (18) as paragraphs (b) (16) through (19) and adding a new paragraph (b) (15) to read as follows:

(15) *Set-aside maintenance check.* An inspection is to be made in addition to the regular quality control check to determine whether producers are

continuing to maintain designated program acreages in accordance with program regulations.

(16) through (19) [Redesignated from (15) through (18)]

3. Paragraph (b) and (d) of § 718.5 are revised to read as follows:

§ 718.5 Producer service

(b) *Types of producer service.* Services include but are not limited to measuring land areas (including staking and referencing), set-aside acreage, measuring quantities of farm-stored commodities, and appraising crop yields.

(d) *Staking and referencing.* The acreage requested to be staked and referenced shall not exceed the effective farm allotment for the program year for marketing quota crops, except for flue-cured tobacco. For flue-cured tobacco, the acreage requested to be staked and referenced shall not exceed 100 percent of the flue-cured farm acreage allotment in effect for the program year. However, 120 percent of the flue-cured farm acreage allotment for flue-cured tobacco may be staked and referenced when the producer agrees to destroy or leave the bottom four leaves: *Provided*, That the producer must agree to pay for a farm visit in order to assure compliance with this requirement. For marketing quota crops, the farm shall be considered to be in compliance with the allotment for the farm if the entire allotment for the program year was staked and referenced and the crop is planted within the staked area. Only the acreage measured (if less than the allotment or program requirement was staked and referenced and the crop or set-aside is planted within such staked area) shall be guaranteed for the current year.

4. Section 718.6 is amended by revising paragraph (c) and adding a new paragraph (h) to read as follows:

§ 718.6 Determining farm operator adherence to program requirements.

(c) *Measurement Variance.* Measurement Variance shall apply except when a producer receives producer service for the entire program crop, for the permitted normal crop acreage (NCA), for some other program requirement, or the producer receives producer service on a marketing quota crop. The crop acreages determined under this section shall be determined to be in compliance when the measured acreages does not exceed the allotment or program requirement for the program

year by more than the limits set forth below:

(1) *For marketing quota crops including flue-cured tobacco.* The crop acreage is either:

(i) *The farm allotment acreage.* When the determined acreage does not exceed the farm acreage allotment in effect for the program year by more than the larger of 0.1 acre or 2 percent of the allotment, or

(ii) *The determined acreage.* When the determined acreage either:

(A) *Exceeds* the farm acreage allotment in effect for the program year by more than the larger of the amounts specified in paragraph (c)(1)(i) of this section, or

(B) *Is less than* the farm acreage allotment in effect for the program year.

(2) *For flue-cured tobacco agreements in effect for the program year between ASCS and a producer which permit a producer to grow 120 percent of the farm acreage allotment.* The crop acreage is either:

(i) 120 percent of the flue-cured tobacco allotment acreage when the determined acreage exceeds 120 percent of the farm acreage allotment in effect for the program year by not more than the larger of 0.1 acre or 2 percent of 120 percent of the allotment, or

(ii) *The determined acreage* when the determined acreage either:

(A) *Exceeds* 120 percent of the farm acreage allotment in effect for the program year for flue-cured tobacco by more than the amounts specified in paragraph (c)(2)(i) of this section, or

(B) *Is less than* 120 percent of the flue-cured tobacco allotment.

(3) *For set-aside acreage.* The set-aside acreage is either:

(i) *The required set-aside* (including voluntary diversion acres) when the determined acreage is not less than the required set-aside by more than the larger of 0.1 acre or 5 percent of the required set-aside, but not to exceed 25 acres, or

(ii) *The determined acreage* when the determined acreage either:

(A) *Is less than* the required set-aside (including voluntary diversion acres) by more than the amount specified in paragraph (c)(3)(i) of this section, or

(B) *Is more than* the required set-aside (including voluntary diversion acres).

(4) *For total planted normal crop acreage.* The total planted normal crop acreage is either:

(i) *The permitted normal crop acreage* (normal crop acreage minus required set-aside (including voluntary diversion acres)) when the determined acreage planted to crops designated for the normal crop acreage does not exceed

the permitted normal crop acreage by more than the larger of 1.0 acre or 5 percent of the permitted normal crop acreage but not to exceed 25 acres, or

(ii) *The determined acreage* when the determined acreage either:

(A) *Exceeds* the permitted normal crop acreage by more than the amount specified in paragraph (c)(4)(i) of this section.

(B) *Is less than* the permitted normal crop acreage.

(5) *For program crops.* The crop acreage is either:

(i) *The reported acreage* when the determined acreage does not exceed the reported acreage by more than the larger of 1.0 acre or 5 percent of the reported acreage but not to exceed 25 acres, or

(ii) *The determined acreage* when the determined acreage either:

(A) *Exceeds* the reported acreage by more than the amount specified in paragraph (c)(5)(i) of this section, or

(B) *Is less than* the reported acreage for the crop.

(6) *For wheat haying and grazing.* The wheat acreage designated for haying and grazing is either:

(i) The smaller of (a) the acreage recorded in column 7 of the ASCS-477 (ASCS-477 acreages), or (b) the acreage reported on the ASCS-578 (1) when the determined acreage is not less than the ASCS-477 acreages, or the reported acreage by more than the larger of 1.0 acre or 5 percent not to exceed 25 acres, or (2) when the determined acreage is more than the ASCS-477 acreage, or

(ii) *The determined acreage* when the determined acreage is less than the ASCS-477 acreage or reported acreage by more than 1.0 acre or 5 percent not to exceed 25 acres, or when the determined acreage is more than the reported acreage but does not exceed the ASCS-477 acreage.

(h) *Set-aside acres.* Farms participating in any announced set-aside program shall designate set-aside acreage not later than the latest date set by the State committee for acreage reports.

(1) *Minimum size and width requirements for set-aside.* The area offered for designation must meet the following width and size requirements:

(i) Minimum size of 2.0 acres.

(ii) Minimum average width of 1.0 chain (66 feet) wide.

(2) *Exceptions to the minimum size and width requirements for set-aside.* Areas which do not meet the minimum size and width requirements may be accepted when:

(i) The area offered is an entire field (an established strip-cropping strip and the area between terrace(s) and other field boundaries meet the definition of a field as provided for in § 718.2 (b) (4)).

(ii) The area offered is:

(A) An area used to promote highway safety or will improve highway scenery.

(B) A small or irregular area of cropland along a stream and a drainage ditch, provided the area is devoted to a vegetative cover (as a filter strip) to reduce the siltation of a stream or ditch.

(iii) The area offered is designated by the producer on ASCS records across the entire width or length of a field (designations across more than one dimension of a field must meet size and width requirements in paragraph (h)(1) of this section) and represents:

(A) The total set-aside requirement, or

(B) The balance of the set-aside requirement after other designations have been made that meet the minimum size and width requirements in paragraph (h)(1) of this section or are otherwise excepted in paragraphs (h)(2) (i) and (ii) of this section.

* * *

5. Section 718.9 is revised to read as follows:

§ 718.9 Notice of measured acreage.

Written notice of measured acreage shall be on a form prescribed by the Deputy Administrator and shall constitute notice to all interested producers on the farm. The county committee shall send such notice to the farm operator when:

(a) *For marketing quota crops.* The determined acreage for the crop exceeds the allotment (120 percent of the flue-cured tobacco agreements by more than the measurement variance in those cases where measurement variance is not applicable).

(b) *For upland, cotton, rice, grain sorghum, barley, corn, and wheat.* The determined acreage for the crop exceeds the reported acreage by more than the measurement variance.

(c) *For normal crop acreage.* The determined acreage for the total planted normal crop acreage exceeds the normal crop acreage for the farm minus set-aside by more than the measurement variance.

(d) *For set-aside.* The determined acreage for set-aside is less than the required set-aside by more than the measurement variance.

(e) *For other crops or land uses.* The county executive director or county committee may send a notice of measured acreage when it is in the best interest of program administration.

(Sec. 314, 373, 375, 52 Stat. 48, as amended, 65, as amended, 66, as amended; 7 U.S.C. 1314, 1373, 1374, 1375)

Note.—The Agricultural Stabilization and Conservation Service has determined that this document does not contain a significant proposal requiring preparation of an Impact Statement.

Signed at Washington, D.C., on April 26, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[Amdt. 2]

[FR Doc. 79-14040 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 82

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

AGENCY: Animal and Plant Health Inspection Service USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Starr County in Texas because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in Starr County on April 25, 1979. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine a portion of Starr County in Texas.

Also, these amendments release a portion of Los Angeles County, California, and a portion of Dade County, Florida, from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas released from quarantine. No areas in the State of Florida remain under quarantine.

EFFECTIVE DATE: May 2, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. M. A. Mixson, USDA, APHIS, VS, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

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

Also, these amendments release a portion of Los Angeles County, California, and a portion of Dade County, Florida, from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas as contained in 9 CFR Part 82, as amended, will no longer apply to the areas released.

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

§ 82.3 [Amended]

1. In § 82.3(a)(8), relating to the State of Texas, a new paragraph (ii) relating to Starr County is added to read:

(a) * * *

(8) *Texas.* * * *

(ii) The premises of Cuauhtemoc Olivarez, 713 E. San Benito Street, Rio Grande City, Starr County.

2. In § 82.3(a)(1), relating to the State of California, paragraph (xi) relating to Los Angeles County, and paragraph (a)(4) relating to the State of Florida are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 [21 U.S.C. 111-112, 115, 117, 120, 123-126, 134b, 134f]; 37 FR 28464, 28477; 38 FR 19141)

The amendments quarantining the area impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, and, therefore, must be made effective immediately to accomplish their purpose in the public interest.

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

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure

with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

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

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

Done at Washington, D.C., this 2nd day of May 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-14143 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

General License Requirements For Any Person Who Possesses Formula Quantities of Strategic Special Nuclear Material (SSNM) In Transit Subject to Certain Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to remove the exemption to licensing for carriers and other persons who possess or control formula quantities of strategic special nuclear material for the purpose of transport or storage incident to transport. Under the amendment a general license is issued to any person who possesses, or who exercises control over, formula quantities of strategic special nuclear material in transit. The general license will require such persons to be responsible for assuring that the material in their possession is protected against theft and sabotage by a security system which is implemented in accordance with a Transportation

Security Plan that has received prior NRC approval. The general license would bring persons who possess or control formula quantities of strategic special nuclear material in transit directly under NRC physical protection regulations.

EFFECTIVE DATE: June 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Safeguards Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-5907.

SUPPLEMENTARY INFORMATION: On May 24, 1978, the NRC published a proposed amendment to 10 CFR 70, "Domestic Licensing of Special Nuclear Material" (43 FR 22215). The amendment proposed to revise § 70.12 and add a new § 70.20a. Interested persons were invited to submit comments or suggestions in connection with the proposed amendment within 30 days after publication in the *Federal Register*. The comment period expired June 23, 1978. One comment was received from a licensee. The commenter offered the observation that the proposed amendment incorporates many references to other Sections of 10 CFR Part 70 which may be a problem for carriers heretofore not subject to NRC regulations. The commenter suggested that a revision to § 70.12 should provide a self-contained general license setting forth specifically applicable terms and conditions. The commenter offered to submit such a revision to § 70.12 to the NRC by July 21, 1978. However, the proposed revision was not received.

In response to the commenter's remarks, staff believes that it is not necessary to repeat the details of each applicable paragraph of 10 CFR Parts 70 and 73 in such a detailed general license requirement under a revision to § 70.12. To do so would not necessarily simplify the proposed rule, but would lead to duplication of some sections of 10 CFR Parts 70 and 73. Therefore, staff believes that the method used in the proposed rule, that is, cross-referencing, is a reasonable and prudent method. Thus, the NRC is adopting the proposed amendment with only editorial and clarifying changes.

As initially proposed, paragraph 70.12 will remove the exemption to licensing for carriers and other persons who possess or control formula quantities of strategic special nuclear material for the purpose of transport or storage incident to transport. The new § 70.20a grants a general license to any person who would possess or control formula

quantities of strategic special nuclear material in transit. The scope of the general license granted under the proposed amendment would be limited to possession only and will be effective during the course of a shipment. The amendment will not affect the exemption to licensing for carriers and other persons under § 70.12 who transport all other forms of special nuclear material subject to NRC regulations. Also, the amendment will not apply to transient shipments, that is, shipments which originate in a foreign country with destinations in a foreign country and which are not offloaded or transferred within the United States.

The amendment will subject the general licensee to certain enumerated Sections of Parts 70 and 73. The general license requires that a transportation security plan be submitted and receive prior NRC approval before any person could possess formula quantities of strategic special nuclear material for the purpose of transport or storage incident to transport. The plan submitted by a carrier or other person for the purpose of this general license may incorporate by reference the terms of a transportation security plan already approved by the NRC.

The amendment being adopted will codify practices and procedures presently conducted on a voluntary basis by carriers and other persons and will not require the filing of applications with the Commission or the issuing of licensing documents to particular persons by the Commission.

The promulgation of the amendment will not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51, that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendment to 10 CFR Part 70 is required.

Pursuant to the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 70 is published as a document subject to codification.

1. Section 70.12 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the

regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto. The exemption in this section applies to shipments of formula quantities of strategic special nuclear material made through the United States from a point of foreign origin to a foreign destination, unless such a shipment or a portion thereof is offloaded for any purpose within the United States, when the general license under § 70.20a of this section shall apply. This exemption does not apply to the transport or storage in transit of formula quantities of strategic special nuclear material subject to the requirements of Part 73 of this chapter.

2. A new § 70.20a is added to read as follows:

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

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter, in the regular course of carriage for another or storage incident thereto. The general license is subject to the applicable provisions of §§ 70.32 (a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62 and 70.71.

(b) Notwithstanding any other provision of this chapter, the general license issued under this section does not authorize any person to conduct any activity that would be authorized by a license issued pursuant to Parts 30 through 35, 40, 50, 110, or other sections of this part.

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

(d) Any person who possesses formula quantities of strategic special nuclear material under this general license:

(1) shall have submitted and received approval of a transportation security plan. The security plan shall outline the procedures that will be used to meet the requirements of §§ 73.30 through 73.36 and 73.70(g) of this chapter including a plan for the selection, qualification, and training of armed escorts, or the

specification and design of a specially designed truck or trailer as appropriate.

(2) shall assure that the transportation is in accordance with the applicable physical protection requirements of §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter and the applicable approved transportation security plan.

(3) shall be subject to § 73.80 of Part 73 of this chapter.

(Sec. 53, 1611, Pub. L. 83-703, 68 Stat. 930, 948 as amended (42 U.S.C. 2073, 2201))

Dated at Bethesda, Md. this 20th day of April 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-14169 Filed 5-7-79; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Procedures for Size Determinations

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This amendment changes the composition of the SBA Size Appeals Board in connection with a recent SBA reorganization. The Associate Administrator for Minority Small Business and Capital Ownership Development and the Chief Counsel for Advocacy would become members of the Board in lieu of two positions no longer in existence under the reorganization. In accordance with current titles, the Associate Administrator for Policy, Planning and Budgeting is designated as the administering official for certain SBA size functions.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Stephen Klein, Office of General Counsel, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 202-653-8762.

SUPPLEMENTARY INFORMATION: Since these amendments are administrative in nature, affecting rules of Agency organization and procedure, and would not adversely affect any person, SBA finds that notice and public procedure are unnecessary and that the rules may be effective immediately.

Accordingly, the Small Business Administration amends Part 121 of its Regulations (13 CFR Part 121) as follows:

§ 121.3-3 [Amended]

1. Section 121.3-3 Organization—Size Functions, is amended by deleting: "Assistant Administrator for Advocacy, Planning and Research" and substituting in lieu thereof "Associate Administrator for Policy, Planning and Budgeting."

2. Section 121.3-6(a) is amended by revising the paragraph setting forth the composition of the Size Appeals Board to read as follows:

§ 121.3-6 Appeals.

(a) * * * The Size Appeals Board shall consist of five members, to wit: The Deputy Administrator (Chairperson); the Associate Administrator for Procurement Assistance (Vice Chairperson); the Associate Administrator for Finance and Investment; the Associate Administrator for Minority Small Business and Capital Ownership Development; and the Chief Counsel for Advocacy. In the event the Vice Chairperson acts as Chairperson in the stead of the Deputy Administrator, the Director of the Office of Procurement and Technical Assistance shall become a member of the Board. Each member shall designate one alternate in writing to act in his stead, and in the event of an emergency, the Chairperson may designate a temporary additional alternate for any member. Each member or his alternate shall have one vote except that the Chairperson or the Vice Chairperson acting in his stead shall vote only in the event of a tie.

Dated: April 26, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[Revision 13, Amendment 27]

[FR Doc. 79-14364 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 291

Domestic Cargo Transportation

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

April 26, 1979.

AGENCY: Civil Aeronautics Board

ACTION: Final rule.

SUMMARY: The CAB is amending, on its own initiative, its regulations exempting persons involved in domestic cargo transportation from section 409 of the Federal Aviation Act relating to interlocking relationships. The initial rule exempted air carriers, but not officers or directors of air carriers,

although the latter are also governed by section 409. This rule corrects that error.

DATES: Adopted: April 26, 1979.

Effective: April 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In ER-1080, effective November 9, 1978 (43 FR 53628, November 16, 1978), the Board issued comprehensive regulations implementing Pub. L. 95-163, which deregulated the domestic all-cargo air transportation industry. The final rule was preceded by a notice of proposed rulemaking, EDR-359 (43 FR 33733, August 1, 1978) and public comments. Section 291.31(f) of the final regulation (redesignated as § 291.31(a)(5) by ER-1103, 44 FR 9590, February 14, 1979, effective March 15, 1979) exempted direct air carriers engaged solely in domestic all-cargo transportation from obtaining prior Board approval of interlocking relationships governed by section 409. The Board granted the exemption to free the domestic industry from mandatory Board approval of interlocking relationships, since it appears that general public antitrust laws are adequate to guard the public interest. As an exemption for air carriers is pointless without an exemption for the officers and directors actually involved, this rulemaking extends the exemption to those individuals.

The exemption for officers and directors is made by adding a new paragraph to § 291.32, *Exemptions from the Act for persons other than direct air carriers.*

This rulemaking raises no substantive issues that were not considered and commented on in the prior rulemaking (EDR-359 and ER-1080). Since the error may be misleading to members of the public, it should be corrected immediately. Therefore, the Board finds for good cause that notice and public procedure on this rule are unnecessary and contrary to the public interest, and that the amendment should be made effective immediately.

Accordingly, the Civil Aeronautics Board amends § 291.32 of 14 CFR Part 291, *Domestic Cargo Transportation*, by designating the existing paragraph as (a) and adding a new paragraph (b), to read as follows:

§ 291.32 Exemptions for the Act for persons other than direct air carriers.

- (a) Air freight forwarders * * *
- (b) To the extent that any officer or director of any air carrier would

otherwise be in violation of section 409(a)(3) or 409(a)(6) of the Act because of any interlocking relationship covered under § 291.31(a)(5), that individual is hereby exempted from section 409 of the Act.

(Secs. 204, 409, 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 768, 92 Stat. 1731; 49 U.S.C. 1324, 1378, 1386.)

Phyllis T. Kaylor,

Secretary.

[Regulation ER-1118; Amdt. 4]

[FR Doc. 79-14251 Filed 5-7-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 291

Domestic Cargo Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on April 26, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is amending, on its own initiative, its regulations exempting persons involved in domestic cargo transportation from section 409 of the Federal Aviation Act. The initial rule exempted air carriers, but not officers or directors of air carriers, although the latter are also governed by section 409. This rule corrects that error.

DATES: Adopted: April 26, 1979.

Effective: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In ER-1080, effective November 9, 1978 (43 FR 53628, November 16, 1978), the Board issued comprehensive regulations implementing Public Law 95-163, which deregulated the domestic all-cargo air transportation industry. The final rule was preceded by a notice of proposed rulemaking, EDR-359 (43 FR 33733, August 1, 1978) and public comments. Section 291.31(f) of the final regulation (redesignated as § 291.31(a)(5) by ER-1103, 44 FR 9590, February 14, 1979, effective March 15, 1979) exempted direct air carriers engaged solely in domestic all-cargo transportation from obtaining prior Board approval of interlocking relationships governed by section 409. The Board granted the exemption to free the domestic all-cargo industry from mandatory Board approval of interlocking relationships, since it appears that general public antitrust laws are adequate to guard the

public interest. As an exemption for air carriers is pointless without an exemption for the officers and directors actually involved, this rulemaking extends the exemption to those individuals.

The exemption for officers and directors is made by adding a new paragraph to § 291.32, *Exemptions from the Act for persons other than direct air carriers*.

This rulemaking raises no substantive issues that were not considered and commented on in the prior rulemaking (EDR-359 and ER-1080). Since the error may be misleading to members of the public, it should be corrected immediately. Therefore, the Board finds for good cause that notice and public procedure on this rule are unnecessary and contrary to the public interest, and that the amendment should be made effective immediately.

PART 291—DOMESTIC CARGO TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends § 291.32 of 14 CFR Part 291, *Domestic Cargo Transportation*, by designating the existing paragraph as (a) and adding a new paragraph (b), to read as follows:

§ 291.32 Exemptions from the Act for persons other than direct air carriers.

(a) Air freight forwarders * * *

(b) To the extent that any officer or director of any air carrier would otherwise be in violation of section 409(a)(3) or 409(a)(6) of the Act because of any interlocking relationship covered under § 291.31(a)(5), that individual is hereby exempted from section 409 of the Act.

(Secs. 204, 409, 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 768, 92 Stat. 1731; 49 U.S.C. 1324, 1378, 1386.)

Phyllis T. Kaylor,

Secretary.

[Regulation ER-1118; Amdt. 4]

[FR Doc. 79-14313 Filed 5-7-79; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

Prohibited Trade Practices and Affirmative Corrective Actions; Federated Department Stores, Inc.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent

agreement, among other things requires a Cincinnati, Ohio operator of retail department stores to cease entering into or enforcing agreements which grant the firm the right to exclude certain tenants from shopping centers; control tenants' advertising, goods and prices; or otherwise restrict competition.

DATES: Complaint and order issued April 2, 1979.¹

FOR FURTHER INFORMATION CONTACT:

Lois G. Pines, Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Rm 1301, Boston, Mass. 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION: On Monday, Jan. 22, 1979, these was published in the *Federal Register*, 44 FR 4497, a proposed consent agreement with analysis in the matter of Federated Department Stores, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart—Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade. Subpart—Controlling, Unfairly, Seller/Suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Cutting Off Access To Customers or Market: § 13.560 Interfering with distributive outlets; § 13.565 Interfering with advertising mediums. Subpart—Interfering With Competitors or Their Goods: § 13.1080 Interfering with competitors or their goods.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[Docket C-2958]

[FR Doc. 79-14299 Filed 5-7-79; 8:45 am]

BILLING CODE 6750-01-M

¹ Copies of the Complaint and Decision and Order filed with original document.

16 CFR Part 213**Prohibited Trade Practices and Affirmative Corrective Actions; Louisiana-Pacific Corporation****AGENCY:** Federal Trade Commission.**ACTION:** Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Portland, Ore. firm engaged in harvesting and converting timber into various wood products, including medium density fiberboard (MDF) and particleboard, to divest, within two years to a Commission-approved buyer, the Rocklin MDF plant, which firm acquired through its merger with the Fiberboard Corporation; and offer the new buyer the opportunity to purchase from the firm, for five years, a limited amount of the raw materials necessary to manufacture MDF. Additionally, the order prohibits the firm, for ten years, from acquiring without prior agency approval, any entity engaged in the manufacture of particleboard or MDF.

DATES: Complaint and order issued Feb. 27, 1979.¹

FOR FURTHER INFORMATION CONTACT: FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Wednesday, September 13, 1978, there was published in the *Federal Register*, 43 FR 40882, a proposed consent agreement with analysis in the Matter of Louisiana-Pacific Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5-20 Federal Trade Commission Act.

¹ Copies of the Complaint and Decision and Order filed with the original documents.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[Docket C-2956]

[FR Doc. 79-14300 Filed 5-7-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 154****Natural Gas Policy Act of 1978; Order Extending Time To File Protests and Clarifying Prior Order**

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Extending Time.

SUMMARY: The Federal Energy Regulatory Commission amends its regulations by extending the deadline for the filing of protests to blanket affidavits and interim collection filings. This will enable more time for an interested party to challenge contractual authority to collect a maximum lawful price under the Natural Gas Policy Act of 1978.

EFFECTIVE DATE: April 30, 1979.

ADDRESSES: All filings should reference Docket No. RM79-22 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Phil Yates, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 275-4212.

On March 13, 1979, the Commission issued Order No. 23 in Docket No. RM79-22 (44 FR 16895, March 20, 1979). Order No. 23 dealt generally with the question of contractual authority to collect maximum lawful prices under the Natural Gas Policy Act of 1978 (NGPA).¹ Apart from that question was the procedural issue of how an interested party could protest the collection of an NGPA maximum lawful price if that interested party asserted that the applicable contract did not provide the requisite authority to collect the price.

In Order No. 23 we stated:

[T]he Commission will establish a general protest procedure in which parties in interest can petition the Commission for a specific determination as to whether a particular contractual clause constitutes the requisite authority to charge and collect Natural Gas

Policy Act rates. In light of the administrative difficulties, complexities and general practical problems which attend the transitional period, the Commission will amend its protest procedures contained in § 154.94 to allow for filings of protests within the latter of 90 days after filing of an affidavit, or May 1, 1979. Similarly, protest to interim and retroactive collection filings may be filed within the latter of 90 days of the filing of notice to the Commission, or May 1, 1979. The Commission, for practical administrative reasons and in order to give some certainty to these matters, will not entertain protests filed after that date. Of course, parties in interest may still be able to resort to the courts to seek resolution of the question.²

Requests for clarification of Order No. 23 were filed by the Associated Gas Distributors (AGD), and by the New York Public Service Commission (NYPSC). Several issues were raised in each request for clarification, but only two require immediate Commission action.

AGD requested that the May 1, 1979, deadlines for filing protests be extended, due to the practical difficulties in complying with that date in light of the large number of natural gas contracts which may be the subject of protests. We agree that the practical difficulties in meeting the May 1, 1979, deadlines are substantial. Accordingly, the Commission finds that good cause exists to amend § 154.94 to extend the date for the filing of protests from May 1, 1979, to June 15, 1979. In light of our extension of the dates for filing protests, we do not consider further AGD's motion for emergency procedural relief or its motion for stay of Order No. 23.³ The Commission is evaluating the pleadings suggesting that the present protest procedure is inadequate,⁴ and will issue a notice requesting comments on possible changes to that procedure. If the Commission has not completed its evaluation in advance of the expiration of the 45 day extension, it will further extend the time for the filing of protests; if the protest procedure is modified, the Commission will allow a reasonable time for the filing of protests under the procedure adopted.

² Order No. 23, mimeo at 52.

³ This order does not deny these motions; they remain before the Commission for such further consideration as may be appropriate. Nor shall such motions be deemed denied by the decision to postpone action thereon. Cf. 18 CFR 1.12(e) (motion made after hearing commenced deemed denied if Commission does not act within 30 days of filing or referral).

⁴ E.g. Application of the Public Service Commission of the State of New York for Rehearing of Order No. 23; Petition of the State of Michigan and the Michigan Public Service Commission for Rehearing of Order No. 23. Both filings were made on May 12, 1979, in Docket No. RM79-22.

¹ Pub. L. 95-621, 92 Stat. 3350.

The other issue the Commission must address is the request by NYPSC and AGD that Order No. 23 be clarified to indicate that failure to protest a jurisdictional agency determination⁵ will not waive an interested party's right to contest an issue of contractual authority. The Commission does not consider a jurisdictional agency determination of a well's NGPA pricing category to have any relevance to the question of contractual authority to collect the maximum lawful price for that category. Thus the Commission agrees that "the procedures for protesting producer claims to contractual authority to charge NGPA ceiling rates are independent of the Commission's review proceedings with respect to determinations by jurisdictional agencies pursuant to Section 503 of the NGPA."⁶

(Natural Gas Act as amended, 15 U.S.C. 717, *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. 761, *et seq.*, Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3350, Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 42 FR 46267.)

In view of the need for prompt Commission action in these circumstances to provide an opportunity to file challenges to contractual authority, and since notice and opportunity for comment are impracticable, unnecessary and contrary to the public interest, the Commission finds that good cause exists to issue these amendments without opportunity for notice and public procedure thereon. For the same reasons, good cause exists to issue these regulations effective immediately.

In consideration of the foregoing, Part 154 of Subchapter E, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

§ 154.94 [Amended]

Section 154.94 is amended in paragraph (h)(8) and (i)(3) by changing "May 1, 1979" to "June 15, 1979."

[Docket No. RM79-22]

[FR Doc. 79-14280 Filed 5-7-79; 8:45 am]

BILLING CODE 6450-01-M

⁵ Section 275.201(d) of the Commission's regulations requires a protest to a jurisdictional agency determination to be filed within fifteen days.

⁶ NYPSC's Request for Clarification, at page 4.

18 CFR Part 281

Natural Gas Curtailment; Implementation of Section 401 of the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) completes the Commission's process of establishing rules to carry out its statutory responsibilities under Section 401(a) of the Natural Gas Policy Act of 1978 (NGPA). It establishes a permanent curtailment rule which provides that to the maximum extent practicable curtailment plans of interstate pipelines protect deliveries of natural gas for "essential agricultural users" and for "high-priority users" as these terms are defined in Section 401(f)(2) of the NGPA.

EFFECTIVE DATE: June 7, 1979.

FOR FURTHER INFORMATION CONTACT:

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Background

Section 401 of the Natural Gas Policy Act of 1978 (NGPA) seeks to assure that natural gas required for essential agricultural uses will not be curtailed unless curtailment is required to protect the needs of certain enumerated high priority users. Section 401 of the NGPA establishes a curtailment scheme where the Secretary of Agriculture (USDA) determines the volumetric amounts required by essential agricultural users, the Secretary of Energy establishes curtailment priorities and the Federal Energy Regulatory Commission (Commission) establishes procedures whereby the curtailment plans of interstate pipelines carry out the Congressional policy to provide agricultural users certain protections from curtailment. The rule promulgated herein completes the Commission's process of promulgating rules to carry out its statutory responsibilities under Section 401(a) of the NGPA. A rule proposing procedures for alternate fuel determinations under Section 401(B) is the subject of a separate rulemaking in Docket No. RM79-40.

Specifically, the Commission must implement the USDA and Economic Regulatory Administration (ERA) rules so that, to the maximum extent practicable, no curtailment plan of an interstate pipeline results in curtailment of deliveries of natural gas for any

essential agricultural use, below the requirement specified by the USDA unless such curtailment is necessary in order to meet the requirements of high-priority users, as that term is defined in Section 401(f)(2) of the NGPA.

Title IV of the NGPA creates new priority classifications for high-priority uses as defined in the statute. These are "essential agricultural uses", and "essential industrial process and feedstock uses". The ERA of the Department of Energy is studying curtailment priority policy and will likely propose rules to implement Section 402 at some future time. However, it does not appear that ERA will have done so in time to be coordinated with implementation of Section 401.

Section 401(a) provides that not later than 120 days after the date of enactment of the NGPA the Secretary of Energy shall prescribe and make effective a rule which provides that no curtailment plan of an interstate pipeline may provide for curtailment of deliveries of natural gas for essential agricultural use except to meet the requirements of enumerated high-priority users.¹

Section 401(c) states that the USDA shall certify to the Secretary of Energy and to the Commission the natural gas requirements for essential agricultural uses in order to meet the requirements of full food and fiber production.²

Pursuant to Section 403(b) of the NGPA and Section 402(a)(1)(E) of the Department of Energy Organization Act, the Commission is charged with implementing the rules mandated by Section 401 under its authority to establish, review, and enforce curtailments under the Natural Gas Act. By a separate rulemaking the Commission has promulgated an Interim Rule to give effect to section 401 for the period April 1, 1979 to October 31, 1979. The permanent rule will be effective with respect to deliveries of natural gas for the winter heating season of 1979-80 and thereafter.

The interim rule promulgated by the Commission set forth a procedure whereby high-priority users and essential agricultural users can obtain relief from curtailment of the natural gas they use. In response to the interim rule interstate pipelines have filed tariff provisions which provide high-priority users and essential agricultural users relief from curtailment in a manner analogous to the existing life and

¹ 44 FR 1526 (March 1, 1979).

² The USDA rule is an interim final rule, and the substantive provisions thereof may be changed in their [its] final rule.

property provisions that have long been common in pipeline tariffs. In contrast to the approach of having eligible users apply for additional supplies when necessary, the permanent rule provides protection by reordering the priority classifications in accordance with the priority system set forth in Section 401 of the NGPA. The reordering places high-priority users, as defined by the statute,³ and essential agricultural users, as also defined by the statute, in new priority of service classifications 1 and 2, respectively.

In essence, the Commission is retrofitting existing curtailment plans to accommodate the new Congressional mandate in Section 401. In doing so, the Commission is not unmindful of the *State of North Carolina v. F.E.R.C.*, 584 F.2d 1003 (D.C. Cir. 1978) where an end-use curtailment plan was found deficient both because the natural gas was allocated using base period data which did not bear relationship to current end-uses of the natural gas, and because the Commission failed to consider the differing impact of the plan on full and partial requirements customers. However, *North Carolina* involved review of a curtailment plan implemented solely under the authority of the Natural Gas Act. In Section 401 Congress mandated that the Commission modify curtailment plans (which have been implemented under the NGA) to protect essential agricultural uses of natural gas, except to the extent the natural gas is necessary for high-priority uses. The Section 401 requirement is superimposed upon the Natural Gas Act standards for a curtailment plan. By Congressional mandate, it must be implemented notwithstanding the standards which have historically controlled determination of lawfulness of curtailment plans under the NGA. Therefore, the Commission does not

believe that *North Carolina* controls this rulemaking.

Moreover, in implementing Section 401, Congress has indicated that it does "not intend the reopening of curtailment plans for this limited purpose [of protecting essential agricultural requirements] to result in adoption of a new base year for curtailment purposes". Conf. Report No. 1752, 95th Cong. 2d Sess. 113 (1978). If the Commission were to apply the rule in *North Carolina* to the curtailment plans resulting solely from implementation of Section 401, it would necessarily require the Commission to reopen all existing curtailment plans which have been found just and reasonable. This result is both administratively infeasible and contrary to Congressional intent.

The Secretary of Energy and the USDA have promulgated the statutorily required rules. On March 9, 1979, the ERA promulgated a final rule wherein certain terms are defined, and wherein curtailment priorities as set forth in Section 401 of the NGPA are established. Likewise, the Secretary of Agriculture has promulgated an Interim Final Rule (44 FR 11526, March 1, 1979) which establishes the volumetric requirements for essential agricultural users. (7 CFR 2900.4)

To implement the statutorily mandated upgrading of priorities in accord with the USDA and ERA rule, the Commission issued a Notice of Proposed Rulemaking on January 12, 1979, in this docket. The deadline for filing Comments was March 20, 1979. Public hearings were held in various locations.⁴ On the basis of the record established, including the written and oral comments received, the Commission has modified its initial proposal and now promulgates the rule contained herein.

The Commission has had the benefit of consultation with the USDA as contemplated by Section 401. This consultation has been extremely valuable to the Commission in its process of evaluating and determining the method by which to implement Section 401. The Commission is aware, however, that consultation does not

imply concurrence by the USDA with all aspects of this rule.

The Rule

Under the permanent rule promulgated today, most customers—both direct customers and local distribution company customers—of interstate pipelines will be required to re-examine the data used to determine base period volumes for curtailment plans in order to identify which volumes meet the ERA's definition of priority 1. Only volumes whose deliveries are protected by the NGPA before deliveries to essential agricultural users will be included in priority 1. The rationale for this treatment stems from the Secretary of Energy's definition of "high-priority use" (Priority 1). In the ERA rule, "high-priority use" is not defined in the same manner as the definition of "high-priority use" in the currently effective curtailment plans of certain interstate pipelines. Schools, hospitals, and large apartment buildings included by ERA in priority 1 generally were not given priority 1 treatment in most interstate pipeline plans. Likewise, some curtailment plans of interstate pipelines may have included in their priority 1 classification end-uses which are not categorized in the priority 1 category by the Department of Energy.

Pipeline curtailment plans will include a new priority 2 which will contain the requirements necessary to serve essential agricultural uses as defined by the Secretary of Agriculture.

The USDA interim rule defines volumetric requirements:

§ 2900.4 *Essential agricultural volume requirements.* (a) For purposes of section 401 of the NGPA, Essential Agricultural volumetric Requirements are certified to be:

(1) For each Essential Agricultural Use Establishment which (i) uses natural gas on farm for agricultural production, or (ii) consumes 300 mcf or less of natural gas per peak day (whether such Essential Agricultural Use Establishment is in existence on the effective date of this rule or comes into existence thereafter)—100 percent of the current requirements.

(2) For each Essential Agricultural Use Establishment not included in paragraph (1) (whether such Essential Agricultural Use Establishment is in existence on the effective date of this rule or comes into existence thereafter)—the higher of:

(i) The actual volume of natural gas used by such Essential Agricultural Use Establishment (corrected to include amounts of process and feedstock gas not used because of curtailment or plant shutdown) during the applicable period of the most recent 3 years (updated annually) which has the highest corrected volume; provided, however, that if any such Essential Agricultural Use Establishment shall have

³ Section 401(f)(2)(C) defines high-priority use as gas used *inter alia* in a "school, hospital, or similar institution." The Commission has defined schools and hospitals broadly in lieu of defining "similar institution." Section 401(f)(2)(D) provides that high-priority uses also include "natural gas in any other use the curtailment of which the Secretary of Energy determines would endanger life, health, or maintenance of physical property". In accord with this provision, the Secretary of Energy has defined as high-priority use natural gas used "for minimum plant protection, for fire protection, in a sanitation facility, in a correctional facility, or for emergency situations pursuant to 18 CFR 278(a)(4)." 10 CFR 561.02(b)(6)(iv). Volumes of natural gas necessary for "minimum plant protection when the plant is shut down" and for "emergency situations pursuant to 18 CFR 278(a)(4)" are not based upon historical requirements for which entitlements can be appropriately calculated. Accordingly the rule requires every pipeline to include an emergency relief clause providing for delivery of such volumes. 18 CFR 281.204(c).

⁴ March 6, 1979—California Public Utilities Commission, California State Building, 350 McAllister Street, San Francisco, California

March 9, 1979—Holiday Inn, 1911 I-40E at Ross, Amarillo, Texas

March 13 and 14—Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

March 18, 1979—Wisconsin Public Service Commission, 4802 Sheboygan Avenue, Madison, Wisconsin

March 19, 1979—Arkansas Public Service Commission, Justice Building, Little Rock, Arkansas

been in existence less than 3 years, the applicable period shall be that having the highest correct volume of such Essential Agricultural Use Establishment's existence; or

(ii) the maximum volume such Essential Agricultural Use Establishment would be entitled to purchase under the interstate pipeline's curtailment plan in effect on the effective date of this rule.

The volumes included in the other priority classifications in an interstate pipeline's plan must be reduced to the extent that those volumes are now placed in new priorities 1 or 2. Uses not included in priorities 1 or 2 would be handled in accord with current curtailment plans, but deliveries of all such volumes would be given a lower preference than delivery of new priority 1 and 2 volumes.

The changes in curtailment plans are to be implemented on November 1, 1979. It will be necessary for the interstate pipelines to revise the volumes of natural gas reflected in each category or service in their curtailment plans in order to affect the changes brought about by the NGPA. Thus, although the rule will not be implemented until November 1, substantial work will be required before that date to prepare for its implementation. End-users, local distribution companies, and interstate pipelines will immediately commence work to modify the curtailment plans of the interstate pipelines in accordance with this rule and the NGPA.

In past curtailment proceedings the parties have often arrived at a settlement of all issues without resort to adjudicatory proceedings before the Commission. This procedure may be appropriate here, and nothing in the rule precludes any interstate pipeline and its customers from proposing, as a settlement, a curtailment plan that differs from that set out in our rule. Such a settlement will be evaluated by the Commission in the light of its responsibility to meet the statutory goal of protecting, to the maximum extent practicable, high priority users and essential agricultural uses.

Summary of Comments and of Revisions of Commission Rule

On January 12, 1979, the Commission issued its Notice of Proposed Rulemaking 44 FR 3725 (January 18, 1979) for development of a curtailment rule to implement Section 401 of the NGPA on a permanent basis. The proposed rule was issued prior to final action of ERA and USDA with respect to issuance of their final rules required by Section 401.⁵ The Commission now has

the benefit of the final ERA rule and the interim final USDA rule.

The Commission's final rule adopts the ERA rule in its entirety, and the Certification of "Essential Agricultural Use" and Volumetric Requirements of USDA's interim final rule. Interstate pipelines are required to provide gas to supply the certified volumetric requirements for those users designated by the USDA.⁶ However, the interstate pipeline is not required to deliver natural gas to any customer in violation of any volumetric limitations set out in the contract between the interstate pipeline and its customer.

The Commission recognizes that incorporation by reference of the USDA rule will result in some expansion in the entitlements over the entitlements contained in current pipeline curtailment plans. In the past, the Commission's policy has not favored load growth; i.e., increasing new customers or base period entitlements. However, the Commission's reading of the NGPA and the many comments and legal analysis provided it in the extensive record in this proceeding leads it to the conclusion that some agricultural load growth was intended by Congress. The Commission has determined it must make the appropriate modifications where necessary to carry out the Congressional mandate. The Commission's reading of Section 401, amply supported by the rulemaking record, indicates that Congress intended to up-grade the priority classification of essential agricultural users while specifically protecting high-priority users. However, Congress did not mandate that high-priority load growth. Thus, to the extent that load growth is required by the USDA rule and the agricultural users (or its local distributor) has the requisite contractual authority, it is the Commission's view that Congress intended that agricultural load growth be permitted. The Commission recognizes that if gas supplies are inadequate this may require some disruption of service to established consumers but the legislative history indicates that Congress was prepared to accept such an impact.

The significance of the Commission's statement in the interim rule that pipelines are not required to serve those certified USDA volumetric requirements if serving them would require providing

become effective on February 28, 1979, until superseded by a permanent rule expected to be issued on or about April 30, 1979.

⁶ The Department of Agriculture certified essential agricultural uses without regard to contract or service limitations.

gas in excess of volumetric specifications in contracts or certificates of public convenience and necessity was a subject of much comment and discussion by the parties to this rulemaking. Some commentators took the position that Section 401 created new natural gas entitlements that override existing certificates or contracts. However, it was pointed out by many other parties that increased service by interstate pipelines is governed by Section 7 of the Natural Gas Act (NGA) dealing with certificates of public convenience and necessity while curtailment plans in contrast deal with reductions in existing service. Most of the speakers questioned at the hearings agreed that Section 401 of the NGPA does not compel an interstate pipeline to serve an essential agricultural user who is not now served by that pipeline. The view expressed was that absent the issuance of a certificate of public convenience and necessity under Section 7 of the NGA interstate pipelines cannot be required to increase service to existing customers or attach new customers. There was no indication that Congress, in enacting the NGPA intended to override the certificate requirements of Section 7 of the NGA. It was pointed out by a number of speakers including representatives of several state Commissions that the policies of local distribution companies regarding the addition of new customers is generally subject to state regulation. The Commission does not believe that Section 401 binds state regulators to order local distribution companies to add new customers, increase deliveries or execute new or modified contracts or service agreements.

In general, it is the Commission's view that contract and certificate limitations would apply whether or not the Commission made a specific reference to them in its regulation. The Federal Power Commission (FPC) in allocating diminished supplies of natural gas to users with existing contracts was required to override certain contract features but it was generally recognized that curtailment plans did not create additional contract entitlements.

In discussing the natural gas shortage and the need for curtailments, the United States Supreme Court stated:

The shortage is said to require curtailment of contracted natural gas deliveries by Transco to its customers during periods of high demand. The curtailment plans concern methods of allocating the shortfall among the various customers. *FPC v. Transcontinental Gas Pipeline Corp.*, 423 U.S. 326, 327-8 (1976).

This statement indicates the Supreme Court's recognition, that curtailments

⁵ ERA's final rule was issued on March 9, 1979, and the Interim Final Rule of USDA was issued to

are superimposed upon existing contractual relationships.

Similarly, in its initial discussion of the Transco curtailment case the United States Court of Appeals for the District of Columbia stated:

When a pipeline company's natural gas supplies become inadequate to meet contractual commitments to customers, there must be a provision—through a curtailment plan—for apportioning the diminishing gas supply among the customers. *State of North Carolina v. FERC*, No. 78-2102 (D.C. Cir. 1978), slip opinion at 8.

The FPC's later curtailment plans did not recognize the contract distinction between firm and interruptible contracts. The underlying goal in the FPC's curtailment policy was to establish a system of priorities of service based on the end use of the natural gas. The firm interruptible contract distinction does not provide an adequate basis for determining the end use of the gas. In general, however, except where it was necessary to achieve end-use principles, curtailment policy has recognized that entitlement to gas requires both contractual authority as well as recognition in a curtailment plan.

The Commission adopts the USDA's certification of essential agricultural uses, but fully recognizes that increases in service are still subject to applicable state law, to Section 7 of the NGA, and, existing contracts to which the interstate pipeline is a party. Parties are free to amend their contracts and pipelines are free to file applications for new or amended certificates under Section 7.

In all other respects, it is the Commission's intention to preserve the existing base period data and method of implementation of existing interstate pipeline curtailment plans. We are particularly mindful of the Statement of Managers which expresses a clear desire to avoid disruption of existing curtailment plans upon implementation of Section 401.

Alternate Fuel Test

The Commission is authorized by Section 401(b) of the NGPA to exercise its authority to approve or modify certified volumes of all essential agricultural users through application of a statutory alternate fuel test. The Commission, under Docket No. RM79-40, is issuing today as a corollary rule, a Notice of Proposed Rulemaking which notices a rule providing for procedures for making the alternate fuel determination. Accordingly, those principles will not be addressed here.

Data Verification Committees

The concept of using a Data Verification Committee (DVC) in order to deal with data management problems on each pipeline as expressed in the Commission's proposed rule received considerable attention in the comments of the parties. The agricultural community strenuously objected to this use of the DVC. Agricultural representatives argued that the proposed rule would vest too much power in the DVC by virtue of giving them fact-finding authority. They also argued that agricultural representatives were not included as standing members. Many agricultural users stated that, rather than deal with a DVC, they would prefer to come directly before the Commission to resolve data problems.

The Commission in deference to the strong reservations of the agricultural community about DVC procedures, and to questions whether the Commission could lawfully delegate its authority to a DVC, has determined that it will not utilize these committees in a fact-finding mode.

However, the Commission believes that the record indicates that the DVC's would be useful in a more limited capacity than in the proposed rule. There is a need to insure that all data are expressed in a consistent fashion and that data be reviewed for mechanical and reporting errors. There is also a need for a forum which would permit exchanging data and information among the various pipeline customers affected by a pipeline curtailment plan. Finally there is a need to discuss matters in controversy so that all parties and the Commission can understand the issues that the Commission must address. The Commission believes that the DVC's can perform these limited functions in a legally appropriate fashion and in a way that will assist and not prejudice any customer in obtaining its legal entitlements.

Attribution

The rule promulgated provides an attribution mechanism so that agricultural users, local distribution companies, and interstate pipelines that receive gas from more than one source can allocate their priority needs of natural gas among those sources.

The permanent rule re-orders the priority classifications of pipelines' existing curtailment plans. The Commission believes high priority and essential agricultural requirements should be attributed among suppliers based on the underlying curtailment plans of the interstate pipeline suppliers.

Accordingly, the requirements will be attributed to a particular direct supplier based on a fraction equal to the entitlements from that supplier divided by total supplies from all sources, including non-pipeline supplies. An essential agricultural user or local distribution company with supply sources which supplemented interstate pipeline supplies, during the base period of the pipeline's curtailment plan would not be attributed to interstate pipeline suppliers.

Storage

The revised curtailment priorities embodied in the ERA rule seeks to protect customer storage injection.

Section-by-Section Summary of the Final Rule

The following is a section-by-section summary of the Commission's final rule.

Purpose (§ 281.201)

This section states that it is the purpose of this subpart to provide effective November 1, 1979, that the curtailment plans of interstate pipelines protect, to the maximum extent practicable, deliveries of natural gas for essential agricultural uses and high priority uses.

Applicability (§ 281.202)

The subpart applies to the following interstate pipelines:

Alabama-Tennessee Pipeline Company
Algonquin Gas Transmission Company.
Arkansas Louisiana Natural Gas Company.
Cities Service Gas Company.
Colorado Interstate Gas Company.
Columbia Gas Transmission Corporation.
Consolidated Gas Supply Corporation.
East Tennessee Natural Gas Company.
Eastern Shore Natural Gas Company.
El Paso Natural Gas Company.
Florida Gas Transmission Company.
Great Lakes Gas Transmission Company.
Inter-City Minnesota Pipelines, Ltd., Inc.
Kansas-Nebraska Natural Gas Company, Inc.
Lawrenceburg Gas Transmission Company.
Michigan-Wisconsin Pipeline Company.
Mid-Louisiana Gas Company.
Midwestern Gas Transmission Company.
Mississippi River Transmission Company.
Montana Dakota Utilities Company.
National Fuel Gas Supply Company.
North Penn Gas Company.
Northern Natural Gas Company.
Northwest Pipeline Corporation.
Panhandle Eastern Pipeline Company.
South Georgia Natural Gas Company.
Southern Natural Gas Company.
Southwest Gas Corporation.
Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.
Tennessee Natural Gas Lines.
Texas Eastern Transmission Corporation.
Texas Gas Transmission Corporation.
The Inland Gas Company.

Transcontinental Gas Pipeline Corporation.
Transwestern Pipeline Company.
Trunkline Gas Company.
United Gas Pipe Line Company.
Western Gas Interstate Company.

Definitions (§ 281.203)

This section defines the following terms as they are used in this subpart:

"Currently effective curtailment plan" means the plan for natural gas curtailment which an interstate pipeline had in effect on March 1, 1979;

"Direct sale customer" means an essential agricultural user that purchases natural gas directly from an interstate pipeline and consumes such natural gas for an essential agricultural use;

"Essential agricultural use" means any use of natural gas, certified by the Secretary of Agriculture as such a use under section 401(c) of the NGPA, as identified in 7 CFR 2900 *et seq.*;

"End-use curtailment plan" means a tariff provision that requires that, if there is a supply shortage, curtailment of natural gas deliveries will be based on end-use factors;

"Indirect sale customer" of an interstate pipeline means an essential agricultural end-user served by a local distribution company which is served directly or indirectly by an interstate pipeline;

"High-priority user" means a person who uses natural gas in a residence, a small commercial establishment, a school or hospital, or for police and fire protection, sanitation or correctional facilities;

"Local distribution company" means a local distribution company served directly by an interstate pipeline.

This section also defines alternate fuel; entitlements; rolling base period; residence; small commercial establishment; hospital; and school.

Section 281.203(b) provides for cross-references which are essential agricultural requirements, and index of entitlements.

Tariff Filing Requirements (§ 281.204)

Paragraph 281.204(a) states that an interstate pipeline must file tariff sheets which provide that natural gas will be delivered in accordance with provisions of this subpart. If the pipeline has no curtailment plan, it must file a tariff which includes one that complies with this subpart by October 1, 1979. If the pipeline has curtailment provisions in its currently effective tariff, it shall file amendments to that tariff reflecting a curtailment plan which complies with this subpart no later than October 1,

1979. The effective date of all such tariffs will be November 1, 1979.

Paragraph 281.204(b) states that the index of entitlements for an interstate pipeline with an end-use curtailment plan shall identify the natural gas entitlements in each priority of service category (determined under § 281.205(a)) for each direct sale customer, each local distribution company, and each interstate pipeline purchaser. The indices of entitlements will be periodically updated. For curtailment plans using a fixed base period, new indices reflecting changes in Priority 2 entitlements are due each October 1st for a proposed effective date of November 1st. For plans now using a rolling base period, annual updates in Priority 2 index of entitlements must be filed when other end-uses are updated in accordance with currently effective tariffs. Other amendments to the indices must be made if the Commission determines, under Subpart C, that essential agricultural user has an alternative fuel availability for Priority 2 entitlements, and removes that essential agricultural use from Priority 2 and places it in the appropriate curtailment category.

Each tariff shall contain provisions that require interstate pipelines to provide for delivery of enough gas to respond to emergency situations during periods of curtailment in order to forestall irreparable injury to life, property or for minimum plant protection during shut-downs (§ 281.204(c)).

The delivery requirements of this subpart will not exceed the volumetric requirements of the contract between a pipeline and its customer.

General Rule (§ 281.205)

Paragraph 281.205(a) requires interstate pipelines to establish a high-priority use category designated as Priority 1 and an essential agricultural use category designated as Priority 2. Priority 1 shall include all high-priority use entitlements of direct and indirect customers and related storage injection volumes. Priority 2 shall include all essential agricultural use entitlements of its direct and indirect customers and related storage injection volumes.

The method of curtailment for end-use curtailment plans requires that deliveries of natural gas be curtailed sequentially beginning with the lowest priority of service category. All categories must be fully curtailed before Priorities 1 and 2 are curtailed. Priority 1 shall be curtailed last (§ 281.205(b)(1)). Subparagraph 281.205(b)(2) requires that all priority categories in existing plans

be placed below new categories 1 and 2. Entitlements in existing categories must be reduced to the extent that entitlements have been placed in categories 1 and 2.

Paragraph 281.205(c) requires an interstate pipeline to classify customer storage injection gas in the same manner as in the curtailment plans in effect on March 1, 1979. If gas volumes for storage are classified by end-use, the pipeline must recalculate volumes for each priority category according to the index of entitlements. Otherwise, no storage injection volumes may be recalculated, reclassified or included as Priority 1 or 2 entitlements.

The calculation of entitlements in priority of service categories shall be computed in the following manner: for Priority 1 in accordance with § 281.206; for Priority 2 in accordance with § 281.207. Each interstate pipeline with an end-use curtailment plan shall reduce entitlements to all other categories of service to the extent those entitlements have been placed in Priority 1 or 2.

Classification of Priority 1 Entitlements (§ 281.206)

Paragraph (a) of this section defines "high-priority entitlements" as the volume of gas a person (direct sale customer, local distribution company or interstate pipeline purchaser) is entitled to receive under the current curtailment plans of the particular interstate pipeline on account of its own high-priority uses and also (in the case of a local distribution company or the pipeline itself) those of its customers. A pipeline is entitled to receive gas for its own high-priority uses and the high-priority uses attributed by direct sale customers and local distribution company customers to the pipeline as a source of that gas.

Paragraph 281.206(b) states that local distribution company customers and direct sale customers may request each of its direct interstate pipeline suppliers to classify as Priority 1 entitlements natural gas that either entity is entitled to purchase for its high-priority uses.

The customer must designate the entitlements in each priority of service category in the current curtailment plan for which Priority 1 reclassification is requested and request that these entitlements be removed from categories of service in the currently effective curtailment plan.

An interstate pipeline must reclassify high-priority entitlements as requested and must reduce by an equal amount the entitlements in the priority of service categories designated by the direct sale customer or local distribution company.

Paragraph 281.206(c) prescribes the same procedure for interstate pipeline purchasers which request reclassification of high-priority entitlements from interstate pipeline suppliers. The interstate pipeline purchaser shall designate these high-priority entitlements and request that those entitlements be removed from other categories of service. These high-priority entitlements are equal to the attributed Priority 1 entitlements calculated under section 281.209.

Classification of Priority 2 Entitlements (§ 281.207)

Paragraph 281.207(a)(1) states that direct sales customers may request Priority 2 classification for their essential agricultural uses (calculated under section 281.208) from direct interstate pipeline suppliers. Under subparagraph (a)(2), the essential agricultural users must designate the entitlements in the priority of service categories of existing plans and request their removal. The pipeline will then reclassify essential agricultural use requirements as Priority 2 entitlements and accordingly reduce entitlements in other priority of service categories as the customer designates.

Under paragraph (b), an indirect sale customer which is an essential agricultural user may request that its local distribution company which supplies the customer directly ask the pipeline supplier to reclassify the customers indirect essential agricultural requirements as Priority 2 entitlements.

Paragraph (c) states that a local distribution company must attribute the indirect essential agricultural requirements for which reclassification is sought by indirect sale customers to direct interstate pipeline suppliers, in accordance with § 281.209. Local distribution companies must request direct interstate pipeline suppliers to classify indirect essential agricultural requirements as Priority 2 entitlements. Under subparagraph (c)(2), the entitlements designated by the local distribution company to reflect attributed indirect essential agricultural requirements are removed from the category of service in which they are found in existing curtailment plans. The interstate pipeline shall reclassify the indirect essential agricultural requirement as a Priority 2 entitlement and reduce the entitlements of the local distribution company in other categories as designated.

An interstate pipeline purchaser, under § 281.207(d) may request each of its direct interstate pipeline suppliers to classify the attributable indirect

essential agricultural requirements as Priority 2 entitlements in the currently effective curtailment plan of the supplier.

Under subparagraphs 281.207(d)(2) and (3), the interstate pipeline purchaser will designate the entitlements in the current plan of the supplier and request their removal from the existing priority of service category. The supplier shall then classify the attributed Priority 2 entitlements as Priority 2 entitlements and reduce the current priority of service categories as designated by the purchaser.

Calculation of essential agricultural requirements and attributable Priority 2 entitlements (§ 281.208)

The total essential agricultural requirement of an end-user will be the volumes certified by the Secretary of Agriculture and calculated in accordance with 7 C.F.R. § 2900.4 and reduced to the extent of any alternate fuel determination in accordance with subpart C under Section 401(b) of the NGPA. These volumes shall be calculated on a daily, monthly and seasonal basis. The direct essential agricultural requirement is that part of the total requirement attributable under § 281.209 to the direct interstate pipeline supplier. The indirect essential agricultural requirement is that portion attributable to a direct local distribution company supplier.

Under § 281.208, paragraph (b) prescribes how the essential agricultural user calculates its total, direct and indirect essential agricultural requirements. An essential agricultural user will compute current requirements as they are designated by the Secretary of Agriculture in accordance with Title 7 of the Code of Federal Regulations, § 2900.4, minus any volumes determined by the Commission as replaceable by an alternate fuel. As used in 7 C.F.R. Part 2900, current requirements means the energy used during the most recent 12 months for which there is a record or the maximum volume which a user could consume presently for essential agricultural uses. Paragraph (c) states that the local distribution companies calculate attributable indirect essential agricultural requirements for its end-user customers by dividing their customers' essential agricultural requirements among the companies' direct pipeline suppliers. Interstate pipeline purchasers calculate attributable Priority 2 entitlements under paragraph (d) by attributing Priority 2 entitlements in each purchaser's index of entitlements among

that purchaser's direct interstate pipeline suppliers.

Attribution (§ 281.209)

Section 281.209 sets forth the rules for attributing total essential agricultural requirements by an essential agricultural user, indirect essential agricultural requirements of an essential agricultural user by its local distribution company supplier, and Priority 1 and 2 entitlements by an interstate pipeline. This section is inapplicable to any end-user or distribution company which has only one source of gas and to any pipeline which does not receive gas from another pipeline.

Natural gas from all direct sources shall be included in the computations for purposes of attribution.

However, if an essential agricultural user attributes any part of its essential agricultural requirements to a source other than a direct supplier as defined in paragraph (c) (for example, synthetic natural gas facilities or independent producers), the user may not seek reclassification to Priority 2 for that gas. Similarly, a local distributor may not seek Priority 2 for any part of its indirect essential agricultural requirements attributed to a source other than a direct supplier. And an interstate pipeline purchaser may not seek Priority 1 or 2 reclassification for any part of the Priority 1 or 2 volumes to which it is entitled which are attributed to a source other than a direct supplier.

Essential agricultural user

Under paragraph 281.209(d) an essential agricultural user must compute its requirements attributable to one direct supplier by multiplying total essential agricultural requirements by the annual quantity entitlement from said supplier, then dividing the result by the total volume of gas received from all sources during the base period of the direct supplier's current curtailment plan. Operative definitions are found in paragraph (c). If the user lacks entitlement with only one of its suppliers, the requirement attributed to that supplier is that part of the user's total essential agricultural requirements not attributed elsewhere. When a user lacks entitlements with more than one supplier the essential agricultural requirements attributable to any one supplier is found by multiplying the unattributed portion of the total requirements by the volume of gas received in 1972 from that supplier, and dividing the result by total 1972 supplies received.

Local distribution companies

Under paragraph 281.208(e), a local distribution company calculates its indirect essential agricultural requirements attributable to a direct supplier by multiplying those requirements by the annual quantity entitlements from the supplier and dividing the result by the total volume of gas received from all sources during the base period of the fixed period in the current curtailment plan of the supplier used to establish a customer's entitlements.

Interstate pipelines

An interstate pipeline will attribute Priority 1 and 2 entitlements respectively to a direct supplier according to paragraph (e) by multiplying total Priority 1 and 2 entitlements respectively by the annual quantity entitlements from the supplier and dividing the product by the total volume of gas received from all sources during the base period of the supplier's current curtailment plan.

Conflicting Data (§ 281.210)

Under paragraph (a), an interstate pipeline may not include in its index of entitlements under Priorities 1 or 2 any volumes requested to be so classified, if any information in the records of the pipeline differs from request for reclassification of Priority 1 or 2 entitlements. Under paragraph (b) a local distribution company is prohibited from seeking classification of volumes as requested if similar discrepancies arise between its records and the request of an essential agricultural user.

Filing and Documentation (§ 281.211)**Priority 1**

Under subparagraph (a)(1), the requests for reclassification of high-priority entitlements to Priority 1 entitlements made by direct sale customers and local distribution companies must be submitted in writing by June 15, 1979, and accompanied by tables showing both high-priority entitlements and the end-users of the gas in the priority of service category being reclassified and the end-use data used to establish high-priority requirements and the designated end-use of the natural gas.

Subparagraph (a)(2) sets July 15, 1979 as the deadline for written requests by interstate pipeline purchasers to request that their pipeline supplier's reclassify high-priority requirements in currently effective curtailment plans as Priority 1 entitlements. Such requests must be accompanied by tables of high-priority

entitlements and end-uses in each category of the supplier's plans for which reclassification is requested, copies of end-use data used to establish high-priority requirements, and a table indicating volumes and priority of service categories for which the purchaser's customers sought reclassification.

Priority 2

Under subparagraph (b)(1), essential agricultural users requesting that local distribution companies or direct interstate pipeline suppliers classify essential agricultural requirements to Priority 2 entitlements must do so in writing no later than June 15, 1979 and include a sworn statement which includes the volumes and end-use of gas requested to be made Priority 2, the SIC Code activities of the user, data and calculations used to determine essential agricultural requirements under USDA regulations (7 CFR § 2900.4) and a copy of a users petition for an alternate fuel determination for any boiler fuel facility, if appropriate.

Paragraph (b)(2) establishes June 30, 1979 as the deadline for written requests by local distribution companies to direct interstate pipeline suppliers requesting Priority 2 classification. Such requests must contain appropriate calculations and copies of all requests received from the particular company's essential agricultural user customers.

Interstate pipeline purchasers must request from suppliers classification of attributable Priority 2 entitlements as Priority 2 entitlements no later than July 15, 1979 and in writing, according to subparagraph (3). Appropriate calculations and copies of customer requests must accompany the request.

Subparagraph (4) states that the data required under paragraph (b) must be filed in years after 1979 only if a change in Priority 2 is sought. The deadline dates will continue to be applicable except for any interstate pipeline with a rolling base period.

Draft Tariff Sheets and Index of Entitlements (§ 281.212)

This section requires that each interstate pipeline prepare draft tariff sheets and a draft index of entitlements in accordance with this regulation and serve these documents on all customers and, together with all § 281.210 documents, on the Data Verification Committee no later than August 1, 1979. The same deadline holds true for subsequent years, except for pipelines with a rolling base period which are permitted to prescribe an appropriate date.

Data Verification Committee (§ 281.213)

Paragraph (a) requires, at a minimum, that the Data Verification Committees be composed of a representative of the interstate pipeline, of the Commission staff, both a large and small local distribution company, and an essential agricultural user. State and local regulatory bodies and a representative of the Department of Agriculture may be members at their option.

The Committees will receive all calculations behind the draft tariff sheets and the proposed index of entitlements. Any information requested by the Committee shall be supplied by the interstate pipeline.

Under paragraph (c) any customer of an interstate pipeline may file a written protest concerning the index of entitlements. The protests shall be filed by August 24, 1979.

Paragraph (e) provides that the Committee shall prepare a report concerning the draft tariff sheets and shall, at least, specify arithmetic errors, and prepare an evaluation of all protests. Such report shall be submitted to the interstate pipeline no later than September 23, 1979.

Notice, complaint and remedy (281.214)

Any direct sale customer or local distribution company aggrieved by an alleged violation of this rule shall file complaint in accordance with 18 CFR 1.8 within 45 days of notice.

If a violation is found by the Commission, it shall take whatever action it deems appropriate.

Additional relief (§ 281.215)

Upon rejection of a request for Priority 1 or 2 classification under § 281.206 or otherwise, or the failure of a local distributing company to request reclassification on behalf of an end-user, for any reason, the aggrieved party may file a request for relief from curtailment which conforms with Commission regulations in 18 CFR 1.7. The request shall contain the information required in 18 CFR 2.78(b).

(Natural Gas Act, as amended, 15 U.S.C. 717 *et. seq.*; Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; Natural Gas Policy Act of 1978, Pub. L. 95-621; 92 Stat. 3350; Department of Energy Organization Act, P.L. 95-91; E.O. 12009, 42 FR 46267)

In consideration of the foregoing Part 281, Subpart B, Subchapter I, Chapter 1, Code of Federal Regulations is amended effective June 7, 1979, as set forth below.

By Order of the Commission.

Kenneth F. Plumb,
Secretary.

PART 281—NATURAL GAS CURTAILMENT

1. Part 281 is amended by adding a new Subpart B including § 281.201 through § 281.215 to read as follows:

Subpart B—Permanent Curtailment Rule

Sec.

- 281.201 Purpose.
- 281.202 Applicability.
- 281.203 Definitions and cross references.
- 281.204 Tariff filing requirements.
- 281.205 General rules.
- 281.206 Priority 1 reclassification.
- 281.207 Priority 2 classification.
- 281.208 Calculation of essential agricultural requirements and attributable priority 2 entitlements.
- 281.209 Attribution.
- 281.210 Conflicting data.
- 281.211 Filing and documentation.
- 281.212 Draft tariff sheets and index of entitlements.
- 281.213 Data Verification Committee.
- 281.214 Notice, complaint and remedy.
- 281.215 Additional Relief.

Authority: Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3350; Department of Energy Organizational Act, Pub. L. 95-91, E.O. 12009, 42 FR 46267.

Subpart B—Permanent Curtailment Rule

§ 281.201 Purpose.

The purpose of this subpart is to implement section 401 of the NGPA in order to provide that effective November 1, 1979, the curtailment plans of interstate pipelines protect, to the maximum extent practicable, deliveries of natural gas for essential agricultural uses and for high-priority uses in accordance with the provisions of this subpart.

§ 281.202 Applicability.

This subpart applies to the following interstate pipe lines:

Alabama-Tennessee Pipeline Company.
Algonquin Gas Transmission Company.
Arkansas Louisiana Natural Gas Company.
Cities Service Gas Company.
Colorado Interstate Gas Company.
Columbia Gas Transmission Corporation.
Consolidated Gas Supply Corporation.
East Tennessee Natural Gas Company.
Eastern Shore Natural Gas Company.
El Paso Natural Gas Company.
Florida Gas Transmission Company.
Great Lakes Gas Transmission Company.
Inter-City Minnesota Pipelines, Ltd., Inc.
Kansas-Nebraska Natural Gas Company, Inc.
Lawrenceburg Gas Transmission Company.
Michigan-Wisconsin Pipeline Company.

Mid-Louisiana Gas Company.
Midwestern Gas Transmission Company.
Mississippi River Transmission Company.
Montana Dakota Utilities Company.
National Fuel Gas Supply Company.
North Penn Gas Company.
Northern Natural Gas Company.
Northwest Pipeline Corporation.
Panhandle Eastern Pipeline Company.
South Georgia Natural Gas Company.
Southern Natural Gas Company.
Southwest Gas Corporation.
Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.
Tennessee Natural Gas Lines.
Texas Eastern Transmission Corporation.
Texas Gas Transmission Corporation.
The Inland Gas Company.
Transcontinental Gas Pipeline Corporation.
Transwestern Pipeline Company.
Trunkline Gas Company.
United Gas Pipe Line Company.
Western Gas Interstate Company.

§ 281.203 Definitions and cross references.

(a) *Definitions.* For purposes of this subpart:

(1) "Direct sale customer" means an essential agricultural user of high priority use which purchases natural gas directly from an interstate pipeline and consumes such natural gas for a high-priority use or an essential agricultural use.

(2) "Essential agricultural use" means any use of natural gas which is certified by the Secretary of Agriculture as an "essential agricultural use" under section 401(c) of the NGPA, as identified in 7 CFR Part 2900, *et seq.*

(3) "Essential agricultural user" means a person who uses natural gas for an essential agricultural use.

(4) "High-priority use" means any use of natural gas which qualifies the user as a high-priority user.

(5) "High-priority user" means any person who uses natural gas:

- (i) In a residence;
- (ii) In a small commercial establishment;
- (iii) In a school or a hospital; or
- (iv) For police protection, for fire protection, in a sanitation facility or a correctional facility.

(6) "End-use curtailment plan" means a provision in the tariff of an interstate pipeline that requires that under circumstances of supply shortage natural gas deliveries will be curtailed based at least in part upon factors which consider the end-use of the natural gas.

(7) "Indirect sale customer" of an interstate pipeline means an essential agricultural end-user served by a local distribution company which is served directly by the interstate pipeline.

(8) "Residence" means a dwelling using natural gas predominantly for residential purposes such as space heating, air conditioning, hot water heating, cooking, clothes drying, and other residential uses and includes apartment buildings and other multi-unit buildings.

(9) "Small commercial establishment" means any establishment (including institutions and local, state and Federal Government agencies) engaged primarily in the sale of goods or services where natural gas is used:

(i) In amounts of less than 50 Mcf on a peak day; and

(ii) For purposes other than those involving manufacturing or electric power generation.

(10) "Hospital" means a facility, the primary function of which is delivering medical care to patients who remain at the facility including nursing and convalescent homes. Outpatient clinics or doctors' offices are not included in this definition.

(11) "School" means a facility, the primary function of which is to deliver instruction to regularly enrolled students in attendance at such facility. Facilities used for both educational and noneducational activities are not included under this definition unless the latter activities are merely incidental to the delivery of instruction.

(12) "Local distribution company" means a local distribution company served directly by an interstate pipeline.

(13) "Rolling base period" means a time period in which entitlements of the customers of an interstate pipeline are established pursuant to the pipeline's currently effective curtailment plan and which is periodically updated to reflect recent gas requirements of such customers.

(14) "Entitlements" of a direct sale customer or a local distribution company customer with respect to a particular interstate pipeline means the amount of natural gas that customer is permitted to receive under the interstate pipeline's currently effective curtailment plan.

(15) "Interstate pipeline purchaser" means an interstate pipeline which received deliveries of natural gas from another interstate pipeline.

(16) "Alternate fuel" means any fuel which is:

(i) Economically practicable and reasonably available as an alternate to natural gas for use in a boiler fuel facility; and

(ii) May be burned in the boiler fuel facility without placing the boiler fuel in violation of any applicable Federal,

state or local air pollution control standards.

(17) "Currently effective curtailment plan" of an interstate pipeline means that curtailment plan in effect on March 1, 1979.

(b) *Cross references.* (1) Essential agricultural requirements are calculated in accordance with § 281.208.

(2) "Index of entitlements" is that index of entitlements prepared in accordance in § 281.204(b).

§ 281.204 Tariff filing requirements.

(a) *General rule.* Each interstate pipeline listed in § 281.202 shall file tariff sheets, including an index of entitlements, which provides that if the interstate pipeline is in curtailment, natural gas will be delivered in accordance with the provisions of this subpart. If the interstate pipeline has curtailment provisions in its currently effective tariff, the tariff sheets shall amend the existing curtailment provisions. If the interstate pipeline has no curtailment plan in its currently effective tariff, when it files tariff sheets to amend its currently effective tariff to include a curtailment plan such curtailment plan shall comply with the requirements of this subpart. The tariff sheets shall be filed no later than October 1, 1979, with a proposed effective date of November 1, 1979. The Data Verification Committee report prepared in accordance with § 281.213 shall be filed with the tariff sheets.

(b) *Index of entitlements.* (1) The index of entitlements for an interstate pipeline shall identify the natural gas entitlements in priority of service category 1 and 2 (established in accordance with § 281.205(a)) for each direct sale customer, each local distribution company customer and each interstate pipeline purchaser on a daily, monthly, seasonal or other periodic basis used in the currently effective curtailment plan.

(2) *Periodic update.* Each interstate pipeline shall update its index of entitlements annually to reflect changes in Priority 2 entitlements. The new index of requirements shall be filed on October 1 of each year with a proposed effective date of November 1, except that if the interstate pipeline uses a rolling base period in its currently effective curtailment plan it shall file its new index of entitlements on the date upon which other end-uses of the customers of the interstate pipeline are updated in accordance with the currently effective tariff.

(3) *Alternate fuel determination.* Immediately upon notification that the Commission has determined (under

Subpart C) that an essential agricultural user has alternate fuel for priority 2 entitlements, it shall amend its index of entitlements to remove such volumes from priority 2 and to the extent such volumes were reflected in the curtailment plan in effect on October 31, 1979, shall place such volumes in the priority of service category where they would have been included except for the priority 2 classification.

(c) *Other tariff provisions.* (1) Every tariff filed under this subpart shall contain provisions that will require the interstate pipeline:

(i) To provide for deliveries of sufficient volumes of natural gas to respond to emergency situations (including environmental emergencies) during periods of curtailment where additional supplies are required to forestall irreparable injury to life or to property; and

(ii) To provide for deliveries of sufficient volumes of natural gas to provide for minimum plant protection when the plant is shut down.

(2) *Volumetric delivery requirements.* Notwithstanding any other provisions of this subpart, an interstate pipeline which is delivering natural gas in accordance with this subpart shall not be required to deliver to any customer volumes of natural gas on a daily, monthly, seasonal or other periodic basis which exceed the volumes of natural gas that the interstate pipeline may deliver to such customer without causing the interstate pipeline to violate any daily, monthly, seasonal or other periodic volumetric limitations established in the contract between the interstate pipeline and such customer.

§ 281.205 General rules.

(a) *Priority of service categories.* (1) *Priority 1.* Each interstate pipeline shall establish a new high-priority use category of service designated priority one (1) which shall include all the high-priority entitlements calculated in accordance with § 281.206 and those storage injection volumes calculated in accordance with paragraph (c)(2) of this section.

(2) *Priority 2.* Each interstate pipeline shall establish a new priority of service category designated priority two (2) which shall include all the essential agricultural use requirements calculated in accordance with § 281.207 and those storage injection volumes calculated in accordance with paragraph (c)(2) of this section.

(3) *Other priority of service categories.* Each interstate pipeline may retain the priority of service categories in its currently effective tariff, but such

categories shall be placed at priorities below the new priority 1 and 2. Each interstate pipeline shall reduce the entitlements in all other existing categories of service to the extent such entitlements have been placed into the new priority of service categories 1 or 2.

(b) *Method of curtailment.* All deliveries to all customers of the interstate pipeline for all volumes of natural gas not included in priority 1 and 2 shall be fully curtailed by the interstate pipeline before priority 1 and 2 entitlements are curtailed. Deliveries for priority 2 entitlements shall be fully curtailed by the interstate pipelines (in accordance with the currently effective curtailment plan) before priority 1 entitlements are curtailed by the interstate pipelines.

(c) *Storage.* (1) *General rule.* Interstate pipelines shall classify customer storage injection volumes in the same manner as that used in the currently effective curtailment plan.

(2) *Storage sprinkling.* Interstate pipelines which classify customer storage injection volumes on the basis of the actual end-use of the natural gas shall recalculate storage injection volumes placed in each priority of service category based upon the index of entitlements to be filed on October 1.

(3) *Other treatment of storage.* Except as provided in paragraph (c)(2) of this section, no interstate pipeline shall recalculate or reclassify any customer storage injection volumes, and no customer storage injection volumes shall be included as priority 1 or 2 entitlements.

§ 281.206 Priority 1 reclassification.

(a) *Definitions.* For purposes of this section "high-priority entitlements" means, with respect to a particular interstate pipeline,

(1) In the case of a direct sale customer, the volume of natural gas such direct sale customer is entitled to receive for high-priority uses (as defined in § 281.203) under the currently effective curtailment plan of the interstate pipeline;

(2) In the case of a local distribution company, the volume of natural gas which such local distribution company is entitled to receive on account of the high-priority uses (as defined in § 281.203) of its high-priority user customers under the currently effective curtailment plan of the interstate pipeline;

(3) In the case of an interstate pipeline purchaser the volume of natural gas such interstate pipeline purchaser is entitled to receive from an interstate pipeline supplier for the high-priority

entitlements of its direct sale customers, local distribution company customers and interstate pipeline customers.

(b) *Direct sale customer and local distribution company customers.* (1)(i) Subject to paragraph (b)(2) of this section, and § 281.211 each direct sale customer may request each of its direct interstate pipeline suppliers to reclassify its high-priority entitlements in its currently effective curtailment plan as priority 1 entitlements.

(ii) Subject to paragraph (b)(2) of this section, and § 281.211 each local distribution company must request each of its direct interstate pipeline suppliers to reclassify its high priority entitlements in its currently effective curtailment plan as priority 1 entitlements.

(2) The direct sale customer or local distribution company customer shall designate the entitlements in each priority of service category in the currently effective curtailment plan for which priority 1 reclassification is requested. It shall request that those entitlements for which priority 1 reclassification is requested be excluded from the category of service in which they are included in the currently effective plan.

(3) Subject to § 281.210, the interstate pipeline shall reclassify all such high-priority entitlements as priority 1 entitlements and shall reduce by an equal amount the entitlements in such other priority of service categories as designated by the direct sale customer or local distribution company customer, (in accordance with subparagraph (2)).

(c) *Interstate pipeline.* (1) Subject to paragraph (b)(2) of this section, and § 281.211 an interstate pipeline purchaser may request each of its direct interstate pipeline suppliers to reclassify its high-priority entitlements in its currently effective curtailment plan (equal to the attributed priority 1 entitlements calculated in accordance with § 281.209) as priority 1 entitlements in the currently effective curtailment plan of the interstate pipeline supplier.

(2) The interstate pipeline purchaser shall designate the entitlements in each priority of service category in the currently effective curtailment plan for which priority 1 reclassification is requested. It shall request that those entitlements for which priority 1 classification is requested be excluded from the category of service in which they are included in the currently effective plan.

(3) Subject to § 281.210, the interstate pipeline supplier shall reclassify all such high-priority entitlements as priority 1 entitlements and shall reduce the high-

priority entitlements in other priority of service categories as designated by the interstate pipeline customer, (in accordance with subparagraph (2)).

§ 281.207 Priority 2 classification.

(a) *Direct sale customer.* (1) Subject to paragraph (a)(2) of this section, and § 281.211 a direct sale customer may request each of its direct interstate pipeline suppliers to classify its essential agricultural requirements (calculated in accordance with § 281.208) as priority 2 entitlements.

(2) The essential agricultural user shall designate the entitlements in each priority of service category in the currently effective curtailment plan which reflect the essential agricultural requirements. It shall request that entitlements which are reflected in priority of service categories in the currently effective curtailment plan are removed from such priority of service categories.

(3) Subject to § 281.210, the interstate pipeline shall classify all such essential agricultural requirements as priority 2 entitlements and reduce the entitlements in such other priority of service categories as designated by the direct sale customer, (in accordance with subparagraph (2)).

(b) *Indirect sale customer.* Subject to § 281.211 an indirect sale customer which is an essential agricultural user may ask each of its local distribution company direct suppliers to request each interstate pipeline supplier to classify the indirect essential agricultural requirements as priority 2 entitlements.

(c) *Local distribution companies.* (1) The local distribution company shall attribute (in accordance with § 281.209) the indirect essential agricultural requirements for which reclassification is sought under paragraph (b) of this section to its direct interstate pipeline suppliers. Subject to paragraph (b)(2) of this section, and § 281.211 the local distribution company shall request each of its direct interstate pipeline suppliers to classify the attributed indirect essential agricultural requirements as priority 2 entitlements.

(2) The local distribution company shall designate the entitlements in each priority of service in the currently effective curtailment plan which reflect the attributed indirect essential agricultural requirements. It shall request that those entitlements which are reflected in each category in the currently effective curtailment plan are removed from such priority of service category.

(3) Subject to § 281.210, the interstate pipeline shall classify all such attributed indirect essential agricultural requirements as priority 2 entitlements and shall reduce the entitlements of the local distribution company in such other priority of service categories as designated by the local distribution company, (in accordance with subparagraph (b)(2)).

(d) *Interstate pipeline.* (1) Subject to paragraph (d)(2) of this section, and § 281.211 an interstate pipeline purchaser may request each of its direct interstate pipeline suppliers to classify the attributed priority 2 entitlements (calculated under § 281.209) as priority 2 entitlements in the currently effective curtailment plan of the interstate pipeline supplier.

(2) The interstate pipeline purchaser shall designate the entitlements in each priority of service category in the currently effective curtailment plan of the interstate pipeline supplier which reflects the attributed priority 2 entitlements and request that those entitlements which are reflected in such priority of service categories in the currently effective curtailment plan are removed from such priority of service category.

(3) Subject to § 281.210, the interstate pipeline supplier shall classify the attributed priority 2 entitlements as priority 2 entitlements and shall reduce the entitlements of the interstate pipeline purchaser in such other priority of service categories as designated by the interstate pipeline purchaser, (in accordance with subparagraph (2)).

§ 281.208 Calculation of essential agricultural requirements and attributable priority 2 entitlements.

(a) *Scope.* This section sets forth the method by which:

(1) An essential agricultural user calculates total essential agricultural requirements, direct essential agricultural requirements, and indirect essential agricultural requirements;

(2) A local distribution company calculates attributable indirect essential agricultural requirements for its essential agricultural user customers; and

(3) An interstate pipeline purchaser calculates its attributable priority 2 entitlements.

(b) *Calculation by an essential agricultural user.* (1) *Total essential agricultural requirements.* (i) *General Rule.* (A) The essential agricultural requirements of an essential agricultural user are those volumes (expressed in daily, monthly, seasonal or other appropriate periodic volumes)

designated by the Secretary of Agriculture and calculated in accordance with 7 CFR § 2900.4; less

(B) Any volumes for which the Commission determines, in accordance with Section 401(b) of the NGPA, that the essential agricultural user has alternate fuel.

(ii) *Definitions.* Current requirements as used in 7 CFR Part 2900 means the lesser of

(A) The energy consumption from the most recent 12 month period for which actual data is available, with necessary adjustments; or

(B) The maximum volume of natural gas for which the essential agricultural user has installed capability to use for essential agricultural uses.

(2) *Attribution of total essential agricultural requirement and indirect essential agricultural requirements.* (i) The essential agricultural user shall attribute its total essential agricultural requirements among all its sources of supply of natural gas in accordance with § 281.209.

(ii) The direct essential agricultural requirement with respect to a particular interstate pipeline supplier is that part of the total essential agricultural requirements attributed under § 281.209 to the direct interstate pipeline supplier. The indirect essential agricultural requirement with respect to a particular local distribution company supplier is that part of the total essential agricultural requirements attributed under § 281.209 to a direct local distribution company supplier.

(c) *Calculation by local distribution companies.* (1) A local distribution company shall attribute under § 281.209 the indirect essential agricultural requirements of each of its essential agricultural user customers (calculated under paragraph (b)(2) of this section) among all the interstate pipelines which are direct suppliers of the local distribution company.

(2) That part of the indirect essential agricultural requirements which the local distribution company attributes to a particular interstate pipeline supplier is the attributed indirect essential agricultural requirements attributed to that interstate pipeline.

(d) *Interstate pipelines.* (1) An interstate pipeline purchaser may attribute under § 281.209 the priority 2 entitlements it includes in its index of entitlements among its direct interstate pipeline suppliers.

(2) the attributable priority 2 entitlements attributed to a particular interstate pipeline supplier is that part of the priority 2 entitlements of the interstate pipeline purchaser which it

attributes to a particular interstate pipeline supplier.

§ 281.209 Attribution.

(a) *Applicability.* (1) This section sets forth the rules for attributing total essential agricultural requirements by an essential agricultural user, indirect essential agricultural requirements of an essential agricultural user by its local distribution company supplier and priority 1 and 2 entitlements by an interstate pipeline purchaser.

(2) This section does not apply to an essential agricultural user or local distribution company which receives all its natural gas supplies from a single source, or an interstate pipeline purchaser which does not receive natural gas from any other interstate pipeline.

(b) *Natural gas supplies included for purposes of attribution.* (1) For purposes of attribution in accordance with this section, natural gas from all direct sources, including but not limited to pipeline production, production by independent producers, production by affiliates, SNG facilities and natural gas purchased from local distribution companies, and interstate pipelines shall be included.

(2)(i) An essential agricultural user, which attributes under paragraph (d) a portion of the volumes which are its total essential agricultural requirements to a direct source of natural gas other than a direct supplier may not seek classification to priority 2 under § 281.207 for such portion of its total essential agricultural requirements.

(ii) A local distribution company which attributes under paragraph (e) a portion of the volumes which are its indirect essential agricultural requirements to a direct source of natural gas other than a direct supplier may not seek classification to priority 2 under § 281.207 for such portion of its indirect essential agricultural requirements.

(iii) An interstate pipeline purchaser which attributes under paragraph (f) a portion of the volumes of its priority 1 or 2 entitlements to a direct source of natural gas other than a direct supplier may not seek reclassification to priority 1 or classification to priority 2, respectively, for such portion of its priority 1 and 2 entitlements.

(c) *Definitions.* For purposes of this section:

(1) "Direct supplier" means, with respect to an essential agricultural user, an interstate pipeline or local distribution company which directly supplies such essential agricultural user, with respect to a local distribution

company, an interstate pipeline which directly supplies such local distribution company and, with respect to an interstate pipeline purchaser, and interstate pipeline which directly supplies the interstate pipeline purchaser.

(2) "Base period" of a direct supplier means the fixed historical period in which entitlements of the customer of the direct supplier were established for purposes of the currently effective curtailment plan of such direct supplier.

(3) "Annual quantity entitlements" with respect to a particular direct supplier means the total entitlements an essential agricultural user, local distribution company or interstate pipeline is entitled to purchase from that direct supplier in a calendar year under the currently effective curtailment plan.

(d) *Essential agricultural user.* (1) An essential agricultural user shall calculate its attributable essential agricultural requirements attributable to a particular direct supplier by multiplying its total essential agricultural requirements by the annual quantity entitlements from such direct supplier and dividing the product by the total volume of natural gas received from all sources during the base period of the direct supplier's currently effective curtailment plan.

(2) If an essential agricultural user does not have annual quantity entitlements only with respect to one of its direct suppliers, the attributable essential agricultural requirements attributable to such direct supplier shall be that part of the total essential agricultural requirements not attributed under paragraph (d)(1) of this section.

(3) If an essential agricultural user does not have annual quantity entitlements with respect to more than one of its direct suppliers the attributable essential agricultural requirements attributable to a particular direct supplier shall be calculated by multiplying the portion of total essential agricultural requirements not attributed to direct suppliers under paragraph (d)(1) of this section by the total volume of natural gas received from such supplier in 1972 and dividing the product by the total supplies of natural gas received from all source in 1972.

(e) *Local distribution company.* A local distribution company shall calculate its attributable indirect essential agricultural requirements to a particular direct supplier by multiplying its indirect essential agricultural requirements by the annual quantity entitlements from such direct supplier and dividing the product by the total volume of natural gas received from all

sources during the base period of the direct supplier's currently effective curtailment plan.

(f) *Interstate pipelines.* An interstate pipeline purchaser shall attribute priority 1 and 2 entitlements respectively to a particular direct supplier by multiplying its total priority 1 and 2 entitlements respectively by the annual quantity entitlements from such direct supplier and dividing the product by the total volume of natural gas received from all sources during the base period of the direct supplier's currently effective curtailment plan.

§ 281.210 Conflicting data.

(a) *Interstate pipelines.* Notwithstanding any other provision of this subpart, if the records of an interstate pipeline contain information which directly conflicts with a request for reclassification of priority 1 entitlements under § 281.206, or classification of priority 2 entitlements under § 281.207, the interstate pipeline may not include such volumes in priority 1 or 2 of its index of entitlements.

(b) *Local distribution companies.* Notwithstanding the provisions of § 281.207(c), if the records of a local distribution company contain information which directly conflicts with a request from an essential agricultural user to have the local distribution company to seek classification of volumes in priority 2, the local distribution company may not seek classification for such volumes.

§ 281.211 Filing and documentation.

(a) *Priority 1. (1) Direct sales customers and local distribution companies.* (i) Each request of a direct sale customer and local distribution company customer for reclassification of high-priority entitlements (as defined in § 281.206) to priority 1 entitlements shall be made in writing no later than June 15, 1979, and shall be accompanied by the data described in paragraph (a)(1)(ii) of this section.

(ii)(A) A table indicating high-priority entitlements (as defined in § 281.206) and the end-use of the natural gas in each priority of service category in the currently effective curtailment plan for which priority 1 reclassification is requested.

(B) A copy of the end-use data used to establish the high-priority requirements and designated end-use of the natural gas.

(2) *Interstate pipelines.* (i) Each interstate pipeline purchaser which reclassifies high-priority requirements of its customers as priority 1 entitlements may request that its high-priority

requirements in the currently effective curtailment plan of its interstate pipeline suppliers (equal to the attributable priority 1 entitlements) be reclassified as priority 1 entitlements. Such requests shall be made in writing no later than July 15, 1979 and shall be accompanied by the data described in paragraph (a)(2)(ii) of this section.

(ii)(A) A table indicating high-priority entitlements (as defined in § 281.206) and end-use of the natural gas in each priority of service category in the currently effective curtailment plan of the interstate pipeline supplier for which priority 1 reclassification is requested.

(B) A copy of the end-use data used to establish the high-priority requirements and designated end-use of the natural gas.

(C) A table indicating the volumes and priority of service categories for which each of direct sale customers and local distribution company customers sought reclassification to priority 1.

(b) *Priority 2. (1) Essential agricultural users.* (i) Each request for classification of essential agricultural requirements as priority 2 entitlements shall be made in writing to the local distribution company supplier or the direct interstate pipeline supplier, as appropriate, no later than June 15, 1979, and shall set forth all calculations made in accordance with this subpart.

(ii) The request shall be accompanied by a statement that:

(A) Indicates the intended end-use(s) and volume(s) of the natural gas for which priority 2 entitlements are requested.

(B) Indicates the SIC Code activities of the essential agricultural user which qualifies it as an essential agricultural user in accordance with 7 CFR 2900.3.

(C) Includes the data and calculations used to determine essential agricultural requirements under 7 CFR 2900.4.

(D) Includes, with respect to any essential agricultural user to which Subpart C applies gas for boiler fuel use in a boiler fuel facility which is capable of using more than 300 Mcf of natural gas on a peak day, a copy of its petition for alternate fuel determination (which is required to be filed with the Commission under Subpart C,) with confidential information deleted.

(iii) The statement under paragraph (b)(1)(ii) shall be signed by a responsible official of the essential agricultural user. Such official shall swear or affirm that the statements are true to the best of his information, knowledge and belief.

(2) *Local distribution companies.* Each request for classification of essential agricultural requirements as priority 2 requirements shall be made in writing to

the direct interstate pipeline supplier no later than June 30, 1979, and shall set forth all calculations made in accordance with this subpart and all copies of all requests received from its essential agricultural uses under paragraph (b)(1) of this section.

(3) *Interstate pipelines.* Each request of an interstate pipeline purchaser for classification of attributable priority 2 entitlements as priority 2 entitlements shall be made in writing to the direct interstate pipeline supplier no later than July 15, 1979, and shall set forth all calculations made in accordance with this subpart and shall include copies of all requests of essential agricultural users and local distribution companies under paragraphs (b)(1) and (2) of this section.

(4) *Subsequent request.* For years subsequent to 1979, the data required by this paragraph must be filed only to the extent a change in priority 2 entitlements is sought. The filing dates are those prescribed in this paragraph, except that an interstate pipeline with a rolling base period may prescribe different dates as appropriate.

§ 281.212 Draft tariff sheets and index of entitlements.

(a) Each interstate pipeline shall prepare draft tariff sheets and a draft index of entitlements in accordance with this subpart.

(b) The draft tariff sheets and index of entitlements shall be served on all customers of the interstate pipeline no later than August 1, 1979.

(c) Copies of all documents received by the interstate pipeline under § 281.210, the draft tariff sheets and the draft index of entitlements shall be served on the Data Verification Committee no later than August 1, 1979.

(d) For years subsequent to 1979, the documents required to be served under this section, must be served on August 1, except that an interstate pipeline with a rolling base period may prescribe different dates, as appropriate.

§ 281.213 Data Verification Committee.

(a) Each interstate pipeline shall establish a Data Verification Committee no later than August 1, 1979. It shall include, at a minimum, a representative of the interstate pipeline, Commission staff, a large and small local distribution company, and an essential agricultural user. The appropriate state and local regulatory bodies, and a representative of the United States Department of Agriculture may, at their option, be members.

(b) The Data Verification Committee shall review all calculations behind the

draft tariff sheets and the proposed index of entitlements. The Data Verification Committee may request, and the interstate pipeline shall immediately supply, any information requested by the Data Verification Committee.

(c) Any customer of the interstate pipeline may file a written protest concerning the index of entitlements. Such protests shall be filed with the Data Verification Committee no later than August 24, 1979.

(d) The Data Verification Committee shall review the draft tariff sheets and index of entitlements and shall review the underlying data for uniformity in preparation.

(e) The Data Verification Committee shall prepare a report concerning the proposed index of requirements and the draft tariff sheets for the interstate pipeline. It shall, at a minimum, specify all arithmetic errors and contain an evaluation of all protests. It may contain a proposed settlement of contested draft tariff sheets. The report shall be submitted to the interstate pipeline no later than September 23, 1979.

§ 281.214 Notice, complaint and remedy.

(a) *Complaint.* Any direct sale customer or local distribution company aggrieved by any alleged violation of this subpart may file, within 45 days of notice, a complaint pursuant to § 1.6 of this chapter.

(b) *Remedy.* If the Commission determines that a violation of this subpart has occurred, it shall take whatever action it deems appropriate in the circumstances. Such action may include payback, in kind or in dollars, by the person benefitting from the violation.

§ 281.215 Additional relief.

If an interstate pipeline rejects (under § 281.210 or otherwise) a request for reclassification under § 281.206 or classification under § 281.207 or if a local distribution company does not request (for any reason including the provisions of § 281.210) classification under § 281.206 on behalf of its high priority uses or reclassification on behalf of its essential agricultural users, the person aggrieved by such action may file a request for relief from curtailment under § 1.7 of the Commission Regulations. The request shall contain the information required in § 2.78(b) of the Commission Regulations.

[Docket No. RM79-15]

[FR Doc. 79-14365 Filed 5-7-79; 8:46 am]

BILLING CODE 6450-01-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 fifth column of the table.

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

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-5581 or Toll Free Line 800-424-8872.

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.

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).

§ 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
Illinois	Cook	Lincolnwood, village of	171001—New	Apr. 24, 1979, emergency, Apr. 24, 1979, regular.	
Montana	Carbon	Joliet, city of	300006	Apr. 26, 1979, emergency.	Dec. 27, 1974.
Illinois	Rock Island	Silvis, city of	170595-A	Apr. 27, 1979, emergency.	May 31, 1974 and May 21, 1974.
Mississippi	Attala	Unincorporated areas	280301-A	Apr. 23, 1979, emergency.	July 29, 1977.
Do	Newton	Chunky, town of	280240	do	Dec. 20, 1974.
Do	Scott	Lake, town of	280149-A	do	July 19, 1974 and June 25, 1976.
Do	Leake	Unincorporated areas	280293-A	do	May 20, 1977.
Do	Neshoba	do	280274	do	Nov. 4, 1977.
Do	Newton	do	280231	do	Sept. 16, 1977.
Do	Oktober	do	280277	do	Feb. 17, 1978.
Do	Scott	Sebastopol, village of	280151	do	Feb. 7, 1975.
Do	do	Unincorporated areas	280280-A	do	June 17, 1977.
Missouri	do	do	290837	Apr. 24, 1979, emergency.	
Michigan	Berrien	Sodus, township of	260046-B	Jan. 23, 1974, emergency, Apr. 3, 1978, regular, Apr. 3, 1978, suspended, Apr. 26, 1979, reinstated.	Aug. 2, 1974 and June 25, 1976.
Pennsylvania	Jefferson	Barnett, township of	422440	Apr. 25, 1979, emergency.	Dec. 27, 1974.
Do	Washington	Blaine, township of	422141-A	do	Oct. 18, 1974 and Aug. 6, 1976.
Do	Potter	Bingham, township of	421973	do	Nov. 29, 1974.
Do	Lackawanna	Covington, township of	422455	do	Jan. 10, 1975.
Do	Carbon	East Side, borough of	422380	do	Jan. 31, 1975.
Do	Huntingdon	Hopewell, township of	421690	do	Dec. 6, 1974.
Do	Jefferson	Knox, township of	421730	do	Dec. 20, 1974.
Do	Somerset	Middlecreek, township of	422518	do	Jan. 3, 1975.
Do	Jefferson	Porter, township of	422448	do	Feb. 14, 1975.
Do	Somerset	Upper Turkeyfoot, township of	422525	do	Dec. 27, 1974.
Do	Crawford	West Shenango, township of	422402	do	Jan. 17, 1975.
New York	Westchester	Dobbs Ferry, village of	360908-C	Aug. 10, 1976, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended, Apr. 23, 1979, reinstated.	May 17, 1974 and June 11, 1976.
Maine	Hancock	Surry, town of	230296-A	Apr. 30, 1979, emergency.	Sept. 6, 1977.
Minnesota	Washington	Mahtomedi, city of	270698	do	June 24, 1977.
Pennsylvania	Franklin	Letterkenny, township of	422425	do	Dec. 20, 1974.
Do	Columbia	Roaring Creek, township of	421557-A	do	Dec. 13, 1974 and Sept. 3, 1976.
Do	Jefferson	Union, township of	422449	do	Dec. 27, 1974.

(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 19387; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 26, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-5416]

[FR Doc. 79-13917 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Tax; Exchanges Under the Final System Plan for ConRail

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to exchanges under the final system plan for the Consolidated Rail Corporation. Changes to the applicable tax law were made by the Act of March 31, 1976. The regulations provide the public with the guidance needed to comply with that Act and affect all persons making exchanges under the final system plan for the Consolidated Rail Corporation.

DATE: The amendments are effective for taxable years ending after March 31, 1976.

FOR FURTHER INFORMATION CONTACT:

Jack A. Levine 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 (202-566-3474, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1978, the Federal Register published proposed

amendments to the Income Tax Regulations (26 CFR Part 1) under sections 354, 356, 358, 371, 372, 373 and 374 of the Internal Revenue Code of 1954 (43 FR 38727). These amendments were proposed to conform the regulations to the Act of March 31, 1976 (Pub. L. 94-253, 90 Stat. 295) and to the "Deadwood" provisions of section 1901 of the Tax Reform Act of 1976 (90 Stat. 1764). The regulations relate to the treatment of exchanges under the final system plan for ConRail.

One comment was received from the public, and a public hearing was held on December 19, 1978. The substance of the comment and the statement made at the public hearing relates to the allocation of basis among nonrecognition property received in certain exchanges involving ConRail. Under the proposed regulations, the transferor's basis for each "unit" of ConRail stock and related USRA certificate of value is allocated between the stock and certificate based on their respective fair market values on the date the unit is broken by a transfer of one without the other. The comment and the statement made at the public hearing suggest that the regulations should permit alternative methods of allocation. Specifically, it is suggested that the transferor should be permitted, whenever ConRail stock or USRA certificates are transferred separately, to elect to allocate none, all or any part of the unit's basis to the stock or certificate transferred separately. One of the reasons offered for this suggestion is that, if Congress decides to change the method of payment to the transferor railroads for the rail properties conveyed to ConRail, then the allocation-of-basis rules under these regulations might cause a distortion of income to the transferors.

The legislative history of the ConRail provisions does not indicate that Congress intended to permit the transferor to elect to allocate basis in the manner suggested in the comment and statement made at the public hearing. To the contrary, Congress was specifically concerned with not having an allocation-of-basis rule that might result in the "improper measurement of taxable income or loss on the separate sale of ConRail stock or certificates of value." See H.R. Rep. No. 94-940, 94th Cong., 2d Sess. 8-9 (1976). For this reason Congress chose not to have a rule that provided for the allocation of basis at a time (the date of conveyance to the transferors of the ConRail stock and certificates of value) when the respective values of the stock and

certificates could not be accurately determined. The allocation of basis at such a time could result in an improper measurement of taxable income or loss upon the sale of the stock or certificates. Obviously, permitting a transferor to allocate the unit's basis to the separately transferred stock or certificates in any manner that the transferor might choose could also result in an improper measurement of income or loss. Further, Congress specifically intended that the regulations providing for allocation of basis take into account the respective fair market values of the stock and certificates at the time that the stock or certificates are separately sold. See H. Rep. No. 94-940, 8-9. Therefore, the proposed amendment of the regulations is adopted without change by this Treasury decision. However, if Congress enacts new legislation with respect to ConRail, then if it is necessary these regulations will be amended.

Drafting Information

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

Adoption of Amendments to the Regulations

Accordingly the amendment to 26 CFR Part 1, as proposed, is hereby adopted without change.

This Treasury decision is issued under the authority contained in sections 358(b)(3) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 296 and 68A Stat. 917; 26 U.S.C. 358(b)(3) and 7805).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: April 24, 1979.

Donald C. Lubick,
Assistant Secretary of the Treasury.

§ 1.354 [Deleted]

Paragraph 1. Section 1.354 is deleted.

§ 1.354-1 [Amended]

PAR. 2. Section 1.354-1 is amended by deleting the phrase "Except in the case described in subsection (c)" from paragraph (b) and inserting in lieu thereof the phrase "Except as provided in section 354 (c) and (d)".

§ 1.356 [Deleted]

PAR. 3. Section 1.356 is deleted.

§ 1.356-3 [Amended]

PAR. 4. Section 1.356-3 is amended by inserting "or (d)" immediately after "subsection (c)" in the fourth sentence of paragraph (a).

§ 1.358 [Deleted]

PAR. 5. Section 1.358 is deleted.

§ 1.358-1 [Amended]

PAR. 6. Section 1.358-1 is amended by deleting "or 361" in paragraph (a) and inserting in lieu thereof ", 361, or 374" and by deleting "361, or 371(b)" in paragraph (a) and inserting in lieu thereof "361, 371(b), or 374".

PAR. 7. Section 1.358-2 is amended by deleting "or 361" each time it appears in paragraph (b) and inserting in lieu thereof ", 361, or 374" and by adding a new paragraph (d) after paragraph (c). The new provision reads as follows:

§ 1.358-2 Allocation of basis among nonrecognition property.

(d) See § 1.358-5 for rules relating to the allocation of basis in the case of an exchange to which section 354(d) (or so much of section 356 as relates to section 354(d)) or section 374(c) applies.

PAR. 8. Section 1.358-5 is added immediately after § 1.358-4 to read as follows:

§ 1.358-5 Certain exchanges involving ConRail.

(a) *In general.* In applying the allocation of basis rules of § 1.358-2 to an exchange to which section 354(d) (or so much of section 356 as relates to section 354(d)) or 374(c) applies, each certificate of value of the United States Railway Association and the amount of stock of the Consolidated Rail Corporation which relates to each certificate shall, so long as they are held by the same person, be treated as one unit of property.

(b) *Transfer of certificates, stock, or both.* If a certificate of value and the amount of stock related to it (see paragraph (c) of this section) are transferred together by a person who received the property in an exchange to which section 354(d) (or so much of section 356 as relates to section 354(d)) or 374(c) applies, the transferor shall be treated as transferring a single unit of property. If, however, a certificate of value is transferred without the amount of stock related to it or if a share or shares of the stock are transferred without the related certificate of value, the basis allocated to the certificate and shares of stock as a single unit of

property shall be reallocated among each share of stock and the certificate in proportion to the fair market value of each on the date of the transfer.

(c) *Amount of stock related to a certificate of value.* For purposes of this section, the amount of stock of the Consolidated Rail Corporation related to a certificate of value of the United States Railway Association shall be the number of shares of series B preferred stock and common stock applicable to each certificate of value under section 610(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 746(c)(3)).

(d) *Illustration.* The application of paragraphs (a), (b) and (c) of this section may be illustrated by the following example:

Example. (a) In an exchange to which section 374(c)(1) applies corporation X transfers rail properties with an adjusted basis of \$9,000 to the Consolidated Rail Corporation in exchange for 10 certificates of value of the United States Railway Association, 10 shares of series B preferred stock of the Consolidated Rail Corporation and 20 shares of common stock of the Consolidated Rail Corporation. Under § 1.358-2(b) the basis of \$9,000 in the rail properties transferred by X must be allocated among the nonrecognition properties received by X. X is considered for purposes of allocating basis as having received 10 units of property each consisting of one certificate of value, one share of series B preferred stock and two shares of common stock. The basis to X of each unit of property is \$900.

(b) Corporation X sells two certificates of value, three shares of series B preferred stock and six shares of common stock for their respective fair market values in a single transaction. X receives \$400 for each certificate, \$100 for each share of series B preferred stock and \$50 for each share of common stock. For purposes of determining gain or loss, X is considered to have sold two units of property (each consisting of one certificate of value, one share of series B preferred stock and two shares of common stock), plus one share of series B preferred stock and two shares of common stock. The basis of each of the two units of property is \$900. The basis of the share of preferred stock is \$150, the basis of each share of common stock is \$75 and the basis of the certificate of value retained by X is \$600 determined by reallocating the basis of \$900 in a unit of property (consisting of one certificate of value, one share of series B preferred stock and two shares of common stock) among the shares of

stock sold and certificate of value retained in proportion to their fair market values on the date of the transfer.

(e) *Records to be kept.* The taxpayer shall keep records of the basis, as reallocated under paragraph (b) of this section, of each certificate of value or share of stock retained. If the later transfer by the taxpayer of a certificate of value or share of stock is not treated under paragraph (b) of this section as the transfer of a single unit of property (consisting of a certificate of value and stock), the taxpayer shall identify from among the certificates of value and shares of stock that have reallocated bases, the particular certificate of value or share of stock so transferred.

§ 1.371 [Deleted]

PAR. 9. Section 1.371 is deleted.

§ 1.372 [Deleted]

PAR. 10. Section 1.372 is deleted.

§§ 1.373 through 1.373-3 [Deleted]

PAR. 11. Sections 1.373 through 1.373-3 are deleted.

§ 1.374 [Deleted]

PAR. 12. Section 1.374 is deleted.

§ 1.374-2 [Amended]

PAR. 13. Section 1.374-2 is amended as follows:

1. The date "July 31, 1955," is deleted from the heading and body and the date "December 31, 1938," is inserted in lieu thereof.

2. "374(b)" is deleted each time it appears and "374(b)(1)" is inserted in lieu thereof.

PAR. 14. Section 1.374-4 is added immediately after § 1.374-3 to read as follows:

§ 1.374-4 Property acquired by electric railway corporation in corporate reorganization proceeding.

Subject to the limitations and conditions set forth in section 374(b)(2), if the reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 501 and following) of an electric railway corporation results in the acquisition of the property of such corporation by another corporation, the basis of such property in the hands of the acquiring corporation is the same as it would be in the hands of the old corporation. It is requisite to the application of the section that both corporations be street, suburban, or interurban electric railway corporations engaged in the transportation of persons or property in interstate commerce, and that the acquisition is in pursuance of an order of the court and is an integral step in the

consummation of a reorganization plan approved by the court having jurisdiction of the proceeding. If section 374(b)(2) applies, section 270 of the Bankruptcy Act (11 U.S.C. 670), relating to the adjustment of basis by reason of the cancellation or reduction of indebtedness in a corporate reorganization proceeding, is inapplicable. Moreover, if the transaction is within the provisions of section 374(b)(2) and may also be considered to be within any other basis provision, then the provisions of section 374(b)(2) only shall apply.

[T.D. 7816]

[FR Doc. 79-14308 Filed 5-7-79; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 786

Deletion of Subpart B, § 786.50

AGENCY: Wage and Hour Division, Labor.

ACTION: Final Rule.

SUMMARY: The Fair Labor Standards Amendments of 1974 repealed the partial overtime exemption provided in section 13(b)(7), effective May 1, 1976. The purpose of this document is to delete from Part 786 the section relating to the application of that exemption.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT: Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Wage and Hour Division, U.S. Department of Labor, S-3508, Washington, D.C. 20210; (202) 523-7045.

SUPPLEMENTARY INFORMATION: Section 21 of the Fair Labor Standards Amendments of 1974 repealed the partial overtime exemption provided in section 13(b)(7) for any driver, operator, or conductor employed by an employer engaged in the business of operating a street, suburban or interurban electric railway, or local trolley or motorbus carrier. Therefore, Part 786 of Title 29, Code of Federal Regulations, Subpart B, which sets forth the enforcement policy as to the exemption, is no longer applicable.

This document was prepared under the Direction and control of Herbert J. Cohen, Assistant Administrator, Wage and Hour Division.

Because this deletion effectuates the repeal of an exemption, there is no requirement to publish for comment or delay the effective date.

Subpart B [Deleted and Reserved]

Accordingly, the title and contents of Subpart B, ("Street, Suburban, or Interurban Electric Railways and Local Trolley or Motor Bus Carriers," consisting of § 786.50, Enforcement policy concerning performance of non-exempt work) is hereby deleted, and Subpart B is reserved.

(52 Stat. 1067, as amended; 29 U.S.C. 213(b)(7); Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913), and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016))

Signed at Washington, D.C., this 26th day of April, 1979.

C. Lamar Johnson,

Deputy Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc. 79-14362 Filed 5-7-79; 8:45 am]

BILLING CODE: 4510-27-M

DEPARTMENT OF THE TREASURY**Office of the Secretary****31 CFR Part 103****Financial Recordkeeping and Reporting of Currency and Foreign Transactions; Supervisory Responsibility: Correction**

AGENCY: Department of the Treasury.

ACTION: Correction.

SUMMARY: This document corrects a typographical error which appeared in a Federal Register notice citing the legal authority for the Secretary of the Treasury to amend 31 CFR 103.46.

EFFECTIVE DATE: March 5, 1979.

FOR FURTHER INFORMATION CONTACT: Robert J. Stankey, Jr., Adviser to the Deputy Assistant Secretary (Enforcement), Department of the Treasury, Washington, D.C. 20220, (202-566-5630).

SUPPLEMENTARY INFORMATION: On April 25, 1979, the Federal Register published a notice citing the Secretary of the Treasury's authority for amending 31 CFR 103.46. The notice contained a typographical error. The citation included a reference to "64 Stat. 1114"; the reference should have been to "84 Stat. 1114."

Dated: May 2, 1979.

Arthur Sinai,

Deputy Assistant Secretary (Enforcement).

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DEPARTMENT OF DEFENSE**Department of the Air Force****32 CFR Part 920****Standards of Conduct**

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising its rule on Standards of Conduct. A review of the rule by the office responsible revealed a need to improve the regulatory language for better understanding by the public.

EFFECTIVE DATE: December 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Peterson, Headquarters, U.S. Air Force (JACM), Office of the Judge Advocate General, The Pentagon, Washington, D.C. 20330 (Phone: 202-694-4075).

SUPPLEMENTARY INFORMATION: Part 920 of Chapter VII, Title 32 of the Code of Federal Regulations is revised. The revision clarified gambling prohibitions, requirement for briefings, and prohibitions as to retired officers; adds definition of "selling"; states where DD Form 1357 is stocked and gives requirements for consultants filing DD Form 1555.

The revised part will read as follows:

PART 920—STANDARDS OF CONDUCT**Subpart A—General**

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- 920.1 Purpose.
- 920.2 Terms explained.
- 920.3 Applicability.
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Sec.

- 920.22 General.
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Subpart D—Disposition of Forms

- 920.24 Disposition of DD Form 1555.

Subpart E—Miscellaneous

- 920.25 Receipt and disposition of honoraria and providing expert testimony before State agencies.
- 920.26 Laws applicable to all Department of Defense personnel.
- 920.27 Gratuities additional guidance.
- 920.28 Confidential statement of affiliations and financial interests (DD Form 1555) additional guidance.
- 920.29 Special Government employees.
- 920.30 Special instructions regarding receipt and disposition of honoraria; and providing expert testimony before State agencies.

Authority: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 30.30, December 29, 1978.

Part 806 of this Chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

Subpart A—General**§ 920.1 Purpose.**

(a) This part explains Air Force personnel standards of conduct that relate to possible conflict between private interests and official duties, regardless of assignment. Close adherence to these principles will ensure compliance with the high ethical standards demanded of all public servants. Violations of the specific prohibitions and requirements of this part by military personnel may result in prosecution under the Uniform Code of Military Justice (UCMJ). Violations of this part by Air Force civilian employees may result in appropriate disciplinary action without regard to the criminal liability issue. Administrative action, such as reprimand, may be taken with regard to military members and civilian employees who violate any requirements of this part even if such violations do not constitute criminal misconduct. This part implements DOD Directive 5500.7, January 15, 1977. It further implements Executive Order 11222, May 8, 1965, prescribing standards of ethical conduct for Government officers and employees and the Civil Service Commission regulations of October 1, 1965. It is in agreement with the Code of Ethics for Government Service in House

Concurrent Resolution 175, 85th Congress, that applies to all Government personnel. It includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (Pub. L. 87-777 and Pub. L. 87-849), as amended. This part applies to all Air Force personnel and activities.

(b) This part is affected by the Privacy Act of 1974. Each form that is required by this part has a Privacy Act Statement incorporated either in the body of the document or in a separate attachment accompanying each such document.

§ 920.2 Terms explained.

(a) *DOD personnel.* As used in this part unless the context indicates otherwise, all civilian officers and employees, special Government employees, of all the offices, agencies, and departments in the Department of Defense (including nonappropriated fund activities) and all active duty officers and enlisted members of the Army, Navy, Air Force, and Marine Corps (officers includes commissioned and warrant).

(b) *Air Force personnel.* As used in this part, unless the context indicates otherwise, all civilian officers and employees, special Government employees, in the Department of the Air Force (including nonappropriated fund activities) and all active duty officers and enlisted members of the Air Force (officers includes both commissioned and warrant).

(c) *Reserve officers.* Includes both officers of the Air National Guard of the United States and Air Force Reserve.

(d) *Gratuity.* Any gift, favor, entertainment, hospitality, transportation, loan, any other tangible item, and any intangible benefits. For example, discounts, passes, and promotional vendor training, given or extended to or on behalf of Air Force personnel, their immediate families, or households for which fair market value is not paid by the recipient or the US Government.

§ 920.3 Applicability.

All Air Force personnel must be familiar and comply with this part.

§ 920.4 Ethical standards of conduct.

(a) Air Force personnel must not take part in any personal, business, or professional activity, or receive or retain any direct or indirect financial interest, that places them in a position of conflict between their private and public interests of the United States that relate to their responsibilities as Air Force personnel, and to the duties or responsibilities of their Air Force jobs.

For the purpose of this prohibition, the private interests of a spouse, or minor child, and any household members are treated as Air Force personnel private interests. Air Force personnel:

(1) Must not use, directly or indirectly, any Air Force information to further a private gain (for themselves or others) if that information is not generally available to the public and was obtained through their Air Force jobs.

(2) Are not allowed to use their Air Force positions to induce, coerce, or to influence a person (including subordinates) in any way to provide any benefits, financial or otherwise, to themselves or others.

(3) May have financial interests or engage in financial transactions to the same extent as private citizens not employed by the Government as long as they are not prohibited by the law or this part.

(b) *Dealing with present and former military and civilian personnel.* Air Force personnel must not knowingly deal with military or civilian personnel or former military or civilian personnel of the Government, if such action violates a statute or a policy in this part.

(c) *Membership in associations.* All Air Force personnel who are members or officers of nongovernmental associations or organizations must avoid activities for such association or organization that are not compatible with their official Government positions. Further, Air Force personnel must not accept an honorary office or an honorary membership in any trade or professional association whose membership includes business entities that are engaged, or are endeavoring to engage, in providing goods or services to a Department of Defense (DOD) component (including any nonappropriated fund activity of the DOD). An honorary office includes any position, whether termed honorary or not, selected on the basis of an official DOD function or assignment (see AFR 30-9, Meetings of Technical, Scientific, Professional or Similar Organizations).

(d) *Commercial soliciting by Air Force personnel.* To eliminate the appearance of coercion, intimidation, or pressure from rank, grade, or position, Air Force personnel (except special Government employees), are prohibited from making personal commercial solicitations or sales to DOD personnel who are junior in rank or grade, at any time, on or off-duty.

(1) This limitation includes, but is not limited to, the soliciting and selling of insurance, stocks, mutual funds, real estate, and any other commodities, goods, or services.

(2) This prohibition does not apply to the one-time sale by an individual of personal property or a privately owned dwelling. Neither does it apply to employing off-duty DOD personnel in retail stores or other situations that do not include solicited sales.

(3) For civilian personnel, the limitation applies only to personnel under their supervision at any level.

(e) *Assigning Reserves for training.* Air Force personnel who are responsible for assigning Reserves for training must not assign them to duties in which they will get information that could be used by them or their private sector employers to the disadvantage of civilian competitors.

(f) *Conduct prejudicial to the Government.* Air Force personnel must not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government. Moreover, Air Force personnel must avoid any action, whether or not specifically prohibited by this part, that might result in, or create the appearance of:

- (i) Using public office for private gain;
- (ii) Giving preferential treatment to any person;
- (iii) Impeding Government efficiency or economy;
- (iv) Losing complete independence or impartiality;
- (v) Making a Government decision outside official channels; or
- (vi) Affecting adversely the confidence of the public in the integrity of the Government.

(g) Air Force personnel must scrupulously adhere to the Air Force program of equal opportunity regardless of race, color, religion, sex, age, or national origin, as set out in AFR 30-2, Social Actions Programs.

§ 920.5 Bribery and graft.

In general, Air Force personnel may be subject to criminal penalties if they solicit, accept or agree to accept anything of value in return for performing or refraining from performing an official act (see 18 U.S.C. 201).

§ 920.6 Gratuities.

(a) *Policy basis.* Air Force personnel or their families who accept gratuities, no matter how innocently tendered and received, from those who have or seek business with DOD and from those whose business interests are affected by Department functions may:

- (1) Be a source of embarrassment to the Department;
- (2) Affect the objective judgment of the DOD personnel involved; and

(3) Impair public confidence in the integrity of the Government.

(b) *General prohibition.* Except as provided in § 920.27, Air Force personnel and their immediate families must not solicit, accept, or agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from, or for any source that:

(1) Is engaged in or seeks business or financial relations of any sort with any DOD Component;

(2) Conducts operations or activities that are either regulated by a DOD Component or significantly affected by DOD decisions; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duties of DOD personnel. § 920.27 sets out limited exceptions, additional guidance on gratuities, and procedures for disposition of unauthorized gratuities and is incorporated here by reference.

(c) Procedures that concern gifts from foreign governments are in Part 826 of this chapter and AFR 900-48, Decorations Service Awards, Unit Awards, Special Badges, Favorable Communications Certificates and Special Devices.

(d) Procedures that concern AFOTC staff members are in AFR 45-5, Benefits offered by Educational Institutions to AFOTC Staff Members.

(e) Procedures for accepting accommodations, subsistence, or services furnished in kind in connection with official travel, from other than Defense contractors, are in § 920.27.

§ 920.7 Prohibition of contributions or presents to superiors.

Air Force personnel must not solicit a contribution from other DOD personnel for a gift to an official superior, make a donation or a gift to an official superior, or accept a gift from other subordinate DOD personnel. However, this section does not prohibit voluntary gifts or contributions of nominal value on special occasions such as marriage, illness, transfer, or retirement, provided any gifts acquired with such contributions shall not exceed a reasonable value.

§ 920.8 Using Government facilities, property, and manpower.

Air Force personnel must not directly or indirectly use, or allow the use of, Government property or resources of any kind, including property leased to the Government for other than officially approved activities. Government

facilities, property, and manpower (such as stenographic and typing assistance, mimeograph and chauffeur services) must be used only for official Government business. Air Force personnel have a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted to them. This section is not intended to preclude using Government facilities for activities that would further military-community relations provided they do not interfere with military missions.

§ 920.9 Using civilian and military titles in connection with commercial enterprises.

(a) Full time Air Force civilian employees or military persons on active duty are not allowed to use their civilian and military titles or jobs in connection with any commercial enterprise or for endorsing a product. For the purpose of this section, the term "commercial enterprise" is any organization except those that are found in 26 U.S.C. 501(b), subsections (1), (3), (4), (6), (7), (8), (9), (10), (11), (13), or (14). Air Force civilian employees and military personnel on extended active duty must not use their civilian or military title or job in connection with any organization or entity unless they first determine that the organization or entity involved is exempt from the tax laws in one of the above subsections of 26 U.S.C. 501(c). Individuals may use their military or civilian title or job on publications to identify them as author of such books, provided that the material is published according to § 920.10(c) and has been cleared under existing Air Force procedures (see AFR 190-12, Release of Unclassified Information to the Public and AFM 190-9, Information Policies and Procedures).

(b) All retired military personnel and all members of Reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises if they indicate their reserve or retired status. Such use of military titles must in no way cast discredit on the Air Force or DOD. Such use is also prohibited in connection with commercial enterprises if such use (with or without the intent to mislead) gives rise to any appearance of sponsorship, sanction, indorsement, or the Air Force or DOD approval. The Air Force may restrict retired personnel and members of Reserve components not on active duty from using their military titles in connection with public appearances in overseas areas.

§ 920.10 Outside employment of Air Force personnel.

(a) Air Force personnel must not engage in outside employment or other outside activity, with or without compensation, that:

(1) Interferes with, or is not compatible with performing their Government duties.

(2) May reasonably be expected to bring discredit on the Government or DOD; or

(3) Is otherwise inconsistent with the requirements of this part. These requirements include avoiding actions and situations that reasonably may appear to create conflicts of interests.

(b) An Air Force enlisted member on active duty may not be ordered or permitted to leave one's post to engage in a civilian pursuit or business, or perform in civil life (for emolument, hire, or otherwise) if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession (10 U.S.C. 974).

(c) Air Force personnel are encouraged to engage in teaching, lecturing, and writing.

(1) However, employees must not, engage in teaching, lecturing or writing (either for or without compensation), if used to prepare a person or a special class for an examination of the Civil Service Commission Board of Examiners for the Foreign Service, or any other Government examination that is dependent on information obtained as a result of their Government employment. Such information may be used if it has been published or is available to the general public or will be made available on request, or when the agency head gives written authorization for the use of nonpublic information on the basis that the use is in the public interest (see § 920.30).

(2) In addition, employees who are civilian Presidential appointees must not receive pay or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, if the subject matter is devoted substantially to the responsibilities, programs, or operation of the employee or draws substantially on official data or ideas that have not become part of the body of public information.

(d) A military member may engage in off-duty employment with an organization involved in a strike if the member was on the payroll of such organization before the strike started and if the employment conforms with the requirements of this part. A military member may not accept employment by an organization at a location where that

organization is involved in a strike after it starts and during the course of such a strike. Members who are engaged in off-duty civilian employment that does not meet the above policy are required to terminate such employment.

(e) This section does not preclude Air Force personnel from taking part in:

(1) Activities of national or state political parties not prescribed by law or regulation.

(2) Affairs or accepting an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational, nonprofit recreational, public service or civic organization.

(f) Each major commander and each head of a separate operating agency will insure that local implementing regulations require, at least, that Air Force personnel get local commander approval for any off-duty employment with a firm or other entity that is engaged, or is endeavoring to engage, in business transactions of any kind with a DOD agency. Local commanders must set internal administrative procedures to evaluate each request submitted and notify the applicant whether the proposed off-day employment is in consonance with this part.

§ 920.11 Gambling, betting, and lotteries.

Air Force personnel must not take part in any gambling activity while on Government-owned or leased property, or while on duty for the Government. This includes operating a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, the section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under Section 3 of Executive Order 10927, and similar Air Force approved activities, including those indicated in AFR 34-3, Morale, Welfare, and Recreation Basic Responsibilities, Policies and Practices, volume IV, chapter 4 and AFR 215-1, Open Mess Program, volume XI, chapter 8, or as otherwise authorized.

§ 920.12 Indebtedness.

Air Force personnel must pay each just financial obligation in a proper and timely manner, especially one imposed by law, such as Federal, state, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner that the agency determines does

not, under the circumstances reflect adversely on the Government as the employer. In the event of dispute between Air Force personnel and an alleged creditor, this section does not require the Air Force to determine the validity or amount of the disputed debt.

§ 920.13 Information to personnel.

Commanders must make sure that the standards of conduct are brought to the attention of all Air Force personnel. An oral standards of conduct briefing as herein provided must be given, and a copy of this part be made readily available to all Air Force personnel. Those desiring a copy for personal retention shall be provided one.

(a) For civilian employees and military officers, the oral standards of conduct briefing will be a part of the orientation briefing preceding initial employment with the Air Force (civilians) and first reporting for Air Force duty (officers). Air Force officers and civilian employees receiving such briefings shall indicate in writing that they have read the standards of conduct (§ 920.4 and § 920.6 as a minimum) and that they understand the requirements imposed.

(b) Enlisted personnel also must be given oral standards of conduct briefings and indicate in writing that they attended. This may be accomplished at the same time as the explanations required by 10 U.S.C. 937.

(c) All Air Force personnel must be reminded by appropriate means at least twice a year of their duty to comply with required standards of conduct. In this connection:

(1) The Deputy for Manpower and Personnel (1947 ASG/DMPM) makes sure that these requirements are met within HQ USAF;

(2) The Commander of the Air Force Reserve is responsible for making sure that active status reserve personnel not on active duty as well as all active duty military and civilian personnel under the commander's jurisdiction comply with these requirements;

(3) The Chief of the National Guard Bureau makes sure that all personnel of the Air National Guard of the United States (including technicians and other civilian employees) comply with these requirements.

(d) All Air Force personnel are advised that they may seek additional clarification of the standards of conduct in this part and related statutes from the local legal office that provides legal service to their organization or activity. For this purpose:

(1) Each base and other commander who is responsible for providing legal

service to personnel designates the Staff Judge Advocate, and, if necessary, one or more Judge Advocates to be Deputy Standards of Conduct Counselors. The Deputy Counselors are responsible for providing advice and assistance to such personnel on all matters that relate to standards of conduct and conflicts of interest covered by this part. They are also responsible for reviewing DD Forms 1555, "Confidential Statement of Affiliations and Financial Interests."

(2) The Deputy Counselor for Air Force personnel at duty locations not assigned an Air Force Staff Judge Advocate is the Staff Judge Advocate of the Air Force major command nearest to their duty location, unless their US Government superior or higher US Government authority specifically designates another as Deputy Counselor.

(3) The Judge Advocate General, or designee, is the Deputy Counselor responsible for these functions in the Air Staff.

(4) The General Counsel of the Air Force is responsible for these functions in the Office of the Secretary of the Air Force and is the Air Force Standards of Conduct Counselor.

(e) Questions that cannot be resolved by the local legal office are referred, with recommendations, through channels to higher authority. The General Counsel of the Department of the Air Force, Office of the Secretary of the Air Force, is responsible for proper coordination and final disposition of all problems that relate to conflict of interest, including those that relate to reviewing DD Forms 1555.

(f) Except as specifically provided in this part waivers of and exceptions to the requirements of this part may be authorized or approved only by the Secretary of the Air Force. It is emphasized that many of the requirements of this part are based on legal requirements and cannot be waived.

§ 920.14 Confidential statement of affiliations and financial interests (DD Form 1555).

(a) Full-time Air Force personnel in the following categories are required to keep current and submit, a DD Form 1555, according to the instructions contained in § 920.28.

(1) Air Force personnel paid at the Executive Schedule level in 5 U.S.C. 53, subchapter II.

(2) Air Force personnel classified at GS-13 or above under 5 U.S.C. 5332 or at a comparable pay level under another authority; also members of the military in the rank of Lieutenant Colonel or

above whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action that concerns administering or monitoring grants or subsidies.

(3) Air Force personnel classified at GS-13 or above under 5 U.S.C. 5332 or at a comparable pay level under another authority; also members of the military in the rank of Lieutenant Colonel or above whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to:

(i) Contracting or procurement;
(ii) Auditing; or
(iii) other activities in which the final decision or action has a significant economic impact on the interests of any non-Federal enterprise.

(4) Air Force general officers and all civilian officers and employees paid at GS-16 to GS-18 grade-level under 5 U.S.C. 5332.

(5) Commanders and Vice Commanders of Divisions and Wings.

(6) Base Commanders and Deputy Base Commanders of major installations.

(7) Special Government employees who are "advisers" or "consultants" (see § 920.22).

(b) Section 920.28 has additional guidance and instructions that concern this section. All personnel described in § 920.14(a) will read § 920.28 and comply with requirements that apply to them. In addition, each superior, each deputy counselor, and the officer responsible for the central civilian personnel office at each employing activity must read and comply with § 920.28.

(c) Personnel below the grade of Lieutenant Colonel or GS-13 (or comparable pay grade) are not required to submit a DD Form 1555; nor will anyone whose basic duties are not within the provisions of this section and § 920.28 be required to submit a DD Form 1555. The requirement to report financial holdings is limited to a very few key personnel, but this in no way limits the duty of each member of the Air Force to immediately call to the attention of their superior any situation that involves a conflict of personal versus public interests. Members of the Air Force may never make the decision whether a conflicting interest, no matter how insignificant, is or is not sufficient to influence one's own judgment. This decision is the responsibility of and must be made by an official as set out in § 920.16(d).

(d) Reports concerning status of "Statement of Affiliations and Financial Interests" (DD Form 1555) must be submitted no later than November 30, of each year. Each Air Force major commander must notify HQ USAF/JACM, Wash DC that all required statements and annual statements have been filed, reviewed, and any problems resolved or explain the details of outstanding cases.

§ 920.15 Reporting suspected violations.

Air Force personnel who have cause to believe that other DOD personnel have violated a statute or standard of conduct imposed by this part should first bring the matter to their attention. If such persons are supervisors, or the communication is not expected to remedy or does not appear to have remedied the problem, the matter must be discussed with the proper Standards of Conduct Counselor or Deputy Counselor. If appropriate, the matter will then be reported according to Part 953 of this chapter.

Subpart B—Conflict of Interest Laws

§ 920.16 Full-time officers and employees.

(a) *Definition.* The term "full-time officer or employee" includes all civilian officers and employees, and all military officers on active duty, except those who are "special Government employees" (see § 920.17). It does not include enlisted personnel.

(b) *Prohibitions.* In general, a full-time officer or employee is subject to the following major prohibitions:

(1) They may not, except in discharging their official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (see 18 U.S.C. 203 and 205).

(2) They may not receive any salary, or supplementation of their Government salary, from a private source as pay for their services to the Government (see 18 U.S.C. 209).

(3) They may not take part (see Note in this subparagraph) in their governmental capacity in any matter in which they, their spouse, minor child, outside business associate, or person with whom they are negotiating for employment has a financial interest (see 18 U.S.C. 208). Instead of taking part in such a matter, they must disqualify themselves at once in accordance with (d) of this section, except as provided in (c) of this section.

Note.—A person may take part through decision, approval, disapproval,

recommendation, giving advice, investigation, or otherwise.

(c) *Nondisqualifying financial interest.* Officers or employees need not disqualify themselves under (b)(3) of this section if the financial holdings are in shares of a widely held diversified mutual fund or regulated investment company. The indirect interests in business entities of these financial holdings come from ownership by the fund or investment company of stocks in business entities. They are hereby exempted from the requirements of 18 U.S.C. 208(a), as set out in 18 U.S.C. 208(b)(2), as too remote or inconsequential to affect the integrity of the Government officers' or employees' services.

(d) *Disqualification.* (1) Unless otherwise expressly authorized by action taken under 18 U.S.C. 208, all Air Force personnel who have affiliations or financial interests which create conflicts (or appearances of conflicts) of interest with their official duties must disqualify themselves from any official activities that are related to those affiliations, interests, or the entities involved. A formal disqualification notice must be sent to an individual's superior and immediate subordinates if it appears reasonably possible that the individual's official duties will affect those affiliations, interests, or entities. If individuals cannot adequately perform official duties after such disqualification, they must divest themselves of such involvement or be removed from those positions.

(2) For exemptions under 18 U.S.C. 208b(1) the "official responsible for the appointment" must be the immediate superior of the individual concerned who is serving in the grade of Colonel or above, GS-15 or above, or such other superior who is a full-time US Government officer or employee serving in the grade of Colonel, GS-15, or higher. All cases that involve determinations under 18 U.S.C. 208b(1) must be coordinated with the appropriate Standards of Conduct Counselor or Deputy Counselor.

(3) In addition, if a superior thinks that a subordinate employee may have a disqualifying interest, the superior must discuss the matter with that person and if the superior finds such an interest does exist, the superior must relieve the person of duty and responsibility in the particular matter or take other appropriate action to resolve the conflict (see § 920.28).

§ 920.17 Special Government employees.

(a) *Definition.* The term "special Government employee" includes an

officer or employee who is retained, designated, appointed, or employed to perform (with or without pay) for not more than 130 days during any period of 365 consecutive days temporary duties, either on a full-time or intermittent basis (see 18 U.S.C. 202). The term also includes a Reserve officer on active duty solely for training for any length of time, one serving on active duty involuntarily for any length of time, and one serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(b) *Major prohibitions.* In general, special Government employees are subject to the following major prohibitions:

(1) They may not, except in discharging their official duties, represent anyone else:

(i) Before a court or Government agency in a matter in which the US is a party or has an interest and in which the employee has at any time participated personally and substantially for the Government (see 18 U.S.C. 203 and 205).

(ii) In a matter pending before the agency they serve unless they have served there no more than 60 days during the past 365 days (see 18 U.S.C. 203 and 205). They are bound by this restraint despite the fact that the matter is not one in which they have ever participated personally and substantially. The restrictions described in (b)(1)(i) of this section and in this subparagraph apply to both paid and unpaid representation of another.

(2) They may not take part in their governmental capacity in any matter in which their spouse, minor child, outside business associate, or person with whom they are negotiating for employment has a financial interest (see 18 U.S.C. 208). Instead of taking part in such a matter they must disqualify themselves at once according to § 920.16(d) except as provided in § 920.16(c).

(3) After their Government employment has ended, they are subject to the prohibitions in § 920.19(b) as a "former employee" (see 18 U.S.C. 207).

§ 920.18 Reports of Defense related employment.

Certain DOD personnel (including special Government employees) paid at a salary rate equal to or greater than the minimum rate for a grade GS-13 and who formerly were employed by a defense prime contractor at a salary rate of \$15,000 or more per year are required by Section 410, Pub. L. 91-121, 50 U.S.C. 1436, to file reports of "Defense Related Employment" (DD Form 1787) for a period of 3 years subsequent to the

termination of their employment by the contractor. Refer to Part 809d of this chapter for more details concerning this statutory requirement.

§ 920.19 Former officers or employees.

(a) *Definition.* The term "former officer or employee" includes those full-time civilian officers or employees and former military officers who have left Government service, special Government employees who have left Government service, retired Regular officers, and Reserve officers released from active duty. It does not include enlisted personnel.

(b) *Prohibited activities.* In general, former officers or employees are subject to the following major prohibitions:

(1) They may not, at any time after their Government employment has ended, represent anyone other than the US in connection with a matter in which the US is a party or has an interest and in which they took part in a personal and substantial way for the Government (see 18 U.S.C. 207(a)).

(2) They may not, for 1 year after their Government employment has ended, represent anyone other than the US in connection with a matter in which the US is a party or has an interest and which was within the boundaries of their official responsibilities during the last year of their Government service (see 18 U.S.C. 202(b) and 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in (b)(1) of this section, if the matter is one in which they took part in a personal and substantial way.

(c) *Reports of Defense related employment.* Certain former military and civilian officers and employees who work for defense prime contractors at a salary rate of \$15,000 or more a year are required by Section 410, Pub. L. 91-121, 50 U.S.C. 1436, to file reports of "Defense Related Employment" (DD Form 1787) subsequent to their retirement, release from active duty, or after their Government employment has ended. Refer to Part 809d of this chapter for more details concerning this statutory requirement.

§ 920.20 Retired Regular officers.

(a) *Prohibitions.* In general, a retired Regular Air Force officer may not:

(1) As an officer whose "employment has ceased," take part in the prohibited activities in § 920.19 (see 18 U.S.C. 207).

(2) At any time, help in prosecuting a claim against the US if the officer worked on that claim while on active duty (see 18 U.S.C. 283).

(3) Within 2 years after retirement, help in prosecuting a claim that involves

the Department in whose service the officer holds a retired status (see 18 U.S.C. 283).

(4) At any time, represent any person in the sale of anything to the Department in whose service the officer holds retired status (see 18 U.S.C. 281).

(5) Within 3 years after retirement, sell supplies or war materials to any agency of the DOD, the Coast Guard, the National Oceanic and Atmospheric Administration, or the Public Health Service (see 37 U.S.C. 801(c)), as amended, October 9, 1962, Pub. L. 87-777, (formerly 5 U.S.C. 59(c)).

Note.—With regard to the prohibitions in (a)(2), (3), and (4) of this section and although not authorizing such activity, retired officers not on active duty are not subject to the criminal provisions thereof, solely by reason of their retired status. For the purpose of the civil statutes in (a)(5) of this section "selling" means:

(i) Signing a bid, proposal, or contract;
(ii) Negotiating a contract;
(iii) Contracting an officer or employee of any of the foregoing departments or agencies for the purpose of:

(a) obtaining or negotiating contracts,
(b) negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or
(c) settling disputes concerning performance of a contract, or
(iv) any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person. However, it is not the intent of this part to preclude a retired regular officer from accepting employment with private industry solely because the employer is a contractor with the government.

(b) *Required statement of employment.* (1) Each Regular retired Air Force officer is required to file, within 30 days after retirement, a "Statement of Employment," DD Form 1357, with AFAFC/RPT, Denver CO 80279. Whenever the information in this statement is no longer accurate, each such officer must file a new DD form 1357 within 30 days.

(2) The Air Force Accounting and Finance Center reviews the "Statement of Employment" to make sure it complies with applicable statutes and regulations. If it appears that a possible violation of a policy or statute as set forth in this part may be involved, the Retired member may be requested to furnish clarifying information. In those instances where the Commander, Air Force Accounting and Finance Center, is not able to resolve the issues, the matter, with recommendations, if appropriate, is sent to HQ USAF/JACM, Wash DC, for referral to the General Counsel of the Department of the Air

Force, Office of the Secretary of the Air Force.

(3) The retired member may request additional copies of DD Form 1357 from AFAPC/RPT. DD Form 1357 is also stocked and available at base level.

§ 920.21 Officers of the Reserve components.

(a) A Reserve officer who is voluntarily serving a period of extended active duty in excess of 130 days is a full-time Government officer, and § 920.16 applies. EXEMPTION: Any Reserve who, before being ordered to active duty, was receiving compensation from any person may continue receiving compensation from that person while on duty (see 10 U.S.C. 1033).

(b) A Reserve officer who is serving on active duty involuntarily for any length of time, and a Reserve officer who is voluntarily serving on extended active duty for 130 days or less, is a "special Government employee," and § 920.17 applies.

(c) A Reserve officer (unless otherwise a full-time officer or employee of the United States) who is on active duty solely for training for any length of time is a "special Government employee," and § 920.17 applies.

(d) When released from active duty, a Reserve officer described in (a), (b), or (c) of this section, is a "former officer," and § 920.19 applies.

(e) Membership in a Reserve component of the armed forces or in the National Guard does not in itself, prevent a person from practicing a civilian profession or occupation before or in connection with any department (see 5 U.S.C. 502).

(f) An officer of a Reserve component, whether in the Ready, Standby, or Retired Reserve, who is not on active duty is not, solely because of Reserve status, considered to be an officer or employee of the United States for the purpose of the prohibitions summarized in § 920.16, § 920.17 and § 920.19. (see 5 U.S.C. 2105(d)).

(g) Receipt of retired pay by a Reserve or a former Reserve does not, in itself, make the person an officer or employee or a former officer or employee for the purpose of the prohibitions summarized in § 920.16, § 920.17 and § 920.19. § 920.20 does not apply to a retired Reserve.

Subpart C—Special Government Employees, Advisers and Consultants; Temporary or Intermittent Employees

§ 920.22 General.

(a) For purposes of this subpart, "special Government employee" has the

meaning given that term in § 920.17(a). § 920.29(a)(1) provides guidance on how to determine whether an individual is a full-time Government employee or a special Government employee, and § 920.29(b) provides guidance on how to determine whether the "60 day" rule (§ 920.17(b)(1)(ii)) applies. All special Government employees must familiarize themselves and comply with this subpart, Subpart A, and those parts of Subpart B and the attachments that apply to them.

(b) "Advisers or consultants" as used in this subpart are those:

(1) Defined in AFRs 40-304, Employment of Experts and Consultants and 160-97, Civilian National Consultants;

(2) Employed under individual personal service contracts of AFM 26-1, Manpower Policies and Procedures; and

(3) Members of Advisory Committees formed or used under AFR 11-36, Air Force Committee Management Program.

(c) Additional policy guidance for use by advisers and consultants and other individuals serving as special Government employees is in § 920.29(c) and guidance on the Air Force use of advisers and consultants is in § 920.29(e).

(d) It is necessary at times to distinguish between advisers and consultants who must be regarded as employees, and persons invited by the Air Force to speak for industry in a representative capacity. This distinction is discussed in § 920.29(d). If there is a doubt whether a person who furnishes information to the Air Force is to be regarded as an employee, or as acting in a representative capacity, the civilian personnel officer should be contacted.

(e) "Other temporary and intermittent employees" are primarily individuals who are appointed under a regular Civil Service appointment procedure.

§ 920.23 Temporary or intermittent employees.

The central civilian personnel officer:

(a) Briefs each individual employed on a temporary or intermittent appointment according to § 920.13.

(b) Makes determinations as set forth in § 920.29 on the basis of personnel records and advises the employee of these determinations.

(c) Records one of the appropriate remarks on the SF 50, as provided in § 920.28(e)(4)(iii).

Subpart D—Disposition of Forms

§ 920.24 Disposition of DD Form 1555.

Destroy DD Form 1555 according to AFM 12-50, Disposition of Air Force Documents.

Subpart E—Miscellaneous

§ 920.25 Receipt and disposition of honoraria and providing expert testimony before State agencies.

Section 920.30 gives circumstances and limitations under which Air Force members may receive and dispose of honoraria in connection with speeches, writings, public appearances, and other similar activities. Section 920.30 also gives procedures concerning expert testimony before state and local governmental bodies.

§ 920.26 Laws applicable to all Department of Defense personnel.

The following activities may subject present and former DOD personnel to penalties:

(a) Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (see 18 U.S.C. 201).

(b) Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel knew of the actual commission of the crime (see 18 U.S.C. 4).

(c) Conspiring with one or more persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (see 18 U.S.C. 371).

(d) The prohibition against lobbying with appropriated funds (see 18 U.S.C. 1913).

(e) The prohibition against disloyalty and striking (see 5 U.S.C. 7311 and 18 U.S.C. 1918).

(f) The prohibition against the employment of a member of a Communist organization (see 50 U.S.C. 784).

(g) The prohibition against (1) the disclosure of classified information (see 18 U.S.C. 798 and 50 U.S.C. 783); and (2) the disclosure of confidential information (see 18 U.S.C. 1905).

(h) The provision relating to the habitual use of intoxicants to excess (see 5 U.S.C. 7352).

(i) The prohibition against the misuse of a Government vehicle (see 31 U.S.C. 638a(c)(2)).

(j) The prohibition against the misuse of the franking privilege (see 18 U.S.C. 1719).

(k) The prohibition against the use of deceit in an examination or personnel

action in connection with Government employment (see 18 U.S.C. 1917).

(l) The prohibition against fraud or false statements in a Government matter (see 18 U.S.C. 1001).

(m) The prohibition against mutilating or destroying a public record (see 18 U.S.C. 2071).

(n) The prohibition against counterfeiting and forging transportation requests (see 18 U.S.C. 508).

(o) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of employment (18 U.S.C. 654).

(p) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(q) The prohibitions against political activities in Title 5, U.S.C. chapter 73, subparagraph III (see 5 U.S.C. 7321-7327) and 18 U.S.C. 602, 603, 607, and 608. These statutes apply to civilian employees; regulations govern military personnel (see AFR 110-2).

(r) The prohibitions against an employee (including a special Government employee) who is required to register under the Foreign Agents Registration Act of 1938 (see 18 U.S.C. 219) serving the Government. The criminal penalties of this subpart do not apply to a special Government employee in any case in which the department head sends a certificate to the Attorney General that employment by the United States Government is in the national interest. Requests for such certificates should be forwarded through channels to the Secretary of the Air Force (SAFMR). This subpart does not apply to retired regular officers who are not on active duty, or to reserves who are not on active duty or who are on active duty for training.

§ 920.27 Gratuities.

This section supplements § 920.6.

(a) *General prohibition.* Except as provided in (b) of this section Air Force personnel and their immediate families must not solicit, accept, or agree to accept any gratuity for themselves, members of their families, or others (either directly or indirectly from), or on behalf of, any source that:

(1) Is engaged in or seeks business or financial relations of any sort with any Department of Defense Component;

(2) Conducts operations or activities that are either regulated by a Department of Defense Component or

significantly affected by Department of Defense decisions; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duties of Department of Defense personnel.

(b) *Limited exceptions.* The general prohibition in (a) of this section does not apply to:

(1) The continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the proper Standards of Conduct Counselor or Deputy Counselor.

(2) Accepting unsolicited advertising or promotional items that are less than \$5 in retail value.

(3) When consistent with 18 U.S.C. 209, trophies, entertainment, prizes, or awards for public service or achievement or given in games or contests that are clearly open to the public generally or that are officially approved for Air Force personnel participation.

(4) Things available to the public (such as university scholarships covered by AFR 53-18, Fellowship, Scholarships and Grants) and free exhibitions by Defense Contractors at public trade fairs.

(5) Discounts or concessions extended Air Force-wide and realistically available to all Air Force personnel.

(6) Participation by Air Force personnel in civic and community activities when any relationship with Defense contractors is remote: for example, taking part in a Little League or Combined Federal Campaign luncheon that is subsidized by a Defense contractor.

(7) Social activities engaged in by Air Force officials and officers in command, or their representatives, with local civic leaders as part of the Air Force community relations programs in the United States and overseas according to AFM 190-9, Information Policies and Procedures, Chapter 4.

(8) DOD personnel taking part in widely attended gatherings of mutual interest to Government and industry, sponsored or hosted by industrial, technical, and professional associations (not by individual contractors) provided that they have been approved according to DOD Instruction 5410.20.

(9) Situations in which:

(i) Air Force personnel taking part in public ceremonial activities of mutual interest to industry, local communities, and the Air Force serves the interests of the Government; and

(ii) accepting the invitation is approved by the Air Force major

commander concerned. Air Force personnel assigned to HQ USAF or its separate operating locations must obtain such approval from their Deputy Chief of Staff, Staff Agency Head or the head of a comparable or higher office. Invitations for Air Force personnel assigned to the office of the Secretary of the Air Force must be approved by the Air Force General Counsel.

(10) Contractor-provided transportation, meals or overnight accommodations in connection with official business if arrangements for Government or commercial transportation, meals, or accommodations are clearly not practical. In any such case, the individual must report, in writing, the circumstances to the supervisor as soon as possible.

(11) Attendance at promotional vendor training sessions if the vendor's products or systems are provided under contract to DOD and the training is to facilitate the use of those products or systems by DOD personnel.

(12) Attendance of Air Force personnel taking part in gatherings, including social events such as receptions, that are hosted by foreign governments or international organizations, provided that the acceptance of the invitation is approved by the General Counsel or designee. This approval is not required if attendance or participation is authorized by other exceptions, such as those in (b)(7) or (14) of this section or if the social event involves a routine or customary social exchange with officials of foreign governments in pursuance of official duties.

(13) Customary exchanges of gratuities between Air Force personnel, and their friends and relatives, as well as the friends and relatives of their spouse, minor children and members of their household. This applies only if the circumstances make it clear that it is that relationship, rather than the business of the persons concerned, that is the motivating factor for the gratuity and if it is clear that the gratuity is not paid for by any source described in (a) of this section.

(14) Situations in which in the sound judgment of the individual concerned or the individual's supervisor, the Government's interest will be served by Air Force personnel taking part in activities otherwise prohibited. In any such case, a written report of circumstances must be made in advance, or if an advance report is not possible, within 48 hours by the individual or the supervisor to the

proper Standards of Conduct Counselor or Deputy Counselor.

(c) *Reimbursements*: (1) The acceptance of accommodations, subsistence, furnished in kind, in connection with official travel from other than Defense contractors is authorized only when the individual is to be a speaker, panelist, project officer, or other bona fide participant in the activity attended and when such attendance and acceptance is authorized by the order-issuing authority as being in the overall Government interest.

(2) Except as indicated in (c)(1) of this section, Air Force personnel may not accept personal reimbursement from any source for expenses related to official travel, unless authorized by their supervisor. Reimbursement must be consistent with guidance provided by the proper Standards of Conduct Counselor or Deputy Counselor and according to 5 U.S.C. 4111 or other statutory authority. Reimbursement must be made to the Government by check payable to the Treasurer of the United States. Personnel are reimbursed by the Government according to regulations that relate to reimbursement.

(3) Air Force personnel must not accept, either in kind or for cash reimbursement, benefits that are extravagant or excessive in nature.

(4) If non-US Government sources furnish Air Force personnel accommodations, subsistence, or services in kind according to (c) of this section, appropriate deductions must be reported and made in the travel, per diem, or other allowances payable.

(d) *Gratuity disposition*. After the effective date of this part Air Force personnel who receive gratuities, or have gratuities received for them, in circumstances that do not conform with this section must promptly report the circumstances to the proper Standards of Conduct Counselor or Deputy Counselor for determining disposition.

§ 920.28 Confidential statement of affiliations and financial interests (DD Form 1555) additional guidance.

This section supplements § 920.14.

(a) *Definitions*. (1) "Superior" means the US military officer in grade O-5 or above, or the US civilian officer or employee in grade GS-14 or above, or such higher grades as the commander concerned may designate, who is the superior of the individual involved. In the Office of the Secretary of the Air Force and the Air Staff, the designation may be made by directors or heads of comparable or higher offices. In the absence of a designation to the contrary,

directors or heads of comparable offices in the Office of the Secretary of the Air Force or the Air Staff are "superiors" for personnel under their jurisdiction.

(2) "Deputy Counselor" means the Standards of Conduct Counselor or Deputy Counselor designated in or according to § 920.13(d).

(b) *Review of positions*. Each superior who supervises military personnel in the grade of lieutenant colonel or above, or civilian personnel in the grade of GS-13 or above (or at a comparable pay level) must review the duties of each such position. A job description must be kept for each such position if the incumbent of the position must file a "Confidential Statement of Affiliations and Financial Interests" (DD Form 1555) as required by this part. The superior makes this determination. The job description must be reviewed at least once a year. The review may be done at the time performance, efficiency, or effectiveness ratings are given; or incident to other currently prescribed annual reviews. Incumbents of positions identified as involving any of the functions described in § 920.14(a) are required to comply with the filing requirements of this part. Individuals who believe that they have been improperly required to file may request a review of the decision through the Air Force grievance and complaint procedures.

(c) *Exceptions in individual cases*. Incumbents of positions described in § 920.14 may be excluded from the requirement of filing a DD Form 1555 (and Annual Statements) if the Under Secretary of the Air Force approves a determination from the individual's superior or higher authority that the incumbent's responsibilities are at such a level that filing a DD Form 1555 is not necessary because of the incumbent's duties, the degree of supervision and review over the incumbent's official activities and the remote and inconsequential effect on the integrity of the Government. Request for approval of such determinations must be sent through command channels with the reasons for them. Any intermediate command may disapprove the request and return it to the requester.

(d) *Individual responsibility*. Each officer and employee affected by § 920.14(a) is personally responsible for filing a "Confidential Statement of Affiliations and Financial Interests", DD Form 1555 (and Annual Statements). Each superior concerned must make sure that required DD Forms 1555 are properly completed, sent on time and reviewed.

(e) *Special Government employees*.

(1) Each special Government employee

not exempted under (e)(2) of this section, must file a "Confidential Statement of Affiliations and Financial Interests", DD Form 1555 before appointment.

(2) The following are exempted categories of special Government employees who are not required to file Statements, unless specifically requested to do so:

(i) Physicians, dentists, and allied medical specialists engaged only in providing service to patients.

(ii) Veterinarians providing only veterinary services.

(iii) Lecturers taking part in educational activities.

(iv) Chaplains who perform only religious services.

(v) Individuals in the motion picture and television fields who are used only as narrators or actors in DOD productions.

(vi) A special Government employee who is not an "adviser" or "consultant" as explained in § 920.22(b).

(3) The Secretary of the Air Force may exempt an appointee from the requirement of filing a statement if it has been determined that such information is not relevant in light of the duties the appointee is to perform.

(4) The Central civilian personnel office of the employing activity:

(i) Determines, in consultation with the proper Standards of Conduct Counselor or Deputy Counselor, whether the adviser or consultant is a special or full-time employee according to the procedure in § 920.29(a). Any service to be rendered with other departments or agencies during the period must be taken into account in making this determination. This determination is based on the statement filed by the individual.

(ii) Before appointment or reappointment, arranges to secure a completed DD Form 1555, and sends it and the job description to the superior concerned for processing according to (h) of this section.

(iii) Records one of the following in the remarks section of the SF 50, "Notification of Personnel Action":

(A) "Subject to conflict of interest laws and regulations as a special Government employee."

(B) "Subject to conflict of interest laws and regulations as a regular Government employee."

(iv) Determines, in consultation with the proper Standards of Conduct Counselor or Deputy Counselor according to § 920.29(b), whether the 60-day rule applies and informs the individual.

(5) The Directorate of Civilian Personnel, HQ USAF, arranges for furnishing information requested by other agencies that concerns advisers and consultants employed with the Air Force. Requests from other agencies should be directed to HQ USAF/MPK, Wash DC.

(f) *Submission of statements.* (1) Except as provided in (f)(2) of this section, each Air Force officer or employee who is required to file a statement or annual statement files it with his or her superior (see § 920.28(a)(1) for the meaning of "superior").

(2) All Air Force civilian Presidential appointees send their statements to the DOD General Counsel.

(3) All statements must be reviewed and approved by the proper Standards of Conduct Counselor or Deputy Counselor and the proper supervisor before an individual begins service or assumes duties and each year after that as prescribed by (f)(5) of this section, individuals designated for those positions requiring either approval of the Secretary of Defense or the Secretary of the Air Force must execute the statement before nomination so that it may be thoroughly reviewed prior to appointment.

(4) Agreements with other DOD Components and Government agencies that involve detailing Air Force personnel must contain a requirement that the other DOD Component or Government agency will (within 60 days) sent to HQ USAF/JAC Wash DC a copy of the detailed individual's statement, if required, and notice concerning the disposition of any conflict or apparent conflict of interests indicated.

(5) Annual DD Form 1555 statements must be filed by October 31 of each year for all affiliations and financial interests as of September 30 of that year. Even though no changes occur, a complete statement is required.

(6) If required by reason of duty assignment or infirmity a superior may grant an extension of time (excusable delay) with the concurrence of the Standards of Conduct Counselor or Deputy Counselor. Any extension for more than 30 days requires the concurrence of the General Counsel of the Air Force. Any late statement must include a notation of any extension of time granted.

(g) *How to complete DD Form 1555.* (1) Each individual must complete DD Form 1555 according to instructions on the form and the following guidance.

(2) Each DD Form 1555 and each annual statement must be completed in

its entirety. "None" will be entered in each Part where applicable.

(3) The following interests need not be reported on DD Form 1555:

- (i) Savings and checking accounts in banks;
- (ii) Credit union shares;
- (iii) Building and loan association shares;
- (iv) Accumulated dividends and cash values of life insurance policies.

(4) Officers or employees are not required to report on a DD Form 1555 any information that relates to their connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. Educational or other institutions doing research and development or related work that involves grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in the DD Form 1555 of the officer or employee.

(5) The interest of a spouse, minor child, or other member of the individual's immediate household is considered to be an interest of the individual filing a DD Form 1555.

(6) If any information required to be included on a DD Form 1555 (including holdings placed in trust) is not known to the officer or employee who is filing the DD Form 1555, but is known to another person, the officer or employee must request that other person to send to the superior information in that officer's or employee's behalf.

(7) DOD consultants filing DD Form 1555 who are:

(i) Employed as private consultants to private business or other organizations, or

(ii) Who are affiliated with a partnership or corporation that provides consulting service to private firms or other business organizations should show the clients of such partnership or corporation to whom the Department of Defense consultant is rendering consulting service directly or by assisting other consultants.

(h) *Processing of DD Forms 1555.* (1) Each individual required to file DD Form 1555 must send the completed statement to the proper superior. The statement must be delivered personally to the superior concerned or sent in a sealed envelope addressed to the superior and clearly marked "DD Form 1555, To Be Opened By Addressee Only" to preserve its confidentiality. These envelopes are opened only by the superior, and the superior instructs staff members accordingly. When the superior sends

the statements to the Deputy Counselor as provided in (h)(2) of this section, they are similarly delivered in person or sent in a sealed envelope addressed and marked as described in this subparagraph. These envelopes are opened only by the Deputy Counselor concerned, and the Deputy Counselor instructs staff members accordingly.

(2) When the superior receives a completed DD Form 1555, the superior must review it in light of the procedures of this part and of the individual's duties and responsibilities. The supervisor's evaluation is completed on the back of the form. Except as provided in (i)(1) of this section, the supervisor then sends the completed form with a copy of the job description directly to the proper Deputy Counselor.

(3) On receipt of the DD Form 1555, the Deputy Counselor reviews it in the light of this part, the individual's job description, and the superior's evaluation. If the Deputy Counselor finds no reason to question the superior's evaluation, the Deputy Counselor files the DD Form 1555 together with the superior's endorsement and the individual's job description. If the Deputy Counselor is not satisfied that there is no conflict of interest or appearance, the Deputy Counselor so informs the individual's superior, either orally or in writing, with a request for further consideration and takes action according to (i) of this section.

(i) *Resolution of a conflict or appearance of conflict of interest.*

(1) In any case where a real or apparent conflict of interest arises, the superior (in consultation with the Deputy Counselor) discusses the conflict or appearance of conflict of interest with the individual concerned. If the conflict or appearance of conflict of interest persists and is not resolved as a result of discussion, the superior (in consultation with the Deputy Counselor) prepares and gives the individual concerned written notice that there is a conflict or apparent conflict of interest, pointing out the reasons. The notice also informs the individual concerned that he or she is entitled to send to the superior a written endorsement explaining the conflict or appearance of conflict.

(2) When the individual's endorsement is received, the superior sends the entire file to the Deputy Counselor with an endorsement, if the superior concludes that the conflict or appearance of conflict is resolved. The entire correspondence is filed if the Deputy Counselor agrees with the superior's conclusion.

(3) If either the superior or the Deputy Counselor, after reviewing the explanation made by the employee in the endorsement, concludes that the conflict or appearance of conflict is not resolved, the commander reviews the entire matter and, if it is concluded that a conflict or appearance of conflict does exist, the commander resolves it if possible.

(4) In any case arising at any echelon below HQ USAF level in which the commander concludes that there is a conflict or appearance of conflict of interest that is not resolved, the commander sends the entire file, with detailed information and recommendations, through command channels to HQ USAF/JAC, Wash DC, for resolution. Intermediate commanders will attempt to resolve each case without forwarding it to HQ USAF.

(5) The Judge Advocate General, USAF, sends to the General Counsel of the Air Force any case involving a conflict or appearance of a conflict that is not resolved by The Judge Advocate General or at a lower echelon. If the General Counsel is not able to resolve any case, it will be referred with recommendations to the Under Secretary of the Air Force for decision.

(6) Resolving of a conflict or apparent conflict of interest either on review at the local level or after referral to HQ US Air Force, must be effected at once so that the conflict or appearance of conflict is ended. A conflict or appearance of conflict may be resolved by one or more means, such as changes in assigned duties, divesting of the conflicting interest, disqualification for a particular assignment or disciplinary or administrative action. The resolution, whether by disciplinary action or otherwise, must be effected according to laws, Executive Orders, and regulations that apply.

(j) Additional DD Form 1555 requirements for certain general officers. Immediately after reviewing and approving a DD Form 1555 filed by a General Officer in the grade of Major General or above, the Air Force Standards of Conduct Counselor or Deputy Counselor concerned sends HQ USAF/MPG, Wash DC, 20330, a copy of the form and any allied correspondence. Major General Officers or above, who file their DD Forms 1555 with someone other than an Air Force Deputy Counselor (Air Force Staff Judge Advocate) must send HQ USAF/MPG a copy of each DD Form 1555 and any allied correspondence reviewed by such non Air Force Standards of Conduct Counselor or Deputy Counselor. The copies must be sent at once upon review

and approval by the counselor concerned.

(k) Effect of filing a DD Form 1555 on other requirements. DD Form 1555 and Annual Statements required by this part are in addition to, and not a substitute for or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a DD Form 1555 or annual statement by an officer or employee does not permit that officer or employee or any other person to take part in a matter in which the officer, employee, or the other person's participation is prohibited by law, order, or regulation.

(l) Confidentiality of statements. The Air Force holds each "Statement of Affiliations and Financial Interests, and each Annual Statement", including related correspondence, in confidence. The Air Force must not disclose information from a statement except as the Secretary of the Air Force or the Civil Service Commission may determine for good cause. "Good cause" includes a determination that the record or any part of the record must be released under the Freedom of Information Act. Persons designated to obtain or review the statements are responsible for maintaining the statements in confidence and must not allow access to, or allow information to be disclosed from the statement except to carry out the purpose of this part.

§ 920.29 Special Government employees.

(a) Determining if an individual is a special or fulltime Government employee.

(1) At the time of the employee's original appointment and at the time of each appointment thereafter, the department or agency should make its best estimate of the number of days during the following 365 days on which it will require the services of the appointee. A part of a day should be counted as a full day for the purposes of this estimate, and a Saturday, Sunday, or holiday on which duty is to be performed should be counted equally with a regular workday.

(2) Unless otherwise provided by law, an appointment should not extend for more than 365 days. When an appointment extends beyond that period, an estimate, as required by (a)(1) of this section, should be made at the inception of the appointment and a new estimate at the expiration of each 365 days thereafter.

(3) Occasionally, an adviser, consultant or other temporary and intermittent employee is reappointed or reemployed after a break in service but within a 365-day period for which a

previous estimate has been made. In those cases, the sum of the employee's prior service and the estimate of the new service which will be performed during the remaining part of the initial 365 days will be used in making the determination. If the reappointment or reemployment exceeds the 365-day period, a new estimate for the next 365-day period will be made under (a)(2) of this section.

(4) If a department or agency estimates, pursuant to (a)(1) or (2) of this section, that an appointee will serve more than 130 days during the ensuing 365 days, the appointee should not be carried on the rolls as a special Government employee and the department or agency should instruct the appointee that the appointee is regarded as subject to the prohibitions of 18 U.S.C. 203 and 205 to the same extent as if the appointee were to serve as a full-time employee. If the estimate is that the appointee will serve no more than 130 days during the following 365 days, the appointee should be carried on the rolls of the department or agency as a special Government employee and instructed that he or she is regarded as subject only to the restrictions of 18 U.S.C. 203 and 205. Even if it becomes apparent, prior to the end of a period of 365 days for which a department or agency has made an estimate on an appointee, that the appointee has not been accurately classified, the appointee should nevertheless continue to be considered a special Government employee or not, as the case may be for the remainder of that 365-day period.

(5) An employee who undertakes service with two departments or agencies shall inform each of his or her arrangements with the other. If both of the employee's appointments are made on the same date, the aggregate of the estimates made by the departments or agencies under (a)(1) or (2) of this section, shall be considered determinative of the employee's classification by each. Notwithstanding anything to the contrary in (a)(1)(2) or (4) of this section, if after being employed by one department or agency, a special Government employee is appointed by a second to serve it in the same capacity, each department or agency should make an estimate of the amount of the employee's service to it for the remaining portion of the 365-day period covered by the original estimate of the first. The sum of the two estimates and of the actual number of days of the employee's service to the first department or agency during the prior portion of such 365-day period shall be considered determinative of the

classification of the appointee by each during the remaining portion. If an employee undertakes to serve more than two departments or agencies, they shall classify the employee in a manner similar to that prescribed in this subparagraph for two agencies. Each agency which employs special Government employees who serve other agencies shall designate an officer to coordinate the classification of such employees with such other agencies.

(8) When a person is serving as a member of an advisory committee, board or other group, and is by virtue of his or her membership thereon an officer or employee of the United States, the requirements of (a) (1), (2), (4), (5) of this section should be carried out to the same extent as if that person were serving the sponsoring department or agency separately and individually.

(b) *Determining if the "60-day" rule applies.* (1) The 60-day standard affecting a special Government employee's private activities before the employee's department or agency is a standard of actual past service, as contrasted with the 130-day standard of estimated future service discussed in this subparagraph. A special Government employee is barred from representing another person before that department or agency at times when the employee has served it for an aggregate of more than 60 days during the past 365 days. Thus, although once having been in effect, the statutory bar may be lifted later by reason of an intervening period of nonservice. In other words, as a matter of law the bar may fluctuate in its effect during the course of a special Government employee's relationship with the department or agency.

(2) A part of a day should be counted as a full day in connection with the 60-day standard discussed in (b)(1) of this section, and a Saturday, Sunday, or holiday on which duty has been performed should be counted equally with a regular work day. Service performed by a special Government employee in one department or agency should not be counted by another in connection with the 60-day standard.

(c) Additional Guidance for advisers and consultants or other individuals who are special government employees concerning 18 U.S.C. 203 and 205.

(1) To a considerable extent the prohibitions of 18 U.S.C. 203 and 205 are aimed at the sale of influence to gain special favors for private businesses and other organizations and at the misuse of governmental position or information. In accordance with these aims, it is desirable that a consultant or adviser or other individual who is a

special Government employee, even when not compelled to do so by 18 U.S.C. 203 and 205, should make every effort in that person's private work to avoid any personal contact in negotiations for contracts or grants with the department or agency which the employee is serving if the subject matter is related to the subject matter of the employee's consultancy or other service. It is recognized that this will not always be possible to achieve; for example, in a situation in which a consultant or adviser has an executive position and responsibility with that person's regular employer which requires the consultant or adviser to participate personally in contract negotiations with the department or agency he or she is advising. When this situation occurs, the consultant or adviser should participate in the negotiations for the regular employer only with the knowledge of a responsible Government official. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to the regular employer in the consultant's or adviser's efforts to formulate a research and development contract or a research grant and, for the same reason, it is in the interest of the Government that he or she should take part in negotiations for the private employer. Again, the consultant or adviser should participate only with the knowledge of a responsible Government official.

(2) Section 205 of title 18 contains an exemptive provision dealing with a similar situation which may arise after a Government grant or contract has been negotiated. This provision, in certain cases, permits both the Government and the private employer of a special Government employee to benefit from the employee's performance of work under a grant or contract for which the employee otherwise would be disqualified because the employee had participated in the matter for the Government or it is pending in an agency the employee has served for more than 60 days in the past year. More particularly, the provision gives the head of a department or agency the power, notwithstanding any prohibition in either 18 U.S.C. 203 and 205, to allow a special Government employee to represent before such department or agency either the employee's regular employer or another person or organization in the performance of work under a grant or contract. As a basis for this action, the department or agency head must first make a certification in writing, published in the **Federal Register**, that it is required by the national interest.

(d) *Determining if an individual is a Government employee or is serving in a representative capacity.* (1) It is necessary occasionally to distinguish between consultants and advisers who are special Government employees and persons who are invited to appear at a department or agency in a representative capacity to speak for firms or an industry, or for labor or agriculture, or for any other recognizable group of persons, including, on occasion the public at large. A consultant or adviser whose advice is obtained by a department or agency from time to time because of his or her individual qualifications and who serves in an independent capacity is an officer or employee of the Government. On the other hand, one who is requested to appear before a Government department or agency to present the views of a nongovernmental organization or group which the person represents, or for which the person is in a position to speak, does not act as a servant of the Government and is not its officer or employee.

(2) The following principles are useful in arriving at a determination whether an individual is acting before an agency in a representative capacity.

(i) A person who receives compensation from the Government for that person's services as an adviser or consultant is its employee and not a representative of an outside group. The Government's payment of travel expenses and a per diem allowance, however, does not by itself make the recipient an employee.

(ii) It is rare that a consultant or adviser who serves alone is acting in a representative capacity. Those who have representative roles are for the most part persons serving as members of an advisory committee or similar body utilized by a Government agency. It does not follow, however, that the members of every such body are acting as representatives and are therefore outside the range of the conflict of interest laws. This result is limited to the members of committees utilized to obtain the views of nongovernmental groups or organizations.

(iii) The fact that an individual is appointed by an agency to an advisory committee upon the recommendation of an outside group or organization tends to support the conclusion that the individual has a representative function.

(iv) Although members of a governmental advisory body who are expected to bind outside organizations are no doubt serving in a representative capacity, the absence of authority to bind outside groups does not require the

conclusion that the members are Government employees. What is important is whether they function as representatives of nongovernmental groups or organizations and not whether they can formally commit them.

(v) When an adviser or consultant is in a position to act as a representative of the United States or a Government agency—as, for example, in an international conference—the adviser or consultant is obviously acting as an officer or employee of the Government.

(e) *Additional guidance on Air Force use of advisers and consultants.* While it would be highly desirable, in order to minimize the occurrence of conflicts of interests, for departments and agencies of the Government to avoid appointing to advisory positions individuals who are employed or consulted by contractors or others having a substantial amount of business with that department or agency, it is recognized that the Government has, of necessity, become increasingly concerned with highly technical areas of specialization and that the number of individuals expert in those areas is frequently very small. Therefore, in many instances it will not be possible for a department or agency to obtain the services of a competent advisor or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely or wholly of persons of a common class or group whose employers may benefit from the advice given. An example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude the adviser's or consultant's employer's or clients' contracts or other transactions with the Government from the range of the consultant's or advisor's duties.

§ 920.30 Special instructions regarding receipt and disposition of honoraria; and providing expert testimony before state agencies.

(a) In addition to other related procedures contained in this part, this section provides guidance for Air Force personnel in connection with receiving of honoraria and processing requests from state agencies for expert Department of Defense employee testimony.

(1) Section XD of DOD Directive 5500.7 states:

D. DOD personnel are encouraged to engage in teaching, lecturing and writing. However, an employee shall not, either for or

without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, which is dependent on information obtained as a result of one's government employment, except when that information has been published or is available to the general public or will be made available on request, or when the agency head gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a civilian Presidential appointee shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs or operations of his agency or which draws substantially on official data or ideas which have not become part of the body of public information.

(2) Air Force personnel must not accept an honorarium from any nongovernment source for taking part in activities that are connected with service as an officer or employee of the Government, or otherwise tendered in the officer's or employee's official Government capacity.

(3) Except as provided in (a)(1) of this section, Air Force personnel may accept honoraria tendered for a speech, lecture, writing, or other appearance, from a nongovernmental source other than a defense contractor, when such speech, lecture, writing, etc., is given in a purely private capacity, and done on off-duty time, or in a leave status, and when the subject matter does not involve an official government connection. Honoraria tendered under any other circumstances becomes the property of the United States and must be deposited to the Treasury. Under no circumstances, however, may Air Force personnel accept honoraria from a Department of Defense contractor.

(b) Requests from state agencies for expert testimony from Department of Defense personnel.

(1) This part provides general guidance on how to avoid conflicts of interest and the appearance of conflicts of interest. It cannot be sufficiently detailed to cover all possible factors or situations that may arise. Nevertheless, those officials with the authority to approve the appearance of Department of Defense personnel before state governmental bodies (including their local Government counterparts) must carefully evaluate requests for such appearances in order to avoid situations that may lead to unnecessary criticism of the Department of Defense. Among

the factors that should be considered are the following:

(i) Unless there is a clear cut Executive Branch or agency position on the subject of the appearance, it is not appropriate for the expert witness from the Department of Defense to favor or oppose legislative proposals or proposed administrative regulations being sponsored by a state agency.

(ii) Absent a significant agency or Executive Branch interest to be served by the testimony, the expert Department of Defense witness, should, if possible, present views that are personal, and not imply that the views are those of the agency.

(iii) Unless the primary purpose of the appearance of the Department of Defense expert is to further an agency or Executive Branch objective, the cost of such appearance should be borne by the state governmental body requesting the appearance.

(iv) The appearance of a Department of Defense expert before a private organization may be reimbursed by that organization under the standards of this part. Payment of fees by a private organization to a Department of Defense witness for an appearance before a state governmental body is not appropriate. Accordingly, Department of Defense personnel are not authorized to accept such payments.

(v) Any honorarium or fee tendered by a state governmental agency for the appearance of a Department of Defense expert witness may be accepted only on behalf of the United States and endorsed to the Treasury of the United States as reimbursement for the expert's governmental pay while in temporary duty status as a witness.

(2) Air Force personnel assigned to the Office of the Secretary of the Air Force may not provide expert testimony before a state or local agency without prior coordination and approval of the office of the Air Force General Counsel. Requests for such testimony must be sent through channels to the office of the General Counsel for coordination and approval.

(3) All other Air Force personnel may provide expert testimony before a state or local agency only after prior coordination and approval of HQ USAF/JAC has been obtained. Requests for such testimony are sent through major command Staff Judge Advocate channels to HQ USAF/JAC Wash DC for final action.

[FR Doc. 79-14301 Filed 5-7-79; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety
Administration****49 CFR Part 571****Federal Motor Vehicle Safety
Standards; Designated Seating
Position***Correction*

In FR Doc. 79-11946, published at page 23229, on Thursday, April 19, 1979, after the signature on page 23235, the agency Docket No. was inadvertently left off and should be added to read "[Docket No. 78-13; Notice 2]".

Proposed Rules

Federal Register

Vol. 44, No. 90

Tuesday, May 8, 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.

OFFICE OF PERSONNEL MANAGEMENT

[5 CFR Part 831]

Apportionment From Civil Service Retirement Benefits

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management proposes rules to implement Public Law 95-366, which requires the Office of Personnel Management in certain circumstances, to comply with a provision dealing with apportionment of retirement benefits in a state court order, decree, or community property settlement agreement, in connection with the divorce, annulment of marriage, or legal separation of a Federal employee or retiree.

DATE: Comments must be received on or before July 9, 1979.

ADDRESS: Send Comments to Craig B. Pettibone, Chief, Office of Policy Development and Technical Services, Retirement and Insurance Division, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, Paralegal Specialist, Retirement and Insurance Division, Washington, D.C. 20415, phone (202) 632-4634.

SUPPLEMENTAL INFORMATION: State laws and state courts have traditionally controlled matters of domestic relations and property rights. Questions such as an individual's obligations to a former spouse are determined by the courts on a case-by-case basis taking into consideration many factors such as the financial status of both parties, property settlements, children involved, etc. The courts have also traditionally provided former wives with (1) alimony and (2) child support where warranted. As a result of the enactment of Public Law 93-647, which added section 459 to the Social Security Act (42 U.S.C. 659), for

the last four years civil service retirement benefits have been subject to garnishment, attachment, or similar legal process to enforce these obligations.

In recent years, many state courts have ruled that future retirement benefits earned during a marriage should be considered community property and subject to division in the event of a legal separation, divorce, or annulment of marriage. However, the garnishment amendments did not cover community property settlements. Also, 5 U.S.C. 8346(a) specifies that any benefits payable under that law are exempt from legal process, except as provided by other Federal laws. Because of this, community property type settlements were not enforceable by the Commission.

Now, under the provisions of Public Law 95-366, community property obligations, as well as support obligations, will be enforceable when a state court order, decree, or community property settlement agreement determines the appropriate distribution of retirement benefits between a Federal employee (or retiree) and an estranged spouse. The Office of Personnel Management is authorized to make payments directly to the former or separated spouse in compliance with the terms of a court determination expressly providing for apportionment of retirement benefits.

Accordingly, to implement the provisions of Public Law 95-366 and pursuant to sections 553 and 8347(a) of title 5, United States Code, authorizing the Office of Personnel Management to prescribe rules and regulations, require certifications in support of adjudication, and adjudicate claims, the Office of Personnel Management proposes to amend Part 831 by adding a new subpart P as follows:

PART 831—RETIREMENT

* * * * *

Subpart P—Apportionment From Civil Service Retirement Benefits

Sec.	
831.1601	Purpose.
831.1602	Definitions.
831.1603	Qualifying court order.
831.1604	Application to apportion retirement benefits.
831.1605	Retirement benefits—amount, when payable.

Sec.	
831.1606	Preliminary review.
831.1607	Notification.
831.1608	Decision.
831.1609	Effective date.
831.1610	Limitations.
831.1611	Liability.

Subpart P—Apportionment from Civil Service Retirement Benefits.

§ 831.1601 Purpose.

The purpose of this subpart is to carry into effect the objectives of Public Law 95-366 which provides that the Office of Personnel Management will comply with a provision dealing with the apportionment of retirement benefits in a state court order, decree, or community property settlement in connection with the divorce, annulment of marriage, or legal separation of a Federal employee or retiree. This subpart prescribes the procedures to be followed by:

(a) A former spouse when applying for apportionment of an individual's retirement benefits pursuant to section 8345(j) of title 5, United States Code.

(b) The Associate Director for Compensation in honoring such apportionment request and making payment to the former spouse.

§ 831.1602 Definitions.

In this subpart:

(a) "Court Order" means any judgment or property settlement issued by or approved by any court of a State or the District of Columbia in connection with, or incident to, the divorce, annulment of marriage, or legal separation of a Federal employee or retiree.

(b) "Former Spouse" includes a person who has been divorced, legally separated, or whose marriage has been annulled.

(c) "Retirement Benefits" include employee annuities and refunds of retirement contributions but does not include survivor annuities or lump sum payments made pursuant to section 8342(c), (d)-(f) of title 5, United States Code.

(d) "Individual" means a separated Federal employee who has filed an application for a refund of retirement contributions or a civil service annuitant.

(e)(1) "Expressly provided for" means a direction by court order to divide an individual's retirement benefits and

awarding all or a portion of such benefits to a former spouse.

(2) "Expressly provided for" shall not include court orders which specify that payments shall be made by the individual.

(3) "Expressly provided for" shall not include the division of retirement benefits in which the amount to be divided is not readily ascertainable from normal Office of Personnel Management files or in which present or future payments are based upon contingencies or events not under the control of the Office of Personnel Management or of which the Office of Personnel Management would have no knowledge in the normal operation of its programs.

§ 831.1603 Qualifying Court Order.

The former spouse will be entitled to a portion of the retirement benefits only to the extent that the division of retirement benefits are "expressly provided for" by the court order. The order must specifically provide that the former spouse is entitled to payments from the retirement benefit.

§ 831.1604 Application to apportion retirement benefits.

To establish the validity of a court order the former spouse must submit to the Associate Director for Compensation:

(a) A recently certified copy of the court order;

(b) A statement that the court order has not been amended, superseded, or set aside; and

(c) Identifying information concerning the employee or retiree such as his/her full name, claim number, date of birth, and social security number, if available.

§ 831.1605 Retirement benefits—amount, when payable.

(a) No apportionment to a former spouse shall exceed the net annuity, computed by excluding from the gross annuity the amounts which are:

(1) Owed by such individual to the United States;

(2) Deducted for health benefits premiums pursuant to section 8906 of title 5, United States Code, and §§ 891.401 and 891.402 of this chapter;

(3) Deducted for life insurance premiums pursuant to section 8714a(d) of title 5, United States Code;

(4) Owed due to overpayment of annuity;

(5) Deducted for medicare premiums; or

(6) Properly withheld for Federal income tax purposes if amounts withheld are not greater than would be the case if such individual claimed all

dependents to which he or she was entitled.

(b) Monies held by an executive agency or the Office of Personnel Management which may be payable at some future date shall not be considered payable to such individual and subject to apportionment unless and until all of the conditions necessary for payment of the monies to the individual have been met, including, but not limited to:

(1) retirement;

(2) separation from a covered position in the Federal service;

(3) Application for payment of the monies by the individual.

(c) waivers of annuity payments under the terms of section 8345(d) of title 5, United States Code, shall exclude the waived portion of the annuity from apportionment under section 8345(j) of title 5, United States Code, if such waivers are postmarked before the expiration of the 30-day notice period stipulated by § 831.1607 of this subpart.

§ 831.1606 Preliminary review.

(a) Upon receipt of a court order and necessary documentation to apportion retirement benefits, the Associate Director for Compensation will make a determination whether the court order is a qualifying court order pursuant to § 831.1603 of this subpart.

(b) Upon determination that (1) the court order is a qualifying court order, notifications required by § 831.1607 of this subpart shall be given, (2) the court order is not a qualifying court order, the former spouse shall be notified of that determination and the basis therefore.

§ 831.1607 Notification.

(a) The Associate Director for Compensation will notify the individual that a court order has been received which requires the apportionment of his/her retirement benefit and provide the individual with a copy of the court order. Such notice will inform the individual:

(1) That the court order will be honored;

(2) What effect it will have on the individual's retirement benefit; and

(3) That while the required apportionment will be made, no payments will be made to the former spouse for a period of 30 days from the date of the notification letter to enable the individual to contest the validity of the court order.

(b) The former spouse will be notified:

(1) That the court order is being honored;

(2) What amount that he/she is entitled to receive, and in cases which require apportionment on a percent

basis, how such amount was computed; and

(3) That payment is being delayed for a period of 30 days to give the individual an opportunity to contest the validity of the court order.

§ 831.1608 Decision.

(a)(1) When the individual does not respond within the 30-day notice period provided for by § 831.1607(a)(3) of this subpart, the apportionment will be made in accordance with the notification.

(2) When the individual responds to the notification, the Associate Director for Compensation will consider the response. The former spouse's claim will be denied whenever it is shown that:

(i) The court order is not a qualifying court order; or

(ii) The court order is inconsistent with a contemporaneous or subsequent court order.

(b) If the individual objects to payment based on the validity of the court order and the record contains some support for the objection, he/she will be granted 60 days to initiate legal action to determine the validity of the objection. If evidence is submitted that legal action has been started before the 60 days have expired, money will continue to be withheld, but no payment will be made to the former spouse pending judicial determination of the validity of the court order.

§ 831.1609 Effective date.

(a) The provisions of this subpart apply to any refund payable on or after September 15, 1978, and apply to any employee annuity which commenced before, on, or after September 15, 1978. The Associate Director for Compensation will not increase the amount apportioned from current retirement benefits in order to satisfy an arrearage due the former spouse. However, the Associate Director for Compensation will honor the terms of a new or revised court order which either increases or decreases an apportionment. Such changes will be prospective only.

(b) The provisions of this subpart apply to any court order issued before, on, or after September 15, 1978; however, the former spouse will not be entitled to any payments until.

(1) The individual files a claim for his/her benefit, and

(2) All submissions required by § 831.1604 have been received by the Associate Director for Compensation.

§ 831.1610 Limitations.

(a) Retirement benefits are subject to apportionment by court order only while

both the individual and the former spouse are living. Payment or apportioned amounts will be made only to the former spouse and/or the children or the individual. Payment will not be made to any of the following:

(1) The heirs or legatees of the former spouse;

(2) The creditors of either the individual or the former spouse; or

(3) Other assignees of either the individual or the former spouse.

(b) The amount of any apportionment may not be less than one dollar and, in the absence of compelling circumstances shall be in whole dollars.

(c) In honoring and complying with the court order, the Associate Director for Compensation shall not be required to disrupt the scheduled method of accruing retirement benefits or the normal timing for making such payment, despite the existence of a special schedule or accrual or payment or amounts due the former spouse; provided, however, that within the confines of the Associate Director's established accrual and payment schedule, the Associate Director for Compensation shall as nearly as practicable, comply with the terms of the court order.

(d) Payment of the apportionment shall be discontinued when the individual's annuity payments are suspended or terminated. If annuity payments are restored, payment of the apportionment will resume.

(e) In cases where the court order apportions a percentage of the retirement benefit, the Associate Director for Compensation will initially determine the amount of proper payment pursuant to § 831.1605 of this subpart. That amount will only be increased by future cost-of-living increases unless the court directs otherwise.

§ 831.1611 Liability.

(a) The Office of Personnel Management shall not be liable for any payment made from retirement benefits pursuant to a court order regular on its face, if such payment is made in accordance with the provisions of this subpart.

(b) In the event that the Associate Director for Compensation is served with more than one court order with respect to the same retirement benefits, then such retirement benefits shall be available to satisfy such court orders on a first-come, first-served basis.

(c) Because the former spouse is entitled to payments only while the individual is living, the former spouse shall be personally liable for any

payments which he/she receives after the death of the individual.

(d) The former spouse may request that an amount be withheld from the retirement benefits which is less than the amount stipulated in the court order; however, such lower amount will be deemed a complete accounting for the period in which the request is in effect.

(5 U.S.C. 8347)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-14319 Filed 5-7-79; 8:45 am]

BILLING CODE 6325-01-M

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 4]

Nondiscrimination in Federally Assisted Commission Programs; Application to the Handicapped

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The nuclear Regulatory Commission is considering an amendment to its regulations which would implement the requirements of section 504 of the Rehabilitation Act of 1973, as amended. The proposed amendment would make it unlawful for any recipient of Federal financial assistance to discriminate against a qualified handicapped person, on the basis of handicap, in employment or the receipt of services.

DATES: Comments must be received on or before July 9, 1979.

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

FOR FURTHER INFORMATION CONTACT: Jay W. Maynard, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone: 301-492-8668).

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973, as amended, provides in part that "[n]o otherwise qualified handicapped individual in the United States, * * * shall, solely by reason of his handicap, be excluded from the participation in, be

denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *."

In Executive Order 11914, "Nondiscrimination with Respect to the Handicapped in Federally Assisted Programs," dated April 28, 1976, the President directed that all Federal agencies empowered to provide Federal financial assistance, issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health, Education and Welfare (HEW). The proposed rule is consistent with that directive. Moreover, to assist in ensuring uniformity in Government implementation of section 504, the language of the proposed amendments is very similar to that of the HEW Guidelines published in 43 FR 2131 (January 13, 1978) (to be codified in 45 CFR Part 85). Differences in language between the proposed rule and the HEW Guidelines are merely for the sake of clarity and are not intended to constitute substantive differences. However, the proposed rule includes specific provisions adapted to the particular programs to which NRC provides Federal financial assistance.

The proposed amendments would restructure 10 CFR Part 4 into two subparts. Section 4.3, "Definitions", and Appendix A, which identifies the NRC programs of financial assistance to which Part 4 applies, would be applicable to both subparts. The regulations previously promulgated by the Commission to implement Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974, which relate to non-discrimination with respect to sex, race, color, or national origin in any program or activity receiving financial assistance from the Nuclear Regulatory Commission, would be placed in Subpart A.

Changes in the current regulations of Part 4 that appear in the proposed Subpart A are primarily editorial in nature. One change has been made, however, to clarify certain procedures that are applicable should the NRC allege that a recipient is not complying with the provisions of the subpart. The change will delete the last full sentence of § 4.47. The section as it currently reads implies that, except in certain cases, NRC need not continue to provide Federal assistance during the pendency of a hearing to determine whether a recipient has violated the regulations prohibiting discrimination. This implication is misleading since Title VI forbids the suspension or termination of

Federal financial assistance unless there has been an express finding on the record, after opportunity for a hearing, that a recipient has not complied with Part 4. The deletion of the last sentence of § 4.47 will make it clear that NRC financial assistance to a recipient may not be suspended until a hearing has taken place and there has been an express finding that the recipient is in noncompliance with Part 4.

The current version of § 4.2 is being revised to make it clear that Part 4 does not apply to procurement contracts and, consequently, does not affect NRC contractors. Reference to "contract" or "subcontractor" in § 4.2 refers only to a situation where NRC is providing Federal financial assistance to a recipient through a contractor or where the purpose of a contract is to provide financial assistance.

The proposed amendments would add a new Subpart B to implement section 504 of the Rehabilitation Act of 1973, as amended. Subpart B of the proposed rule is devoted exclusively to prohibiting discrimination against the handicapped. The proposed rule defines "handicapped individual" in § 4.101. Proscribed discriminatory practices are enumerated in § 4.121 to assure that qualified handicapped individuals are not denied equal opportunity to participate in Federally assisted programs. Sections 4.122, 4.124 and 4.125 prohibit employment discrimination against the handicapped under a Federally assisted program or activity, and describe employment criteria and preemployment inquiries that are prohibited in Federally assisted activities.

Section 4.126 sets forth the requirement that qualified handicapped persons may not be excluded from a Federally assisted program because the recipient's facilities are inaccessible to such persons. If necessary, a recipient will be required to make reasonable accommodations for these persons, or make certain structural changes in existing facilities as described in § 4.127.

The NRC currently provides financial assistance in the form of training programs for state personnel. The training is performed pursuant to section 274 of the Atomic Energy Act of 1954, as amended, which provides for state assumption of certain areas of NRC regulatory activity. This "Agreement States Program" is designed to improve the state employees' technical and administrative skills as well as develop an understanding and ability to apply regulatory concepts and procedures. The only other Federal financial assistance NRC is currently providing is a program designed to train state and local

government personnel to develop or improve their radiological emergency response plans. In light of these very limited circumstances in which NRC provides Federal financial assistance, it is not anticipated that states would have to make significant structural changes to their facilities, as long as the NRC-assisted programs were properly accessible to handicapped persons. For example, § 4.127(b) provides that reassignment of classes or assignment of an aide for a qualified handicapped person would satisfy the requirement of "accessibility" as long as these accommodations rendered the program fully accessible to such person. Furthermore, in most cases it is the NRC and not the states that selects the site of the various training programs.

Section 4.231 requires recipients of NRC financial assistance to sign a written assurance that they are complying with the provisions of Part 4. That section also requires a recipient to conduct a self-evaluation of its compliance with section 504. Should the NRC find that a recipient's Federally assisted program or activity is not accessible to qualified handicapped persons or that the recipient is otherwise in non-compliance with any of the provisions of Subpart B, § 4.232 states that the procedure for enforcement and hearings set forth in Subpart A would be applicable.

The provisions of Subpart B generally follow the content of the Guidelines published by the Department of Health, Education, and Welfare on January 13, 1978. Since the publication of the HEW rule, however, the Rehabilitation Act of 1973 was further amended by Pub. L. 95-602 which modified the definition of "handicapped person" in regard to alcoholics and drug abusers. The language of that amendment has been incorporated into § 4.101(a) of the proposed NRC rule.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that the adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 4, is contemplated.

1. In 10 CFR Part 4 the table of contents and citation of authority are revised to read as follows:

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

General Provisions

Sec.

- 4.1 Purpose and scope.
- 4.1a Subparts.

Sec.

- 4.2 Application of this part.
- 4.3 Definitions.
- 4.4 Communications and reports.

Subpart A—Regulations Implementing Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974

Discrimination Prohibited

- 4.11 General prohibition.
- 4.12 Specific discriminatory actions prohibited.
- 4.13 Employment practices.
- 4.14 Medical emergencies.

Assurances Required

- 4.21 General requirements.
- 4.22 Continuing State programs.
- 4.24 Assurances from institutions.

Compliance Information

- 4.31 Cooperation and assistance.
- 4.32 Compliance reports.
- 4.33 Access to sources of information.
- 4.34 Information to beneficiaries and participants.

Conduct of Investigations

- 4.41 Periodic compliance reviews.
- 4.42 Complaints.
- 4.43 Investigations.
- 4.44 Resolution of matters.
- 4.45 Intimidatory or retaliatory acts prohibited.

Means of Effecting Compliance

- 4.46 Means available.
- 4.47 Noncompliance with section 4.21.
- 4.48 Termination of or refusal to grant or to continue Federal financial assistance.
- 4.49 Other means authorized by law.

Opportunity for Hearing

- 4.51 Notice of Opportunity for hearing.

Hearings and Findings

- 4.61 Presiding officer.
- 4.62 Right to counsel.
- 4.63 Procedures, evidence, and record.
- 4.64 Consolidated or joint hearings.

Decisions and Notices

- 4.71 Initial decision or certification.
- 4.72 Exceptions and final decision.
- 4.73 Rulings required.
- 4.74 Content of orders.
- 4.75 Post termination proceedings.

Judicial Review

- 4.81 Judicial review.

Effect on Other Regulations, Forms and Instructions

- 4.91 Effect on other regulations.
- 4.92 Forms and instructions.
- 4.93 Supervision and coordination.

Subpart B—Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as Amended

- 4.101 Definitions.

Discriminatory Practices

- Sec.
- 4.121 General prohibitions against discrimination.
 - 4.122 General prohibitions against employment discrimination.
 - 4.123 Reasonable accommodation.
 - 4.124 Employment criteria.
 - 4.125 Preemployment inquiries.
 - 4.126 General requirement concerning program accessibility.
 - 4.127 Existing facilities.
 - 4.128 New construction.

Enforcement I

- 4.231 Responsibility of recipients.
- 4.232 Enforcement procedures.

Appendix A—Federal Financial Assistance to Which This Part Applies.

Authority: Sec. 161, Pub. L. 93-703, 68 Stat. 948, as amended, [42 U.S.C. 2201]; sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended, [42 U.S.C. 2021]; section 201, Pub. L. 93-438, 88 Stat. 1242 [42 U.S.C. 5841]; Subpart A also issued under sec. 602-605, Pub. L. 88-352, 78 Stat. 252, 253 [42 U.S.C. 2000d-1-2000d-4] and sec. 401, Pub. L. 93-438, 88 Stat. 1254 [42 U.S.C. 5891]; Subpart B also issued under sec. 504, Pub. L. 93-112, 87 Stat. 394 [29 U.S.C. 794]; sec. 111(a), Pub. L. 93-516, 88 Stat. 1619 [29 U.S.C. 706]; sec. 119, Pub. L. 95-602, 92 Stat. 2982 [29 U.S.C. 794]; and sec. 122, Pub. L. 95-602, 92 Stat. 2984 [29 U.S.C. 706 (f)].

2. Section 4.1a is added and §§ 4.1 and 4.2 are revised to read as follows:

General Provisions**§ 4.1 Purpose and scope.**

The regulations in this part implement: (a) The provisions of Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, and Title IV of the Energy Reorganization Act of 1974, Pub. L. 93-438, which relate to nondiscrimination with respect to race, color, national origin or sex in any program or activity receiving Federal financial assistance from NRC; and (b) the provisions of section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93-112, Pub. L. 95-602, which relates to non-discrimination with respect to the handicapped in any program or activity receiving Federal financial assistance.

§ 4.1a Subparts.

Subpart A sets forth rules applicable to Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974. (The Acts are collectively referred to in Subpart A as the "Act"). Subpart B sets forth rules applicable specifically to matters pertaining to section 504 of the Rehabilitation Act of 1973, as amended.

§ 4.2 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by NRC. The programs to which this part

applies are listed in Appendix A of this part; Appendix A may be revised from time to time by notice published in the Federal Register. This part applies to money paid, property transferred, or other Federal assistance extended under any program or activity, by way of grant, loan, or contract by NRC, or an authorized contractor or subcontractor of NRC, the terms of which require compliance with this part. If any statutes implemented by this part are otherwise applicable, the failure to list a program in Appendix A does not mean the program is not covered by this part. This part does not apply to—

(a) Contracts of insurance or guaranty; or

(b) Procurement contracts; or

(c) Employment practices under any program or activity except as provided in § 4.13 and § 4.122.

3. Immediately following § 4.4, a new center head is added to read as follows:

Subpart A—Regulations Implementing Title VI of the Civil Rights Act of 1964 and Title IV of Energy Reorganization Act of 1974

4. Section 4.47 is revised to read as follows:

§ 4.47 Noncompliance with § 4.21.

If an applicant fails or refuses to furnish an assurance required under § 4.21 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of § 4.48.

§§ 4.11-4.13, 4.21 and 4.22, 4.31-4.34, 4.42-4.46, 4.48 and 4.49, 4.51, 4.63 and 4.64, 4.73-4.75, 4.91-4.93 [Amended]

6. Sections 4.11, 4.12, 4.13, 4.21, 4.22, 4.31, 4.32, 4.33, 4.34, 4.41, 4.42, 4.43, 4.44, 4.45, 4.46, 4.48, 4.49, 4.51, 4.83, 4.64, 4.73, 4.74, 4.75, 4.91, 4.92 and 4.93, are amended by changing "this part", wherever it appears, to "this subpart".

7. Appendix A, which now follows § 4.93, is relocated to follow § 4.232.

8. Immediately following § 4.93, a new Subpart B is added to read as follows:

Subpart B—Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as amended**§ 4.101 Definitions.**

As used in this subpart:

(a) "Handicapped person," means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

(b) As used in paragraph (a) of this section, the phrase:

(1) "Physical or mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, and emotional illness.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) does not have a physical or mental impairment but is treated by a recipient as having such an impairment.

(c) "Section 504" means section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95-602 (29 U.S.C. 794).

(d) "Qualified handicapped person" means (1) with respect to employment, a handicapped person who, with

reasonable accommodation, can perform the essential functions of the job in question and (2) with respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

Discriminatory Practices

§ 4.121 General prohibitions against discrimination.

(a) No qualified handicapped person, shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

(b)(1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A recipient may not deny a qualified handicapped person the

opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A recipient may not directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same state.

(4) A recipient may not, in determining the site or location of a facility, make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive order to a different class of handicapped persons is not prohibited by this subpart.

(d) Recipients shall administer programs and activities in the most integrate setting appropriate to the needs of qualified handicapped persons.

(e) Recipient shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

§ 4.122 General prohibitions against employment discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be subjects to discrimination in employment under any program or activity that receives or benefits from Federal financial assistance.

(b) A recipient shall make all decisions concerning employment under any program or activity to which this subpart applies in a manner which ensures that discrimination on the basis

of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(c) The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(d) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

§ 4.123 Reasonable accommodation.

A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

§ 4.124 Employment criteria.

A recipient may not use employment tests or criteria that discriminate against handicapped persons and shall ensure that employment tests are both job-related and adapted for use by persons

who have handicaps that impair sensory, motor, or speaking skills.

§ 4.125 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a preemployment medical examination or may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination, or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity, or when a recipient is taking affirmative action pursuant to section 503 of the Rehabilitation Act of 1973, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, *Provided, That:*

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this subpart.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty: *Provided, That:* (1) All entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this subpart.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(1) Supervisors and managers may be informed regarding restrictions on the work or duties that may be assigned to

handicapped persons and regarding necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition associated with the handicap might require emergency treatment; and

(3) Government officials investigating compliance with the Rehabilitation Act of 1973 shall be provided relevant information upon request.

§ 4.126 General requirement concerning program accessibility.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

§ 4.127 Existing facilities.

(a) *Program Accessibility.* A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 4.128 or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within 60 days of the effective date of this subpart except that where structural changes in facilities are necessary, the changes are

to be made within three years of the effective date of this subpart, but in any event, as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within 6 months of the effective date of this subpart, a transition plan setting forth the steps necessary to complete the changes. The plan is to be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, and the plan is to meet with the approval of the NRC. A copy of the transition plan is to be made available for public inspection. At a minimum, the plan is to:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period or the transition plan is longer than 1 year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(e) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information concerning the existence and location of services, activities, and facilities that are accessible to, and usable by, handicapped persons.

§ 4.128 New construction.

New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

Enforcement

§ 4.231 Responsibility of recipients.

A recipient will (a) sign an assurance of compliance with section 504, (b) notify employees and beneficiaries of their rights under section 504, (c) conduct a self-evaluation of compliance with section 504, with the assistance of interested persons, including handicapped persons, or organizations representing handicapped persons, and (d) otherwise consult with interested persons, including handicapped persons

or organizations representing handicapped persons, to effect compliance with section 504.

§ 4.232 Enforcement procedures.

The enforcement and hearing procedures set forth in §§ 4.41-4.75 of Subpart A with respect to discrimination based on sex, race, color or national origin shall be used for the enforcement of the regulations in Subpart B with respect to discrimination based on handicap.

Dated at Washington, D.C. this 1st day of May, 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-14170 Filed 5-7-79; 8:45 am]

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FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

Federal Savings and Loan System; Mobile Home loans

May 3, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed amendments.

SUMMARY: These proposed amendments, which cover mobile home lending by Federal savings and loans, are intended to make mobile home loans more available and affordable to consumers. Proposed changes to accomplish this purpose include: (1) increasing Federal associations' mobile home lending authority from 10 to 20 percent of their assets; (2) liberalizing the participation interest requirements; (3) permitting mobile home loans for terms up to 20 years and up to 90 percent of the buyer's total costs for the mobile home.

DATE: Comments must be received on or before June 8, 1979.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments available for public inspection at this address.

FOR FURTHER INFORMATION, CONTACT: Patricia C. Trask, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Telephone Number (202) 377-6442.

SUPPLEMENTARY INFORMATION: The Bank Board recognizes that the high cost of home ownership has excluded many families from the housing market for site-built homes. As mobile homes have become an increasingly attractive alternative because of their improved

design, construction and durability in recent years, the Bank Board believes that liberalization of its regulations will accommodate the public need for lower cost housing. Therefore, the following amendments are proposed for Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545).

Generally, the Bank Board's mobile home lending regulations would be simplified, clarified, and redesignated as necessary to reflect deletions and additions. Commenters are asked to refer to their comments. For example, a comment on the proposed definition of "manufacturer's invoice price" would refer to subparagraph (a)(3). This would greatly aid Bank Board analysis of public comments, thus shortening the time between issuance of this proposal and adoption of final regulations based on it.

Paragraph (a)—Definitions: A new definition would be added. Subparagraph (a)(3) would define "manufacturer's invoice price" as used in other paragraphs of this section.

Paragraph (b)—General: No substantive changes are proposed. However, paragraph (d), *percent of assets limit*, has been incorporated. The percentage limit would be increased from 10 to 20 percent of assets to encourage expanded lending programs for this type of housing.

Paragraph (c)—Sound investment practices. This is a new designation of present paragraph (g), which has been more appropriately placed near the beginning of this section. One substantive change would be made by adding the requirement that the term to maturity of a loan on a used mobile home is based upon an appraisal of the home which substantiates that the home is expected to retain its value as security for the loan over the loan term. Language would also be added reminding associations that they are responsible for current knowledge of FHA and VA regulations and requirements, including portfolio limitations.

Paragraph (d)—Inventory financing: No substantive changes are proposed for subparagraphs (d)(1) and (d)(2). Subparagraph (d)(3)(i) would allow freight to be included in the amount which can be financed, without regard to the location of the dealer. Present paragraph (f), which only allows a percentage of freight to be financed, would therefore be dropped.

Subparagraph (d)(3)(ii) would permit an association to lend mobile home dealers up to 75 percent of the appraised market value of a used mobile home

carried as inventory, as contrasted with the present provision, which requires the loan to be based on wholesale value of the mobile home. This change would permit loans to more fairly reflect local market conditions as well as the condition of the mobile home itself.

Paragraph (e)—Retail financing: This paragraph, which presently addresses all retail financing, would be divided into subparagraphs (1) and (2) for easier reference.

Subparagraphs (e) (1) and (2), as proposed, are substantively identical to present subparagraphs (e) (1) and (2). However, subparagraph (e)(2)(iii) would increase the permissible term to maturity of mobile home loans to 20 years. The Bank Board believes that present regulatory maximums, which differ significantly for new and used mobile homes, are unnecessarily restrictive and may discourage purchase of used mobile homes.

Subparagraph (e)(2)(iv) would replace present subparagraph (e)(3) limits on the loan amount for new and used mobile homes. The new requirements would set a maximum loan of 90 percent of buyers' total costs for both new and used mobile homes.

It should be noted that Federals presently may make real estate loans on mobile homes if the homes are permanently affixed to the borrowers' property, and otherwise would be considered permanent residences.

Section 545.7-2(a)—Participants. Paragraph (a) of this section would be changed to conform to the proposed amendments in § 545.7-1. Basically, this would involve changing the 10 percent-of-assets limit to 20 percent, and changing references to other paragraphs.

Subparagraph (a)(1) would liberalize the purchase and sale of participation interests by permitting Federals to buy such interests from service corporations of FDIC and FSLIC-insured institutions. Subparagraph (a)(2) would also be liberalized so that a seller of a participation interest in mobile home chattel paper would only be required to maintain a 25 percent, rather than a 50%, interest in the chattel paper which is sold. This would, in conjunction with the change described in subparagraph (a)(1), considerably expand the flow of funds to areas where mobile homes are most needed.

Subparagraph (a)(3) would be revised to include reference to service corporations.

New subparagraph (a)(4) would restrict Federals' purchases of participation interests to loans made according to the requirements of § 545.7-1.

Accordingly, the Bank Board proposes to amend 12 CFR Part 545 by revising § 545.7-1 and amending § 545.7-2 as described below.

§ 545.7-1 Mobile home financing.

(a) *Definitions used in this Part—*

(1) "Mobile home"—a movable dwelling (for occupancy on land) made of one or more units, and having minimum width of 10 feet, minimum area of 400 square feet, and year-round living facilities for one family, including permanent provision for cooking, eating, sleeping, and sanitation.

(2) "Mobile home chattel paper"—a document evidencing a loan secured by a first lien on one or more mobile homes and equipment installed or to be installed therein.

(3) "Manufacturer's invoice price"—a manufacturer's itemized charges, shown on its invoice, for a specifically identified mobile home, furnishings, equipment, and accessories installed by the manufacturer, and freight.

(b) *General lending authority.* A Federal association whose board of directors has adopted a mobile home financing plan may invest in mobile home chattel paper by making or buying whole loans or installment sales contracts on mobile homes: *Provided*, that total investment made under this section may not exceed 20 percent of an association's assets.

(c) *Sound investment practices.* Appraisals of used mobile homes shall substantiate the term to maturity of loans made. Chattel paper shall have provisions to protect the association, specifically regarding insurance, taxes, other governmental levies, and maintenance and repairs, and may include any other protection provision which is lawful and appropriate. The association may pay taxes or other governmental levies, and insurance premiums or other similar charges to protect its security interest, and may, when lawful, add such payments to the debt evidenced by the chattel paper. The association shall seasonably perfect its security interest. The association is responsible for current knowledge of regulations and requirements pertaining to Federal insurance and guarantee programs for mobile home loans in which it invests, including portfolio limitations on coverage, and is expected to make underwriting decisions as carefully for such loans as for conventional loans.

(d) *Inventory financing.* An association may invest in mobile home chattel paper which finances a mobile home dealer's acquisition of inventory if:

(1) The inventory is held for sale by the dealer in its ordinary course of business in the association's regular lending area;

(2) The loan evidenced by the chattel paper is the dealer's obligation, and

(3) The loan amount does not exceed the following:

(i) For new mobile homes, 100 percent of manufacturer's invoice price for each mobile home and equipment to be installed by the dealer;

(ii) For used mobile homes, 75 percent of appraised market value of each mobile home, including installed equipment.

(e) *Retail financing.*—(1) *Insured/Guaranteed Loans.* An association may invest in retail mobile home chattel paper which is insured or guaranteed under the National Housing Act or Chapter 37 of Title 38, United States Code, as amended, or which has a commitment for such insurance or guarantee, if satisfactory local servicing of that paper is arranged.

(2) *Conventional Loans.* An association may invest in conventional retail mobile home chattel paper if:

(i) The mobile home is to be maintained as a residence of the owner (or beneficial owner), or an owner's relative;

(ii) The mobile home is located at a mobile home park or other semi-permanent site in the association's regular lending area when the investment is made, or within 90 days thereafter;

(iii) The loan is payable in substantially equal monthly installments over 20 years or less; and

(iv) The loan amount (excluding time-price differential or interest, however computed) does not exceed 90 percent of buyer's total costs, including up to three years' premiums for appropriate insurance to protect the association and the owner (or beneficial owner) of the mobile home; freight; itemized set-up charges; sales or other taxes; and filing or recording fees imposed by law.

§ 545.7-2 Purchase of participation interests in mobile home chattel paper.

(a) *General.* A Federal association may buy, within the 20 percent-of-assets limit in § 545.7-1(b), a participation interest in retail mobile home chattel paper which meets all requirements of § 545.7-1(e)(1) or (2) (except the lending area restriction in paragraph (e)(2)(ii)), if:

(1) The seller of the participation interest is an institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit

Insurance Corporation, or a service corporation thereof, which remains responsible for servicing the chattel paper;

(2) The seller retains at least a 25 percent interest in the chattel paper;

(3) The chattel paper is secured by a mobile home located, or to be located within 90 days thereafter, at a mobile home park or other semi-permanent site within 100 miles of any office of the seller;

(4) The loan secured by the mobile home meets the requirements of § 545.7-1.

(b) * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[No. 79-280]

[FR Doc. 79-14314 Filed 5-7-79; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

Current Exchange Conditions

Date: April 26, 1979

AGENCY: Civil Aeronautics Board.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The Civil Aeronautics Board is terminating a rulemaking begun in response to a petition by the Air Transport Association, a trade association of various U.S. scheduled air carriers. The petition asked the Civil Aeronautics Board to adopt rules to alleviate currency exchange problems of U.S. flag carriers in foreign countries. The Board has decided that the problem is better handled through case-by-case proceedings than by rulemaking.

FOR FURTHER INFORMATION CONTACT: Mark W. Frisbie, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428. 202/673-5442.

SUPPLEMENTARY INFORMATION: In February 1977, The Air Transport Association of America (ATA) filed a petition for rulemaking directed at the problem of certain foreign currency exchange practices affecting U.S. flag carriers in various countries. ATA cited two major problems: restrictions on sales by U.S. carriers in a foreign

¹ ATA acted on behalf of Alaska Airlines, Aloha Airlines, Braniff Airways, Delta Air Lines, Eastern Air Lines, The Flying Tiger Line, National Airlines, Northwest Airlines, Pan American World Airways, Trans World Airlines, Western Air Lines, Wien Air Alaska, and North Central Airlines.

country, and governmentally-imposed restrictions and delays in converting or remitting foreign currency revenues. ATA proposed that the Board should, subject to presidential approval, require foreign air carriers operating in the United States to establish escrow accounts in dollars in the United States when U.S. carriers encounter foreign currency problems in the home countries of particular carriers. The escrow account would contain funds of the foreign air carrier equivalent to the unremitted funds of U.S. air carriers held by the foreign country. ATA also suggested that escrow funds could be transferred to affected U.S. carriers, in return for which the foreign air carrier would be credited with the U.S. carriers' claims to foreign funds, thereby forcing an informal currency exchange. ATA recommended that the rule include reciprocal restriction on ticket sales by foreign carriers in the United States whenever U.S. carriers are restricted in the foreign land.

On May 31, 1977, in response to ATA's petition, the Board issued an Advance Notice of Proposed Rulemaking (EDR-327, 42 FR 28898, June 6, 1977) asking for more detailed information on the problem and on ATA's proposal. Seaboard World Airways, Mr. Robert T. Murphy, and ATA filed comments favoring some regulatory action by the Board, and Czechoslovak Airlines, VARIG (Brazilian Airlines), and China Airlines opposed any such action.

Comments supporting the ATA petition argued that bilateral negotiations have proven ineffective in practice to cure the currency exchange problems. Mr. Murphy, a former Member of the CAB, stated that diplomatic efforts to solve these problems have been so consistently unproductive that remedial action is warranted. ATA maintained that diplomatic and commercial negotiations are too time-consuming, given the sums of money at stake, to be worthwhile, even if they are ultimately successful. In addition, ATA reiterated its claim that the Board is obligated by the International Air Transportation Fair Competitive Practices Act of 1974 (88 Stat. 2102, 49 U.S.C. 1159) to take action to eliminate the discriminatory and unfair competitive practices alleged. ATA advocated a rulemaking that would allow faster action than under existing case-by-case procedures. It suggested as guidelines for the Board procedures that would take about 1 month in all. Individual permit amendment

procedures ordinarily take at least 5 months.

Comments opposing the suggested rulemaking argued that currency exchange problems are best handled on an individual basis, and they questioned the Board's authority to make private foreign air carriers responsible for the actions of their governments. Czechoslovak Airlines argued that no actionable discrimination exists where all foreign carriers are treated the same; if the disparate treatment for domestic carriers is based on established policy or legislation of the home country. It intimated that action directed against those policies, without any further showing of discrimination, could provoke retaliation in turn against air carriers of the country taking the action. VARIG asserted that under the *International Air Transportation Policy of the United States (September 1976)* unilateral action should be used only as a last resort, and that unilateral action in this case would violate a bilateral agreement between the United States and Brazil. It also maintained that the Board has no statutory authority to hold or transfer the funds of one private airline for the benefit of another, and that the suggested escrow arrangement would be a taking of private property without compensation in violation of the Fifth Amendment.

The Board recognizes that foreign currency difficulties are a significant problem for U.S. flag carriers, but we have decided that they are best handled on a case-by-case basis, not by the more summary procedure contemplated in this rulemaking. Any conditions that could be imposed on foreign air carriers under a rule such as proposed by ATA can also be imposed through individual permit amendment proceedings. The conditions could be imposed more quickly under a rule than by permit amendment, but we do not think that quick action is usually necessary or judicious in these matters.

Foreign currency exchange problems for U.S. carriers, while significant, are rarely so acute as to cause complete cessation of operations. A carrier that cannot withdraw money from a foreign country, or that experiences unusual delay in withdrawal, can obtain working capital from financial institutions. A carrier's expenses may temporarily increase pending permit amendment proceedings, or it may suffer from devaluation, but it will not be prevented from operating. Hence, immediate action on behalf of U.S. carriers is not so urgent in currency exchange matters as where actual operating rights have been limited or denied. Moreover, although

currency restrictions do not affect the flag carrier of a country as they do other carriers, and thus may be considered discriminatory the carriers representing financially troubled countries are usually in weak financial condition themselves, and therefore do not enjoy a superior competitive position relative to the U.S. carriers.

As we noted in EDR-327, foreign currency exchange practices present complex issues that transcend aviation considerations alone. These problems do not lend themselves to solution through standardized, summary proceedings. The Board has limited expertise in the banking procedures and economic policies prevailing for each country where there are currency exchange problems. Individual permit amendment proceedings would allow thorough investigations, resulting in solutions tailored to the circumstances of each case, and they would allow consultation with agencies having greater expertise.

Because the issues in foreign currency exchange matters are so complicated, but seldom critical to the provision of air transportation, we have decided that a rulemaking is not the right vehicle for dealing with them. The opportunity for thorough study and individually tailored solutions in a case-by-case approach is more important than the ability to act more quickly under a rule. Accordingly, the Civil Aeronautics Board is terminating this rulemaking proceeding. (Secs. 204 and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,
Secretary.

[EDR-327 B; Economic Regulations Docket 30460]
[FR Doc. 79-14226 Filed 5-7-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 281]

Procedures for Evaluating the Economic Practicability and Reasonable Availability of Alternate Boiler Fuel for Large Boiler Facilities

AGENCY: Federal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to establish a procedure for determining the economic practicability

and reasonable availability of alternate fuel for essential agricultural use establishments which:

Have the capacity to use more than 300 Mcf of natural gas on a peak day;

Have actually used a fuel other than natural gas as a boiler fuel continuously for 60 days during the 1976-1978 period;

Have requested or intends to request that their natural gas for boiler fuel use be classified as Priority 2 Entitlement in the curtailment plan of their interstate pipeline supplies.

The purpose of the rule is to establish a procedure for determining the economic practicability and reasonable availability of alternate fuel for essential agricultural use establishments which use natural gas as boiler fuel and which seek Priority 2 Entitlements for that gas.

DATE: Written comments by May 30, 1979.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (Reference Docket No. RM79-40).

FOR FURTHER INFORMATION CONTACT: Mary Jane Reynolds, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 8000, Washington, D.C. 20426, (202) 275-4283.

Background

The Federal Energy Regulatory Commission (Commission) hereby gives notice of its intention to promulgate a rule relating to the procedure for evaluating alternative fuel availability for essential agricultural users which use natural gas in large boilers. Section 401(a) of the Natural Gas Policy Act of 1978 (NGPA), provides that, to the maximum extent practicable, curtailment of supplies to essential agricultural users is proscribed unless such supplies are needed to fulfill the needs of certain high-priority users. Section 401(b) of the NGPA provides, however, that curtailment of the natural gas used by essential agricultural users also may occur if they can use an alternate fuel that is economically practicable and reasonably available. The Commission, in this notice, is proposing procedures whereby the provisions of section 401(b) can be implemented, so that the Commission can determine if certain large boiler fuel users certified by the United States Department of Agriculture (USDA) have access to alternate fuel that is reasonably available and economically practicable.

The Commission believes that its authority pursuant to section 401 of the NGPA is discretionary and it proposes to focus its attention on determinations concerning alternative fuel which may be reasonably available and economically practicable to boiler fuel users using over 300 Mcf of gas per peak day. It has been the Commission's experience in administering natural gas curtailment policies since the early 1970's that it is often difficult to substitute other fuels in place of natural gas in process and feedstock applications. Small boilers usually have difficulty in utilizing fuels other than natural gas unless extensive conversion occurs. Moreover, Commission experience suggests that the economics and logistics of utilizing other fuels in large boilers is often favorable when compared with natural gas. Taking these factors into consideration, as well as taking note of the substantial amount of boiler fuel actually or potentially covered by the proposed USDA volumetric certification rule, the Commission has decided that administrative efficiency of its 401 implementation responsibilities would be best served by concentrating on examination of the economics and logistics of large boiler fuel users.

In particular, the Commission will focus its examination on those boilers that have an alternative fuel capability which has been exercised for substantial periods during recent years. This is not intended to imply a legal assumption that such boilers have the type of economic and practicable capability specified in section 401. However, such boilers appear to be the facilities most likely to have cost and fuel supply conditions that would favor use of fuels other than natural gas. Conversely, facilities which would have to install new capabilities or facilities where only natural gas has been used during the last few years would, *a priori*, appear less likely to have economics and logistics that favor the use of fuels other than natural gas.

There are also technical considerations involved in selecting boilers that use in excess of 300 Mcf on a peak day. Boilers consume fuel in order to generate heat or electricity, while other users need natural gas because the nature of the flame generated is essential to their business purposes, or because the clean burning flame natural gas produces would not contaminate their product. On the other hand, flames necessary to produce heat in boilers never come in contact with the product.

The cost of conversion to an alternate fuel also is a factor in singling out boiler fuel uses for curtailment. The objective of section 401 of the NGPA is to protect supplies of natural gas to essential agricultural users of such natural gas who cannot use other fuels because these alternatives are not reasonably available or economically practicable. The low costs of conversion to other fuels, and the high volume of fuel use by boilers has led certain boiler fuel users to construct facilities which provide them the capability of using alternative energy sources. This factor obviously decreases the alternate fuel cost to those boiler fuel users. Alternatively, permitting boiler fuel users to use natural gas may well mean that during periods of curtailment, large volumes of gas would be diverted from other industrial uses for which substitute fuel is not even technologically feasible, to boiler fuel users.¹ The Commission believes that such a result would contravene the spirit and the letter of section 401 of the NGPA, and would be an improper regulatory approach.

The alternate fuel determination in section 401(b) rests on economic practicability and reasonable availability of alternate fuel. It does not specifically exclude propane and other gaseous fuels. Notwithstanding the historic FPC policy to exclude such fuels from its alternate fuel capability test the Commission proposed not to exclude by definition propane and other gaseous fuels from the new test: alternate fuel availability. As requested, many comments in Docket No. RM79-15, Permanent Rule Implementing Section 401(a) of the NGPA addressed this issue. It was generally asserted that the cost of these fuels made them uneconomic and their supply availability was directly related to the supply of natural gas. On these grounds, many parties advocated a generic exclusion of such fuels from the alternate fuel determination. The Commission finds it premature to adopt a policy on propane and other gaseous fuel at this time. Rather it will address the issue in the rulemakings on alternate fuel determination.

In summary, the Commission has tentatively decided to apply this rule to those boiler fuel users which can use in excess of 300 Mcf of natural gas on a peak day for purposes of triggering the

¹ Under the end-use principles that were used to develop most pipeline curtailment plans boiler fuel for the reasons discussed above received a low priority. Section 401 shifts agricultural curtailment policy and curtailment policy for high-priority users as defined in the statute to at least a partial end product basis. Thus, a substantial amount of boiler fuel might move from the lowest priority category to the highest priority status.

procedures of this proposal. The conversion costs to alternate fuel of small boilers (*i.e.*, those using under 300 Mcf on a peak day) is substantially higher than the costs to larger boiler fuel users. The 300 Mcf per peak day use has been selected for several reasons. A 300 Mcf limit helps ensure that almost all small essential agricultural users would receive high-priority treatment, since such user's needs rarely exceed the 300 Mcf standard. Likewise, the number of small essential agricultural users who use under 300 Mcf and over 50 Mcf per day is substantial, and the administrative burdens of this proposal applying to them would be an inefficient use of Commission staff time and resources.

Notwithstanding its tentative conclusion to apply the alternate fuel test to large fuel users, the Commission seeks specific comment on whether it would be advisable to apply the test to all essential agricultural users. Recognizing the vast number of such users, it would clearly strain Commission resources unduly to apply the test to all users simultaneously. Accordingly, if it were applied to all users, the Commission is considering dividing essential agricultural users into three categories and making the determinations sequentially for each category. The first category would be large boiler fuel users as covered by the proposed rule. The second category would be all other essential agricultural users except process and feedstock users. Last, process and feedstock users would be considered.

Procedures for application of the alternate fuel test

Section 401 states that the Commission may by rule or order make a determination regarding alternate fuel capability. There are at least three methods of making an alternate fuel determination. A determination of alternate fuel availability could be made by standards imposed by a generic rulemaking, a case-by-case order procedure, or a case-by-case rulemaking.

The Commission seeks comments on the use of a generic rulemaking which would adopt a rebuttable presumption that any essential agricultural user which has used a fuel other than natural gas continuously for 60 days during the three year period, 1976 through 1978, has alternate fuel which is reasonably available and economically practicable. Any essential agricultural user which sought to rebut the presumption would have the burden of establishing that

alternate fuel was not economically practicable. The procedure for making such a rebuttal would be the adjustment procedures promulgated in accordance with such in 502(c) of the NGPA. These procedures are set forth in 18 CFR 1.41.

Another possible procedure is case-by-case orders. Under this method, the Commission would issue a notice in the Federal Register of each user which sought to classify natural gas as essential agricultural requirements. Any person including staff who wished to challenge the classification would file a protest and state the grounds therefor. If no protest were filed or no material questions of fact were raised in the filings, the Commission would issue an order, without a hearing, determining whether the essential agricultural user had alternate fuel which was reasonably available and economically practicable. Where a material question of fact were raised, an on-the-record proceeding would be conducted by an Administrative Law Judge (ALJ). The ALJ decision could be appealed to the Commission. In evaluating this procedure, particular consideration should be given to the cost of the procedure to affected parties, both the essential agricultural user and protestants if the proceeding were before an ALJ. Parties may also wish to comment on whether they see any particular disadvantage to such a lengthy procedure given that the gas would be given Priority 2 treatment until a final decision on alternate fuel were made.

Finally the Commission is considering a case-by-case rulemaking applicable to large boiler users. The procedure is set forth in the proposed rule. This procedure appears to have several advantages over the case-by-case order described heretofore. First, many material questions of fact can be thoroughly reviewed and rebutted in a significantly less time consuming manner than required in an on-the-record proceeding. Thus, the case-by-case rulemaking balances the need for detailed fact finding with the need for expedition. Moreover, generally the expenses involved in participating in rulemaking proceedings are generally substantially less than the costs incurred by an active participant in an on-the-record proceeding.

A. Summary of the Proposed Rule

The purpose of the proposed rule is to establish a procedure for determining the economic practicability and reasonable availability of alternate fuel for essential agricultural use establishments which use natural gas as

boiler fuel and which seek Priority 2 entitlements for that gas. The proposed rule provides that if an establishment meets the following three standards, the Commission will then conduct a rulemaking in order to determine whether the gas should receive Priority 2 treatment. The essential agricultural use establishment will be subject to the rulemaking if the establishment:

- (a) Has the capacity to use more than 300 Mcf of natural gas on a peak day;
- (b) Has, in fact, used a fuel other than natural gas as boiler fuel continuously for 60 days during the period 1976, through 1978; and
- (c) Has requested or intends to request that its natural gas for boiler fuel use be classified as Priority 2 entitlement in the curtailment plan of its interstate pipeline supplies.

Section-by-section summary of the rule

Purpose (§ 281.301). The rule establishes a procedure by which the Commission may determine alternate fuel availability under section 401(b) of the NGPA for certain establishments using natural gas as boiler fuel and for which Priority 2 entitlements are requested for that gas.

Applicability (§ 281.302). The proposed procedure would apply to any essential agricultural use establishment, as defined in § 281.303, which:

- (a) Has requested or intends to request to have natural gas which will be used as boiler fuel classified by an interstate pipeline as a Priority 2 entitlement;
- (b) Has the capacity to burn over 300 Mcf of gas on a peak day; and
- (c) Has used a fuel other than natural gas for 60 consecutive days during 1976, 1977, or 1978.

Definitions (§ 281.303). "Alternate fuel" means any fuel, other than natural gas, which is economically practicable and reasonably available as a replacement for natural gas used as boiler fuel in an essential agricultural use establishment provided such fuel can be used without violating any applicable federal, state, or local pollution control standard.

"Boiler fuel" means that fuel used to generate steam or electricity, including electricity generated by gas turbines.

Other terms defined include "SIC Code," "essential agricultural user," "essential agricultural requirements," "Priority 2 entitlements" and "Form MA-100 or SU." "Essential agricultural use establishment" is defined in 7 CFR 2900.2(c).

General rule (§ 281.304). The Commission will conduct a rulemaking proceeding to determine if an essential

agricultural establishment subject to this subpart has alternate fuel availability for the use of natural gas in each such establishment. Any such establishment which requests Priority 2 classification for natural gas used as boiler fuel may receive such gas beginning November 1, 1979, unless the Commission finds alternate fuel capabilities. Upon such a finding, the essential agricultural requirement for gas used as boiler fuel must be returned, in amounts equal to the volumes of gas for which there is an alternate fuel, to the priority of service category where it would have been were it not for Priority 2 reclassification under subpart B.

Filing requirements (§ 281.305). Each essential agricultural use establishment subject to this subpart shall file with the Commission by June 15, 1979, a petition for rulemaking. The petition must contain at least the following data: (1) the name and address of the essential agricultural use establishment; (2) the total annual cost of boiler fuel for the establishment in 1976, 1977 and 1978, and the percentage of steam or electricity produced from boiler fuel use to treat essential agricultural products in each of those years; (3) the volume and cost of natural gas purchased for all purposes during 1976, 1977 and 1978 as required in Form MA-100 or SU, item A, line 5, with pertinent contracts and other information (also required, similar information on natural gas used as boiler fuel in those years); (4) the volume and cost of all fuels other than natural gas listed in the same forms for the same years; (5) the percentage of total volume of boiler fuel satisfied by non-purchased fuels as listed in the same forms; (6) the estimated volume, cost, terms, time period and availability of natural gas and the least expensive alternative fuel which could be used as boiler fuel under the applicable air pollution control laws for 1980; (7) the value of all products shipped from the establishment during 1976, 1977, and 1978 as listed in the above forms; (8) the annual payroll, supplemental labor costs, and each of the various costs of materials and services used in the establishment during the three years (as required by the above forms) and the estimated percentage of cost represented by the costs incurred as a result of activities qualifying the facility as an essential agricultural establishment.

An essential agricultural use establishment petitioning for a rulemaking may request confidential treatment of material submitted, according to paragraph (c).

Procedures for determination of alternate fuel availability. (§ 281.306). Each petition for rulemaking filed by a boiler fuel facility pursuant to this proposal shall be published as a Notice of Proposed Rulemaking in the *Federal Register* and a copy of these will be sent to the Secretary of Agriculture. Written comments may be submitted by any interested person within 30 days of publication and copies of all comments will be sent to the petitioner. Copies of all petitions will be available to the public except insofar as any information is requested to be kept confidential. Such information may be released to any person requesting it, if the Commission's Secretary finds good cause to provide it. The material will be provided under a protective order wherein the recipient of the information swears that the material received will only be used in rulemaking. Any material designed confidential will be returned to the petitioner.

Under paragraph (c), each rulemaking will afford an opportunity for oral presentations of data, views and arguments. Any interested person submitting written comments may participate in the hearings by requesting the opportunity from the Commission Secretary. Notice of the hearing shall be published in the *Federal Register*. Any person submitting confidential information may request that the public hearing be closed except to those who submitted written comments.

Under paragraph (d), the Commission will issue a final rule based on all submitted data and information determining whether any one facility has alternate fuel capability. At the Commission's discretion, a rulemaking proceeding may be replaced with alternate proceedings with respect to a particular establishment.

Written comment procedures. Interested persons are invited to submit written comments, data, views or arguments with respect to this proposal. An original and 14 copies should be filed with the Secretary of the Commission. All comments received prior to May 30, 1979, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street, N.E., Washington, D.C., during regular business hours. Comments should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

20426, and should reference Docket No. RM79-40.

Public hearing procedures. A public hearing concerning this proposal will be held in Washington, D.C. on May 23, 1979, beginning at 9:00 a.m. and will continue, if necessary, on the following day. The hearing will be held in Room 3200, 941 N. Capitol St., N.E., Washington, D.C. 20426. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission prior to 4:30 p.m., on May 21, 1979.

Requests to participate in the hearing should include a reference to Docket No. RM 79-40 as well as a concise summary of the proposed oral presentation and a number where the person making the request may be reached by telephone. Prior to the hearing each person filing a request to participate will be contacted by the Presiding Officer or his designee for scheduling purposes. At least five copies of the statement shall be submitted to the Secretary of the Commission prior to 4:00 p.m., on May 22, 1979. The Presiding Officer is authorized to limit oral presentation at the public hearing both as to length and as to substance. Persons participating in the public hearing should, if possible, bring 100 copies of their testimony to the hearing.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the Presiding Officer to be asked of persons making statements. The Presiding Officer will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement. Any further procedural rules will be announced by the Presiding Officer at the hearing. A transcript of the hearing will be made available at the Commission's Office of Public Information.

(Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 stat. 3350; Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, it is proposed to amend Part 281, Subchapter

I, Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 281—NATURAL GAS CURTAILMENT

1. Part 281 is amended in the table of sections by adding the appropriate numerical order new sections and titles (Subpart C) to read as follows:

Subpart C—Alternate Fuel Determination

Sec.	
281.301	Purpose.
281.302	Applicability.
281.303	Definitions.
281.304	General rule.
281.305	Filing requirements.
281.306	Procedures for determination of alternate fuel availability.

Authority: Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3350; Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 42 FR 46267.

2. Part 281 is amended to add a new Subpart C including § 281.301 through § 281.306 to read as follows:

Subpart C—Alternate Fuel Determination

§ 281.301 Purpose.

The purpose of this subpart is to establish a procedure for evaluation of the economic practicability and reasonable availability of alternate fuel, as prescribed in section 401(b) of the NGPA, for certain essential agricultural use establishments which seek priority 2 entitlements for natural gas to be used as boiler fuel. The evaluation will provide the basis for determination, by the Commission, of whether an alternate fuel to natural gas is available for boiler fuel use.

§ 281.302 Applicability.

This subpart applies to each essential agricultural use establishment:

- Which has requested or intends to request under § 281.207 to have natural gas which will be used for boiler fuel classified as priority 2 entitlements by an interstate pipeline;
- Which has capacity to burn in excess of 300 Mcf of natural gas on a peak day; and
- Which has actually used a fuel other than natural gas as boiler fuel continuously for 60 days during the period 1976 through 1978.

§ 281.303 Definitions.

For the purpose of this subpart:

(a) "Alternate fuel" means any fuel (1) which is economically practicable and reasonably available as an alternate to natural gas for use as boiler fuel and (2) which may be burned as boiler fuel without placing the essential agricultural use establishment in violation of any applicable Federal, state or local air pollution control standards.

(b) "Boiler fuel" means any fuel used for the generation of steam or electricity, including fuel used in gas turbines used to generate electricity.

(c) "SIC Code" means Standard Industrial Classification Code as set forth in the *Standard Industrial Classification Manual*, 1972 edition.

(d) "Essential agricultural user" means essential agricultural user as defined in § 281.203(b).

(e) "Essential agricultural requirements" means volumes certified by the Secretary of Agriculture and calculated in accordance with 7 CFR 2900.4.

(f) "Priority 2 entitlements" means the essential agricultural requirements of an essential agricultural user which an interstate pipeline classifies as priority 2 in its curtailment plan in accordance with Subpart B.

(g) "Essential agricultural use establishment" means essential agricultural use establishment as defined in 7 CFR 200.2(c).

(h) "Form MA-100 MU or SU" means Form MA-100 MU or SU of the Bureau of the Census for the Annual Survey of Manufacturers.

§ 281.304 General rule.

(a) The Commission shall conduct a separate rulemaking proceeding, of particular applicability, for each essential agricultural use establishment which is subject to this subpart to determine whether an alternate fuel to natural gas would be economically practicable and reasonably available for boiler fuel use by such essential agricultural use establishment.

(b) Any essential agricultural use establishment which has requested priority 2 classification for natural gas for boiler fuel use may receive such natural gas beginning November 1, 1979 in accordance with the provisions of Subpart B unless the Commission determines in accordance with the procedures of this subpart that the essential agricultural use establishment has alternate fuel.

(c) If the Commission determines that an essential agricultural use establishment has alternate fuel, it shall require that the essential agricultural requirements equal to the natural gas volumes for which there is alternate fuel

be removed, prospectively, from the priority 2 entitlements of the interstate pipeline and be replaced, prospectively, in the priority of service category of the interstate pipeline where they would have been included but for the reclassification to priority 2 under Subpart B.

§ 281.305 Filing Requirements.

(a) *General Rule.* Each essential agricultural use establishment which is subject to this subpart shall file a petition for rulemaking which shall contain the information specified in paragraph (b). The filing shall be addressed to the Secretary of the Commission and shall be filed by June 15, 1979.

(b) *Data requirement.* The petition for rulemaking shall contain, at the minimum, the following data concerning the essential agricultural use establishment:

(1) Name and address of the essential agricultural use establishment.

(2)(i) Total annual cost of boiler fuel for the essential agricultural use establishment in 1976, 1977 and 1978.

(ii) Percentage of steam or electricity produced from the boiler fuel which was used in the production or treatment of essential agricultural products in calendar years 1976, 1977 or 1978.

(3)(i) Indicate the volume and cost of natural gas purchased for all purposes during the calendar years 1976, 1977, and 1978, as required in Form MA-100 MU or SU, item 11—A, line 5. Indicate the time periods of use of the natural gas and pertinent terms of the contracts, or copies of the contracts.

(ii) Indicate the volume and cost of natural gas used as boiler fuel during calendar years 1976, 1977 and 1978. Indicate the time periods of use of the natural gas and pertinent terms of the contracts, or copies of the contracts.

(4)(i) Indicate the volume and cost of fuels other than natural gas purchased for all purposes, by types, during the calendar years 1976, 1977, and 1978, as required in Form MA-100 MU or SU, item 11—A. Indicate time periods of use of each such fuel and terms of the contracts, or copies of the contracts.

(ii) Indicate the volume and cost of fuels by type other than natural gas used as boiler fuel during calendar years 1976, 1977 and 1978. Indicate the time periods of use of the boiler fuel and pertinent contract terms or copies of the contracts.

(5) Indicate the percentage of the total volume of boiler fuel that is satisfied by non-purchased fuels, as required in Form MA-100 MU or SU, item 11—B part (b).

(6) Indicate the estimated volume, cost, terms, time period and availability of (i) natural gas and (ii) the least expensive fuel other than natural gas which may be used as boiler fuel under applicable Federal, state and local air pollution control standards for the calendar year 1980. The assumption and sources of the data used to develop all estimates should be summarized as necessary for the Commission to evaluate the estimates requested in this subparagraph.

(7) Indicate the value of all products, by SIC code, shipped from this essential agricultural use establishment during the calendar years 1976, 1977 and 1978, as required in form MA-100 MU or SU, item 14-A.

(8)(i) Indicate the annual payroll, supplemental labor costs, and each of the various costs of materials and services and the total of the various costs of materials and services used in this establishment for the calendar years 1976, 1977, and 1978, as required in Form MA-100 MU or SU, items 3-A, 3-B and 5(a-f).

(ii) With respect to each cost and the total cost indicated in clause (i) estimate the percentage of such costs incurred because of activities which qualifies the establishment as an essential agricultural use establishment.

(c) If the essential agricultural use establishment wishes to request confidential treatment for information contained in the petition for rulemaking, it shall submit a second copy, with confidential information deleted, with its petition for rulemaking.

§ 281.306 Procedures for determination of alternate fuel availability.

(a) *General rule.* Each petition for rulemaking filed under § 281.304 shall be issued by the Commission as a notice of proposed rulemaking. The notice shall be published in the *Federal Register* and sent to the Secretary of Agriculture.

(b) *Comments.* (1) Any interested person may submit written comments concerning the proposed rule within 30 days of publication of the notice of such rule. A copy of the comments shall also be sent to the essential agricultural use establishment that filed the petition under § 281.304.

(2)(i) Except as provided in paragraph (b)(2)(ii) of this section, any interested person may obtain from the Commission copies of any petition submitted under § 281.304(b).

(ii) Any person who seeks information required under § 281.305(b)(7) and (8) and for which confidential treatment has been requested shall file a petition under § 1.7 establishing the need for

such information. If the Secretary of the Commission finds good cause to provide such information to the petitioner, it shall be released to such petitioner only in accordance with a protective order signed by the person receiving the information who swears, under oath, that the information shall be used only in the rulemaking proceeding and that all copies of the information shall be returned to the essential agricultural use establishment at the termination of the rulemaking proceeding.

(c) *Public hearings.* (1) An opportunity for public hearing shall be afforded with respect to each rulemaking, wherein oral presentations of data, views and arguments may be presented for consideration. Any person who has submitted written comments in accordance with paragraph (b) of this section may participate in the hearing by filing a written request to do so with the Commission's Secretary. The Commission shall publish in the *Federal Register* notice of the public hearing and dates by which requests to participate in such hearing must be filed.

(2) At the request of any person who has submitted confidential information, the public hearing for a particular request will be open only to those persons who have submitted written comments on such application.

(d) *Commission determination.* (1) Based upon all data submitted, consultation with the Secretary of Agriculture and other information available to the Commission, the Commission shall issue a final rule concerning each rulemaking for determination of alternate fuel availability.

(2) The Commission, in its discretion, may terminate a rulemaking proceeding and establish alternate procedures for determination of alternate fuel for a particular essential agricultural use establishment.

[Docket No. RM79-40]

[FR Doc. 79-14366 Filed 5-7-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 70, 500, 514, 571]

Carcinogenic Residues in Food-Producing Animals; Public Hearing on Criteria and Procedures for Evaluating Assays; Extension of Time

AGENCY: Food and Drug Administration.

ACTION: Extension of Time for Public Hearing and Comments.

SUMMARY: The agency extends to June 21 and 22, 1979, the date of the public hearing on the agency's proposal to establish procedures and minimum criteria to ensure the absence of cancer-causing residues in the edible products of food-producing animals to which drugs, food additives, or color additives have been administered. The agency also extends to September 4, 1979, the time for submitting final comments on the proposal. The Animal Health Institute and the Society of the Plastics Industry, Inc., requested an extension of the public hearing date and the comment period.

DATES: Public hearing will be held June 21 and 22, 1979; written notices of participation by May 25, 1979; final comments by September 4, 1979.

ADDRESS CHANGE: The hearing will be held in the main auditorium, General Services Administration, 7th and D Sts. SW., Washington, DC 20407; written notices of participation should be sent to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Constantine Zervos, Scientific Liaison and Intelligence Staff (HFY-31), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4490.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of April 20, 1979 (44 FR 23538), the Food and Drug Administration announced a public hearing to discuss the agency's proposed regulations that published March 20, 1979 (44 FR 17070). The proposed regulations establish minimum criteria and procedures to ensure that edible tissues derived from food-producing animals to whom drugs, food additives, or color additives are administered will be free of carcinogenic residues. The notice of public hearing provided that written notices of participation in the hearing and the text of the presentations were to be received no later than May 4, 1979, and that the public hearing would begin June 4, 1979. The notice reiterated that the comment period on the proposed regulations extended through July 18, 1979.

The Animal Health Institute, 1717 K St. NW., Washington, DC 20006, and the Society of the Plastics Industry, Inc., each requested for numerous reasons, most of which related to the complexity of the proposed regulations, an extension of the hearing date to

September 5, 1979, and an extension of the comment period to November 16, 1979.

The agency recognizes that the informal public hearing as described in the April 20, 1979 notice differs from the traditional public hearing format that may have been expected by industry to be the prototype of the June 4 hearing. The agency agrees with the Animal Health Institute that the 2-week period to select panel members and to submit the texts of their prepared statements presents practical problems to organizations wishing to participate in the hearing. The agency concludes, however, that the length of extension requested by AHI and the Society of Plastics is not justified. The concepts and principles contained in the newly proposed regulations differ significantly in only a few areas from the regulations as published on February 22, 1977 (42 FR 10412, revoked May 26, 1978, 43 FR 22675). The hearing will provide an opportunity to discuss the changes as well as the more familiar aspects of the proposed regulations. The panel discussions are designed to collect useful information and to foster informed dialogue. Although the transcript of the hearing will become an important part of the administrative record of this rulemaking proceeding, a major purpose of the hearing is to provide, early in the comment period, information which will assist in the preparation of substantive comments.

Accordingly, the hearing will be held June 21 and 22, 1979. Proceedings will begin each day at 8:30 a.m. and end promptly at 4:30 p.m. The main auditorium of the Department of Health, Education, and Welfare is not available for June 21 and 22; therefore, the hearing will be held in the main auditorium of the General Services Administration, 7th and D Sts. SW., Washington, DC 20407 (seating in that auditorium is limited to 206 persons). To ensure that all interested parties will have adequate time to prepare substantive comments on the proposal, the comment period has been extended to September 4, 1979. Final versions of written statements (preferably four copies) should be presented to the presiding officer on the day of the hearing or submitted to the Hearing Clerk within 3 weeks after the close of the hearing for inclusion in the administrative record.

Copies of the extension requests are on file with the Hearing Clerk and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: May 4, 1979.

Sherwin Gardner,

Acting Commissioner of Food and Drugs.

[Docket No. 77N-0026]

[FR Doc. 79-14441 Filed 5-4-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Parts 455 and 555]

Sterile Chloramphenicol, Sterile, Chloramphenicol Sodium, Succinate, and Chloramphenicol Injection; Deletion of Histamine Test

Correction

In FR Doc. 79-6222, appearing at page 11788, in the issue of Friday, March 2, 1979, on page 11789, make the following corrections:

(1) In the first column, paragraph 2.a. amending § 455.10a, the second line, correct "(B)(5)" to read "(b)(5)" and paragraph "(C)" should be lettered as "c."

(2) In the middle column, under "PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE" correct

"§ 55.210 Chloramphenicol Injection." to read

"§ 555.210 Chloramphenicol Injection".

[21 CFR Part 882]

Classification of Neurological Devices; Development of General Provisions

Correction

In FR Doc. 78-32858, appearing at page 55640 in Re issue of Tuesday, November 28, 1978, make the following changes:

1. On page 55640, middle column, the thirteenth line of the second full paragraph should read, "the premarket notification procedure in section".

2. On page 55643, the second entry in the last column of the table, under the heading "Class" should read, "II".

[Docket No. 78N-1000]

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of Silverthorne, Summit County, Colo. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Silverthorne, Summit 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a news paper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, City Hall, Silverthorne, Colorado. Send comments to: Honorable John Trent, Mayor, Town of Silverthorne, P.O. Box F, Silverthorne, Colorado 80498.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Silverthorne, Colorado, 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

¹The functions of the Federal Insurance Administration, 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).

1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blue River.....	Downstream Corporate Limits—30 feet upstream from crossing.	8695
	State Highway 9 Bridge—70 feet*.	8752
	Interstate Highway 70 Bridge—160 feet*.	8782
	Upstream Corporate Limits.....	8771
Straight Creek.....	Confluence with Blue River.....	8768
	State Highway 9 Bridge—40 feet*.	8605
Willow Creek.....	Downstream Corporate Limits—95 feet upstream from crossing..	8699
	Upstream Corporate Limits—20 feet upstream from crossing..	8728

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5461]
[FR Doc. 79-14055 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Cape Coral, Lee County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

¹ The functions of the Federal Insurance Administration, Department of Housing and Urban

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in City of Cape Coral, Lee County, Florida.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 815 Nicholas Parkway, Cape Coral, Florida. Send comments to: Honorable Lyman Moore, Mayor, City of Cape Coral, P.O. Box 900, Cape Coral, Florida 33904.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Cape Coral, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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).

insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gulf of Mexico.....	Intersection of Durden Parkway West and Northwest 34th Avenue.	11
	Intersection of Pine Island Road and Santa Barbara Boulevard.	11
	Intersection of Chiquita Boulevard and Miracle Parkway.	10
	Intersection of Country Club Boulevard and Retunda Parkway.	11
	Intersection of Pelican Boulevard and Gleason Parkway.	10
	Intersection of Tropicana Parkway and Northwest 36th Avenue.	10
	Intersection of Diplomat Parkway and Chiquita Boulevard.	11
	Intersection of Pine Island Road and Nicholas Parkway.	11
	Intersection of Hancock Bridge Parkway and Del Prado Parkway.	11
	Intersection of Cape Coral Parkway West and South Chiquita Boulevard.	10
	Junction of Sands Boulevard and El Dorado Parkway West.	11
	Intersection of Cape Coral Parkway and Coronado Parkway.	11

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

Issued: April 25, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5421]
[FR Doc. 79-13923 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Revision of Proposed Flood Elevation Determinations for the Village of Brooklyn, St. Clair County, Ill.

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

¹ The functions of the Federal Insurance Administration, 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).

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Brooklyn, St. Clair County, Illinois.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 1392 on January 5, 1979, and in *Metro-East Journal* published on or about January 17, 1979 and January 18, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100-year) elevations are available for review at the Brooklyn Village Hall, 310 South Fifth Street, Lovejoy, Illinois. Send comments to: The Honorable Marcelus West, Mayor, Village of Brooklyn, Village Hall, 310 South Fifth Street, Lovejoy, Illinois 62059.

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.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Village of Brooklyn, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rainfall Ponding Within the Community.	At the intersection of the eastern and northern corporate limit.	409
	Corner of Monroe Street and Fifth Street.	411
	400 feet north of the crossing of the Norfolk and Western Railway and the Illinois Terminal Railroad.	411
	600 feet north-northwest of intersection of Madison Street and Second Street.	411
	400 feet north and 400 feet east of the levee at the southern corporate limit.	420
Mississippi River	1,000 feet south of northern corporate limit and 400 feet east of levee.	420
	Downstream corporate limit	429
	Upstream corporate limit	430

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

Gloria M. Jimenez,
Federal Insurance Administrator.

April 18, 1979.Q02
[Docket No. FI-4843]
[FR Doc. 79-14056 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of South Beloit, Winnebago County, Ill., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of South Beloit, Winnebago 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a

¹ The functions of the Federal Insurance Administration, 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).

newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at 519 Blackhawk Boulevard, South Beloit, Illinois 61080. Send comments to: Honorable Gary Pierce, Mayor of South Beloit, 519 Blackhawk Boulevard, South Beloit, Illinois 61080.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of South Beloit, Winnebago County, Illinois in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock River	Upstream Corporate Limits (State Line).	737
	Confluence of Turtle Creek	737
	Downstream Corporate Limits.	734
Turtle Creek	Upstream Corporate Limits (State Line).	750
	Park Avenue (Upstream)	749
	Wheeler Avenue (Upstream)	746
	Blackhawk Boulevard (Upstream).	744
	Chicago and Northwestern R.R. (Upstream).	744

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Chicago, Milwaukee, St. Paul and Pacific Railroad (Upstream).	740
	Confluence with Rock River...	737

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20936.)

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5462]
[FR Doc. 79-14057 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Revision of Proposed Flood Elevation Determinations for the Town of Lynnfield, Essex County, Mass., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Lynnfield, Essex County, Massachusetts.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 1166 on January 4, 1979, and in *The Lynnfield Villager* published on or about January 31, 1979 and February 7, 1979 and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Planning Board Office, Lynnfield, Massachusetts.

SEND COMMENTS TO: Mr. David Miller, Chairman, Board of Selectmen,

¹ The functions of the Federal Insurance Administration, 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).

Town of Lynnfield, Town Hall,
Lynnfield, Massachusetts 01940.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or Toll Free Line 800-424-8872.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Lynnfield, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance or existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Saugus River.....	Salem Street—at centerline...	64
	At confluence with Beaverdam Brook.	74
	Boston and Maine Railroad— 100 feet.*	76
	Main Street—100 feet.*	79
Beaverdam Brook.....	Main Street (downstream crossing)—50 feet.*	75
Ipswich River.....	At downstream corporate limits.	60
	At upstream corporate limits..	63
Bates Brook.....	Boston and Maine Railroad— 20 feet.*	105
	Essex Street—100 feet.*	114
Pillings Pond.....	At confluence with Bates Brook.	99

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-4798]
[FR Doc. 79-14059 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of Ann Arbor, Washtenaw County, Mich., Under the National Flood Insurance Program

AGENCY: Office OF Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ann Arbor, Washtenaw 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan.

SEND COMMENTS TO: Ms. Nancy Davis, Township Supervisor, Township of Ann Arbor, Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan 48105.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410 202-755-5581 or Toll Free Line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Ann Arbor, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87

¹ The functions of the Federal Insurance Administration, 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).

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 Part 1917.4 (a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Huron River	East corporate limit	739
	Just downstream of Dixboro Road	741
	Just upstream of Dixboro Road	746
	Just downstream of Geddes Avenue	750
	Upstream side of Geddes Avenue	752
	Approximately 4,800 feet upstream of Geddes Avenue	754
	Upstream side of Fuller Road	762
	Just downstream of State Route 14	775
	Just downstream of Conrail located 400 feet upstream of State Route 14	777
	Just downstream of Barton Dam	779
	Just upstream of Barton Dam	796
	West corporate limit	799

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5464]

FR Doc. 79-14060 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Hastings, Dakota County and Washington County, Minn., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hastings, Dakota County and Washington 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 100 Sibley Street, Hastings, Minnesota. Send comments to: The Honorable, Walter Peterson, Mayor, City of Hastings, City Hall, 100 Sibley Street, Hastings, Minnesota 55033.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Hastings, 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 Part 1917.4(a)).

These elevations, together with the flood plain management measures

¹The functions of the Federal Insurance Administration, 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).

required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Vermilion River	Just upstream from county Highway 47	794
	Just downstream from Pleasant Drive	801
	Western corporate limits	802
Vermilion Slough	Confluence with Vermilion River	893
	Headwaters at Mississippi River at point of divergence	894
Mississippi River	Eastern corporate limits	892
	Northwestern corporate limits	894

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5465]
[FR Doc. 79-14061 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Clarksdale, Coahoma County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed

¹The functions of the Federal Insurance Administration, 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).

base (100-year) flood elevations listed below for selected locations in City of Clarksdale, Coahoma County, Mississippi.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerks Office, City Hall, P.O. Box 940, Clarksdale, Mississippi 38614. Send comments to: Mayor Webster or Mr. Marvin Carraway, Asst. Superintendent of the Water and Lights Department, P.O. Box 940, Clarksdale, Mississippi 38614.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Clarksdale, Coahoma County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the

second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Sunflower River	Interstate Highway 61	154
	Chayenne Street extended	155
Little Sunflower River	Maywood Place extended	158

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

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-5420]

[FR Doc. 79-13921 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of Holt, Clay County and Clinton County, Mo., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Holt, Clay County and Clinton County, Missouri.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are

¹ The functions of the Federal Insurance Administration, 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).

available for review at the City Hall, Holt, Missouri. Send comments to: The Honorable Charles Gensler, Mayor Town of Holt, City Hall, Holt, Missouri 64048.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Holt, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Holt Creek	950 feet downstream of County Road Bridge	853
	300 feet upstream of County Road Bridge	858
	1,100 feet downstream of Elm Street Bridge	860
	10 feet downstream of Elm Street Bridge at northern corporate limits	865

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5483]
[FR Doc. 79-14058 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Zone Designation for St. Louis County, Mo., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designation described below. This proposed zone designation is the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspapers of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designation is available for review at the County Government Center, 41 South Central, Clayton, Missouri. Send comments to: Mr. Gene McNary, County Supervisor of St. Louis County, County Government Center, 41 South Central, Clayton, Missouri 63105.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designation for St. Louis County, Missouri, 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).

¹The functions of the Federal Insurance Administration, 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).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designation is:

The B zone behind the Chesterfield-Monarch Levee will be changed to an unnumbered A zone.

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

Issued: April 25, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5423]
[FR Doc. 79-13625 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations For the Town of Bristol, Grafton County, N.H., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Bristol, Grafton 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).

¹The functions of the Federal Insurance Administration, 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, Bristol, New Hampshire. Send comments to: Mr. Charles Greenwood, Chairman of the Board of Selectmen of Bristol, Bristol Town Office, Bristol, New Hampshire 03222.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Bristol, Grafton County, New Hampshire in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
New Found River	South Main Street	451
	State Route 104 (Pleasant Street)	455
	Willow Street	459
	Lake Street (Lower IPC Dam)	479

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5425]
[FR Doc. 79-13898 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Borough of Oradell, Bergen County, N.J., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Oradell, Bergen County, New Jersey.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall in Oradell. Send comments to: Honorable Carl Marggraff, Mayor, Borough of Oradell, Borough Hall, 355 Kinderkamack Road, Oradell, New Jersey 07649.

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

¹ The functions of the Federal Insurance Administration, 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 Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Oradell, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hackensack River	Corporate Limits-200 feet*	10
	New Millford Avenue**	12
	Oradell Avenue-200 feet*	15
	Oradell Reservoir	25
Hackensack River Bypass	New Millford Avenue-60 feet**	13
	Elm Street-180 feet*	14

*Upstream from centerline.

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

Issued: April 25, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5422]

[FR Doc. 79-13924 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Albany, Albany County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Albany, Albany County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Planning Department, City Hall, Albany, New York. Send comments to: Honorable, Erastus Corning, Mayor of Albany, Albany City Hall, Albany, New York 12207.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Albany, Albany County, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program

¹ The functions of the Federal Insurance Administration, 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).

regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	Downstream Corporate Limits	20
	Dunn Memorial Bridge	21
	Albany Tidal Gage	21
	Amtrak Railroad	21
	Interstate 90	22
Normans Kill	Downstream limit of detailed study	110
	Upstream Corporate Limits	115

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5426]
[FR Doc. 79-13899 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Village of Scarsdale, Westchester County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the

¹ The functions of the Federal Insurance Administration, 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).

Village of Scarsdale, Westchester County, New York.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, Scarsdale, New York. Send comments to: Mr. Lowell Tooley, Village Manager, Village of Scarsdale, Village Hall, Scarsdale, New York 10583.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Scarsdale, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Bronx River	Popham Road—40 feet*	132
	Conrail—20 feet*	145
	Greenacres Avenue—80 feet*	165
South Fox Meadow Brook	Hartsdale Dam—40 feet*	168
	Bronx River Parkway—100 feet*	158
	Paddington Road—20 feet*	195
	Tompkins Road—40 feet*	199
Sheldrake River	Heathcote Road—40 feet*	222
	Cayuga Road—40 feet* 242	
Hutchinson River	Sprague Road—40 feet*	214
	Drake Road—60 feet*	234

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5427]
[FR Doc. 79-13900 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Village of Suffern, Rockland County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Suffern, Rockland County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

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

¹ The functions of the Federal Insurance Administration, 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).

flood-prone areas and the proposed base (100-year) flood elevations are available for review at Municipal Building, Suffern, New York. Send comments to: Honorable Joseph Savarese, Mayor, Village of Suffern, Municipal Building, Suffern, New York 10901.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410. (202) 755-5581 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Suffern, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rampao River.....	Conrail Spur—20 feet*	277
	New York State Thruway—50 feet*	280
Mahwah River.....	Boulevard Place—25 feet*	279
	New York State Route 59—10 feet*	291
	At Upstream Corporate Limits.	305
Montebello Creek.....	At Downstream Corporate Limits.	319
	Dam—20 feet**	324
	Dam—20 feet*	329
	At Upstream Corporate Limits.	341
Antrim Creek.....	Old Mill Road—50 feet*	304

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5428]
[FR Doc. 79-13901 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of Pinetops, Edgecombe County, N.C., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigations, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Pinetops, Edgecombe County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Pinetops, North Carolina. Send comments to: Mr. Milton Carlton, Town Clerk, Town of Pinetops, Town Hall, Pinetops, North Carolina 27864.

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, 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 Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Pinetops, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Creek.....	Secondary Road 1200—100 feet*	54
	Secondary Road 1202**	57
Bynum Mill Creek.....	North Carolina State Highways 42 and 43—50 feet*	53
	Secondary Road 1120—150 feet*	63

* Upstream of centerline.

** At centerline.

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5429]

[FR Doc. 79-13902 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]**Proposed Flood Elevation Determinations for the Town of Whitakers, Edgecombe County, N.C., Under the National Flood Insurance Program****AGENCY:** Office of Federal Insurance and Hazard Mitigation, FEMA.¹**ACTION:** Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Whitakers, Edgecombe County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Whitakers, North Carolina. Send comments to: Mr. I. B. Parker, Town Clerk, Town of Whitakers, Town Hall, P.O. Box 727, Whitakers, North Carolina 27891.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Whitakers, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the

program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Depth in feet above ground
White Oak Swamp	Intersection of East Nash Street and Cutchin Street.	2
	Intersection of Watson Street and Porter Street.	2
	Intersection of Knight Street and King Street.	2

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

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

(Docket No. FI-5430)

[FR Doc. 79-13903 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]**Proposed Flood Elevation Determinations for the City of Jamestown, Guilford County, N.C. Under the National Flood Insurance Program****AGENCY:** Office of Federal Insurance and Hazard Mitigation, FEMA.¹**ACTION:** Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Jamestown, Guilford County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Manager's Office, City Hall, 301 N. Main Street, Jamestown, North Carolina. Send comments to: Mayor Hall or Mr. Charles P. Turner, City Manager, City Hall, 301 N. Main Street, Jamestown, North Carolina 27261.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Jamestown, Guilford County, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

¹ The functions of the Federal Insurance Administration, 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).

¹ The functions of the Federal Insurance Administration, 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).

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Deep River	Approximately 100 feet downstream of Ragsdale Road Bridge.	732
	Just upstream of U.S. 29A and 70A Bridge.	737
	High Point Lake	761
Bull Run	Just upstream of Southern Railway Bridge.	741

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5424]
[FR Doc. 79-13922 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Walhalla, Pembina County, N. Dak., Under the National Flood Insurance Program

AGENCY: Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Walhalla, Pembina County, North Dakota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall,

Central Avenue, Walhalla, North Dakota. Send comments to: Honorable Ed Karel, Mayor, City of Walhalla, City Hall, Central Avenue, P.O. Box 38, Walhalla, North Dakota 58282.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, Rpm 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Walhalla, North Dakota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pembina River	Burlington Northern Railroad Bridge—200 feet*.	948
	Federally Aided Secondary County Road No. 9 Bridge—150 feet*.	948
	State Highway 32 Bridge—100 feet*.	954

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5431]
[FR Doc. 79-13904 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Borough of Alexandria, Huntingdon County, Pa.

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Alexandria, Huntingdon County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, Scout House, Alexandria, Pennsylvania. Send comments to: Honorable Roy Shirk, Mayor of Alexandria, Alexandria, Pennsylvania 16611.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Alexandria, Huntingdon County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to

¹The functions of the Federal Insurance Administration, 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).

¹The functions of the Federal Insurance Administration, 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).

the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Frankstown Branch Juniata River.	Downstream corporate limits.	703
	Bridge Street (T.R. 305)	704
	Upstream corporate limits	708

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5432]

[FR Doc. 79-13905 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of Chartiers, Washington County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

¹ The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Chartiers, Washington County, Pa.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Chartiers Township Building. Send comments to: Mr. Michael Kusky, Chairman of the Board of Supervisors of Chartiers, 2451 West Pike Street, Uston, Pennsylvania 15342.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Chartiers, Washington County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chartier's Creek.....	Downstream corporate limits	953
	Downstream side of Conrail	955
	Upstream side of Conrail....	958
	Upstream side of Johnson Road.	961
	Upstream crossing of Conrail	967
	Upstream side of Legislative Route 62092	975
	Upstream side of State Route 802.	980
	Upstream side of Country Club Road.	985
	Confluence of Tributary No. 5	990
	Upstream side of Dirt Road	993
	Upstream corporate limits ..	996
George's Run.....	Downstream corporate limits	1,004
	Driveway (5,400 feet upstream of corporate limits).	1,022
	Farm Road (7,800 feet upstream of corporate limits).	1,029
	Farm Road (16,300 feet upstream of corporate limits).	1,080
	Private Road (17,400 feet upstream of corporate limits).	1,087
	Farm Road (19,600 feet upstream of corporate limits).	1,103
	Driveway (20,900 feet upstream of corporate limits).	1,107
Chartiers Run	Downstream corporate limits	954
	Washington Steel Corporation.	963
	Driveway (9,100 feet upstream of the downstream corporate limits).	972
	McConnells Mills Farm Road	980
	Farm Road (16,300 feet upstream of the downstream corporate limits).	991

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5433]

[FR Doc. 79-13906 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[24 CFR Part 1917]**Proposed Flood Elevation Determinations for the Township of Forward, Allegheny County, Pa., Under the National Flood Insurance Program****AGENCY:** Office of Federal Insurance and Hazard Mitigation, FEMA.¹**ACTION:** Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Forward, Allegheny County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Forward Township Building. Send comments to: Mr. Vincent Julian, Chairman of the Board of Supervisors of Forward, R.D. 3, Box 40-A, Monongahela, Pennsylvania 15063.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Forward, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are

required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River	Downstream corporate limits	749
	Lock and Dam No. 3 (upstream)	750
Fallen Timber Run.....	Upstream corporate limits	756
	Downstream crossing of State Route 51.	777
	Downstream end of parking lot culvert.	783
	Upstream crossing of State Route 51 at downstream end of culvert.	787

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and, delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5434]
[FR Doc. 79-13907 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]**Proposed Flood Elevation Determinations for the Borough of Hellam, York County, Pa., Under the National Flood Insurance Program****AGENCY:** Office of Federal Insurance and Hazard Mitigation, FEMA.¹**ACTION:** Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Hellam, York County, Pennsylvania.

¹The functions of the Federal Insurance Administration, 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).

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of Mr. William Linneman, 123 South Prospect Street, Hellam, Pennsylvania. Send comments to: Honorable Charles E. Dellinger, Mayor of Hellam, 471 Fitzpatrick Lane, Hellam, Pennsylvania 17406.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Hellam, York County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

¹The functions of the Federal Insurance Administration, 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).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kreutz Creek	Southeastern Corporate Limit	328
	1000 feet west of Southeastern Corporate Limits	338
	Upstream of confluence of Tributary D.	343
	Upstream of confluence of Tributary E.	347
Tributary D.	Covered Bridge over Dirt Road	347
	East Pony Street	366
	Cherry Avenue	379
	Corporate Limit	381
Tributary E	Corporate Limit	352

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5436]
[FR Doc. 79-13008 Filed 5-4-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of Kennedy, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Kennedy, Allegheny County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

¹ The functions of the Federal Insurance Administration, 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).

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Kennedy Township Municipal Building. Send comments to: Mr. Scott O'Donnell, President of the Kennedy Township Commission, 4 Highland Drive, McKees Rocks, Pennsylvania 15136.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Kennedy, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River Back Channel	Downstream Corporate Limits	720
	Downstream side of Emsworth Back Channel Dam	720
	Upstream side of Emsworth Back Channel Dam	721
	Upstream Corporate Limits	721
Chartier's Creek	Downstream Corporate Limits	734
	Upstream side of Round House Bridge	735
	Upstream Corporate Limits	738

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 7719.)

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5436]
[FR Doc. 79-13008 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of Lower Chanceford, York County, Pa.

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Lower Chanceford, York County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Lower Chanceford Township Building.

Send comments to: Mr. H. Donald Grove, Chairman of the Board of Supervisors of Lower Chanceford, R. D. 2, Airville, Pennsylvania 17302.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of

¹ The functions of the Federal Insurance Administration, 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).

base (100-year) flood elevations for the Township of Lower Chanceford, York County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

The elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.....	Upstream Township Limits.....	189
	Upstream side of Holtwood Dam.	183
	Downstream side of Holtwood Dam.	155
	Downstream Township Limits	117

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5437]

[FR Doc. 79-13910 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Borough of Monroe, Bradford County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

¹ The functions of the Federal Insurance Administration, Department of Housing and Urban

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Monroe, Bradford County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Monroe Community Hall, Main Street, Monroeton, Pennsylvania. Send comments to: Honorable Paul F. Thrasher, Mayor of Monroe, R. D. 1, Monroeton, Pennsylvania 18832.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Monroe, Bradford County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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).

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Towanda Creek	Upstream Corporate Limits	782
	Locust Street Extended (to Creek Bank).	773
	Berwick Drive	765
	Downstream face of Bridge Street Bridge.	749
	Downstream Corporate Limits.	

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

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-5439]

[FR Doc. 79-13911 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of North Strabane, Washington County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of North Strabane, Washington County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second

¹ The functions of the Federal Insurance Administration, 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).

publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Route 519 South, South Canonsburg, Pennsylvania. Send comments to: Mr. James Maggi, Chairman of the Board of Supervisors of North Strabane, R. D. 1, Box 132, South Canonsburg, Pennsylvania 15317.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of North Strabane, Washington County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Charlton Creek	Morganza Road	922
	Curry Avenue	925
	Enclid Avenue	928
	Central Avenue	934
	Jefferson Avenue	936
	Strabane Avenue	948
	Main Street	953
	8,550 feet upstream of Johnson Road to limit of Detailed Study.	

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Little Charlton Creek	Route 19	923
	Galley Road	928
	Confluence with Tributary No. 8.	942
	Confluence with Tributary No. 7.	951
	Linden Road	980
	Sportsman Club Private Road.	963
	Route 519	973
	Gristy Road	984
	Route 136	992

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator,
[Docket No. FI-5439]
[FR Doc. 79-13912 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of North Versailles, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of North Versailles, Allegheny County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed

base (100-year) flood elevations are available for review at the Township of North Versailles, Allegheny County, Pennsylvania. Send comments to: M. John Weber, President of the Board of Supervisors of North Versailles, 1401 Greensburg, Pennsylvania 15137.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of North Versailles, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River	Upstream corporate limits	743
	Port Perry Bridge	741
Turtle Creek	Wallborough Bridge (upstream side)	750
	Greensburg Pike (upstream side)	735
Crooked Run	Private Drive (upstream side) 1,600' upstream of Arcanna Street	854
	Arcanna Street (upstream side)	830
	Downstream corporate limits	816
Thompson Run	Upstream corporation limits	732
	Confluence with Turtle Creek	732

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

¹ The functions of the Federal Insurance Administration, 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).

17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5440]
[FR Doc. 79-13913 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of Stowe, Allegheny County, Pa. Under the National Flood Insurance Program:

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Stowe, Allegheny County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, 1301 Island Avenue. Send comments to: Mr. Stanley Bachowski, President of the Commission of Stowe, 1106 13th Street, McKees Rocks, Pennsylvania 15136.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the

Township of Stowe, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Ohio River	Upstream corporate limits	725
	Downstream corporate limits	721

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and, delegation of authority to Federal Insurance Administrator 43 FR 7719).

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5441]
[FR Doc. 79-13914 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Greenville, Greenville County, S.C., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

¹The functions of the Federal Insurance Administration, 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).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Greenville, Greenville County, South Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Dept of Public Works for the City of Greenville, 206 N. Main Street, Greenville, South Carolina 29602. Send comments to: Mayor James H. Simpkins or Mr. John Dullea, City Manager, P.O. Box 2207, Greenville, South Carolina.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Greenville, Greenville County, South Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new

¹The functions of the Federal Insurance Administration, 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).

buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Reedy River	Approximately 120 feet upstream of Southern corporate limits.	822
	Mount Vista Avenue extended.	839
	Approximately 300 feet upstream Faris Road extended.	845
	Just downstream of McDaniel Avenue.	852
	Just downstream of U.S. Highway 29.	877
	Just downstream Camperdown Way.	907
	Just upstream Greenville Northern R.R. Bridge (180 feet upstream of South Main Street).	919
	Nassau Street extended	929
	Approximately 70 feet downstream of Bramlette Road.	933
	Approximately 50 feet downstream West Washington Road.	938
Reedy River Tributary 1.	Approximately 50 feet upstream of Parkins Mill Road.	828
Reedy River Tributary 2.	Approximately 120 feet upstream of Halidon Drive.	829
	Approximately 120 feet upstream of Parkins Mill Road.	839
	Just downstream of Cleveland Street.	844
Reedy River Tributary 3.	Approximately 550 feet upstream of Greenville Tech Street (Just upstream of Culvert Entrance).	851
Brushy Creek	Approximately 30 feet downstream of Chapman Road.	838
	Just upstream West Farris Road.	868
Richland Creek	Just downstream of Laurens Road.	855
	Approximately 150 feet upstream of East North Street.	861
	Spartanburg Street	864
	Approximately 160 feet upstream of Chick Spring Road.	894
Richland Creek Tributary 1.	Approximately 100 feet downstream of Hillside Drive.	866
Richland Creek Tributary 4.	Approximately 160 feet upstream of U.S. Highway 29.	885
Richland Creek Tributary 5.	Approximately 50 feet upstream of Summit Drive.	905
	Approximately 100 feet downstream of North Main Street.	905
Richland Creek Tributary 5A.	Approximately 200 feet downstream of Windsor Drive.	918
Richland Creek Tributary 6.	Approximately 30 feet upstream of Chick Springs Road.	906
Laurel Creek	Approximately 250 feet upstream of Interstate 85.	879
	Approximately 140 feet downstream of Woodruff Road (SC 46).	914
Laurel Creek East	Just downstream of Rocky Slope Road.	902
Laurel Creek Tributary	Approximately 50 feet upstream of corporate limits.	786

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

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-5442]

[FR Doc. 79-13915 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of Pownal, Bennington County, Vt., Under the National Flood Insurance Program; Cancellation

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Cancellation of proposed rule.

SUMMARY: The Federal Insurance Administration has erroneously published at 43 FR 45391 on October 2, 1978, the proposed flood elevation determination for the Town of Pownal, Bennington County, Vermont. This notice will serve as a cancellation of that publication. A new notice of proposed flood elevation determination will be published in the near future.

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.

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

Issued: April 18, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-4580]

[FR Doc. 79-13916 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

¹ The functions of the Federal Insurance Administration, 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).

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Village of Stowe, Lamoille County, Vt., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Stowe, Lamoille County, Vermont. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Office, Stowe, Vermont. Send comments to: Mr. Emmett Morton, Village Trustee, Village of Stowe, Village Office, Stowe, Vermont 05672.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Stowe, 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 Part (1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed

¹ The functions of the Federal Insurance Administration, 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).

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch Little River	At mouth	709
	At upstream corporate limits	709
Little River	At upstream corporate limits	709
	At downstream corporate limits	687
	1,500 feet downstream of State Highway Route 108	695
	Just downstream of State Highway Route 108	703
	Just upstream of State Highway Route 108	709
West Branch Little River	At mouth	709
	At upstream corporate limits	710

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5417]
[FR Doc. 79-13918 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for Whitman County, Wash.; Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Whitman County, Washington.

¹ The functions of the Federal Insurance Administration, 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).

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Whitman County Courthouse, North Main, Colfax, Washington.

Send comments to: Mr. James Henning, Chairman, Whitman County Board of Commissioners, Whitman County Courthouse, North Main, Colfax, Washington 99111.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Whitman County, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
McCoy Creek	Union Pacific Railroad Bridge—110 feet*	2435
	50 feet**	2440
	State Highway 27—5 feet**	2441
Pine Creek	1st Street Bridge—50 feet**	2209
	State Highway 271 Bridge—53 feet*	2222
	50 feet**	2227
Hangman Creek	County Road 200***	2482
Little Hangman Creek	Private Road (most downstream crossing)—100 feet**	2491
	Union Pacific Railroad Bridge***	2501
Silver Creek	Private Drive—60 feet*	2439
	50 feet**	2445
	Union Pacific Railroad Bridge—26 feet**	2460
Palouse River	State Highway 127—100 feet**	1854
	Burlington Northern Railroad Bridge***	2421
South Fork Palouse River	County Road 5490***	2283
	Private Road (most downstream crossing)—55 feet**	2295
	Union Pacific Railroad Bridge—10 feet**	2301
	Cross Street***	2323
	Private Road (at station 24.640)—50 feet**	2384
	Burlington Northern Railroad Bridge—140 feet**	2404
	County Road 9100***	2462
	County Federal Air Secondary Road 9060 (downstream crossing)—5 feet**	2478
	50 feet**	2485
	Washington-Idaho State Line	2516
Paradise Creek	Union Pacific Railroad Bridge (at station .570)—50 feet**	2382
	Union Pacific Railroad Bridge (at station 1.640)—25 feet**	2429
	Private Road (at station 2.753)—100 feet**	2451
	(at centerline).....	2457
	Union Pacific Railroad Bridge (at station 4.280)—10 feet**	2488
	Union Pacific Railroad Bridge (at station 5.805)—30 feet**	2513
	Washington-Idaho State Line	2529
Missouri Flat Creek	Burlington Northern Railroad Bridge—150 feet*	2385
	County Road 5220—50 feet**	2410
Dry Fork Creek	Private Road (most downstream crossing)***	2430
	Cemetery Road—30 feet**	2441
	Private Road (most upstream crossing)***	2456
Union Flat Creek	Private Bridge***	2556
	Burlington Northern Railroad Bridge***	2565
South Fork Union Flat Creek	U.S. Highway 195—50 feet**	2593
	County Road 9290—45 feet**	2597
Unnamed Creek	Confluence with South Fork Union Flat Creek***	2597

*Downstream from centerline.

**Upstream from centerline.

***At centerline.

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5418]
[FR Doc. 79-13919 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for Summers County, W. Va., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Summers County, West Virginia.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Commissioner's Office, County Courthouse, Hinton, West Virginia.

SEND COMMENTS TO: Mr. Billy Joe Edwards, President of the Summers County Commission, P.O. Box 97, Hinton, West Virginia 25951.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Summers County, West Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added

section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beech Run	Upstream of State Route 3	1,373
	.48 mile upstream of confluence adjacent to Beech Run Church.	1,435
	1.03 miles upstream of confluence adjacent to cemetery.	1,500
	2.16 miles upstream of confluence.	1,777
Big Creek	Upstream of Chessie System	1,404
	.35 mile upstream of confluence.	1,434
	.55 mile upstream of confluence.	1,467
Blue Lick Creek	Confluence with Greenbrier River.	1,462
	Upstream of County Route 17.	1,497
	.81 mile upstream of confluence.	1,575
Bradshaw Creek	Upstream of confluence with Wheel Run.	1,537
	Upstream of County Route 33.	1,544
	1.59 miles upstream at Private Road.	1,564
Brooks Branch	Upstream of State Route 12 ..	1,597
	Confluence with New River	1,338
	Downstream of State Route 20.	1,351
	.363 mile upstream of confluence.	1,394
Buggy Branch	Confluence with Greenbrier River.	1,520
	.45 mile upstream of confluence.	1,520
Fisher Creek	Confluence with Mill Creek	1,733
	.85 mile upstream of confluence.	1,850
	1.15 miles upstream of confluence.	1,954
	1.725 miles upstream of confluence.	2,091
Greenbrier River	Upstream State Route 107	1,378
	Upstream State Route 13	1,393
	Confluence of Big Creek	1,404
	Confluence of Powley Creek ..	1,412
	Upstream State Route 3	1,415
	Confluence of Wolf Creek	1,436
	Confluence of Kissinger Run ..	1,445
	Confluence of Blue Lick Creek.	1,461

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Confluence of Hungard Creek.	1,503
	Confluence of Buggy Branch.	1,520
	At Confluence of Griffith Creek.	1,540
Griffith Creek	Downstream of State Route 3.	1,540
	Downstream County Route 7 at mile .75.	1,601
	Downstream County Route 7 at mile 1.29.	1,672
Hungard Creek	Downstream State Route 3	1,503
	.9 mile upstream of confluence.	1,511
	100 feet downstream of State Route 6.	1,541
Kates Branch	Downstream of State Route 20.	1,344
	.4 mile upstream of confluence.	1,400
	.625 mile upstream of confluence.	1,449
Kissinger Run	Confluence with Greenbrier River.	1,445
	Downstream of County Route 29.	1,445
Laurel Creek	Downstream of State Route 20.	1,280
	.85 mile upstream of confluence.	1,412
	1.75 miles upstream of confluence.	1,477
Lick Creek	Upstream of State Route 20 ..	1,283
	Upstream of Private Road crossing.	1,353
	.45 mile upstream of Private Bridge.	1,382
	2.8 miles upstream of Private Bridge.	1,469
Madam Creek	Confluence of Mill Creek	1,545
	Upstream of State Route 3	1,374
	Upstream Private Drive .70 mile upstream of confluence.	1,435
	Upstream Private Drive 1.10 miles upstream of confluence.	1,470
	Downstream Private drive 1.86 miles upstream of confluence.	1,529
	Upstream County Route 3/21.	1,555
	Upstream County Route 12/2.	1,626
	Upstream Private Drive .41 mile upstream of County Route 12/2.	1,694
	1 mile upstream County Route 12/2 adjacent to Martha Chapel.	1,800
	Downstream Private Road 1 mile upstream of Martha Chapel.	2,099
Meadow Creek	Upstream Chessie System	1,257
	Upstream County Route 7	1,277
	.8 mile upstream of County Route 7.	1,359
Mill Creek	Upstream County route 4	1,549
	Upstream Private Road .66 mile upstream of County Route 4.	1,608
	Upstream State Route 20	1,740
	1.3 miles upstream State Route 20.	2,018
New River	Confluence of Meadow Creek.	1,254
	Confluence of Lick Creek	1,274
	Confluence of Kates Branch ..	1,325
	Confluence of Madam Creek ..	1,365
	Confluence of Greenbrier River.	1,376
Pipestem Creek	1.32 miles upstream of confluence.	1,534
	1.85 miles upstream of confluence.	1,500
	2.5 miles upstream of confluence adjacent to Greenbrier River.	1,656
	2.8 miles upstream of confluence.	1,685

¹ The functions of the Federal Insurance Administration, 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).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Powley Creek.....	County Route 13.....	1,415
	.23 mile upstream of confluence.....	1,440
	.29 mile upstream of confluence.....	1,455
Stinking Lick Creek.....	Upstream County Route 33/ 3.....	1,541
	.96 mile upstream from County Route 33/3.....	1,571
	1.42 miles upstream from County Route 33/3.....	1,607
Tributary No. 1 to New River.....	Upstream Chessie System.....	1,257
	Upstream County Route 7.....	1,272
	Upstream County Route 7/2.....	1,350
	About 1 mile upstream County Route 7/2.....	1,355
Wheel Run.....	Upstream County Route 21/ 2.....	1,544
	Upstream Private Road.....	1,577
	.18 mile upstream of Private Road.....	1,610
Wolf Creek.....	Upstream State Route 12.....	1,436
	.13 mile upstream of State Route 12.....	1,444

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5419]

[FR Doc. 79-13920 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Naples, Collier County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Naples, Collier County, Florida. 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).

¹ The functions of the Federal Insurance Administration, 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 735 Eighth Street South, Naples, Florida. Send comments to: Mr. George Patterson, City Manager, City of Naples, City Hall, 735 Eighth Street South, Naples, Florida 33904.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Naples, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gulf of Mexico.....	Neopolitan Way (entire street).....	12
	Crayton Road between Harbour Drive and Mooring Line Drive.....	12
	Coral Drive (entire street).....	11
	Admiralty Parade East (entire street).....	11
	18th Avenue South between 4th Street and 8th Street.....	10

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	8th Street between 12th Avenue South and 8th Avenue South.....	9

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

Issued: April 26, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5472]

[FR Doc. 79-14068 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Notus, Canyon County, Idaho, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Notus, Canyon County, Idaho.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Elgin Avenue, Notus, Idaho. Send comments to: Honorable Jim E. Martin, Mayor, City of Notus, City Hall, P.O. Box 257, Notus, Idaho 83656.

¹ The functions of the Federal Insurance Administration, 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).

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Notus, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Boise River	Notus-Greenleaf Road—100 feet downstream from centerline.	2297

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5471]

[FR Doc. 79-14087 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of Rochelle Park, Bergen County, N.J. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Rochelle Park, Bergen County, New Jersey.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Township Hall, Rochelle Avenue, Rochelle Park, New Jersey.

Send comments to: Honorable William Schneider, Mayor, Township of Rochelle Park, 24 Chestnut Avenue, Rochelle, New Jersey 07660.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Rochelle Park, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

¹ The functions of the Federal Insurance Administration, 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Saddle River	Essex Street—100 feet*	40
	Susquehanna Railroad—100 feet*	42
	Garden State Parkway—50 feet*	43
Spout Brook	Park Road—50 feet*	43
	Passaic Street—50 feet*	43
	Plaza Way—50 feet**	43

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5466]

[FR Doc. 79-14062 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Conneaut, Ashtabula County, Ohio, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation.¹

ACTION: Proposed rule.

¹ The functions of the Federal Insurance Administration, 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).

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Conneaut, Ashtabula County, Ohio.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, Conneaut, Ohio.

Send comments to: The Honorable Mr. Paul Williams, Mayor, City of Conneaut, Town Office, Conneaut, Ohio 44030.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Conneaut, 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 Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Conneaut Creek	Mouth at Lake Erie.....	577
	1,800 feet downstream of Conrail.	577
	Approximately 300 feet downstream of Conrail.	581
	Just upstream of Conrail	588
	Approximately 900 feet downstream of State Route 7.	594
Lake Erie	Just downstream of State Route 7.	598
	Entire shoreline in Conneaut..	577

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5469]
[FR Doc. 79-14065 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Borough of Goldsboro, York County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Goldsboro, York County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed

¹ The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1973 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

base (100-year) flood elevations are available for review at the residence of the Borough Secretary, Goldsboro, Pennsylvania. Send comments to: Honorable Kenneth Myers, Mayor of Goldsboro, 53 York Street, Goldsboro, Pennsylvania 17319.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Goldsboro, York County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.....	Downstream Corporate Limits.	297
	Upstream Corporate Limits	298
Fishing Creek.....	Confluence with Susquehanna River.	297
	York Street.....	297
	Weir 500 feet downstream of Pines Road.	310
	Pines Road.....	313

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

Federal Insurance Administrator, 44 FR 20963.)

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator,
[Docket No. FI-5487]
[FR Doc. 79-14063 Filed 5-7-79; 8:45 am]
BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Borough of West Mifflin, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of West Mifflin, Allegheny County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, West Mifflin, Pennsylvania.

Send comments to: Mr. George Miklos, President of the Council of West Mifflin, P.O. Box 24, 4733 Greensprings Road, West Mifflin, Pennsylvania 15122.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives

1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding Location	Elevation in feet, national geodetic vertical datum
Monongahela River Downstream side of Lock and Dam No. 2	740
Upstream side of Lock and Dam No. 2	741
Corporate limits (0.28 miles upstream of dam).	741
3.04 miles upstream of Lock and Dam No. 2	743
4.54 miles upstream of Lock and Dam No. 2	745
6.84 miles upstream of Lock and Dam No. 2	746

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator,
[Docket No. FI-5486]

[FR Doc. 79-14064 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

notice of the proposed determinations of base (100-year) flood elevations for the Borough of West Mifflin, Allegheny County, Pennsylvania in accordance

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of Monaghan, York County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Monaghan, York County, Pennsylvania.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Monaghan Township Building.

Send comments to: Mr. Lloyd Sowers, President of the Commission of Monaghan, R.D. 3, Dillsburg, Pennsylvania 17019.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krim, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Monaghan, York County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of

¹ The functions of the Federal Insurance Administration, 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).

¹ The functions of the Federal Insurance Administration, 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).

1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yellow Breeches Creek	Upstream Corporate Limits	414
	Gilbert Road (Upstream side)	409
	Township Route 612 (Upstream side)	399
	Wharf Road	380
Stoney Run	Downstream Corporate Limits	376
	Wharf Road (Upstream side)	420
	Red Hill Road (Upstream side)	385
	Confluence with Yellow Breeches Creek	376
Pippins Run	150 feet downstream of Cemetery Road (Township Route 918)	544
	Legislative Route 66001 (Upstream side)	502
	Lewisberry Road (Upstream side)	412
	Township Route 611	390
Fishers Run	Willow Road (Extended)	599
	Fishertown Road (Upstream side)	554
	Flays Road (Upstream side)	506
	Graham Road (Upstream side)	412

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

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-5473]

[FR Doc. 79-14066 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Heath, Rockwall County, TEX. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Heath, Rockwall County, Texas.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Heath City Hall, 217 Hubbard Drive, Heath, Texas 75087.

Send comments to: Mayor Hutchins or Ms. L. Aileen Perry, City Secretary, P.O. Box 574, Heath, Texas 75087.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Heath, Rockwall County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed

¹ The functions of the Federal Insurance Administration, 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).

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Buffalo Creek	Just downstream of FM 550 (Lawrence Drive)	453
Buffalo Creek	Approximately 600 feet downstream of FM 549 (Hubbard Drive)	462
	Just upstream of FM 549 (Hubbard Drive)	471

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

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-14066 Filed 5-7-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

Servicing Multi-Piece Rim Wheels; Corrections

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Proposed Standard; Corrections.

SUMMARY: This notice announces corrections to the proposed standard for servicing of multi-piece rim wheels which appeared in the Federal Register on April 24, 1979 (44 FR 24252).

FOR FURTHER INFORMATION CONTACT: Mr. John J. Klocko, Jr., Project Officer, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, Room

N-3506, Washington, D.C. 20210,
Telephone: (202) 523-7213.

SUPPLEMENTARY INFORMATION: On April 24, 1979, a document was published in the *Federal Register* (44 FR 24252) which, with an accompanying presentation of the background, major issues, summary and explanation of the proposal, regulatory assessment statement and public participation information, proposed a general industry safety standard for servicing of multi-piece wheels. There were several inadvertent errors and omissions in the April 24, 1979 document. This document corrects those errors.

Accordingly, FR Doc. 79-12758, appearing at 44 FR 24252, is corrected as follows:

1. Page 24252 column 3, paragraph 1, line 4, "radically" is corrected to read "radially".
2. Page 24252, column 3, paragraph 1, line 16, capitalize "f" in "Firestone".
3. Page 24252, column 3, paragraph 1, line 17, capitalize "c" in "Commander".
4. Page 24252, column 3, paragraph 2, line 7, "rim" is corrected to read "ring".
5. Page 24253, column 2, paragraph 1, line 14, "wheel rims" is corrected to read "rim wheels".
6. Page 24253, column 3 paragraph 1, line 1, "presented values" is corrected to read "data".
7. Page 24253, column 3, paragraph 1, line 8, delete the word "observation".
8. Page 24253, column 3, paragraph 1, line 11, "sever" is corrected to read "severe".
9. Page 24254, column 2, paragraph 3, line 3, add the following parenthetical phrase between "curve" and "during": "(where the material has been permanently deformed)".
10. Page 24256, column 1, paragraph 2, line 2, "sheel" is corrected to read "wheel".
11. Page 24256, column 1, paragraph 2, line 16, "pneumtic" is corrected to read "pneumatic".
12. Page 24256, column 3, line 17, "setting" is corrected to read "seating".
13. Page 24256, column 3, add the following list of references and heading between paragraph 3 and "V. Regulatory Assessment Statement":

"IV. References

1. Bureau of Labor Statistics, *Occupational Injuries and Illnesses in the U.S., by Industry, 1975; 1978; Bulletin 1981.*
2. Branick Retread Equipment, *Tire Handling Equipment, 1978, Bulletin #C-108-678-2.*
3. Centaur Management Consultants, Inc., *Economic Impact Statement/Assessment for Multi-piece Rim*

Assemblies, June 29, 1978, Final Report for OSHA.

4. Florida Department of Commerce, *Learn and Live, September 1975. I1115. Op. Cit., March 1978.*

6. Insurance Institute for Highway Safety, *Institute Urges Recall of Multi-piece Wheel, June 29, 1978, Status Report, Vol. 13, No. 9.*

7. Motor Wheel Corporation, *Safety and Service Manual, November 1977, Form #TR-77-2310.*

8. National Highway Traffic Safety Administration, *Failures of RH 5° Wheels, December 21, 1973, ODI Case No. 150.*

9. National Highway Traffic Safety Administration, *Goodyear, 1950-1972, Two-Piece Truck Wheels, KB, KWX, and KW, Which May Separate Explosively During Inflation, September 28, 1973, ODI Case No. 215.*

10. National Highway Traffic Safety Administration, *Multi-piece Rim/Wheel Matching Chart, January 1978.*

11. National Highway Traffic Safety Administration, *Petition by Insurance Institute for Highway Safety, October 2, 1978, Multi-piece Wheel Testing, Attachment A.*

12. Op. Cit., Summary of Multi-piece Wheel and Rim Separation Reports, Attachment B.

13. National Highway Traffic Safety Administration, *Safety Precautions for Mounting and Demounting Tube Type Truck/Bus Tires, January 1978, Safety Chart.*

14. National Safety Council, *Accident Facts, 1976.*

15. National Safety Council, *Mounting Heavy-Duty Tires and Rims, 1957, Data Sheet 411.*

16. OSHA Louisville, Kentucky Area Office, *Hazards Not Covered by a Standard, July 28, 1972, Form OSHA-9.*

17. OSHA Office of Management, Data Systems and Statistical Coordination, Internal Documents (*Occupational Death Reports*), 1976-1977.

18. Rubber Manufacturers Association, *Care and Service of Highway Truck Tires, 1977, Bulletin RMA-HTM-977.*

19. Rubber Manufacturers Association, *Results of Survey of Multi-piece Rim Wheel Accidents 1972-1975, March 16, 1978, Letter.*

20. Society of Automotive Engineers, *Nomenclature—Wheels and Rims—Trucks SAE J393, June 1969.*

21. Tire and Rim Association, *Yearbook, 1977.*

14. Page 24256, column 3, heading "IV. Regulatory Assessment Statement" is corrected to read "V. Regulatory Assessment Statement".

15. Page 24257, column 2, heading "V. Public Participation" is corrected to read "VI. Public Participation".

16. Page 24257, column 3, heading "VI. Authority" is corrected to read "VII. Authority".

17. Page 24258, column 1, paragraph 9, line 4, "rim base" is corrected to read "wheel".

18. Page 24261, column 1, paragraph 5, line 1, "Sec. 84" is corrected to read "Sec. 6, 84".

Signed at Washington, D.C. this 2nd day of May 1979.

Eula Bingham,
Assistant Secretary of Labor.

[Docket No. S-005]

[FR Doc. 79-14363 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

Proposed Rulemaking Governing the Burning of Higher Sulfur Fuel in Central Massachusetts Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the Massachusetts State Implementation Plan (SIP) which would permanently make effective Massachusetts Regulation 310 CMR 7.05(l) "Sulfur Content of Fuels and Control Thereof" for the Central Massachusetts Air Pollution Control District (CMAPCD) except for the city of Worcester. EPA previously approved a SIP revision for the CMAPCD which allowed certain sources to burn higher sulfur content fuel under specified conditions. That revision will expire on July 1, 1979. This proposed revision would permanently extend the regulation.

DATES: Comments must be received on or before June 7, 1979.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and the Massachusetts Department of Environmental Quality Engineering, Division of Air and Hazardous

Materials, 600 Washington Street, Room 320, Boston, Massachusetts 02111.

Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT:

Victor M. Trinidad, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203 (617) 223-5609.

SUPPLEMENTARY INFORMATION: On March 2, 1979 the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Department) submitted to EPA a proposed revision to the Massachusetts State Implementation Plan (SIP), permanently extending regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" (formerly Regulation 5.1). The proposed revision would allow certain fossil fuel burning facilities in the Central Massachusetts Air Pollution Control District (CMAPCD) to continue burning higher sulfur fuels beyond the present expiration date of July 1, 1979. The CMAPCD has the same geographic boundaries as the Central Massachusetts Intrastate Air Quality Control Region (AQCR).

The original Massachusetts SIP was approved by EPA on May 31, 1972 (37 FR 10842). This SIP established a limit of 0.55 pounds per million Btu heat content for the sulfur content of fossil fuels. Massachusetts Chapter 494 of the Acts of 1974, required the Department to periodically review state air pollution control strategies and to relax any regulation more stringent than necessary. Pursuant to Chapter 494, the Department reviewed the Sulfur in Fuels Regulations for each of its Air Pollution Control Districts. As a result of that review the Department submitted revisions to the Massachusetts SIP to permit certain sources to burn higher sulfur content fuel.

On February 15, 1977 (42 FR 9176), EPA approved the initial SIP revision for CMAPCD allowing fossil fuel users of over 100 million Btu's per hour rated input capacity to burn fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil) until July 1, 1979. Excluded from the revision were all sources located in the cities of Worcester and Fitchburg, and the following sources: Borden Incorporated, Chemical Division, Leominster; The Felters Company, Millbury; and Whitten Machine Works, Whitinsville, all of which remain subject

to regulations requiring the burning of fossil fuels having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to one percent sulfur content residual fuel oil).

On May 19, 1977 (42 FR 25730) EPA approved a SIP revision allowing sources with heat input rates over 100 million Btu's per hour to burn fossil fuel with a sulfur content not to exceed 1.21 pounds per million Btu heat release potential in the city of Fitchburg, with the exception of Fitchburg Gas and Electric Company and General Electric Company. State Regulations required all sources in Fitchburg to burn lower sulfur oil (0.55 pounds per million Btu heat release potential) during the 5-month heating season, November through March. Accordingly, the sources in Fitchburg that were approved to burn the higher sulfur oil are: James River-Massachusetts Inc., and Fitchburg Paper Co. (only in those boilers which emit through the 55 meter stack). On June 21, 1978 (43 FR 26574) EPA extended the expiration date of the aforementioned regulation until July 1, 1979.

Under this revision sources outside of Worcester with heat input rates over 100 million Btu's per hour can apply to the Department for permission to burn the higher sulfur fuels. The Department would analyze the impact from each requesting source to insure that the NAAQS will not be violated. Sources must demonstrate that they can burn higher sulfur fuel without violating other state regulations, including the particulate matter emission limitations and the opacity requirement. At the Department's discretion some sources are required to establish and operate an ambient air monitoring network around the sources. The data from these networks are submitted to the department regularly and are used to evaluate the effect of burning higher sulfur fuels.

Since the revision submitted on March 2, 1979 is a permanent one, the State has established a procedure in the SIP to review and re-analyze the burning of higher sulfur fuels not later than July 1, 1982 and at least every three years thereafter.

The Department has submitted a list of 15 sources with heat input capacity over 100 million Btu's per hour in CMAPCD and eligible to burn the high sulfur fuels. EPA has determined that it cannot adequately review and take action on the entire list before July 1, 1979, therefore, in order to permit the continued burning of higher sulfur fuel at facilities presently approved, EPA in consultation with the Department has

extracted the 4 sources burning higher sulfur fuels from this list of fifteen. The sources are:

1. American Optical Company, Baldwinville.
2. Wyman Gordon Company, Grafton.
3. James River—Massachusetts Inc., Fitchburg.
4. Fitchburg Paper Company, Fitchburg (only boilers which emit through the 55 meter stack).

EPA is proposing today to approve the revision for these sources. EPA will take no action on the remaining eleven sources at this time.

The Department submitted mathematical modeling in support of the original revision. EPA reviewed the modeling from sources for which approval is being recommended, and found it consistent with the EPA Guidelines for Air Quality Maintenance Planning and Analysis, Volume 10 (revised); Procedures for Evaluating Air Quality Impacts of New Stationary Sources (OAQPS No. 1.2029R), October 1977, EPA 450/4-77001, and Guideline Series (OAQPS 1.2080), April 1978, Guidelines on Air Quality Models. No violations were predicted for the sources proposed to be approved today. In addition, EPA has reviewed the sulfur dioxide (SO₂) levels recorded by State and private monitoring networks. No violations or exceedances of the SO₂ NAAQS were observed.

In accordance with the requirements of the August 7, 1977 Clean Air Act Amendments (P.L. 95-95), the Department is presently developing SIP revisions for Total Suspended Particulates (TSP) non-attainment areas in the State. In CMAPCD, the city of Worcester is designated non-attainment for TSP primary standards, and the city of Fitchburg and the town of Athol for TSP secondary standards. (The rest of the CMAPCD is unclassified for TSP). The present revision excludes the sources in the city of Worcester (no sources have any impact in the town of Athol). The city of Fitchburg is subject to the impact of two sources: James River-Massachusetts Inc. and Fitchburg Paper Co. A review of the TSP data available for the sources showed an exceedance of the secondary standard in December 1978. At the time neither was burning higher sulfur fuels. The SIP Revision for the TSP non-attainment areas which the Department is presently developing will include the impact of higher sulfur fuels from those sources. The burning of higher sulfur fuel will therefore not interfere with the attainment of the NAAQS for TSP.

The present revision is not subject to the requirements of 40 CFR 51.24

concerning Prevention of Significant Deterioration (PSD) of Air Quality. Because there was an approved revision increasing the sulfur in fuel levels before August 7, 1977, the allowable emissions from the sources covered are included in the "baseline concentration" and do not represent increased air quality deterioration over this baseline.

The Department submittal includes justification for other sources to burn higher sulfur fuel in addition to those EPA is proposing to approve today. EPA is taking no action on those sources at this time and will propose approval or disapproval action when the review is completed.

This notice is issued to advise the public that comments may be submitted as to whether the proposed revision to the Massachusetts State Implementation Plan should be approved or disapproved.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)-(H) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: April 20, 1979.

William R. Adams, Jr.,
Regional Administrator, Region I.
[FRL 1219-3]
[FR Doc. 79-14370 Filed 5-7-79; 8:45 am]
BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Approval of an Administrative Order issued by Ohio Environmental Protection Agency to Capital University

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Capital University. The Order requires the company to bring air emissions from its three coal-fired boilers in Columbus, Ohio, into compliance with certain regulations contained in the Federal approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by

the U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before June 7, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2082.

SUPPLEMENTARY INFORMATION: Capital University operates three coal-fired Boilers at Columbus, Ohio. The Order under consideration addresses emissions from the facility, which are subject to Ohio Administrative Code (OAC) 3745-17-07 and OAC 3745-17-10. The regulations limit the emissions of particulate matter and visible emissions, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, by shutting down said boilers and replacing them with five gas/oil-fired boilers. The source has consented to the terms of the Order.

Because this Order has been issued to a major source of particulate matter emissions and visible emissions and permits a delay in compliance with the applicable regulations it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the

Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: April 2, 1979.

John McGuire,
Regional Administrator.

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

PART 65—DELAYED COMPLIANCE ORDER

1. By adding an entry to the table in § 65.401 to reflect approval of the following order:
2. The text of the order reads as follows:

Before the Ohio Environmental Protection Agency

In the Matter of: Capital University, 2199 East Main Street, Columbus, Ohio 43209.

Order

The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03(S) and (I) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act:

Findings of Fact

1. Capital University, (hereinafter "Capital"), operates three coal-fired boilers, identified as Source Nos. 0125042612B001-B003 which serve its facility located at 2199 East Main Street, Columbus, Ohio, 43209.
2. In the course of operation of said boilers, air contaminants are emitted in violation of OAC Rules 3745-17-07 and 3745-17-10.
3. Capital is unable to immediately comply with OAC Rules 3745-17-07 and 3745-17-10.
4. Potential emissions of particulate matter from the boilers are approximately 230 tons per year; therefore Capital constitutes a major stationary source or facility under Section 302(j) of the Clean Air Act, as amended.
5. The compliance schedule set forth in the Orders below requires compliance with OAC Rules 3745-17-07 and 3745-17-10 as expeditiously as practicable.
6. Implementation by Capital of the interim requirements contained in the Orders below

will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. It is technically and economically unreasonable to require Capital to install continuous opacity monitoring equipment prior to the final compliance date specified in the Orders below, since Capital is currently in violation of OAC Rule 3745-17-07 and it will be until it has completed its compliance program; therefore, such monitoring would produce no data which is not already known.

8. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (S) and (I) of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C., 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Capital shall bring its three coal-fired boilers located at 2199 East Main Street, Columbus, Ohio, 43209 into final compliance with OAC Rules 3745-17-07 and 3745-17-10 by shutting down said boilers and replacing them with five gas/oil-fired boilers no later than 7/1/79.

2. Compliance with Order (1) above shall be achieved by Capital in accordance with the following schedule on or before the dates specified:

Prepare boiler specifications—Completed.
Receive boiler bids—Completed.
Award boiler contract—Completed.
Design building modifications and boiler installation—January 15, 1979.
Obtain Construction bids—February 8, 1979.
Award Construction Contract—February 23, 1979.
Complete building modifications—May 15, 1979.
Complete boiler installation—June 21, 1979.
Shut down coal-fired boilers and achieve final compliance with OAC Rules 3745-17-07 and 3745-17-10—July 1, 1979.

3. Pending achievement of compliance with Order (1) above, Capital shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system(s) of emission reduction, and which are necessary to insure compliance with OAC Rules 3745-17-07 and 3745-17-10 insofar as Capital is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Capital shall immediately use coal with an analysis of: less than or equal to 7 percent ash, less than or equal to 1 percent sulfur, greater than or equal to 13,000 Btu, in order to minimize emission from the coal-fired boilers.

b. Capital shall immediately institute an operation and maintenance program to minimize emissions from the coal-fired boilers.

c. Capital shall continued to use its multicone collectors to minimize emissions from the coal-fired boilers.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Capital shall submit a written progress report to the Ohio EPA, Central District Office. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. The reports shall also include Capital's status of compliance with the interim control requirements in Order 3 above.

5. Capital shall apply for and obtain permits to install the gas/oil-fired boilers prior to their installation in accordance with Chapter 3745-31 of the Ohio Administrative Code. Capital shall also apply for and obtain permits to operate the gas/oil-fired boilers prior to their operation in accordance with Chapter 3745-35 of the Ohio Administrative Code.

6. Capital is hereby notified that unless it is exempted under Section 120(a)(2)(B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Date: March 5, 1979.

James F. McAvoy,
Director.

Waiver

Capital University agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. Capital University hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. Capital University also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

Dated: December 15, 1978.

Hugh R. Higgins,

Vice President and Treasurer, Authorized Representative of Capital University

[FRL 1203-8]

[FR Doc. 79-14270 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Delayed Compliance Order for the City of White Plains, N.Y.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposed to issue an administrative Order to the City of White Plains, New York. The Order requires the City to bring air emissions from its Municipal Incinerator into compliance with certain regulations contained in the federally-approved New York State Implementation Plan ("SIP"). Because the City is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by no later than July 1, 1979. Source compliance with the terms of the Order would preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by this Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before June 7, 1979, and requests for a public hearing must be received on or before May 23, 1979.

All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to: Meyer Scolnick, Director, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

FOR FURTHER INFORMATION CONTACT: Walter E. Mugdan, Attorney, General Enforcement Branch, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-4434.

SUPPLEMENTARY INFORMATION: The City of White Plains, New York operates a Municipal Incinerator for the disposal of solid waste. The proposed Order addresses smoke emissions from the

Incinerator, which are subject to the requirements of Title 6, Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR"), Sections 201.2(b) and 222.3(a) and (b). Section 201.2(b) requires that air pollution sources hold a valid Certificate to Operate issued by the State Department of Environmental Conservation. Sections 222.3(a) and (b) limit the permissible opacity of smoke emissions from incinerators in, *inter alia*, Westchester County. The regulations are part of the federally-approved New York State Implementation Plan. The Order requires the City to take certain steps to minimize the emissions of smoke with an opacity in excess of the regulatory limitations; and to cease all operations at the Incinerator by no later than July 1, 1979. The source has consented to the issuance of the Order, and has agreed to meet the increments of progress embodied therein during the period of the informal rulemaking initiated by this notice.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Clean Air Act ("the Act"). If the Order is issued, source compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against it for violations of the regulations covered by the Order during the period it is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Authority: 42 U.S.C. 7413 and 7601.

Dated: April 17, 1979.

Eckardt C. Beck,
Regional Administrator, Region II.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.370 to reflect approval of the following order:

U.S. Environmental Protection Agency,
Region II

In the Matter of White Plains Municipal
Incinerator (White Plains, New York).

Consent Order.—Index No. 60223.

Preliminary Statement

On April 29, 1977 the United States Environmental Protection Agency ("EPA") Region II issued an administrative Order to the City of White Plains, pursuant to Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a) ("the Act"), establishing a compliance schedule pursuant to which existing violations of applicable portions of

the New York State Implementation Plan ("SIP") (approved by the Administrator of the EPA pursuant to Section 110 of the Act, 42 U.S.C. § 7410) at its Municipal Incinerator would be corrected.

The Order provides that the Incinerator must be in final compliance with Sections 201.2(b) and 222.3(a) and (b), Title 6, Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR"), by no later than July 1, 1981. This date reflected the then projected date of completion of the proposed Grasslands Resource Recovery Facility, to be built by the County of Westchester pursuant to its County Solid Waste Plan.

The Clean Air Act Amendments of 1977, which were enacted into law on August 7, 1977, provide that any administrative Orders issued pursuant to Section 113(a) would become void one year after the enactment of those Amendments, unless they had by that time been modified to comply with the requirements of Section 113(d). (Section 113(d)(12).) Section 113(d) requires, *inter alia*, that administrative Orders issued thereunder may not permit delays in compliance with SIP regulations beyond July 1, 1979 or three years after the date for final compliance with the regulation(s) in question, whichever is later. (Section 113(d)(1)(D).) Title 6 NYCRR Parts 201 and 222 do not provide final compliance dates later than July 1, 1978; an administrative Order issued to the City of White Plains with respect to its Municipal Incinerator, therefore, may not pursuant to Section 113(d) of the Clean Air Act as amended in 1977, extend compliance with the above-mentioned SIP regulations beyond July 1, 1979.

Pursuant to Section 113(d)(12), therefore, the above-mentioned administrative Order became void on August 7, 1978.

Findings

1. The EPA finds that the White Plains Municipal Incinerator is operating in violation of 6 NYCRR § 201.2(b), in that it does not have a valid Certificate to Operate issued by the New York State Department of Environmental Conservation ("DEC"); and 6 NYCRR §§ 222.3 (a) and (b), in that it emits smoke of a shade or opacity in excess of the limitations established in those subsections.

2. Such violations have continued beyond the 30th day after EPA's issuance to the City of White Plains, on September 29, 1976, of a Notice of Violation (Index No. 60223), pursuant to Section 113(a)(1) of the Act.

3. The County of Westchester has abandoned its plans to construct the Grasslands Resource Recovery Facility, earlier anticipated by the County Solid Waste Plan to be completed by mid-1981. The County now proposes to construct a resource recovery facility in Peekskill, New York, which it anticipates to be completed by mid-1983.

4. The City of White Plains can, by meeting the terms of this Order, bring the emissions from its municipal incinerator into compliance with applicable SIP requirements prior to July 1, 1979. The EPA has determined that the schedule embodied herein will

provide for such compliance as expeditiously as practicable.

5. The EPA has determined that there exist certain interim control measures, required pursuant to Paragraph (C) of the administrative Order issued to the City on April 29, 1977, the implementation of which can minimize air pollution emissions during the period of delayed compliance at the Incinerator permitted by the terms of this Order, and these measures are therefore included herein.

6. Public notice, opportunity for a public hearing, and thirty days notice to the State of New York have been provided.

Order

Based upon the foregoing, and pursuant to Section 113(d) of the Act, it is hereby ORDERED:

That the City of White Plains (hereinafter "the City") complete the actions specified on or before the dates set forth in the following schedule:

(A) Immediately upon issuance of this Order, and continuing as long as the White Plains Municipal Incinerator is in operation, the City shall comply with the following operating and maintenance procedures therefor in order to minimize excess emissions of air contaminants:

1. Inspect and repair the water sprays on a weekly basis.

2. Submit to EPA spray monitoring meter data on a monthly basis.

3. Maintain and calibrate opacity monitors, temperature gauges, and opacity recording equipment at regular intervals as prescribed by the manufacturers.

4. Submit to EPA on a monthly basis:

a. furnace temperature and smoke opacity charts;

b. an explanation in writing of occasions upon which furnace temperatures are less than 1400° F. for 10% or more of the burning time; and

c. an explanation in writing of periods when opacity exceeds 20%.

5. When starting its Incinerator, the City shall use only dry types of waste and exclude cardboard, paper and other such materials which tend to produce fly-ash emissions.

6. An experienced operator must be stationed at the storage pit to segregate and prevent the charging of objectionable materials, such as tires, appliance and large metal objects.

7. The quantity of underfire air shall be strictly limited to the amount necessary to adequately support combustion and provide necessary cooling for the grates; overfire and secondary air should be adjusted to keep smoke emissions to a minimum.

8. The Incinerator shall be inspected weekly and necessary repairs on the refractory and grates made promptly.

9. A stockpile of replacement parts shall be maintained at all times.

(B) On or before July 1, 1979 the City shall terminate operation of the White Plains Municipal Incinerator (until such time, if ever, as the Incinerator has been brought into full compliance with all applicable emission limitations, and has received a valid Certificate to Operate from the New York

State Department of Environmental Conservation and all other necessary federal, State and local permits).

(C) All submissions and reports to the EPA required by this Order shall be made to Mr. Kenneth Eng, Chief, Air & Environmental Application Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

(D) Violation of any requirement of this Order may result in one or more of the following (to the extent such steps may be legally applicable):

1. Enforcement of such requirement pursuant to Section 113(a), (b) or (c) of the Act, including possible judicial action for an injunction and civil penalties, or criminal prosecution.

2. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of 6 NYCRR Parts 201 and 222, in accordance with the preceding paragraph.

3. If such violation continues beyond July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act, 42 U.S.C. § 7420.

So ordered, effective immediately.

Douglas Costle,
Administrator.
Date _____

Consent

The undersigned, having full authority to represent the City of White Plains, has read the foregoing Order, believes it to be reasonable, and therefore consents to both its issuance and to its terms. The undersigned recognizes that the City of White Plains is subject to all remedies provided in Section 113 of the Act for failure to comply with the terms of the foregoing Order, and explicitly waives any and all rights under any provision of law to challenge this Order.

for: City of White Plains

Alfred Del Vecchio,
Mayor, City of White Plains.

Dated: March 29, 1979.

[FRL 1212-7]

[FR Doc. 79-14269 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Delayed Compliance Order for Department of Air Force Wright-Patterson Air Force Base

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to the Department of the Air Force, Wright-Patterson Air Force Base. The Order requires the Air Force to bring Wright-Patterson Air Force Base into compliance with Ohio Regulation AP-3-11, part of the federally approved Ohio State Implementation

Plan (SIP). Because the Air Force is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by April 15, 1980. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before June 7, 1979, and requests for a public hearing must be received on or before May 23, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and request for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Ms. Louise C. Gross, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: The Department of the Air Force owns Wright-Patterson Air Force Base. The proposed Order addresses emissions from Buildings 66, 170, 271, 770 and 1240 at this facility, which are subject to AP-3-11 of the Ohio Implementation Plan. The regulations limit the emissions of particulate matter and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by April 15, 1980, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act

against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

Dated: April 2, 1979.

John McGuire,
Regional Administrator, Region V.

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

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.400, *Federal Delayed Compliance Orders issued under Section 113(d) (1), (3), and (4) of the Act*, to reflect approval of the following order.

2. The text of the order reads as follows:

U.S. Environmental Protection Agency

In the Matter of: Department of the Air Force, Wright-Patterson Air Force Base, Proceeding Under Sections 113(d) and 114(a) of the Clean Air Act, as Amended, Order No. EPA-5-79-A.

Order

The following order is issued this date pursuant to Sections 113(d) and 114(a) of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereinafter referred to as "the Act"). Public notice, opportunity for public hearing and thirty days notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act. This order contains a schedule for compliance, interim control requirements, monitoring requirements and reporting requirements. A demonstration of final compliance is required as expeditiously as practicable, but no later than April 15, 1980.

On November 25, 1977, James O. McDonald, Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereinafter referred to as the "U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of the U.S. EPA, issued a Notice of Violation, pursuant to Section 113(a)(1) of the Act, to the United States Air Force (hereinafter referred to as the "Air Force"), Wright-Patterson Air Force Base, upon finding that Buildings 66, 170, 271, 770 and 1240 at the Base were found to be in violation of the applicable Ohio Implementation Plan, as defined in Section

110(d) of the Act. The Notice cited the Base for violation of Ohio Regulation AP-3-11 (now Section 3745-17-10 of the Ohio Administrative Code and hereinafter referred to as AP-3-11), as demonstrated by the Base's Air Pollution Emission Report, emission factor calculations and material contained in the Office of Federal Activities file. A copy of this Notice was sent to the State of Ohio.

After a thorough investigation of all relevant facts, it is determined that the Air Force is presently unable to comply with the Ohio Implementation Plan, that the schedule for compliance set forth in this order is as expeditious as practicable and that the terms of this order comply with Section 113(d) of the Act. Therefore, it is hereby ordered that:

I. The Air Force shall achieve compliance with AP-3-11 at the Wright-Patterson Air Force Base in accordance with the following schedule:

A. Initiate bid process—has been commenced prior to the issuance of this order.

B. Award contracts—has been commenced prior to the issuance of this order.

C. Issue Notice to Proceed—has been commenced prior to the issuance of this order.

D. Complete construction of new boilers and electrostatic precipitators at Building 1240; eliminate coal-firing operations at Buildings 271 and 170—October 1, 1979.

E. Complete construction of new boilers and electrostatic precipitators at Building 770; eliminate coal-firing operations at Building 66—January 15, 1980.

F. Achieve compliance with AP-3-11 at Building 1240—December 1, 1979.

G. Achieve compliance with AP-3-11 at Building 770—March 15, 1980.

II. The Air Force shall achieve and demonstrate final compliance with AP-3-11 at the Wright-Patterson Air Force Base by April 15, 1980. In order to demonstrate such compliance, the Air Force shall conduct stack tests in accordance with U.S. EPA approved methods. The Air Force shall notify U.S. EPA in writing at least 30 days in advance of performing the required tests. The results of such tests shall be submitted to U.S. EPA no later than 30 days from their completion.

III. Pursuant to the authority granted in Sections 113(d)(1)(C) and 114(a) of the Clean Air Act, the Air Force shall install a continuous monitoring system for the measurement of opacity on each effluent stack of Buildings 770 and 1240 following any control devices at the Wright-Patterson Air Force Base. The continuous monitoring system shall be installed, calibrated, maintained and operated in accordance with the procedures set forth in Appendix B of 40 C.F.R. Section 60.13 and Appendix B of 40 C.F.R. Part 60. This system shall become operational not later than December 1, 1979 for Building 1240 and not later than March 15, 1980 for Building 770.

The Air Force is required to submit a written report every calendar quarter giving the nature and cause of any emissions in violation of Ohio Regulation AP-3-07 and corrective action taken. Negative reports will be submitted. The reports shall include the

magnitude and duration of all violating emissions.

In addition, all data resulting from the operation of the continuous monitoring system shall be stored for a period of two years and made available for inspection by the U.S. EPA or its agent upon request. Malfunctions or periods where the continuous monitoring system is not in operation shall be reported immediately, along with proposed corrective action.

IV. Pursuant to Section 113(d)(7) of the Act, during the period in which this order is in effect, the Air Force shall use the best practicable interim system of emission reduction (taking into account the requirement with which the source must ultimately comply in Section I, above) for the period during which this order is in effect. This shall include the following:

A. The use of coal with an analysis of less than or equal to 10 per cent ash and greater than or equal to 12,500 BTU per pound of coal.

B. Continued operation and maintenance of existing mechanical collectors so as to minimize emissions.

C. Utilization of load shifting where practicable in order to utilize the most efficient boilers and the boilers equipped with electrostatic precipitators. This shall include cessation of coal firing during summer months wherever practicable.

D. Continuous surveillance of boiler operation to maintain high combustion efficiencies.

E. Regular preventative maintenance of boilers to ensure good operational condition.

V. No later than ten (10) days after date for achievement of an incremental step specified in this order, the Air Force shall notify U.S. EPA in writing of its compliance or noncompliance with the requirement. Should events occur which cause or are likely to cause delays in meeting any requirement contained in this order, the Air Force shall immediately notify U.S. EPA in writing of the anticipated delay and reasons for the delay. Notification to U.S. EPA of an anticipated delay does not excuse the delay. Furthermore, should such events occur, the Air Force shall have the right to request that this order be modified by the U.S. EPA. If and until such modification is made, however, the Air Force shall remain subject to this order.

VI. Beginning three months after the date for achievement of the first increment of progress specified in this order, the Air Force shall submit a status report to U.S. EPA detailing the progress made during that quarter. These reports shall be submitted quarterly until the schedule for compliance has been completed.

VII. All submissions and notifications to the U.S. EPA pursuant to this order shall be made to the Chief, Air Compliance Section, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. A copy of all submissions and notifications shall also be sent to Regional Air Pollution Control Agency, 451 West 3rd Street, Dayton, Ohio 45422.

VIII. Nothing in this order shall be construed so as to affect the Air Force's

responsibility to comply with any other Federal, State or local regulations.

IX. Nothing in this order shall be construed as a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7603.

X. The Air Force is hereby notified that its failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, the Air Force will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

XI. This order shall be effective upon Federal Register promulgation.

Date _____

Administrator _____

The United States Air Force has reviewed this order and believes it to be a reasonable means by which the Wright-Patterson Air Force Base can achieve final compliance with Ohio Regulation AP-3-11. The Air Force stipulates as to the correctness of all facts stated above and consents to the requirements and terms of this order.

Date _____

United States Air Force, Wright-Patterson Air Force Base _____

[FRL 1204-5]

[FR Doc. 79-14271 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Delayed Compliance Order for Gulf and Western Industries, Inc., Natural Resources Group

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The EPA proposes to issue an administrative Order pursuant to Section 113(d)(1) of the Clean Air Act, as amended, 42 U.S.C. § 7401 *et seq.* ("the Act"), requiring Gulf and Western Industries, Inc., Natural Resources Group ("G&W"), to bring its titanium pigments plant located at Gloucester City, New Jersey, into compliance with certain regulations contained in the federally-approved New Jersey State Implementation Plan ("SIP"). The proposed Order would establish a final compliance date by G&W of June 30, 1979 because of the inability of this source to comply with these regulations at this time. Source compliance with this Order would preclude suits under the federal enforcement and citizen suit provisions of the Act for violation of the SIP regulations covered by this Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of this Order.

DATES: Written comments and requests for a public hearing must be received on or before June 7, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to: Meyer Scolnick, Director, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007. Material supporting this Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Samuel P. Moulthrop, Attorney, General Enforcement Branch, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-5695.

SUPPLEMENTARY INFORMATION: Gulf and Western Industries, Inc. owns and operates a plant which produces titanium pigment in Gloucester City, New Jersey. The Order under consideration concerns emissions from Digesters Number 2, 3, 4, 5, and 6, which are subject to the requirements of Title 7, Chapter 27, Subchapter 6 of the New Jersey Administrative Code. This regulation limits the permissible opacity of particulate emissions and is part of the federally-approved State Implementation Plan for the Air Quality Control Region in which the source is located.

G&W has proposed to comply with the opacity limitation by replacing the wooden discharge emergency stacks on the digesters and sealing leaks in the wooden reactor tops of the digesters. The Order sets forth schedules of compliance for each digester and requires full compliance by all digesters on or before June 30, 1979. G&W has consented to the issuance of this Order.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance would preclude further EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions

of Section 304 of the Act would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue this Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of the EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

Dated: April 13, 1979.

Eckardt C. Beck,
Regional Administrator, Region II.

In consideration of the foregoing, it is proposed that 40 CFR Chapter 1 be amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.350 Federal delayed compliance orders issued under Section 113(d)(1), (3), and (4) of the Act, to reflect approval of the following order.

2. The text of the order reads as follows:

U.S. Environmental Protection Agency
Region II

In the Matter of Gulf and Western Industries—Natural Resources Group, Chemical Division (Gloucester City Plant).
Consent Order.—Index Nos. 70118 & 70147.

Findings

On April 26, 1977 and July 22, 1977, the United States Environmental Protection Agency ("EPA") issued Notices of Violation, pursuant to Section 113(a)(1) of the Clean Air Act, as amended, 42 U.S.C. § 1857c-8 (now 42 U.S.C. § 7401 *et seq.* ("the Act")), to Gulf and Western Industries—Natural Resources Group, Chemical Division ("the Company"), located at Gloucester City, New Jersey. The Notices of Violation were issued upon a finding that the South Digester Stack (also known as the No. 1 Titanium Digester Stack) and the North Digester Stack at the Company's Gloucester Plant were in violation of New Jersey Administrative Code ("N.J.A.C.") 7:27-6.2(d), a regulation limiting the permissible opacity of particulate emissions. Said regulation is part of the federally-approved implementation plan applicable to the air quality control region in which the Company is situated. The findings of violation were based upon readings taken by an EPA certified visible emissions observer at the subject facility.

A meeting was held on September 12, 1977 between representatives of the Company and EPA pursuant to § 113(a)(4) of the Act. Studies were subsequently undertaken by the Company to determine what type of air pollution control equipment could be installed to meet the standards of N.J.A.C. 7:27-6.2(d).

Three digesters vent into the North Digester Stack and three into the South Digester Stack. Each of the six digesters has a wooden discharge emergency stack. The Company has indicated that air leakage through the wooden reactor tops and wooden emergency stacks of these digesters reduces the efficiency of the existing control equipment on the North and South Digester Stacks.

Based upon the results of its investigation, the Company suggested and agreed to an abatement control program to assure compliance with the applicable standard. The air pollution control approach selected by the Company was tested on Digester No. 1. After careful evaluation of the test results submitted by the Company on May 5, 1978, EPA agreed to the compliance schedule suggested by the Company, the terms of which are set forth herein.

The EPA finds that the violations at the North and South Digester stacks have continued beyond 30 days after issuance of the above-mentioned Notices of Violation.

The EPA has determined that the Company has acted in good faith, that the alleged violations involved are being corrected, and that the source can, by meeting the terms of this Order, be in final compliance with applicable air pollution control regulations prior to July 1, 1979. The EPA has determined that the schedule embodied herein will provide for compliance by the Company as expeditiously as is practicable. The EPA finds that the Company has completed installation of pollution control equipment for and modifications of Digester No. 2, Digester No. 4 and Digester No. 5.

The EPA has determined that there exist no interim control measures which are practicably available to the Company to minimize air emissions during the period of delayed compliance at its Gloucester City facility permitted by the terms of this Order.

Public notice, opportunity for a public hearing and thirty days notice to the State of New Jersey have been provided.

Order

Based upon the foregoing, after consideration of public comment, and pursuant to Section 113(d) of the Act, IT IS HEREBY ORDERED:

That the Company take the following actions on or before the dates specified at its Gloucester City facility:

I. A. With respect to Digester No. 2: (1) Within seven (7) days after receipt of this Consent Order, the Company shall submit a written report to EPA containing the results of one or more opacity measurements taken on this stack after the installation was completed.

B. With respect to Digester No. 4: (1) Within seven (7) days after receipt of this Consent Order, the Company shall submit a written report to EPA containing the results of one or more opacity measurements taken on this stack after the installation was completed.

C. With respect to Digester No. 5: (1) Within seven (7) days after receipt of this Consent Order, the Company shall submit a written report to EPA containing the results

of one or more opacity measurements taken on this stack after the installation was completed.

D. With respect to Digester No. 3. (1) On or before March 10, 1979, the Company shall procure a fiberglass reinforced plastic emergency stack, fiberglass transition pieces which attach to the stack, and all other material and equipment necessary for the replacement of the wooden discharge emergency stack;

(2) On or before March 24, 1979, the Company shall begin installation of the fiberglass stack, transition pieces, and all other necessary material and equipment;

(3) On or about March 31, 1979, the Company shall seal any cracks in the wooden reactor top;

(4) On or about March 31, 1979, the Company shall complete the installation of the replacement stack;

(5) Within ten (10) days after the above work is completed or within seven (7) days after receipt of this Consent Order, whichever is later, the Company shall submit a written report to the EPA containing the results of one (or more) opacity measurements taken on this stack after the installation was completed.

E. With respect to Digester No. 6. (1) On or before May 10, 1979, the Company shall procure a fiberglass reinforced plastic emergency stack, fiberglass transition pieces which attach to the stack, and all other material and equipment necessary for the replacement of the wooden discharge emergency stack;

(2) On or about May 24, 1979, the Company shall begin installation of the fiberglass stack, transition pieces, and all other necessary material and equipment;

(3) On or before May 31, 1979, the Company shall seal any cracks in the wooden reactor top;

(4) On or before May 31, 1979, the Company shall complete the installation of the replacement stack;

(5) Within ten (10) days after the above work is completed or within seven (7) days after receipt of this Consent Order, whichever is later, the Company shall submit a written report to the EPA containing the results of one (or more) opacity measurements taken on this stack after the installation was completed.

II. A. On or before June 30, 1979, the Company shall take an opacity measurement on its stack during the reaction period for each digester serving such stack and certify in writing to EPA that emissions from its North and South Digester Stacks are in full compliance with the requirements of N.J.A.C. 7:27-6.2(d).

III. The Company shall comply with the following reporting requirements: A. No later than seven (7) days after any date specified in Paragraph I of this Order for achievement of any incremental step (including final compliance) the Company shall notify the EPA in writing of its status of compliance with respect to said incremental step. If compliance with any incremental step is not achieved, or at any time is not anticipated to be achieved, in a timely manner, the notification required by this Paragraph shall

provide a full explanation of the failure or expected failure to so comply.

Notwithstanding any explanation for a delay or expected delay, any failure to meet the incremental step by the date specified herein shall be deemed a violation of this Order and may subject the Company to the remedies described in Paragraph V below.

B. All submissions, notifications and reports to the EPA pursuant to terms of this Order shall be made to Mr. Kenneth Eng, Chief, Air and Environmental Application Section, Permits Administration Branch, Management Division, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

IV. Nothing herein shall affect the responsibility of the Company to comply with State or local regulations. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator (or his delegate) determines on the record, after notice and hearing, that an inability to comply with N.J.A.C. 7:27-6.2(d) no longer exists.

V. Violation of any requirement of this Order may result in one or more of the following actions: A. Enforcement of such requirement pursuant to Section 113 (a), (b), or (c) of the Act, including possible judicial action for an injunction or criminal prosecution.

B. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of N.J.A.C. 7:27-6.2(d) in accordance with the preceding Paragraph.

C. If such violation continues beyond July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act.

So ordered, effective immediately.

Administrator

U.S. Environmental Protection Agency

Date

The undersigned, having full authority to represent Gulf and Western Industries—Natural Resources Group, Chemical Division, has read the foregoing Order, believes it to be reasonable, and therefore consents to both its issuance and to its terms. The undersigned recognizes that the Company is subject to all remedies provided in Section 113 of the Act for failure to comply with the terms of the foregoing Order.

Name

Title

Date

For Gulf and Western Industries—Natural Resources, Chemical Division

[FRL 1209-5]

[FR Doc. 79-14274 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Delayed Compliance Order for Firestone Industrial Products Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Firestone Industrial Products Company. The Order requires the Company to bring the rubber adhesive spreader (the source) into compliance with Indiana Regulation APC-15(8)(a), part of the federally approved Indiana State Implementation Plan (SIP). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (Act) for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before June 7, 1979, and requests for a public hearing must be received on or before May 23, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Linda M. Buell, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: Firestone Industrial Products Company owns a rubber adhesive spreader at its Noblesville, Indiana facility. The proposed Order addresses emissions

from the rubber adhesive spreader at this facility, which is subject to Indiana Regulation APC-15(8)(a) of the Indiana Implementation Plan. The regulation limits the emissions of organic materials and is part of the federally approved Indiana State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979 and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

Dated: March 27, 1979.

John McGuire,
Regional Administrator, Region V

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

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.190, *Federal Delayed Compliance Orders issued under Section 113(d) (1), (3), and (4) of the Act*, to reflect approval of the following order.

2. The text of the Order reads as follows:

United States Environmental Protection Agency

In the Matter of Firestone Industrial Products Company, Noblesville, Indiana.
Proceeding under Sections 113(a), 113(d) and 114, Clean Air Act, as amended. Order No. EPA-5-79-A.

Order

The following ORDER is issued this date pursuant to Sections 113(a), 113(d) and 114 of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereinafter referred to as "the Act"). The ORDER contains a compliance schedule with increments of progress. Emission monitoring and reporting requirements are not included, since emission monitors are not available for hydrocarbon

sources. In addition, interim emission reduction requirements are not included as none are available. Final compliance is required as expeditiously as practicable, but no later than July 1, 1979. Public notice, opportunity for a public hearing and notice to the State of Indiana have been provided pursuant to Section 113(d)(1) of the Act.

On January 18, 1978, James O. McDonald, Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereinafter referred to as "U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of U.S. EPA, issued a Notice of Violation to the Firestone Industrial Products Company (hereinafter referred to as "the Company"), stating that the Company's facility, located in Noblesville, Indiana, was found to be in violation of the applicable Indiana Implementation Plan, as defined in Section 110(d) of the Act. The Notice cited the Company's rubber adhesive spreader and several other sources for violation of Indiana Regulation APC-15(8)(a). A copy of said Notice was sent to the State of Indiana Pollution Control Board.

Pursuant to Section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegates was duly given to the Company. On February 16, 1978, a conference was held in Noblesville, Indiana, to discuss the January 18, 1978, Notice of Violation mentioned above. These discussions were sufficient to fulfill the Section 113(a)(4) requirements and a more formal conference was waived. A second conference was held in Chicago on December 1, 1978.

U.S. EPA has determined that said violations have continued beyond the 30th day after the date of the Enforcement Director's notification.

After a review of information submitted at the conference, and a thorough investigation of all relevant facts, including public comment, it has been determined that the Company is presently unable to comply with Indiana Regulation APC-15(8)(a), that the schedule hereinafter set forth requires compliance as expeditiously as practicable, and that the terms of this ORDER comply with Section 113(d) of the Act.

Therefore, it is hereby ORDERED that:

1. The Company shall achieve compliance with Indiana Regulation APC-15(8)(a) for the rubber adhesive spreader, in accordance with the following schedule:

Increment and date

1. Select control device and submit plans to U.S. EPA—achieved.
2. Issue control device purchase order—achieved.
3. Initiate on-site construction or installation—April 30, 1979.
4. On-site construction or installation 50 percent complete—June 8, 1979.
5. Completion of on-site construction or installation—June 22, 1979.
6. Achieve final compliance with Indiana Regulation APC-15(8)(a)—July 1, 1979.
7. Submit source tests to demonstrate final compliance—July 22, 1979.

II. Nothing herein shall affect the responsibility of the Company to comply with other Federal, State or local regulations.

III. No later than ten days after any date for achievement of an incremental step specified in this ORDER, the Company shall notify U.S. EPA in writing of its compliance or noncompliance with the requirement. If delay is anticipated in meeting any requirement contained in this ORDER, the Company shall immediately notify U.S. EPA in writing of the anticipated delay and reasons for the delay. Notification to U.S. EPA of an anticipated delay does not excuse the delay.

IV. On May 1, 1979, the Company shall submit a status report to U.S. EPA detailing the progress made since issuance of the control device purchase order.

V. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7503.

VI. Although interim emission reduction requirements are not available, the coating equipment shall be operated and maintained in such a way as to reduce emissions of organic solvents as much as possible, consistent with safety and production requirements.

VII. The Company is hereby notified that its failure to achieve final compliance at the rubber adhesive spreader by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, the Company will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VIII. All submissions and notifications to U.S. EPA, pursuant to this ORDER, shall be made to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2090.

Date

Administrator

Firestone Industrial Products Company has reviewed this ORDER, consents to the terms and conditions of this ORDER, and believes it to be a reasonable means by which the Noblesville, Indiana facility can achieve final compliance with Indiana Regulation APC-15(8)(a).

Date

Humbert M. Lopes
Firestone Industrial Products Company

[FRL 1098-6]

[FR Doc. 79-14272 Filed 5-7-79; 4:45 am]

BILLING CODE 5560-01-M

[40 CFR Part 65]**Proposed Delayed Compliance Order for Mannington Mills, Inc.**

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: The EPA proposes to issue an administrative Order pursuant to Section 113(d)(1) of the Clean Air Act, as amended, 42 U.S.C. § 7401 *et seq.* ("the Act"), requiring Mannington Mills, Inc. ("Mannington Mills") to bring its vinyl floor covering manufacturing facility located at Salem, New Jersey, into compliance with certain regulations contained in the federally-approved New Jersey State Implementation Plan ("SIP"). The proposed Order would establish a final compliance date by Mannington Mills of July 30, 1974 because of the inability of this source to comply with these regulations at this time. Source compliance with this Order would preclude suits under the Federal enforcement and citizen suit provisions of the Act for violation of the SIP regulations covered by this Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of this Order.

DATES: Written comments and requests for a public hearing must be received on or before June 7, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to: Meyer Scolnick, Director, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007. Material supporting this Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Samuel P. Moulthrop, Attorney, General Enforcement Branch, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-5695.

SUPPLEMENTARY INFORMATION: Mannington Mills, Inc. owns and operates a plant which manufactures

vinyl floor covering in Salem, New Jersey. The Order under consideration concerns emissions from Scrubber #1 on the Vinyl I Line, which are subject to the requirements of Title 7, Chapter 27, Subchapter 6 of the New Jersey Administrative Code. This regulation limits the permissible opacity of particulate emissions and is part of the federally-approved State Implementation Plan for the Air Quality Control Region in which the source is located.

Mannington Mills has proposed to comply with the opacity limitation by installing a new scrubber, mist eliminator and associated equipment. The Order requires that installation of the equipment be completed and full compliance achieved on or before June 30, 1979. During the installation of the new equipment, emissions from the Vinyl I Line will be vented uncontrolled for a period of two months. EPA has reserved the right to order Mannington Mills to stop these emissions if EPA determines that they cause a substantial adverse environmental or health effect or create a substantial nuisance. Mannington Mills has consented to the issuance of this Order and to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance would preclude further EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of Section 304 of the Act would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue this Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of the EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

Dated: April 13, 1979.

Eckardt C. Beck,
Regional Administrator, Region II.

In consideration of the foregoing, it is proposed that 40 CFR Chapter I be amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.350, *Federal delayed compliance orders issued under Section 113(d)(1)*,

(3) and (4) of the Act, to reflect approval of the following order.

2. The text of the order reads as follows:

U.S. Environmental Protection Agency Region II

In the Matter of Mannington Mills, Inc. (Salem, New Jersey).

Consent Order.—Index No. 70117.

Findings

On April 26, 1977 the United States Environmental Protection Agency, Region II ("EPA") issued a notice of Violation, pursuant to Section 113(a)(1) of the Clean Air Act, as amended, 42 U.S.C. § 7401 *et seq.* ("the Act"), to Mannington Mills, Inc. ("the Company"), located at Salem, New Jersey. The Notice of Violation was issued upon a finding that Scrubber #1 on the Vinyl I Line was in violation of New Jersey Administrative Code ("N.J.A.C.") 7:27-6.2(d) (formerly N.J.A.C. 7:27-6.2(b)), a regulation limiting the permissible opacity of particulate emissions. Said regulation is part of the federally-approved implementation plan applicable to the Air Quality Control Region in which the Company is situated. The finding of violation was based upon readings taken by an EPA certified visible emissions observer at the subject facility on March 17, 1977. On June 21, 1977 an EPA inspector documented a continuing violation of N.J.A.C. 7:27-6.2(d) at said Scrubber #1.

At a meeting held on September 19, 1977 between representatives of the Company and EPA pursuant to Section 113(a)(4) of the Act, and in subsequent conversations, the Company admitted the above violations. Studies were thereafter undertaken by the Company to determine what type of air pollution control equipment could be installed to meet the standards of N.J.A.C. 7:27-6.2(d).

Based upon the results of its investigation, the Company suggested and agreed to an abatement control program to bring it into compliance with the applicable standard. After careful evaluation of the air pollution control approach selected by the Company, EPA agreed to the compliance schedule suggested by the Company.

Before a final Order, imposing the air pollution control scheme, was issued the Company proposed a different control scheme, which it believed would be more effective. This proposal involved the installation of a new scrubber, mist eliminator, ductwork, and ancillary equipment on the Vinyl I Line (hereinafter referred to as "the control equipment"). After a careful review the EPA has agreed to this new proposal.

The EPA has determined that the Company has acted in good faith, that the violations involved are being corrected, and that the source can, by meeting the terms of this Order, be in final compliance with applicable air pollution control regulations prior to July 1, 1979. The EPA has determined that the schedule embodied herein will provide for compliance by the Company as expeditiously as is practicable.

The EPA has determined that there exist no interim control measure which are practicably available to the Company to minimize air emissions during the period of delayed compliance at its Salem, New Jersey facility permitted by the terms of this Order.

Public notice, opportunity for a public hearing and thirty days notice to the State of New Jersey have been provided.

Order

Based upon the foregoing, after consideration of public comment, and pursuant to Section 113(d) of the Act, it is hereby ordered:

That the Company take the following actions on or before the dates specified at its facility in Salem, New Jersey:

I. A. On or before February 24, 1979 the Company shall complete detailed engineering plans and specifications for the control equipment.

B. On or before March 3, 1979 the Company shall commence construction necessary for installation of the control equipment.

C. On or before April 14, 1979 the Company shall take delivery of all necessary equipment comprising the control equipment, except the Robinson blower which the Company shall obtain prior to June 1, 1979.

D. On or before June 9, 1979 the Company shall complete installation of the control equipment.

E. On or before June 30, 1979 the Company shall achieve full compliance with N.J.A.C. 7:27-6.2(d) at the Vinyl I Line.

II. During the period in which the control equipment is being installed on the Vinyl I Line, the Company shall not vent uncontrolled emissions from the Vinyl I Line, unless such emissions are vented in a vertical direction.

III. During any time period in which the Company vents uncontrolled emissions from the Vinyl I Line pursuant to this Order, the EPA may require the Company to cease venting uncontrolled emissions or to further limit, control, or restrict emissions from the Vinyl I Line, if the EPA determines in writing that the uncontrolled emissions cause (or contribute to) a substantial adverse environmental or health impact or create a substantial nuisance.

IV. On or before June 30, 1979, the Company shall evaluate the performance of the control equipment for reducing opacity and certify in writing to EPA that emissions from the Vinyl I Line are in final compliance with the requirements of N.J.A.C. 7:27-6.2(d).

V. The company shall comply with the following reporting requirements:

A. No later than seven (7) days after any date specified in Paragraph I and II of this Order, for achievement of any incremental step (including final compliance) for which a specific reporting date is not set forth, the Company shall notify the EPA in writing of its status of compliance with respect to said incremental step. If compliance with any incremental step is not achieved, or at any time is not anticipated to be achieved, in a timely manner, the notification required by this Paragraph shall provide a full explanation for the failure or expected failure to so comply. Notwithstanding any

explanation for a delay or expected delay, any failure to meet the incremental step by the date specified wherein shall be deemed a violation of this Order and may subject the Company to the remedies described in Paragraph VII, below.

B. All submissions, notifications and reports to the EPA pursuant to terms of this Order shall be made to Mr. Kenneth Eng, Chief, Air and Environmental Application Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, 26 Federal Plaza New York, New York 10007.

VI. Nothing herein shall affect the responsibility of the Company to comply with the State or local regulations. This Order shall be terminated in accordance with Section 113 (d)(8) of the act if the Administrator (or his delegate) determines on the record, after notice and hearing, that an inability to comply with N.J.A.C. 7:27-6.2(d) no longer exists.

VII. Violation of any requirement of this Order may result in one or more of the following actions:

A. Enforcement of such requirement pursuant to Section 113 (a), (b), or (c) of the Act, including possible judicial action for an injunction or criminal prosecution.

B. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of N.J.A.C. 7:27-6.2(d) in accordance with the preceding paragraph.

C. If such violation continues beyond July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act.

So ordered, effective immediately.

Administrator,
U.S. Environmental Protection Agency.

Date _____

Consent

The undersigned, having full authority to represent Mannington Mills, Inc., has read the foregoing Order, believes it to be reasonable, and therefore consents to both its issuance and its terms. The undersigned acknowledges that the Company has been and continues to be in violation of the requirements of N.J.A.C. 7:27-6.2(d). The undersigned recognizes that the Company is subject to all remedies provided in Section 113 of the Act for failure to comply with the terms of the foregoing Order.

Name: _____

Position: _____

For Mannington Mills, Inc.

Date _____

[FRL 1209-6]

[FR Doc. 79-14275 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Delayed Compliance Order for United Service Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to United Service Company. The Order requires the Company to bring its boilers #1 and #3 at Cleveland, Ohio, into compliance with AP-3-07 and AP-3-11, part of the federally approved Ohio State Implementation Plan (SIP) and 40 CFR Section 52.1882(a). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance with AP-3-07 and AP-3-11 by July 1, 1979, and final compliance with 40 CFR Section 52.1882(a) by thirty days after final publication of Order. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (Act) for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before June 7, 1979, and requests for a public hearing must be received on or before May 23, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Ms. Linda M. Buel, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: United Service Company owns an industrial laundry facility at Cleveland, Ohio. The proposed Order addresses emissions from boilers #1 and #3 at this facility, which are subject to AP-3-07 and AP-3-

11 of the Ohio Implementation Plan and 40 CFR 52.1882(a), part of the federally promulgated sulfur dioxide plan for Ohio. The regulations limit the emissions of visible air contaminants, particulate matter and sulfur dioxide. The Order requires final compliance with Regulations AP-3-07 and AP-3-11 by July 1, 1979, and final compliance with 40 CFR 52.1882(a) by thirty days after final publication of the Order. The Company has consented to these terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

Dated: April 17, 1979.

John McGuire,
Regional Administrator, Region V

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.400, *Federal Delayed Compliance Orders issued under Section 113(d)(1), (3), and (4) of the Act*, to reflect approval of the following order.

2. The text of the order reads as follows:

U.S. Environmental Protection Agency,
Region V

In the Matter of the United Service Company, Cleveland, Ohio. Proceeding Under Sections 113(a), 113(d) and 114 Clean Air Act, as Amended. Order No. EPA-5-79-A-.

Order

The following ORDER is issued this date pursuant to Sections 113(a), 113(d) and 114 of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, (hereinafter referred to as "the Act"). The ORDER contains a compliance schedule with increments of progress and interim emission reduction requirements. Final compliance is required as expeditiously as

practicable, but no later than July 1, 1979. Public notice, opportunity for a public hearing and notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act.

On November 15, 1977, Dale S. Bryson, Acting Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereinafter referred to as "U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of U.S. EPA, issued a Notice of Violation to the Independent Towel Supply Company (hereinafter referred to as "Independent Towel"), stating that their facility, located at 1802 Central Avenue, Cleveland, Ohio, was found to be in violation of the Ohio Implementation Plan as well as the federally promulgated Sulfur Dioxide Plan for Ohio. A copy of the Notice was sent to the State of Ohio. The Notice cited Independent Towel's Boilers 1 and 3 for violation of Ohio Regulation AP-3-11 and 40 CFR Section 52.1882(a), which required Independent Towel to either certify compliance with 40 CFR Section 52.1881(b) or submit to the Administrator certain information about control plans for the boilers.

On May 17, 1978, Dale S. Bryson, Acting Director, Enforcement Division, Region V, U.S. EPA, pursuant to authority duly delegated to him by the Administrator, issued a Notice of Violation to Independent Towel stating that the above-mentioned boilers had also been found in violation of Ohio Regulation AP-3-07, part of the applicable Ohio Implementation Plan. A copy of the Notice was sent to the State of Ohio.

After going into bankruptcy, on November 28, 1978, certain assets previously belonging to Independent Towel were purchased by the United Service Company ("the Company") from the trustee in bankruptcy. In addition, the Company possesses an option to purchase certain real estate from Miller Brothers Realty Company, which includes the facility at 1802 Central Avenue, Cleveland, Ohio. This option will be exercised on or before July 8, 1979.

Representatives of the Company attended meetings at the Cleveland Division of Air Pollution Control on December 12, 1978, January 5, 1979, January 23, 1979, and February 21, 1979, with representatives of U.S. EPA in attendance. The purchase of the Independent Towel assets was with full knowledge of the outstanding Notices of Violation issued on November 15, 1977, and May 17, 1978.

U.S. EPA has determined that said violations have continued beyond the 30th day after the date of the Acting Enforcement Director's notification.

The Company's plan calls for the replacement of the violating boilers with alternative systems which will enable the Company to comply with the Ohio particulate matter regulations and the federally promulgated Ohio sulfur dioxide regulations by July 1, 1979.

After a thorough investigation of all relevant facts, it has been determined that because immediate compliance is infeasible, compliance in accordance with the schedule hereinafter set forth is reasonable.

Therefore, it is hereby ORDERED and AGREED that:

I. The Company shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

Increment and date

Obtain bids for equipment and for site preparation—achieved.
Evaluate bids—achieved.
Award contracts for equipment and for site preparation—achieved.
Initiate site preparation—April 5, 1979.
Complete installation of equipment and site preparation—June 14, 1979.
Achieve final compliance with Ohio Regulations AP-3-07 and AP-3-11—July 1, 1979.

II. Compliance with 40 CFR Section 52.1882(a) will be achieved by the immediate submission to the Administrator certifying compliance with 40 CFR Section 52.1881(b).

III. No later than ten days after any date for achievement of an incremental step specified in this ORDER, the Company shall notify U.S. EPA in writing of its compliance or noncompliance with the requirement. If delay is anticipated in meeting any requirement contained in this ORDER, the Company shall immediately notify U.S. EPA in writing of the anticipated delay and reasons for the delay.

IV. Nothing herein shall affect the responsibility of the Company to comply with other Federal, State or local regulations.

V. Commencing immediately and throughout the pendency of this ORDER, the Company shall (consistent with good operating practice) operate its boilers so as to reduce to the maximum extent possible particulate matter emissions.

VI. The Company is hereby notified that its failure to achieve final compliance by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, the Company will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VII. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7503.

VIII. All submissions and notifications to U.S. EPA, pursuant to this ORDER, shall be made to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Copies should also be sent to the Cleveland Division of Air Pollution Control, 2735 Broadway Avenue, Cleveland, Ohio 44115.

Date _____

Administrator

The United Service Company has reviewed this ORDER, consents to the terms and conditions of this ORDER, and believes it to be a reasonable means by which the Cleveland, Ohio facility can achieve final

compliance with Ohio Regulations AP-3-07, AP-3-11 and 40 CFR Section 52.1882(a).
Date _____

Leslie W. Spero,
President, The United Service Company.

[FRL 1213-3]

[FR Doc. 79-14273 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Delayed Compliance Orders; Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to Lincoln Electric Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Lincoln Electric Company. The Order requires the company to bring air emissions from its three varnish dip-tank and bake oven systems in Cleveland, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before June 7, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, Enforcement Division, U.S. EPA, 230 South Dearborn Chicago, Illinois 60604 (312) 353-2082.

SUPPLEMENTARY INFORMATION: Lincoln Electric Company operates three dip-tank and bake oven systems at Cleveland, Ohio. The Order under consideration addresses emissions from the facility, which is subject to Ohio Administrative Code (OAC) 3745-21-07(G). The regulation limits the emissions of hydrocarbons, and is part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979 through the installation of after burner systems to incinerate the bake oven emissions. The source has consented to the terms of the Order.

Because this Order has been issued to a major source of hydrocarbon emissions and permits a delay in compliance with the applicable regulation, it must be approved by U.S. EPA before it become effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: April 2, 1979.

John McGuire,
Regional Administrator.

1. In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding an entry to the table in § 65.401 to reflect approval of the following order.

2. The text of the order reads as

Section 113(d) Order Before the Ohio Environmental Protection Agency

In the Matter of: The Lincoln Electric Company, 22801 St. Clair Avenue, Cleveland, Ohio 44117.

Orders

The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Findings of Fact

1. The Lincoln Electric Company (hereinafter Lincoln Electric), operates three varnish dip-tank and bake oven systems (1318202137 P003, P012, and P016) which serve its facility located at 22801 St. Clair Avenue, Cleveland, Ohio 44117.
2. In the course of operation of the three varnish dip tank and bake oven systems, air contaminants are emitted in violation of OAC 3745-21-07 (G).
3. Lincoln Electric is unable to immediately comply with OAC 3745-21-07 (G).
4. Potential emissions of hydrocarbons from three varnish dip tank and bake oven systems are approximately 139 tons per year; therefore Lincoln Electric constitutes a major stationary source or facility under Section 302(j) of the Clean Air Act, as amended.
5. The compliance schedule set forth in the Orders below requires compliance with OAC 3745-21-07 (G) as expeditiously as practicable.
6. Implementation by Lincoln Electric of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.
7. Due to the composition of the hydrocarbon emissions from the varnish dip tank and bake oven systems, it is technically infeasible and economically unreasonable to require the installation of continuous emission monitoring equipment for the ovens.
8. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03(S) and (I) and 3704.031 of the Ohio Revised Code in accordance with Section 1113(d) of the Clean Air Act, as amended, 42 U.S.C., 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Lincoln Electric shall bring its three varnish dip-tank and bake oven systems located at 22801 St. Clair Avenue, Cleveland, Ohio 44117 into final compliance with OAC 3745-21-07 (G) by installing afterburner systems to incinerate the bake oven emissions no later than July 1, 1979.

2. Compliance with ORDER (1) above shall be achieved by Lincoln Electric in accordance with the following schedule on or before the dates specified:

Submit final control plans—January 15, 1979.

Award contract(s)—January 31, 1979.

Begin construction—April 10, 1979.

Complete construction—June 15, 1979.

Complete stack testing to demonstrate compliance (if determined necessary by Cleveland DAPC)—June 30, 1979.

Achieve final compliance with State and Federal statutes and regulations—July 1, 1979.

3. Pending achievement of compliance with Order (1) above, Lincoln Electric shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable systems of emission reduction, and which are necessary to ensure compliance with OAC 3745-21-07 (G) insofar as Lincoln Electric is able to comply with it during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Lincoln Electric shall immediately institute a regular maintenance program to minimize emissions from the varnish dip tank and bake oven systems.

b. Lincoln Electric shall continue to use non-photochemically reactive solvent coatings to minimize emissions from the varnish dip tank and bake oven systems.

c. Lincoln Electric shall submit quarterly coatings and solvent usage reports for each dip tank/bake oven system to Cleveland DAPC with the first report due January 1, 1979.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Lincoln Electric shall submit a progress report to the Division of Air Pollution Control, 2735 Broadway Avenue, Cleveland, Ohio 44115. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. The reports shall also include Lincoln Electric Company's status of compliance with the interim control requirements in Order (3) above.

5. If deemed necessary by Cleveland DAPC, Lincoln Electric shall conduct emission tests on varnish ovens P003, P012, and P016 to demonstrate compliance with OAC 3745-21-07 (G). Such tests shall be performed in accordance with Ohio EPA approved methods on a date no later than June 30, 1979 (see Order No. 2 above). Written notification of intent to test shall be provided to the City of Cleveland, Division of Air Pollution Control, thirty (30) days prior to the testing date, so that a person from that office can be present at the tests. Test results shall be received by that office no later than July 31, 1979.

6. Lincoln Electric is hereby notified that unless it is exempted under Section 120(a)(2)(B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

James F. McAvoy,

Director of Environmental Protection.

Waiver

The Lincoln Electric Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Lincoln Electric Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Lincoln Electric Company also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

George G. Willis,

President, Authorized Representative of The Lincoln Electric Company.

[FRL 1204-1]

[FR Doc. 79-14278 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Delayed Compliance Orders; Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to Central Soya Company, Inc.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Central Soya Company, Inc. The Order requires the company to bring air emissions from its two coal-fired boilers in Marion, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by June 15, 1980. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to

the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATES: Written comments must be received on or before June 7, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2082.

SUPPLEMENTARY INFORMATION: Central Soya Company, Inc. operates two coal-fired boilers at Marion, Ohio. The Order under consideration addresses emissions from these two boilers which are subject to OAC 3745-17-07 and OAC 3745-17-10. The regulations limit the emissions of particulate matter and visible emissions and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by April 15, 1980 by shutting down the boilers and replacing them with a fluidized bed boiler and properly designed baghouse.

Because this Order has been issued to a major source of particulate matter emissions and visible emissions and permits a delay in compliance with the applicable regulations it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP. However, in the event final compliance is not achieved by July

1, 1979, source compliance with the Order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2) (B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: April 27, 1979.

John McGuire,
Regional Administrator.

1. In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.401 to reflect approval of the following order.

2. The text of the order reads as follows:

Before the Ohio Environmental Protection Agency

In the matter of Central Soya Company, Inc., 751 East Farming Street, Marion, OH 43302.

Order

The Director of Environmental Protection (hereinafter "Director") hereby makes the following Findings of Fact and, pursuant to Sections 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act:

Findings of Fact

1. Central Soya Company, Inc., (hereinafter "Central Soya") operates two coal-fired boilers (Ohio EPA source numbers B002 and B003) which serve its facility located at 751 East Farming Street, Marion, Ohio.

2. In the course of operation of said coal-fired boilers, air contaminants are emitted in violation of OAC-3745-17-07 and OAC-3745-17-10.

3. Central Soya is unable to immediately comply with OAC-3745-17-07 and OAC-3745-17-10.

4. Potential uncontrolled emissions of particulates from the two coal-fired boilers are greater than 100 tons per year; therefore, Central Soya constitutes a major source or

facility under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Orders below requires compliance with OAC-3745-17-07 and OAC-3745-17-10 as expeditiously as practicable.

6. Implementation by Central Soya of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. It is technically and economically unreasonable to require Central Soya to install and operate a continuous opacity monitoring system on the boilers prior to achieving compliance with the Orders specified below, since Central Soya is currently unable to comply with the requirements of OAC-3745-17-07 pertaining to visible emissions, no data would be produced which is not already known and, therefore, no purpose would be served.

8. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders and their relation to benefits to the people of the State to be derived from such compliance.

Orders

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Central Soya shall bring its two coal-fired boilers (Ohio EPA source numbers B002 and B003) located at 751 Farming Street, Marion, Ohio, into final compliance with OAC-3745-17-07 and OAC-3745-17-10 by shutting down said boilers and replacing them with a new-technology, fluidized bed boiler and properly designed baghouse, which comply with all applicable state and federal regulations in effect as of the effective date of this Order, not later than April 15, 1980.

"New-technology fluidized bed combustion is a method of injecting fuel into a fluidized bed of particles of mineral matter, such as ash, limestone, or sand. Water-cooled, heat-transfer tubes located within the bed and surrounding water-wall surfaces maintain an optimum temperature for heat transfer and sulfur reduction. The fluidized bed combustion is combined with a fire-tube boiler to provide a complete, shop-assembled, packaged, multifuel boiler system."

2. Compliance with Order (1) above shall be achieved by Central Soya in accordance with the following schedule on or before the dates specified.

Submit final control plans—January 15, 1979.
Award contracts for the fluidized bed boiler and baghouse—May 15, 1979.

Shut down boiler B002 and initiate construction of the fluidized bed boiler and baghouse—October 15, 1979.

Complete construction of the fluidized bed boiler and baghouse—March 15, 1980.

Conduct compliance tests for the fluidized bed boiler and submit the test results to the Northwest District Office of the Ohio EPA—April 15, 1980.

Shut down boiler B003 and bring the fluidized bed boiler and baghouse into final compliance—April 15, 1980.

3. Central Soya shall apply for and obtain a Permit to Install, in accordance with OAC-3745-31-01 through OAC-3745-31-08, for the fluidized bed boiler and baghouse prior to the initiation of construction of the new equipment. Central Soya shall also apply for and obtain a Permit to Operate for the fluidized bed boiler and baghouse in accordance with OAC-3745-35-02.

4. Pending achievement of compliance with Order (1) above, Central Soya shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable systems of emissions reduction and which are necessary to ensure compliance with OAC-3745-17-07 and OAC-3745-17-10 insofar as Central Soya is able to comply with them during the period this Order is in effect in accordance with Section 113(d) (7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Central Soya shall immediately institute a regular maintenance program to minimize emissions from the two coal boilers.

b. Central Soya shall continue to use the multiple cyclones to minimize emissions from the two coal boilers.

c. Central Soya shall immediately use coal with an analysis of: less than or equal to 8.0 percent ash, less than or equal to 3.20 percent sulfur, greater than or equal to 12,160 BTU, in order to minimize emission from the two coal boilers.

5. Within ten (10) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Central Soya shall submit a written progress report to the Northwest District Office, Ohio Environmental Protection Agency. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. The reports shall also include the facility's status of compliance with interim control requirements in Order (4) above.

6. Central Soya shall conduct emission tests on the fluidized bed boiler to verify compliance with Order (1) above. Such tests shall be conducted in accordance with procedures approved by the Director, and test results shall be submitted to the Northwest District Office of the Ohio EPA no later than the date specified in the compliance schedule in Order (2) above. Written notification of intent to test shall be provided to the Northwest District Office thirty (30) days prior to the testing date.

7. Central Soya is hereby notified that unless it is exempted under Section 120 (a)(2) (B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance

penalty under Section 120 of the Clean Air Act, as amended.

These orders shall not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Dated: February 12, 1979.

James F. McAvoy

Waiver

Central Soya Company, Inc., agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. Central Soya Company, Inc., hereby waives the right to appeal the provisions of the attached Findings and Orders to the Environmental Board of Review.

Dated: December 1, 1978.

G. W. Gillespie,

Authorized Representative of Central Soya Company, Inc.
Group Vice President.

[FRL 1204-2]

[FR Doc. 79-14277 Filed 5-7-79; 8:45 am]

BILLING CODE 6580-01-M

[40 CFR Part 65]

Delayed Compliance Orders; Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to Lincoln Electric Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Lincoln Electric Company. The Order requires the company to bring air emissions from its two paint dip-tanks and drying oven systems in Cleveland, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before June 7, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312-353-2082).

SUPPLEMENTARY INFORMATION: Lincoln Electric Company operates two paint dip-tanks and drying oven systems at Cleveland, Ohio. The Order under consideration addresses emissions from the facility, which is subject to Ohio Administrative Code (OAC) 3745-21-07(G). The regulation limits the emissions of hydrocarbons, and is part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, by conversion to a complying air-dry coating system based on exempt solvents or by adapting or installing another complying method or device no later than July 1, 1979. The source has consented to the terms of the Order.

Because this Order has been issued to a major source of hydrocarbon emissions and permits a delay in compliance with the applicable regulation, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of the U.S. EPA will publish in the *Federal Register* the

Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: April 2, 1979.

John McGuire,
Regional Administrator.

1. In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding an entry to the table in § 65.401 to reflect approval of the following order.

2. The text of the order reads as follows:

Section 113(d) Order Before the Ohio Environmental Protection Agency

In the matter of: The Lincoln Electric Company, 22801 St. Clair Avenue, Cleveland, Ohio 44117.

The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Findings of Fact

1. The Lincoln Electric Company (hereinafter Lincoln Electric) operates two paint dip-tank and drying oven systems (13/18/20/2137 P005 and P014) which serve its facility located at 22801 St. Clair Avenue, Cleveland, Ohio 44117.

2. In the course of operation of the two paint dip-tank and drying oven systems, air contaminants are emitted in violation of OAC 3745-21-07(G).

3. Lincoln Electric is unable to immediately comply with OAC 3745-21-07(G).

4. Potential emissions of hydrocarbon from the two paint bake oven systems and other facility sources exceed 100 tons per year; therefore Lincoln Electric constitutes a major stationary source or facility under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Orders below requires compliance with OAC 3745-21-07(G) as expeditiously as practicable.

6. Implementation by Lincoln Electric of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d) (7) of the Clean Air Act, as amended.

7. Due to the composition of the hydrocarbon emissions from the paint dip-tank and drying oven systems, it is technically infeasible and economically unreasonable to require the installation of continuous emission monitoring equipment for the ovens.

8. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and

substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Lincoln Electric shall bring its two paint dip-tank and drying oven systems located at 22801 St. Clair Avenue, Cleveland, Ohio 44117 into final compliance with OAC 3745-21-07(G) by converting to a complying air-dry coating system based on exempt solvents or by adapting or installing another complying method or device no later than July 1, 1979.

2. Compliance with ORDER (1) above shall be achieved by Lincoln Electric in accordance with the following schedule on or before the dates specified:

Submit final control plans—January 15, 1979.

Award contract(s)—January 31, 1979.

Begin construction—April 10, 1979.

Complete construction—June 15, 1979.

Complete stack testing to demonstrate compliance (if determined necessary by Cleveland DAPC)—June 30, 1979.

Achieve final compliance with State and Federal Statutes and Regulations—July 1, 1979.

3. Pending achievement of compliance with Order (1) above, Lincoln Electric shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable systems of emission reduction, and which are necessary to ensure compliance with OAC 3745-21-07 (G) insofar as Lincoln Electric is able to comply with it during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Lincoln Electric shall immediately institute a regular maintenance program to minimize emissions from the paint dip-tank and drying oven systems.

b. Lincoln Electric shall continue to use non-photochemically reactive solvent coatings to minimize emissions from the paint dip-tank and drying oven systems.

c. Lincoln Electric shall submit quarterly coating and solvent usage reports for each dip-tank/drying oven system with the first one due January 1, 1979.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Lincoln Electric shall submit a progress report to the Division of Air Pollution Control, 2735 Broadway Avenue, Cleveland, Ohio 44115. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. The reports shall also include Lincoln Electric

Company's status of compliance with the interim control requirements in Order (3) above.

5. If deemed necessary by Cleveland Division of Air Pollution Control, Lincoln Electric shall conduct emission tests on paint drying oven P005 and P014 to demonstrate compliance with OAC 3745-21-07(G). Such tests shall be performed in accordance with Ohio EPA approved methods on a date no later than June 30, 1979 (see Order No. 2 above). Written notification of intent to test shall be provided to the City of Cleveland, Division of Air Pollution Control, thirty (30) days prior to the testing date, so that a person from that office can be present at the tests. Test results shall be received by that office no later than July 31, 1979.

6. Lincoln Electric is hereby notified that unless it is exempted under Section 120(a)(2) (B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

James F. McAvoy,

Director of Environmental Protection.

WAIVER

The Lincoln Electric Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Lincoln Electric Company hereby waives the right to appeal the issuance of terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Lincoln Electric Company also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

George G. Willis,

Resident, Authorized Representative of the Lincoln Electric Company.

[FRL 1204-4]

[FR Doc. 79-14276 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Delayed Compliance Order for Factory Power Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Factory Power Company. The Order requires the Company to bring four coal-fired boilers

into compliance with Ohio Regulation AP-3-11 part of the federally approved Ohio State Implementation Plan (SIP). Because the Company is unable to comply with this regulation at this time, the proposed Order would establish an expeditious schedule requiring final compliance by March 30, 1980. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATE: Written comments must be received on or before the thirtieth day from the date of this notice and requests for a public hearing must be received on or before the fifteenth day from the date of this notice. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Louise C. Gross, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: Factory Power Company owns a boiler house in Cincinnati, Ohio. The proposed Order addresses emissions from four coal-fired boilers at this facility, which is subject to Regulation AP-3-11 of the Ohio Implementation Plan. The regulation limits the emissions of particulate matter and is part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by March 30, 1980 and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued,

source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

Dated: April 2, 1979.

John McGuire,
Regional Administrator, Region V.

1. In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding an entry to the table in § 65.400 *Federal Delayed Compliance Orders issued under Section 113(d) (1), (3), and (4) of the Act*, to reflect approval of the following order.

2. The text of the order reads as follows:

U.S. Environmental Protection Agency

In the matter of: Factory Power Company, Cincinnati, Ohio; Proceeding Under Section 113(d) of the Clean Air Act, as Amended, Order No. EPA-5-79-A-.

Order

The following Order is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereinafter the Act). Public notice, opportunity for public hearing and thirty days notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act. This Order contains a schedule for compliance, interim control requirements and reporting requirements. Final compliance is required as expeditiously as practicable, but no later than March 30, 1980.

On November 8, 1978, James O. McDonald, Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereinafter U.S. EPA), issued a Notice of Violation, pursuant to Section 113(a)(1) of the Act, to the Factory Power Company in Cincinnati, Ohio (hereinafter the Company), upon finding that the four coal-fired boilers at its Cincinnati, Ohio boilerhouse (boilers 3, 4, 5 and 6) were found to be in violation of the applicable Ohio Implementation Plan, as defined in Section 110(d) of the Act. The Notice cited the

Company for violation of Ohio Regulation AP-3-11 (hereinafter AP-3-11), as demonstrated by emission factor calculations and material submitted to the U.S. EPA by the Company pursuant to Section 114 of the Act. A copy of this Notice was sent to the State of Ohio.

At the Company's request, a conference was held on November 28, 1978, to discuss the Notice of Violation. At that time, the Company submitted stack test results demonstrating compliance on boilers 4 and 5.

After a thorough investigation of all relevant facts, it is determined that the Company is presently unable to comply with the Ohio Implementation Plan, that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Ordered that:

- I. The Factory Power Company shall achieve compliance with AP-3-11 at boilers 3 and 6 in accordance with the following schedule:
 - A. Solicit bids—December 1, 1978.
 - B. Award contracts—February 1, 1979.
 - C. Initiate on-site construction—August 1, 1979.
 - D. Complete construction—January 31, 1980.
 - E. Perform final compliance testing—February 28, 1980.
 - F. Demonstrate compliance with AP-3-11—March 30, 1980.

II. The Company shall achieve and demonstrate final compliance with AP-3-11 at its Cincinnati, Ohio boilerhouse by conducting stack tests in accordance with U.S. EPA approved methods. The Company shall notify U.S. EPA in writing at least thirty (30) days in advance of performing the required tests. The results of such tests shall be submitted to U.S. EPA no later than March 30, 1980.

III. Pursuant to Section 113(d)(7) of the Act, during the period in which this Order is in effect, the Company shall utilize the best practicable interim system of emission reduction (taking into account the requirement with which the source must ultimately comply in Section I, above). This shall include use of coal with an ash content not to exceed 5.9%, and maintenance and operation of the existing control devices in a manner which ensures that their present collection efficiencies will not diminish.

IV. No later than ten days after any date for achievement of an incremental step specified in this Order, the Company shall notify U.S. EPA in writing of its compliance or noncompliance with the requirement. If delay is anticipated in meeting any requirement contained in this Order, the Company shall immediately notify U.S. EPA in writing of the anticipated delay and reasons for the delay. Notification to U.S. EPA of an anticipated delay does not excuse the delay.

V. Beginning three months after the date for achievement of the first increment of progress specified in this Order, the Company shall submit a status report to U.S. EPA detailing the progress made during that quarter. These reports shall be submitted

quarterly until the schedule for compliance has been completed.

VI. All submissions and notifications to the U.S. EPA pursuant to this Order shall be made to the Chief, Air Compliance Section, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. A copy of all submissions and notifications shall be sent to the Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

VII. Nothing in this Order shall be construed so as to affect the Company's responsibility to comply with any other Federal, State or local regulations.

VIII. Nothing in this Order shall be construed as a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7603.

IX. The Company is hereby notified that its failure to achieve final compliance by July 1, 1979, could result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, the Company will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

X. The provisions of this Order shall apply and be binding upon the company, its officers, directors, agents, servants, employees and any successors in interest; in addition, the provisions of this order shall apply to all persons, firms and corporations having notice of the Order and who are or who will be acting in concert and privity with the Company or its officers directors, agents, servants, employees and any successors in interest. The Company shall give notice of this Order to any successors in interest prior to transfer of ownership, and shall simultaneously verify to the United States Environmental Protection Agency, Region V, Enforcement Division, that such notice has been given.

XI. This Order shall be effective upon Federal Register promulgation.

Date _____

Administrator _____

The Factory Power Company has reviewed this Order and believes it to be a reasonable means by which its Cincinnati, Ohio, boilerhouse can achieve compliance with Ohio Regulation AP-3-11. The Company stipulates as to the correctness of all facts stated above and consents to the requirements and terms of this Order. The Company further agrees not to challenge the reasonableness of this Order.

Date _____

Factory Power Company _____

[FR Doc. 79-14279 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[46 CFR Part 512]

Amendment to Financial Reports by Common Carriers by Water in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission hereby proposes to publish substantive guidelines for determining what constitutes a just and reasonable rate of return or profit for common carriers by water in the domestic offshore trades.

DATES: Comments must be submitted on or before July 9, 1979.

ADDRESSES: Comments to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

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

SUPPLEMENTARY INFORMATION: On November 15, 1978, the Federal Maritime Commission served an Advanced Notice of Proposed Rulemaking which sought written comments from governmental bodies, shippers and carriers regarding the nature, scope and feasibility of substantive guidelines for determining what constitutes a just and reasonable rate of return or profit for common carriers by water in the domestic offshore trades. In addition to this request for written comments, the Commission solicited comments at a series of informal hearings which were held in various cities throughout the country. Most of the comments received in response to our Advanced Notice of Proposed Rulemaking concerned one of the following areas:

1. Allocation Methods;
2. Rate Base;
3. Valuation of assets;
4. Rate of Return;
5. Tax Calculation and Treatment of Deferred taxes and Capital Construction Fund;
6. Operational Data;
7. Projections; and
8. Small Carrier Exemption.

The general thrust of comments received in response to the Advanced Notice of Proposed Rulemaking is discussed below to the extent the comments relate to these eight areas. Although all comments were considered in formulating the proposed rule, no attempt is made herein to deal with the specific comments of each party.

Allocation Methods

The proposed rules require that expenses be allocated between the Trade and the Service on the basis of cargo-cube-mile relationship instead of the revenue-ton-mile relationship presently required by General Order II.

In the case for containerized cargo, cargo cube will be computed on the basis of the outside dimensions of the container. A number of commentators suggested that the Commission retain the revenue-ton-mile relationship as a means of allocation. However, the staff is of the view that in a containership operation, the cost of providing service is really the cost of providing space for containers. The carrier's revenue per container varies with the amount of cargo in the container, while the carrier's cost per container remains the same regardless of the amount of cargo in the container. Since we are here concerned with the allocation of expenses, the outside dimensions of the container seems to be the most appropriate basis for allocation.

Rate Base

The proposed rules permit capitalization of interest on construction funds and capitalization of leases. It appears from the comments received that these changes have the overwhelming support of carriers in the domestic offshore trades.

Valuation of Assets

Virtually all carriers that submitted comments suggested that the rate base reflect replacement value rather than acquisition cost, as presently required by General Order II. While the usage of replacement cost appears to be a reasonable concept, the Financial Accounting Standards Board has been unable to devise a generally accepted method of calculating replacement cost, despite several years of intensive effort. Accordingly, the proposed rules continue to use acquisition cost for the calculation of rate base. If a generally accepted method of calculating replacement cost is established in the future, we will reexamine our position.

Rate of Return

The proposed rules contain three standards for evaluating proposed rate changes. Rate-of-return on equity will be employed in evaluating the rates for vessel operators that have a significant asset structure and a significant owners' equity. A fixed charge coverage ratio will be employed in evaluating rates for vessel operators that have a significant asset structure, but not a significant owners' equity. Operating ratio will be employed in evaluating the rates of vessel operators that have no significant asset structure.

From comments received during the informal hearings, it appears that there is considerable sentiment in favor of a return-on-rate-base standard which

would not consider the debt/equity structure of the firm. However, adoption of such a standard would require the Commission to reverse its policy of calculating the return to the equity holder and comparing that return with return on equity received in other United States industries which have similar risks. See, *F.P.C.v. Hope Natural Gas Co.*, 320 U.S. 591 (1944); *Bluefield Waterworks and Improvement Co. v. Public Service Commission*, 262 U.S. 679 (1923); *Pacific Coast of Hawaii and Atlantic-Gulf/Hawaii—General Increase in Rates*, 7 F.M.C. 260, 290 (1962), and *Matson Navigation Company—General Increase in Rates in the Pacific/Hawaiian Trade*, 16 F.M.C. 96, 124 (1973). We are unwilling to abandon this policy unless it can be shown that the policy results in unfairness to the equity holder, or that a simple return-on-rate-base standard would be easier to administer and would meet the requirements of the *Hope* and *Bluefield* cases.

Although most comments opposed a return-on-equity standard, it was generally agreed that if such a standard were to be adopted, the debt/equity structure of the carrier, rather than its parent corporation, should be used. The proposed rule follows this approach, and would include, as equity, in intercompany loans between the carrier and related companies which are not liquidated within 12 months.

Tax Calculation

The proposed rules require that the carrier calculate its individual tax expense by "flowing through" tax benefits which are received as a result of accelerated depreciation and the Capital Construction Fund. This differs from the tax treatment accorded in two recent Commission proceedings, *Matson Navigation Company—Proposed Rate Increase in the United States Pacific Coast-Hawaii Domestic Offshore Trade*, [No. 75-57 (F.M.C., December 12, 1978)] and *Matson Navigation Company—Proposed Rate Increases in the United States Pacific Coast/Hawaii Domestic Offshore Trade*, [No. 76-43 (F.M.C., December 12, 1978)]. In those cases, the tax expense was normalized, while a pro-rata share of accumulated deferred taxes was removed from rate base. We are not satisfied that this methodology is the appropriate way to make the adjustment to rate base in all cases. However, without some adjustment, the normalization of taxes would result in a windfall to the carrier. A simpler approach is to require the carrier to "flow through" its tax benefits to the

shippers in the years in which they are realized.

The strongest argument against "flow through" is that it reduces the incentive for a carrier to place money in a Capital Construction Fund and thus runs counter to the intent of Congress to stimulate shipbuilding. On the other hand, the ratepayers have no assurance that money placed in the Capital Construction Fund will ever be used for their benefit. For example, the money may be used to purchase a vessel to be used in a different trade.

The proposed rule, while requiring "flow through" in the calculation of tax expense, would permit the carrier to include funds obtained from the Capital Construction Fund in calculating the acquisition value of a vessel in the trade for rate base purposes. Thus, the shipper will only be charged for those assets which are actually employed for its benefit in the trade.

Operational Data

The proposed rules require the carrier to furnish vessel utilization figures and other statistics relating to the vessels it employs in the trade. These requirements, suggested during the informal hearings, will enable the Commission to consider the efficiency of the carrier in determining whether its proposed rates are reasonable.

Projections

The proposed rules do not fix a uniform set of rules or standards for projecting cargo, expenses or revenue, as some commentators would have required. However, the proposed rules do require the carrier to submit a detailed description of the methods it employed in projecting revenues; a list of the shippers contacted in projecting cargo carriage, and an explanation of any significant changes since the last actual report. We believe that in this way carriers will have the flexibility to develop innovative techniques which are best suited to their specific trades; at the same time, Commission oversight will reduce the likelihood that the shipping public will suffer as the result of faulty forecasting.

Small Carrier Exemption

The proposed rule permits carriers earning gross revenues of \$1,000,000 or less to apply for a waiver of the detailed reporting requirements specified therein. Carriers obtaining a waiver would be required to file a simplified annual report and a simplified report in support of any proposed rate increases. This should relieve small carriers that operate in the domestic offshore trades

from undue burden while supplying the Commission with sufficient data to permit it to fulfill its regulatory responsibilities.

It is expected that interested persons will comment regarding the estimated financial and man-hour burden which will be incurred in complying with the proposed rules.

Miscellaneous Changes

In addition to those provisions suggested by the public, several additional changes have been incorporated in the proposed rules. For example, working capital will be the lesser of the General Order 11 formula or actual working capital. The proposed rules would also require a stronger certification by the person making the report as well as a statement of opinion from an independent auditor. Work papers in support of the report will be required as well.

All increases which have a significant effect on the shipping public will be evaluated by the staff regardless of whether the increase meets the definition of a General Rate Increase as given in Pub. L. 95-475. In order to make this evaluation, the staff requires current financial data. Therefore, the requirements for justification of an increase or decrease in rates in the proposed rules is broader than that contained in Pub. L. 95-475, and includes any increase or decrease which would affect not less than 50 percent of the tariff items of the carrier, or which would result in an increase or decrease of not less than 3 percent of the carrier's gross revenue.

Every effort has been made to comply with the President's Directive to simplify language. There are a number of nonsubstantive, purely stylistic changes designed to simplify and clarify the proposed rules.

The proposed rules and the comments discussed above pertain solely to reports by vessel operating common carriers. Separate proposed rules governing reports by non-vessel operating common carriers will be published in the near future. They will reflect comments received during the informal hearings and in response to the Advanced Notice of Proposed Rulemaking.

This Notice of Proposed Rulemaking does not include pro-forma statements which have been prepared in accordance with the proposed rules. Copies of pro-forma statements are available in the offices of the Federal Maritime Commission and its District Offices. Comments on these proposed

rules may address alternative approaches.

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 18, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820, and 841(a)), and sections 1, 2, 3(a), 3(b), 4, and 7 of the Intercoastal Shipping Act, 1933, the Federal Maritime Commission proposes to amend Part 512 of Title 46, Code of Federal Regulations as follows:

By the Commission.

Francis C. Hurney,
Secretary.

PART 512—FINANCIAL REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Sec.	Purpose.
512.1	General Requirements.
512.2	Certification.
512.3	Access to and audit of records.
512.4	Operational definitions.
512.5	Forms/Instructions.

Authority: Secs. 512.1 to 512.6 issued pursuant to sec. 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841(a)) and sec. 1, 2, 3(a), 3(b), 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 843, 844, 845, 845(a) and 847).

Note.—The Reporting Requirements contained in General Order II have been approved by the U.S. General Accounting Office under No. —.

§ 512.1 Purpose.

The purpose of the Rule is to establish methodologies that the Federal Maritime Commission (Commission) intends to follow in evaluating proposed rate changes in the domestic offshore trades submitted by vessel operating carriers (VOCs) subject to the provisions of the Intercoastal Shipping Act, 1933, and to provide for the orderly acquisition of the data required for the methodologies so established.¹ The methodology employed in each case will depend on the nature of the relevant carrier's operations and financial structure. In evaluating proposed rate changes, the Commission will employ one of three possible standards, as follows:

(a) *Rate of return on equity.* This standard will be employed in evaluating proposed rates of VOCs which have significant asset structures and significant owners' equities. A significant asset structure is one in which the carrier's Trade rate base (Exhibit A) is 30 percent or more of its Trade revenue (Exhibit B). A significant owner's equity is one in which the carrier's equity is 20 percent or more of its total assets.

¹ Another Rule will be issued for persons subject to the Act who do not operate vessels, i.e., non-vessel operating common carriers (NVOCC's).

(b) *Fixed charges coverage ratio.* This standard will be employed in evaluating proposed rates of VOCs which have significant asset structures, but not significant owners' equities.

(c) *Operating ratio.* This standard will be employed in evaluating proposed rates of VOCs which do not have significant asset structures.

A carrier's vessel utilization will also be taken into account in determining the reasonableness of proposed rates. An adjustment to the otherwise applicable rate of return employed in evaluating the proposed rates will be made in those instances where utilization is considered to be below a reasonable level. Carriers will submit the utilization figures for each of its vessels in the Trade as they leave the last continental U.S. port and as they arrive at the first continental U.S. port; for voyages not terminating in the continental United States, the utilization level outbound from the last non-contiguous port and inbound at the first non-contiguous port. The Commission will also consider the overall fleet deployment of the carrier in determining the reasonableness of proposed rates. An adjustment to the otherwise applicable rate of return employed in evaluating the proposed rates will be made if the carrier's fleet deployment indicates a skewed pattern of use, with high cost vessels in the regulated trades and low cost vessels in other trades, unless some valid operating reason dictates such vessel deployment.

§ 512.2 General requirements.

(a) All persons engaged in the common carriage of persons or property via cargo vessels in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii) and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Commission, shall execute and file, in duplicate, with the Secretary of the Commission, Statements of Rate Base and Income Account for each domestic offshore trade served.

(b) Initial statements under this rule shall be filed within 150 days after the close of the first fiscal year commencing after the promulgation of this Order. Subsequent annual reports shall be filed within 150 days of the close of the carrier's fiscal year.

(c) Upon application the Commission may:

(1) Grant reasonable extensions of the time limit prescribed by this section for filing the statements and data required by this part: *Provided*, that:

(i) The application therefor is received at least 15 days before the statements and data are due;

(ii) The application states a specific date on or before which the required statements and data will be filed; and

(iii) An application for an extension is not construed as constituting relief from possible penalties for tardy filing, unless the extension is granted. In those instances where extensions are granted, the Commission will not consider filings for general rate changes until such time as the requisite statements and data are filed.

(2) Relieve a carrier from full compliance with this part and permit the carrier to submit alternative data as the Commission deems acceptable; *Provided*, That:

(i) The application shows good cause and is accompanied by a description of the data which the carrier proposes to submit in lieu of the required statements, or the data itself is filed within a reasonable time (which shall ordinarily be considered a minimum of 60 days) before the statements and data required under this part are due;

(ii) The Commission finds full compliance with this part unnecessary to fulfill its regulatory functions; and

(iii) Such application with its supporting data shall be published in the *Federal Register* and interested parties given 20 days within which to file comments thereon with the Commission.

(3) Grant a waiver of the detailed reporting requirements to carriers who have earned gross revenues of \$1,000,000 or less for the reporting period in a particular Trade and who are considered by the Commission to be not significant in that Trade. The application for waiver (Exhibit D of the *pro forma* statements) must be accompanied by a company-wide balance sheet and income statement. Generally, a carrier whose Trade revenues amount to 15 percent or less of the total revenue for the Trade in question, will be considered as not significant in the Trade. Such waiver application with its supporting data shall be published in the *Federal Register* and interested parties given 20 days within which to file comments thereon with the Commission. This waiver provision is applicable to annual reporting requirements and to filings of proposed rate changes in accordance with § 512.2(d)(1).

(d) Whenever a carrier files with the Commission an increase or decrease in rates which would affect not less than 50 percent of the tariff items of that carrier in a particular Trade, or which would result in an increase or decrease

of not less than 3 percent in the carrier's gross revenues in that particular Trade, it shall file simultaneously therewith, in duplicate, the following data:

(1) Financial and operating data in support of proposed rate changes as follows:

(i) An *actual* midyear rate base exhibit (Exhibit A-a) and supporting schedules computed from its balance sheet as of a date not more than fourteen (14) months prior to the date of filing the proposed rates and an income statement for the 12 month period commencing from the date of the balance sheet.

(ii) A *projected* midyear rate base exhibit (Exhibit A-p) and supporting schedules computed from its balance sheet as of the end of the month in which the rate changes are proposed to become effective, and an income statement for the 12 month period commencing from the date of the balance sheet.

(iii) An *actual* income account exhibit (Exhibit B-a) and supporting schedules covering the 12 month period commencing with the date of the balance sheet used in paragraph (d)(1)(i) of this section.

(iv) A *projected* income account exhibit (Exhibit B-p) and supporting schedules for the 12 month period commencing with the month following the date in which the changed rates are proposed to become effective (taking into account the effect of the proposed rate changes).

(v) *Actual* and *projected* rate-of-return exhibits (Exhibits C-a and C-p) and supporting schedules coinciding with the time period covered by the income statements furnished in response to paragraphs (d)(1)(iii) and (iv) of this section.

(vi) The carrier's company-wide balance sheets in the form of schedule 200 of Forms FMC-63 or FMC-64 as of the same dates upon which the actual and projected midyear rate base exhibits (Exhibits A-a and A-p) were based.

(vii) The carrier's company-wide income statements for the same periods as the actual and projected income account exhibits (Exhibits B-a and B-p).

(2) The work papers described in subparagraph § 512.4.

(e) If a carrier files proposed rate changes within 90 days of the end of its fiscal year, it may, at its option, furnish its annual General Order 11 report for the fiscal year in lieu of the schedules of actual data required in paragraphs (d)(1)(i) and (iii) of this section. The requirement to furnish schedules pertaining to future operations under the

proposed rate changes would not be affected by this substitution.

(f) When a proposed rate change is filed which does not meet the criteria set forth in § 512.2(d), the following certification shall be submitted simultaneously with the tariff material:

Certification

I, the undersigned, [type or print name and title of officer] of [full name of reporting company] certify under the penalties of U.S.C. Title 18, section 1001, that the proposed rate changes submitted herewith affect less than 50 percent of the tariff items in the relevant Trade and less than 3 percent of the gross revenue in the Trade, and therefore are not accompanied by the financial and operating data required by subparagraphs (1) and (2) of § 512.2(d)

Signature _____
Date _____

(g) All financial and operating data filed in connection with proposed rate changes shall be made available to protestants by the carrier upon request. The Commission, upon request, will make available any additional data contained in its files that it relies upon to reach a decision, including the staff's recommendation to the Commission. Reproduction and other costs for this service are listed in Commission Rule 503.41-503.43.

(h) Where it is necessary to allocate property, revenue (except *Net Passenger* and *Other Voyage* revenue), costs or expenses, the allocation shall be on a direct basis; if this is not practicable, allocation shall be made in the manner prescribed in § 512.6 of this part. However, if the gross revenue from *Other Services* does not exceed 5 percent of the total company gross revenue, no segregation of revenue and expense between *Other Services* and the *Service* (see definitions, § 512.5(b) and (d)) is required by this part. Further, if the gross revenue from *Other Cargo* does not exceed 5 percent of the total gross revenue from the *Service*, no segregation of revenue and expense between *Other Cargo* and *The Trade* (see definitions, § 512.5(c)) is required.

(i) All carriers subject to these reporting requirements must comply fully with the instructions outlined herein, both as to the submission of the specified reports and as to compliance with the methods prescribed for their preparation. A carrier may request relief from full compliance in accordance with the provisions of subparagraph § 512.2(e). If a carrier has no transactions to report on a required schedule, it must submit a blank schedule with the word "NONE" printed across its face.

(j) The rules contained herein are issued by the Commission to meet the specific requirements of the Intercoastal Shipping Act of 1933 as amended, and will be used to evaluate proposed rate changes in the domestic offshore trades. However, the Commission reserves to itself the right to employ other bases for allocation and calculation in any instance where, in its opinion, the application of the rules and regulations prescribed herein create unreasonable results.

(k) With respect to the annual statements required by this part, all data submitted must conform to the figures listed in the annual financial statements filed with the Commission in compliance with General Order 5.

(l) All percentage calculations required by allocations herein shall be carried to two places beyond the decimal point, e.g., 97.54 percent.

(m) Whenever a carrier files an initial tariff, it shall file simultaneously therewith a company-wide balance sheet and income statement (if one exists) together with the data required in Exhibit E. If a carrier is operating in another domestic offshore trade and has already filed the requisite annual data, only the data set forth in Exhibit E will be required.

§ 512.3 Certification.

The data required by this part shall be accompanied by a certification by the corporate officer responsible for the maintenance and accuracy of the books, accounts and financial records of the carrier, stating that:

(a) The books and accounts have been maintained in accordance with an appropriate system of accounts; and

(b) The exhibits and schedules have been prepared from the books and records of the carrier in accordance with this part.

In addition, the data required by this part shall be accompanied by a Statement of Opinion by the independent auditors engaged for the annual financial audit of the carrier, stating that: (1) All exhibits and schedules have been prepared from regularly maintained records; (2) the records so maintained conform to, are reconciled to, or are the actual financial data subject to the regular financial audit; (3) the allocations have been made in accordance with the rules promulgated in this part; and (4) the financial and statistical data used are supported by an appropriate information gathering system having proper internal controls which have been tested for adequacy.

§ 512.4 Access to and audit of records.

(a) The carrier shall submit all work papers, properly cross-referenced and indexed, which were prepared in support of the exhibits and schedules. In addition, the books and records of the carrier and any related company whose financial data is included in any of the exhibits or schedules shall be made available upon request for examination by persons representing the Commission. Commission representatives shall be permitted to make copies of these records to the extent they deem necessary.

(b) For all proposed rate changes as defined in § 512.2(d), the carrier shall submit (1) a detailed description of the methods employed in projecting revenues; (2) a list of the names and addresses of all shippers contacted in the development of said projections; and (3) a reconciliation and explanation of all changes of five percent or more in the expense accounts between the projected and the last actual report.

(c) All exhibits and schedules submitted as part of the filing requirements are to include the work paper reference numbers so that amounts shown can be readily traced to the appropriate work papers.

§ 512.5 Operational Definitions.

Various expressions, terms, and designations used herein may have several meanings in common usage. For the purposes of this rule, however, the following terms are expressly limited to the definitions listed below:

(a) *Voyage*. A completed round trip from port of origin and return to port of origin. In no case shall a voyage be split to reflect outward and inward services separately. However, when a vessel is reassigned to a new United States basing point, then the voyage runs from the old United States port of origin to the new United States port of origin. Should a vessel sail outbound in the Service and then proceed to charter, the voyage will be considered to be terminated upon completion of the offloading of the last cargo in the Service. Carriers which are party to operating differential subsidy agreements may use Maritime Administration commencement and termination guidelines for the purposes of this part.

Voyages generally are considered to be terminated on the completion of one of the following operations or events:

(1) The latest occurring event of the following:

- (i) Crew paid off;
- (ii) Discharge of last inbound cargo;

(iii) Completion of repairs (excluding annual overhaul and emergency repairs); or

(2) Midpoint in time of operations in which cargo is simultaneously on-loaded and off-loaded.

Usually this will be considered to have happened at noon or midnight of the day on which the determining operation is completed.

(b) *The service.* Those voyages and/or terminal facilities in which cargo subject to the Commission's regulation under 46 CFR Part 531 is either carried or handled.

(c) *The trade.* That part of the Service subject to the Commission's regulation under 46 CFR Part 531 and as defined below under "Domestic Offshore Trade Route."

(d) *Other services.* Those voyages or terminal facilities other than those in the relevant Service. For example, a voyage to a foreign port on which no regulated cargo was carried, or a terminal facility in a foreign country.

(e) *Other cargo.* That part of the Service not included in the Trade.

(f) *Domestic offshore trade route.* The carriage of common carrier cargo under the terms of a tariff(s) on file with and regulated by the Commission between any one of the five areas of the Continental United States listed in paragraph (f)(1) of this section and one non-contiguous area of the United States (see paragraph (f)(2) of this section), or between two non-contiguous areas of the United States. Where service is offered to or from two or more areas at the same rates (e.g., Atlantic Coast to Puerto Rico and the Virgin Islands) and listed as such in a single tariff, the carriage of cargo to or from those two or more areas may be treated as one domestic offshore trade for the purposes of this subpart.

(1) The five areas of the Continental United States are:

(i) North Atlantic (Maine to, but not including Hatteras, North Carolina);

(ii) South Atlantic (Hatteras, North Carolina to, but not including, Key West, Florida);

(iii) Gulf (Key West, Florida to and including Brownsville, Texas);

(iv) West Coast; and

(v) Great Lakes.

(2) The non-contiguous areas of the United States (including, but not limited to those) to which Service is offered under the terms of tariffs on file with the Commission as of December, 1978 are:

(i) Alaska;

(ii) Virgin Islands;

(iii) Puerto Rico;

(iv) American Samoa;

(v) Hawaiian Islands;

(vi) Guam;

(vii) Northern Marianas Islands;

(viii) Johnson Island;

(ix) Midway Island; and

(x) Wake Island.

(g) *Cargo vessel.* A self-propelled or non-self-propelled vessel which transports cargo, but not including vessels which are authorized to carry more than 12 passengers.

(h) *Cargo cube.* The product of the outside dimensions of a unit of cargo expressed in cubic feet. In computing cargo cube for containerized cargo, the outside dimensions of the container shall be used. In computing the cargo cube for railroad cars, containers on chassis, lighters, or any other equipment which has an actual cargo capacity which differs substantially from the outside cube of the equipment itself, the outside cube of the equipment, including its wheels, shall be used. Empty equipment, such as containers, etc., shall be included in the computation of cargo cube if and only if they are revenue-producing units of cargo. Where an operator finds it more convenient to accumulate cargo cube data in terms of measurement tons or metric quantities, these units may be used instead of cargo cube in all instances where cargo cube is cited in this part. Where either of these options are exercised, the operator shall modify the headings on the prescribed reporting forms to indicate the units in which the data is being reported. The Commission does not contemplate that carriers will tape measure each piece of cargo at dockside, but does expect that where exact measurement is unavailable, carriers will derive a cube for such shipments, initially at least, by the use of conversion factors. Such conversion factors must be more than rough approximations; they must be developed after careful consideration of all evidence available to the carrier, including loading documents, the opinions of experienced operating personnel, and sample measurements; they must reflect separate factors for each of the principal commodities not affreighted on a measurement basis; they must reflect efforts to obtain actual measurements from shippers; and they must reflect reasonable surveillance to insure the accuracy of measurements provided by shippers.

(i) *Measurement ton.* Equals forty (40) cubic feet.

(j) *Metric measurement ton.* Equals 35.31 cubic feet or 1 cubic meter.

(k) *Twenty-foot equivalent (TEU).* Equals 1,280 cubic feet, based on the standard 20'x8'x8' container.

(l) *Cargo cube relationship.* The ratio of total cargo cube for all cargo carried in the Trade to total cargo cube for all cargo carried in the Service.

(m) *Cargo cube miles.* The product of the cargo cube carried between each port of origin and destination, multiplied by the number of nautical miles representing the shortest navigable distance between the two ports as set forth in *Distance Between Ports* (Department of the Navy, Oceanographic Office); *Distance Between United States Ports* (U.S. Department of Commerce, Coast and Geodetic Survey) or, if not listed in either of these publications, as approved by the Commission. Where revenue derived from the carriage of passengers and Other Services is treated as a reduction of costs under § 512.6(c)(2)(iii), the cargo-cube, if any, from which such revenue is derived shall be omitted from the cargo-cube mile calculations required herein. Where the carrier's service is solely between ports in the continental United States and domestic offshore ports, and there are no significant differences in the distances between the various continental ports and the several domestic offshore ports served, and where the ocean rates between said ports are identical, the cargo-cube relationship may be used in lieu of the cargo-cube mile relationship.

(n) *Cargo-cube mile relationship.* The ratio of cargo-cube miles for all cargo carried in the Trade to total cargo-cube miles for all cargo carried in the Service. Because the total of all cargo-cube miles will normally be a figure of considerable magnitude, the data shall be submitted in terms of thousands of cargo-cube miles.

(o) *Vessel operating expense.* (1) For carriers required to file Form FMC-64: the total of Direct Vessel, Port, Terminal and Container/Barge Expenses, less Other Revenue.

(2) For carriers required to file Form FMC-63: the total of Direct Vessel and Other Shipping Operations Expenses, less Other Revenue.

(p) *Vessel operating expense relationship.* The ratio of total Trade Vessel Operating Expense to total Company Vessel Operating Expense.

(q) *Related companies.* Companies or persons that directly or indirectly (through one or more intermediaries) control, or are controlled by, or are under common control with the reporting carrier. The term "control" shall include actual as well as legal control, whether maintained or exercised through (or by reason of) the circumstances surrounding organizational structure or operation.

through (or by) common directors, officers, stockholders, a voting trust(s), a holding or investment company or companies, or through (or by) any other direct or indirect means, including the power to exercise control.

(r) *Initial tariff.* The first filing of a tariff by a carrier in a specific domestic offshore Trade, or the filing of a tariff in a Trade where the carrier does not have an active tariff.

(s) *Total trade operating expense.* The total of all expenses shown on Exhibit B (Income Account), including Federal income taxes and related company transactions.

(t) *Total company operating expense.* The total of all expenses shown on Form FMC-64, Lines 2, 19, 22, 23, 26 and 27, or on Form FMC-63, Lines 2, 21, 26, 29 and 30.

(u) *Operating expense relationship.* The ratio of total Trade operating expenses to total Company operating expenses.

§ 512.6 Forms and instructions.

(a) *General.* (1) The information required by this part shall be submitted in the prescribed format and shall consist of:

- Exhibit A—Rate base and supporting schedules;
- Exhibit B—Income account and supporting schedules;
- Exhibit C—Rate of return and supporting schedules;
- Exhibit D—Application for waiver; and
- Exhibit E—Initial tariff filing supporting data.

(2) The required exhibits and schedules are described in the following paragraphs. *Pro forma* statements, illustrating the required exhibits and schedules, are appended to these rules and are described in paragraphs (b), (c), (d), (e) and (f) of this section. These *pro forma* statements are based on the Uniform System of Accounts for Maritime Carriers prescribed by the Maritime Administration and the Interstate Commerce Commission. For those carriers who are required to file Form FMC-63, a means has been provided whereby the accounts prescribed by the Interstate Commerce Commission for Carriers by Inland and Coastal Waterways may be reconciled with the requirements of these statements. For such carriers, alternative Schedules A-IV, B-II, B-III, B-V and B-VI have been provided, each identified by suffix (A) (i.e., Schedule A-IV(A)).

(b) *Rate base (Exhibit A)—(1) Investment in vessels (Schedule A-I).* Each cargo vessel (excluding chartered vessels) employed in the Service for

which a statement is filed shall be listed by name, showing the original cost to the carrier, or to any related company, plus the cost of betterments, conversions, and alterations, less the cost of any deductions. All additions and deductions made during the period shall be shown gross and on a *pro rata* basis, reflecting the number of days they were applicable during the period. The result of these computations shall be called Adjusted Cost. Where any of the above figures differ from those reported in Schedule 222 or 220, respectively, of the annual financial statements Forms FMC-63 or FMC-64, or from those reported for Federal income tax purposes, the differences shall be set forth and fully explained.

(i) The cargo vessels employed in the Service shall be categorized and treated separately as follows:

(A) For those cargo vessels employed exclusively in the Service for the entire period, inclusive of normal periodic lay-ups, the adjusted cost shall be included in the total to be allocated to the Trade.

(B) For those cargo vessels employed in the Service for less than the entire period, the adjusted costs shall be prorated between voyages in the Service and voyages in Other Services. The total number of days service excludes layup days; therefore it is likely to be less than the number of days in the reporting period. Lay-up days of vessels in this category will normally be assigned to the respective Services on the same basis used in allocating the adjusted costs of such vessels, i.e., active days. However, if one more of the vessels normally employed in the Service has been diverted temporarily to Other Services in lieu of incurring lay-up expense, no assignment of lay-up time to Other Services is required. If a vessel(s) is permanently withdrawn from the Service and laid-up pending disposition, the period of lay-up shall be assigned to Other Services. In summary, an inequitable amount of lay-up days shall not be assigned to the Service or to the Trade. That portion of the adjusted cost of the vessels not allocated to Other Services shall be included in the total to be allocated to the Trade.

(ii) The total of the adjusted cost of all vessels employed in the Service during the period which has not been allocated to Other Services, as required in § 512.6(b)(1)(i)(B) above, shall be distributed between the Trade and Other Cargo in the cargo-cube-mile relationship.

(iii) Where the Service of the carrier is solely between ports in the continental United States and domestic offshore ports, and where there are no significant

differences between the distances from the various continental ports and the several domestic offshore ports, and the ocean rates between said ports are identical, the cargo-cube relationship may be used in lieu of the cargo-cube-mile relationship.

(iv) Revenue derived from the carriage of passengers and Other Services which is treated herein as a reduction of costs § 512.6(c)(2)(iii), and the cargo-cube from which such revenue is derived, shall be excluded from the cargo-cube-mile calculations required herein.

(2) *Reserve for depreciation—Vessels (Schedule A-II).* (i) Each cargo vessel (excluding chartered vessels) employed in the Service shall be listed separately, showing for each its depreciable life and residual value. For vessels owned the entire year, the accumulated reserve for depreciation as of the beginning and the end of the year shall be reported and the arithmetic average thereof computed. This amount shall be allocated to the Service and to the Trade in the same proportions as the cost of the vessel was allocated on Schedule A-I. When any of the amounts required herein are different from those reported in Schedule 222 or 221, respectively, of the annual financial statements (Forms FMC-63 or FMC-64) or from those reported for Federal income tax purposes, the differences shall be set forth and fully explained. If the depreciable life of any equipment installed on a vessel differs from the depreciable life of the vessel, the cost thereof and the depreciation bases shall be set forth separately.

(ii) For any vessels disposed of during the period, a proportional reduction shall be made in the reserve for depreciation corresponding to the similar deduction required by § 512.6(b)(1). The reserve for depreciation upon which the proportional reduction is calculated shall be the average of the reserves for depreciation at the beginning of the year and at date of disposal.

(iii) For any vessels acquired during the period, the proportional addition to the reserve fund shall be calculated as one-half of the reserve for depreciation on that vessel at the end of the year.

(3) *Other property and equipment—Net (Schedule A-III).* (i) Actual investment, representing original cost to the carrier or to any related company, in other fixed assets employed in the Service shall be reported as of the beginning of the year. Accumulated reserves for depreciation for these assets shall be reported both as at the beginning and the end of the year. The arithmetic average of the reserves shall

also be shown and shall be the amount deducted from original cost in determining rate base. Additions and deductions during the period shall also be reported, and the carrier may assume that all such changes took place at midyear except for those involving substantial sums, which shall be prorated on a daily basis. Assets shall be grouped in major categories as required by the appropriate annual financial statements Forms FMC-63 or FMC-64. Allocation to the Trade shall be based upon the actual use of the specific asset or group of assets within the Trade. For those assets employed in a general capacity, such as office furniture and fixtures, the vessel operating expense relationship shall be employed for allocation purposes. The basis of allocation to the Trade shall be set forth and fully explained.

(ii) With respect to any significant deductions, the reserve shall be proportionately reduced as required by § 512.6(b)(2)(ii).

(iii) When any of the figures required herein differ from those reported in the annual financial statement, Forms FMC-63 or FMC-64, or from those reported for Federal income tax purposes, the differences shall be set forth and fully explained.

(4) *Working capital (Schedule A-IV).* Working Capital shall be determined as average voyage expense or actual working capital, whichever is lower.

(i) Average voyage expense shall be calculated on the basis of the actual expenses of operating and maintaining the vessel(s) employed in the Service (excluding lay-up expenses) for a period represented by the average length of time of all round trip voyages (excluding lay-up periods) terminated during the period in which any cargo was carried in the Trade. Expenses for operating and maintaining the vessels employed in the Trade shall include: Total Net Vessel Operating Expense for terminated voyages (accounts 701-741, 743-749, 752-773, 855-858, 861-863, 867-880, 888-894 less accounts 608-612, 624, 645, 650, 655, 660, 665), Administrative and General Expense (accounts 901-952, 960-961, 965, 989-995 less account 670), and Interest Expense (accounts 960, 961) allocated to the Trade as provided in § 512(c)(2), (4) and (5). For this purpose, if the average voyage, as determined above, is of less than 90 days duration, the expense of hull and machinery insurance and protection and indemnity insurance (accounts 730 and 732, respectively) shall be determined to be 90 days; Provided that such allowance for insurance expense shall not, in the

aggregate, exceed the total actual insurance expense for the period.

(ii) Actual working capital applicable to the Trade shall be calculated by taking the arithmetic average of the total company beginning and ending balances in the asset and liability accounts identified below, and allocating the net result to the Trade in the vessel operating expense relationship. For purposes of this computation, actual working capital shall include only the following accounts:

Accounts

100-199 Current assets (*less* reserves) and provision for accrued deposits in reserve funds (see A, B, C, below). Voluntary deposits shall not be accrued for deposit and shall not be deducted from current assets.

200 Deferred expenses—unterminated voyages.

375-389 Deferred charges (to operations) and prepaid expenses.

Less

400-539 Current liabilities (excluding mortgage notes-vessels, and other liabilities payable from reserve funds).

495 Advance ticket sales and deposits.

500 Deferred revenues—unterminated voyages.

The provision for accrued deposits into the reserve funds referred to in Accounts 100-199 above shall include, but is not limited to, the following:

(A) Accrued depreciation on vessels required to be deposited into the reserve funds.

(B) Proceeds from the sale of vessels and other sums (i.e., insurance proceeds) which, upon collection, are required to be deposited into the reserve funds.

(C) All other accrued mandatory deposits into the reserve funds.

(5) *Working capital (Schedule A-IV (A)).* Working capital for carriers who file Form FMC-63 shall be determined as the average monthly expense or actual working capital, whichever is lower.

(i) Average monthly expenses for carriers who annually file Form FMC-63 with the Commission shall be equal to one-twelfth of the expenses of the carrier during the relevant 12 month period, computed by adding the Annual Vessel Operating Expense, Administrative and General Expense, Interest Expense, and Inactive Vessel Expense, each as allocated to the Trade and shown respectively on Schedules B-II(A), B-III(A), B-IV and B-V(A), and dividing the total by 12.

(ii) Actual working capital for carriers who file Form FMC-63 shall be determined by taking the arithmetic average of the total company beginning

and ending balances in the asset and liability accounts identified below and allocating the net result to the Trade in the vessel operating expense relationship. For purposes of this computation, actual working capital shall include only the following accounts:

Accounts

100-117 Current assets *less* reserves.

166 Claims pending.

170 Other deferred assets.

171 Incompleted voyage expenses.

Less

200-209 Current liabilities.

210 Equipment obligations and other long-term debt due within one year.

230 Incompleted voyage revenues.

(6) *Other assets.* Any other assets claimed by the carrier as components of its rate base shall be set forth separately in a schedule and supported by the annual financial statements, Forms FMC-63 or FMC-64. The basis of allocation to the Trade and computations of percentages employed shall be set forth and fully explained. Where other assets are subject to depreciation, the amount of the reserve to be subtracted from the original cost in determining the component of rate base shall be the arithmetic average of the reserves for depreciation as of the beginning and the end of the year. Capital Construction Funds and other special funds are specifically excluded from rate base.

(7) *Property and equipment of related companies.*—(i) Property and equipment of related companies used by the reporting carrier in the Trade shall be reported. The cost of such asset shall be that reflected on the books of the related company. In calculating depreciated costs, the reserve for depreciation to be deducted from the original cost shall be the arithmetic average of the reserve for depreciation as of the beginning and the end of the year. Allocations of net depreciated cost to the Trade shall be in accordance with § 512.6(b)(1), (2) and (3), set forth and fully explained in a schedule similar to Schedule A-III.

(ii) Where such assets are included in the rate base, the profits or losses from intercompany transactions related to such assets are to be eliminated in accordance with § 512.6(c)(11).

(8) *Capitalization of interest on construction.*—Interest shall be capitalized on all funds (including the carrier's own funds) actually employed in the design, engineering study, performance inspection, construction, reconstruction or reconditioning of a capital asset. Such asset shall be owned in the carrier's own name or in the name

of any of its related companies. Should a carrier capitalize such interest on assets of related companies, such companies shall produce any information related to these assets upon request of the Commission, its employees or agents. Interest on funds expended shall be eligible for capitalization when all of the following conditions and requirements are met:

(i) The construction period must be 12 months or greater. For the purpose of this part, the construction period begins when construction work commences on the asset and ends when the asset is ready for use by the carrier. Strike periods, during which construction is delayed for 8 consecutive days or more, must be eliminated when determining whether or not the 12-month requirement is met;

(ii) Payments must be made on a periodic basis during the period of design and construction;

(iii) Interest shall be calculated starting with the first payment and on each subsequent payment thereafter. The rate employed shall be the average prime rate for the month in which the payment is made, as set forth in the *Federal Reserve Bulletin*;

(iv) A detailed description of the interest calculations shall be submitted for each capital asset included in the rate base of the carrier in the first year of its inclusion. Such description should include the name of the construction company employed and firm(s) performing design, engineering and/or inspection services and shall be set forth on a separate schedule similar to *pro forma* Schedule A-1 (page 3 of 4) "Capitalization of Interest on Construction." Capitalized interest shall be included in the rate base when the asset is included in the rate base, in accordance with § 512.6(b) and in the same allocable amounts as the asset. A schedule shall be provided each time a rate base statement is submitted, setting forth the year in which an interest calculation statement was submitted for each asset which includes capitalized construction interest in the rate base; and

(v) The effects of the interest-during-construction provisions shall be applicable to all work completed after December 31, 1977.

(9) *Capitalization of leases.* Leased assets which are capitalized on the carrier's books and which meet AICPA guidelines as to capitalization shall also be included in rate base. A separate schedule (see *pro forma* Schedule A-III, (page 3 of 3), "Capitalization of Leases") shall be submitted setting forth pertinent information relating to the lease and the

details of the capitalization calculation. Allocations to the Trade shall follow the requirements outlined in § 512.6(b)(1) *Investment in Vessels*, or § 512.6(b)(3) *Other Property and Equipment—Net*, whichever is applicable.

(10) *Vessel statistics.* For those cargo vessels employed in the Service (including chartered vessels), a schedule similar to the *pro forma* Schedule A-1 (page 3 of 7), "Vessel Statistics" shall be submitted, setting forth the following statistics: the name and type of each vessel (e.g., container, ro/ro, barge, etc.); the year built and the year acquired; the year converted, if applicable; the gross tonnage; the container capacity in twenty-foot equivalents; and the fuel type and speed of the vessel. Chartered vessels should be footnoted as such.

(11) *Vessel utilization.* For all voyages in the Service, a schedule similar to the *pro forma* Schedule A-1 (pages 4 and 5 of 7), "Vessel Utilization" shall be submitted setting forth the following: The termination dates of the voyage; voyage number; capacity of the vessel/barge and the utilization levels of the vessel/barge outbound and inbound. Capacity and utilization figures should be expressed in 20-foot equivalent units (8'×8'×20'). Utilization shall be determined on the basis of the actual number or cargo units carried, calculated as follows:

(i) For voyages beginning and ending at continental U.S. ports: the reported utilization levels on clearance at the last continental U.S. port outbound and the first continental U.S. port inbound;

(ii) For voyages between non-contiguous areas: the reported utilization levels on clearance at the last port served in one non-contiguous area outbound and the first port served in that same non-contiguous area inbound.

The maximum capacity, including below and on deck, should be 100 percent.

(12) *Vessel revenue and expense.* For all vessels employed by the carrier, including chartered vessels, a schedule similar to *pro forma* Schedule A-1 (pages 6 and 7 of 7) "Vessel Revenue and Expense" shall be submitted. This schedule should show the total revenue and expense of each vessel and the average revenue and expense per terminated voyage day. Voyages shall be divided between Other Services and the Service. The schedule shall also include: name of vessel; terminated voyage days; total revenue; direct vessel, port, terminal and container/barge expenses; other revenue; and the amount of gross profit (loss) per vessel.

(c) *Income account (exhibit B) —(1) Operating revenue (schedule B-I).*

Revenue allocated to the Trade shall include only revenue earned from the common carriage of cargo in the domestic offshore trade on voyages terminated during the period, except that minor amounts of other cargo may be considered Trade cargo in accordance with § 512.2(h). Cargo cube revenue figures shall be reported in total for the Trade and separately for each of the 15 commodities (listed by tariff descriptions) producing the highest revenues in the Trade for that number of commodities comprising at least 50 percent of the revenue in the Trade, whichever is greater for the outbound portion of the voyage; and for each of the 15 commodities producing the highest revenues in the trade or for that number of commodities comprising at least 50 percent of the revenue in the Trade, whichever is greater, for the inbound portion of the voyage. However, no separate listing shall be made for the carriage of any commodities which totalled less than 20,000 cubic feet for the relevant 12 month period. Where fewer than 15 commodities account for at least 90 percent of the total revenue for either the outbound or inbound portion of the Trade, only those commodities need be separately reported. Where the same commodity is carried under several tariff designations having different rates (e.g., potatoes refrigerated, potatoes non-refrigerated, potatoes in bags, and potatoes in containers), each of these tariff designations shall be considered as an individual commodity. Where the applicable tariff establishes a single rate per container for containers that may contain more than one commodity, the commodity shall be considered freight-all-kinds and the individual commodity designations shall be disregarded.

(i) Interest and dividend income from short-term investments shall be allocated to the Trade in the vessel operating expense relationship.

(2) *Vessel operating expense (Schedule B-II).* A vessel operating expense summary of voyages terminated during the period in which any cargo was carried in the Service shall be submitted. Allocations to the Trade shall be on the following basis:

(i) For all voyages in the Service, vessel expense shall be allocated to the Trade in the cargo-cube-mile relationship where an allocation is necessary. Should any of the elements of vessel expense be directly allocable to specific cargo, such direct allocations shall be made and explained.

(ii) Port, terminal and container/barge expenses shall be allocated separately, by ports at which incurred, between the

Trade and Other Cargo to the extent possible, or otherwise on the basis of cargo cube loaded and discharged at each port. A separate schedule shall be submitted for each port where any Trade cargo was handled, showing the amounts directly and indirectly assigned within the Service to Other Cargo and Trade Cargo categories. Any direct assignments shall be set forth and fully explained.

(iii) Passenger Revenue less passenger brokerage, Other Voyage revenue and Other Shipping Operations Revenues (Accounts 645, 650, 655, 660 and 665) shall be deducted from Vessel Operating Expense. Passenger Revenue—Net and Other Voyage revenue should be allocated between the Trade and Other Cargo on a direct basis where possible, otherwise in the cargo-cube-mile relationship. Other Shipping Operations Revenue, listed separately by ports at which earned, should be allocated directly to the extent possible, otherwise on the basis of cargo cube loaded and discharged at each port. A supporting schedule shall be submitted for Passenger and other Voyage Revenue, showing the amount of revenue directly and indirectly assigned within the Service to Other Cargo and Trade Cargo categories. Any direct assignments shall be fully set forth and explained. A separate schedule shall be submitted for each port where Other Shipping Operations Revenue was received, showing the amount of revenue directly and indirectly assigned within the Service to other Cargo and Trade Cargo categories. Any direct assignments shall be set forth and fully explained. (This schedule is not required of those carriers who annually file Form FMC-63 with the Commission.)

(3) *Vessel operating expense (Schedule B-II(A)).* This schedule shall be submitted by carriers who annually file Form FMC-63 with the Commission. It is designed to summarize operating results and to provide for allocations to the Trade where necessary because of the simultaneous carriage of Other Cargo. The principles of allocation are the same as those require by § 512.6(c)(2) above.

(4) *Administrative and general expense (schedules B-III and B-III(A)).* (i) Administrative and general expenses, less agency fees, commissions and brokerage earned, shall be allocated to the Trade in the vessel operating expense relationship. Direct allocations should be made where practicable, particularly with respect to advertising expense related to the operation of passenger and combination vessels. Any direct assignment shall be set forth and

explained in detail in an appropriate schedule.

(ii) In those instances where a carrier is involved in other businesses in addition to shipping, Administrative and General Expenses (A&G) should be allocated to each business in the ratio of total operating expenses for each business (less A&G) to total company operating expenses (less A&G). Allocation to the Trade should then be made as previously described.

(5) *Interest expense and debt payments (Schedule B-IV).* (i) This schedule shall set forth the total interest and debt payments, apportioned between principle and interest, short and long-term, on debt and lease obligations. Principal and interest shall be allocated to the Trade in the relationship that Trade assets less working capital bears to company-wide assets less current assets. Where related company assets are employed by the reporting company, the balance sheet figures on the related company's books for such assets shall be added to the company-wide total computing the relationship.

(ii) In those instances where interest expenses are capitalized in accordance with § 512.6(b)(8), a deduction shall be made for the amount so capitalized.

(6) *Inactive vessel expense (schedules B-V and B-V(A)).* Inactive vessel expense shall, in general, be allocated by vessel on the same basis as the investment in such vessel is included in the rate base. Inactive vessel expense applicable to vessels not used in the Service or withdrawn from the Service shall be excluded (see § 512.6(b)(1)(i)(B)).

(7) *Depreciation and amortization (schedules B-VI and B-VI(A)).* Depreciation and amortization of assets included in the rate base shall be allocated on the same bases as are the specific assets.

(8) *Construction—differential subsidy refund (schedule B-VII).* Construction-differential subsidy refunds paid or payable to the Maritime Administration in connection with vessels employed on a part-time basis in the Service and applicable to the period for which a report is being made, calculated in accordance with the requirements of section 506 of the Merchant Marine Act, 1936, as amended, shall be taken into account. The construction-differential subsidy refund attributable to operations in the Service shall be allocated to the Trade in the relationship that the cargo-cube-miles of cargo carried in the Trade bear to the total cargo-cube-miles of that cargo in the Service, the revenue from which was used to determine the amount of the

refund. Whenever expenses applicable to the Trade are increased due to construction-differential subsidy refunds, details of calculations with respect thereto must be reported on Schedule B-VII.

(9) *Other income or expenses.* (i) Any other elements of income or expense, wholly or partial applicable to the Trade, shall be fully explained and supported by a schedule showing details of allocation and reconciliation with figures shown in the annual financial statement, Forms FMC-63 or FMC-64.

(ii) Operating-differential subsidy refunds under section 605(a) of the Merchant Marine Act, 1936, as amended, shall not be allocated to the Trade.

(10) *Provisions for income tax (schedule B-VIII).* The provisions for Federal, State, and other income taxes shall be listed separately. If the company is organized outside of the United States (e.g., Puerto Rico), it shall indicate the entity to which it pays income taxes, the tax paid, and the rate of tax applicable to its taxable income for the subject year. The tax information to be included herein shall show the tax liability of the carrier only. Such information shall be computed on the basis of that carrier's data, as if the carrier were filing its own tax return, regardless of whether or not that carrier may be included in a consolidated return filed by another corporate entity. Where that amount is not ascertainable at the time of filing this report, it shall be estimated with as much precision as possible, and not merely computed at the highest statutory tax rate. Tax savings resulting from the investment credit shall be shown separately. The amount for actual taxes shall be increased by the amount of tax savings resulting from the investment tax credit. Allocation of tax liability to the Trade, where necessary, shall be made on the basis of the relationship between net income from the Trade before taxes and total net income before taxes. Where circumstances exist which would make this type of allocation inequitable to the Trade or to other operations (e.g., a large uninsured casualty loss in one aspect of operations), the circumstances should be explained and proper adjustments made to the allocated tax liability.

(ii) If the regulated company has assets in its rate base which are owned by related companies, these assets are to be considered for tax computation purposes as part of the regulated company's assets. Therefore, if the related company is using accelerated depreciation for its tax return, then the

regulated company is to do the same in computing its tax liability.

(11) *Related company transactions (Schedule B-IX).* The net income (loss) after Federal income taxes from transactions in the Service with related companies shall be allocated to the Trade. Such allocations shall be on the same basis as the specific expense was allocated to the Trade. Income taxes should be assigned to related company transactions based on the effective tax rate that was applied to the profits or losses resulting from such transactions. The methods employed shall be fully explained and supported by a schedule similar to *pro forma* Schedule B-IX, "Related Company Transactions."

(d) *Rate of return (Exhibit C).* (1) All carriers are required to calculate all three rate-of-return evaluation methods set forth in the following paragraph, though the Commission is likely to evaluate the reasonableness of the carrier's rates as follows:

(i) For those carriers who have 20 percent or more equity in total company assets, and whose Trade rate base is more than 30 percent of Trade revenue, the return on equity method will be employed;

(ii) For those carriers who have less than 20 percent equity in total company assets, and whose Trade rate base is more than 30 percent of Trade revenue, the fixed coverage ratio will be employed;

(iii) For those carriers whose Trade rate base is less than 30 percent of Trade revenue, the operating ratio will be employed.

(2) *Return on equity (Schedule C-1).* (i) The return on equity calculation will be computed by *dividing* Trade net income (Exhibit B, or B-a and B-p, as appropriate) by equity in Trade assets (Schedules C-1, or C-1(a) and C-1(p), as appropriate). The equity in Trade assets shall be determined by the ratio of total company owners' equity to total company owners' equity plus long-term debt, both supported by the balance sheets furnished in accordance with § 512.2(d)(1)(vi). All these amounts are to be as of the beginning of the reporting period. The percentage derived therefrom shall be applied to Trade assets (Exhibits A, or A-a and A-p, as appropriate) to determine the amount of equity in such assets.

(ii) When the reporting carrier's balance sheet shows outstanding loans with a related company, such loans are to be considered equity if they are not liquidated within 12 months, and the interest thereon eliminated from all calculations.

(iii) The analysis of the reasonableness of a carrier's return on equity will be made on the basis of the carrier's cost of capital. Among the methods used to determine the cost of capital are the discounted-cash-flow (DCF) method and the comparable earnings test. The DCF method equates the market value of a company's stock with the present value of the income stream that stockholders might reasonably expect to receive in the future. This method is appropriate only when the carrier issues stock directly to the public and the stock is actively traded on an exchange.

(iv) The comparable earnings test requires information on the earnings of U.S. corporations over an extended period of time. From these time-series data, the average rate of return earned by U.S. corporations is computed. A risk factor is calculated next to determine whether the company in question should earn more or less than the average rate of return of U.S. corporations. The determination of the proper risk factor is made by comparing the business and financial risk facing the carrier as compared to other firms, the trend in the cost of money, market shares and other objective and subjective factors.

(3) *Fixed Coverage Ratio (Schedule C-II).* (i) The fixed coverage ratio shall be computed by *dividing* the total of net income, interest expense, depreciation and amortization expense, and the provision for income taxes as allocated to the Trade (Exhibit B, or B-a and B-p, as appropriate) by the Trade fixed charges. Fixed charges applicable to the Trade are the total of interest expense, principal payments, and capitalized lease obligations, as shown on Schedule B-IV, or B-IV and B-p-IV, as appropriate.

(ii) In order to evaluate the reasonableness of a carrier's fixed charges coverage ratio, the staff will analyze the debt-coverage ratios for variety of entities including, but not limited to: (A) public utilities; (B) Government-owned corporations; (3) rural electric cooperatives; (O) various municipal enterprises such as airports and hospitals; and (E) various sectors of the transportation industry including subsidized and unsubsidized ocean carriers. The staff will analyze the subject carrier's debt-coverage ratio in light of the nature of its debt structure (i.e., long term or short term), the overall economic conditions facing the carrier, and the market environment with which the carrier is operating.

(4) *Operating Ratio (Schedule C-III).* (i) The operating ratio will be computed by *dividing* total Trade expenses

(adjusted for related company transaction by total Trade revenue.

(ii) The reasonableness of a carrier's operating ratio will be determined by analyzing the operating ratios of regulated and non-regulated industries such as: (A) public utilities; (B) publicly-held corporations; and (3) transportation companies. The comparison of the carrier's operating ratio with ratios for other firms will include an analysis of the risks inherent in ocean transportation as compared to other regulated and non-regulated industries. The staff will also conduct a comparative analysis of the financial ratios; (1) current; (2) leverage; (3) turnover; and (4) profitability, and an analysis of the stability in earnings for the carrier versus other firms.

(e) *Application for waiver (Exhibit D).* (1) Carriers requesting a waiver of the detailed reporting requirements in accordance with § 512.2(c)(3) must submit an application similar in format to Exhibit D. The information required relates to the identity of the applicant; routes or services offered; certain financial and operating data; and the person to contact concerning the application.

(2) The data submitted must be certified by the corporate officer responsible for the maintenance and accuracy of the books, accounts and financial records of the carrier. The certificate shall state that the application has been prepared from the books and records of the carrier and that, to the best of the certificant's knowledge and belief, the facts submitted are true and correct. This certificate must be notarized.

(3) Specific instructions concerning completion of the application for waiver are contained in page 1 of Exhibit D.

(f) *Initial tariff filing supporting data (Exhibit E).* (1) Carriers filing initial tariffs, as defined in § 512.2(j) shall submit the information set forth in *pro forma* Exhibit E. The information required relates to the identity of the respondent; the routes or services to be offered; certain financial and operating data; and the person to contact concerning the report.

(2) The data submitted must be certified by the corporate officer responsible for the maintenance and accuracy of the books, accounts and financial records of the carrier. The certificate shall state that the data have been prepared from the books and records of the carrier and that, to the best of the certificant's knowledge and belief, the facts submitted are true and correct. This certificate must be notarized.

(3) Specific instructions concerning completion of the data for initial tariff filings are contained in Exhibit E.

[Docket No. 78-46]

[FR Doc. 79-14252 Filed 5-7-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

FM Broadcast Stations in Grove, Okla. and Columbus, Kans.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Grove, Oklahoma. Petitioner, George C. Lackey, requested a Class C assignment, but due to spacing limitations, only a Class A channel is available to the community. A first Class A channel also is proposed for Columbus, Kansas, in response to a petition filed by Ben H. Woolery. The proposed Class A channels would provide for stations which could furnish first local aural broadcast service to the respective communities.

DATES: Comments must be filed on or before June 25, 1979, and reply comments must be filed on or before July 16, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Grove, Oklahoma and Columbus, Kansas)

Adopted: April 26, 1979.

Released: May 1, 1979.

By the Chief, Broadcast Bureau:

1. The Commission has before it two petitions: one filed by George C. Lackey ("Lackey"), proposing the assignment of Class C Channel 300 to Grove, Oklahoma,¹ and the other filed by Ben H. Woolery ("Woolery"), proposing the assignment of Channel 257A to Columbus, Kansas.² Both channels were

proposed as first FM assignments to these communities. An opposition was filed to the Columbus proposal by Jack Maxton ("Maxton"), President of Cherokee Broadcasting, and applicant for Channel 296 at Baxter Springs, Kansas.

2. Grove (pop. 2,000), in Delaware County (pop. 17,167),³ is located approximately 120 kilometers (75 miles) northeast of Tulsa, Oklahoma, and 280 kilometers (175 miles) south of Kansas City, Missouri.

3. Columbus (pop. 3,356), seat of Cherokee County (pop. 21,549), is located in southeastern Kansas, approximately 150 kilometers (93 miles) northeast of Tulsa, Oklahoma, and 210 kilometers (132 miles) south of Kansas City, Missouri.

4. Lackey states that Grove is in the Grand Lake resort area and is in need of a first local aural broadcast service.

5. Woolery states the economy of Columbus is dependent largely on agriculture but also has several small manufacturing plants which contribute to the economy. He states that the community is located in a tornado and severe weather area and a radio facility is needed to furnish weather information to Columbus and the surrounding rural community. Woolery has submitted detailed information with respect to Columbus in order to demonstrate the need for a first FM assignment.

6. Maxton opposes the proposed assignment to Columbus on economic grounds. He claims that Cherokee County could not support two stations. He states that, although the county is a stable area, it is not a fast growing one and most of the stores and businesses are considered small by any standard and do not do much advertising. Maxton points out that the proposed Columbus transmitter site would be located approximately 8 kilometers (5 miles) from Baxter Springs and which site would be closer to Baxter Springs than to the proposed city of license, Columbus. Maxton requests that the Commission consider whether Cherokee County is in need of a second Class A channel since there are now 8 AM and 7 FM radio stations with a variety of programming within a thirty-mile radius of Columbus.

7. The proposed assignment of Channel 300 to Fayetteville, Arkansas, has been precluded by its assignment to Grove, Oklahoma. A channel search by the staff revealed that Channel 257A is the only channel available for assignment to Grove. Since Channel 257A could not be assigned to both

Grove and Columbus because of spacing requirements, we are proposing Channel 257A to Grove which would satisfy its needs for a first local aural broadcast service. In a further channel search it was found that Channel 252A could be assigned to Columbus. In view of the apparent need for a first FM assignment to that community, we are proposing Channel 252A to Columbus. However, in order to meet the minimum distance separation requirements, the transmitter of a Channel 252A station must be located 9.81 kilometers (6.13 miles) northeast of Columbus.

8. Accordingly, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) with regard to the cities listed below:

City	Channel No.	
	Present	Proposed
Grove, Oklahoma.....		257A
Columbus, Kansas.....		252A

9. 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 a channel will be assigned.

10. Interested parties may file comments on or before June 25, 1979, and reply comments on or before July 16, 1979.

11. 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, all *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 Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b)

¹ Public Notice of the petition was given on January 19, 1978. Report No. 1096. Channel 300 was assigned to Fayetteville, Arkansas, by *Second Report and Order*, Docket No. 19879, adopted August 15, 1978, and is therefore precluded from assignment to Grove, Oklahoma, because of short spacing.

² Public Notice of the petition was given on December 8, 1978. Report No. 1154.

³ Population figures are taken from the 1970 U.S. Census.

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 Sections 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 must be made in written comments, reply 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 to which the reply is directed. Such comments and reply 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 Section 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 79-04; RM 3031; RM-3256]
[FR Doc. 79-14296 Filed 5-7-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed regulation

SUMMARY: An amendment to the foreign fishing regulations is proposed which would provide additional protection to domestic fixed gear by enlarging the fixed-gear areas in the Northwest Atlantic Ocean fishery. Foreign vessels are prohibited from trawling within the fixed-gear areas. The Coast Guard broadcasts the boundaries of these areas, based on reports from domestic fishermen of the location of their fixed gear.

DATE: Comments are invited until May 20, 1979.

ADDRESS: Send comments to Bernard E. Skud, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: William P. Allen (202) 634-7293.

SUPPLEMENTARY INFORMATION: An amendment to the regulations governing foreign fishing activities within the United States fishery conservation zone was proposed on February 2, 1979, which would have prohibited foreign vessels in the Northwest Atlantic Ocean fishery from trawling within two nautical miles ("buffer" zone) of fixed-gear areas (43 FR 6761). Buffer zones were in effect during 1978 but were not included in the regulations for 1979. Eight comments, all opposed, were received on the proposed regulation.

The principal objections were that the buffer zones: (1) effectively precluded foreign fishing vessels from taking their allocations; (2) created crowded, chaotic, and dangerous conditions on

the remaining available fishing grounds; and (3) restricted the available fishing grounds so that some incursions into buffer zones were unavoidable.

During 1978, foreign nations harvested only 27.5 percent of their allocations in the Northwest Atlantic Ocean fishery. The objections regarding restrictive conditions on the available fishing grounds were supported by the U.S. Coast Guard.

Other objections were that buffer zones external to fixed-gear areas: (1) were unnecessary because the fixed-gear areas provided adequate protection; (2) created a plotting burden on foreign fishing vessels and U.S. enforcement vessels; and (3) created enforcement difficulties because external buffer zones are not specifically defined in geographic coordinates.

These objections notwithstanding, adequate protection of domestic gear from losses caused by foreign trawling is essential, and a buffer zone is necessary to allow for navigational inaccuracies and the surface currents which change the position of the markers. However, the width of the buffer zones should not be excessive. In 1978, fixed-gear areas frequently included border areas containing no fixed gear, and the external two-mile buffer zone unnecessarily restricted the areas available for foreign fishing.

To provide adequate protection for domestic fixed gear, the boundaries of fixed-gear areas (as broadcast by the Commander, Atlantic Area, U.S. Coast Guard) will include a buffer zone extending one to two nautical miles beyond the locations of reported gear.

Including a buffer zone inside the fixed-gear area, instead of outside the area, has the following advantages: (1) the plotting burden is reduced; (2) specific coordinates of prohibited trawling areas are provided; and (3) the width of the buffer zone will not be excessive. Therefore, it is proposed to amend the foreign fishing regulations by providing buffer zones within the fixed-gear areas.

During development of this proposed regulation, comments were received from interested parties after the close of the comment period prescribed (February 16, 1979). In addition, significant discussions were held with representatives of the Coast Guard and the Department of State. To provide an opportunity for all interested parties to comment on this latest proposed amendment, a 10-day comment period is provided.

The Assistant Administrator has made an initial determination that this

proposed regulation is not a significant regulation under Executive Order 12044. Environmental impact statements for the preliminary fishery management plans concerned are on file with the Environmental Protection Agency.

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

Signed at Washington, D.C., this 2nd day of May, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Section 611.50(d)(1) is proposed to be amended by deleting paragraph (d)(1)(i) and replacing it with the following new paragraph (d)(1)(i):

§ 611.50 Northwest Atlantic Ocean Fishery.

(d) * * *

(1) * * *

(i) In any fixed-gear area (as broadcast by the Coast Guard; see § 611.11 and paragraph (d)(2) of this section). Fixed-gear areas will include a buffer zone around the actual reported locations of the fixed gear.

[FR Doc. 79-14389 Filed 5-7-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 44, No. 90

Tuesday, May 8, 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

Agricultural Marketing Service

Packers and Stockyards; Meat Pricing Task Force; Change in Time and Location of Meeting

On Wednesday, March 28, 1979, five meetings of the Meat Pricing Task Force were announced (*Federal Register*, Vol. 44, No. 61). An additional meeting of the Task Force was announced for June 11, 1979, at the Airport Marina Hotel, Dallas-Fort Worth Regional Airport, Dallas, Texas (*Federal Register*, Vol. 44, No. 83, April 27, 1979).

The purpose of this notice is to announce a change in the time and location of the May 10, 1979, meeting of the Task force originally scheduled to begin at 10:00 a.m. in Room 218A, Administration Building, U.S. Department of Agriculture, Washington, D.C. The reason for this change is the large number of public participants anticipated for the meeting.

The May 10, 1979, meeting of the Meat Pricing Task Force is now scheduled to begin at 8:00 a.m. in the enclosed Patio, Administration Building, U.S. Department of Agriculture, Washington, D.C.

As stated in the April 27, 1979, *Federal Register* notice, written statements from any interested person will be accepted if postmarked no later than May 21, 1979. Any person interested in submitting a written statement to the Task Force should address such statement to Chas B. Jennings, Deputy Administrator, Packers and Stockyards, AMS, U.S. Department of Agriculture, Room 3039-South, Washington, D.C. 20250.

Dated: May 3, 1979.

Chas B. Jennings,

Deputy Administrator Vice Chairman, Meat Pricing Task Force.

[FR Doc. 79-14285 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

National Advisory Council on Maternal, Infant, and Fetal Nutrition; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.

Date and time: 9:00 a.m., May 21-23, 1979.

Place: Radisson Cadillac Hotel, 1114

Washington Blvd., Detroit, Michigan 48231. Purpose of meeting: The Council will continue its study of the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP).

Proposed agenda: The Council will visit the Commodity Supplemental Food Program and the WIC Program operating in Detroit. The remainder of the agenda will pertain to a wide variety of issues concerning the operation of these two programs.

This meeting will be open to the public. As time permits, members of the public may participate in the meeting.

Persons wishing additional information about the meeting should contact Lindy Dahnk, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-8421.

Dated: May 2, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-14204 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Fremont National Forest Grazing Advisory Board Meeting

The Fremont National Forest Grazing Advisory Board will meet at 1 p.m. on Thursday, May 31, 1979, at the Forest Supervisors Office, 34 North D Street, Lakeview, Oregon 97630.

The purpose of this meeting is:

Review Range Allotment Management Planning

1. RPA Assessment and Program Direction.
2. Public Participation.

The meeting will be open to the public. Persons who wish to attend should notify Ralph B. Roberts, 34 North D, Lakeview, Oregon, 97630, Phone 947-2151. Written statements may be filed

with the Board before or after the meeting.

The committee has established the following rules for public participation.

Rules for public participation/subjects must be written statutory functions of the Board.

1. Must have pre-notice and placed on agenda.
2. Time limit will be announced at meeting.
3. May be oral or written.
4. Aggrieved grazing permittee must contact:
 - a. District Ranger regarding decision or recommendations.
 - b. Forest Supervisor regarding proposed action.
 - c. Advisory Board member.
 - d. Forest Supervisor/Board President in emergency.
5. General Public:
 - a. Same steps as aggrieved grazing permittee.
 - b. Open input on agenda items permitted.
 - c. May present topics or concerns if prearranged.

Dated: May 1, 1979.

Jerry L. Monesmith,

Acting Forest Supervisor

[FR Doc. 79-14232 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-11-M

Office of Transportation

Rural Transportation Advisory Task Force Meeting

AGENCY: Office of Transportation, U.S. Department of Agriculture.

ACTION: Notice of Public Meeting of the Rural Transportation Advisory Task Force.

DATES: May 15, 1979, 8 a.m.; May 16, 1979, 8 a.m.; and May 17, 1979, 8 a.m.

ADDRESS: Hampshire House Hotel, 1000 Grant Street, Denver, Colorado.

SUMMARY: At the completion of its work on January 1, 1980, the Task Force will report on methods for enhancing the economical and efficient movement of agricultural commodities (including forest products) and agricultural inputs and recommend approaches for establishing a national agricultural transportation policy and for identifying impediments to a railroad transportation system adequate for the needs of agriculture. The Task Force has formed three subcommittees on policy and essential transportation needs of agriculture; railroad problems of agriculture; and highway, waterway,

and air transportation problems of agriculture. At its last meeting, the Task Force finalized the nature of an interim report including the identification of critical agricultural transportation issues. The purpose of the next meeting is to fully discuss and identify options for each issue for inclusion in the interim report, tentatively scheduled for publication in June, 1979. The public is invited to attend and observe the meeting of the Task Force. Afternoon sessions will be primarily devoted to subcommittee workshops while morning sessions will be for full Task Force meetings, to include reports of subcommittees and presentation of information by staff and other resource people.

FOR FURTHER INFORMATION CONTACT: Dr. Robert J. Tosterud, Office of Transportation, U.S. Department of Agriculture, Washington, D.C. 20250. Phone: (202) 447-3963.

Dated: May 1, 1979.

Ron Schrader,

Acting Director, Office of Transportation.

[FR Doc. 79-14309 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

Associated Electric Cooperative, Inc.; Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with possible financing assistance for Associated Electric Cooperative, Inc., P.O. Box 754, Springfield, Missouri 65801.

This financing is related to the Missouri portion of approximately 55 miles of 600 kV transmission line in the counties of New Madrid, Pemiscott and Dunklin, Missouri, and Mississippi County, Arkansas.

Additional information may be obtained from Mr. Joseph S. Zoller, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Comments are invited from the public and particularly from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. Limited supplies of this document are available for mailing upon request. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4314, or at the headquarters of Associated Electric Cooperative, Inc., whose address is given above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Zoller at the address given above. Comments must be received within 60 days of the date of publication of this notice to be considered in connection with the proposed financing assistance.

Any financing assistance by REA pursuant to this proposed project will be subject to, and release of funds thereunder will be contingent upon REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with the Environmental Statement procedure required by the National Environmental Policy Act of 1969, and procedures required by other environmentally related statutes, regulations, and Executive Orders and Secretary's Memoranda.

Dated at Washington, D.C. this 30th day of April 1979.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 79-14142 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Former Large Irregular Air Service Investigation (Application of Air Specialties Corp.); Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 6, 1979, at 9:30 a.m. (local time), in Hearing Room 1003 D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served November 9, 1978, and other documents which are in the docket

of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 2, 1979.

Marvin H. Morse,

Administrative Law Judge.

[Docket 33361]

[FR Doc. 79-14227 Filed 5-7-79; 8:45 am]

BILLING CODE 6320-01-M

Tiger International-Seaboard World Airlines, Inc., Acquisition Case; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above entitled matter will be held on June 19, 1979 through July 13, 1979, inclusive, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428, before the undersigned judge.

Dated at Washington, D.C., May 2, 1979.

John J. Mathias,

Administrative Law Judge.

[Docket No. 33712]

[FR Doc. 79-14228 Filed 5-7-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming Advisory Committees; 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 Regional Advisory Committees of the Commission will convene at 9:00 am and will end at 1:00 pm, on May 23, 1979, at the Executive Tower Inn, Suite 1706, 1405 Curtis Street, Denver, Colorado.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to plan future activities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 2, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-14320 Filed 5-7-79; 8:45 am]

BILLING CODE 6335-01-M

Connecticut 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 Connecticut Advisory Committee (SAC) of the Commission will convene at 7:00 pm and will end at 9:00 pm, on May 31, 1979, at the Holiday Inn, Meriden, Connecticut.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss project and community development.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 3, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-14321 Filed 5-7-79; 8:45]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to: (1) review status reports on development of fishery management plans; (2) consider foreign fishing applications, if any; and (3) conduct other business.

DATES: The meeting will convene on Tuesday, June 5, 1979, at 1:30 p.m.; Wednesday, June 6, 1979, at 8:30 a.m.; Thursday, June 7, 1979, at 8:30 a.m.; adjourning at 5 p.m. on the 5th and 6th and at approximately 12 noon on the 7th. The meeting is open to the public.

ADDRESS: The meeting will take place in the Iberville Room of the Monteleone Hotel, 214 Rue Royale, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: May 3, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-14353 Filed 5-7-79; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meeting

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), will meet to discuss: (1) Fluke Fishery Management Plan (FMP); (2) Butterfish and Bluefish FMP's; and (3) other business.

DATES: The meeting will convene on Wednesday, June 13, 1979, at 1 p.m. and will adjourn on Friday, June 15, 1979, at approximately 1 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route #291, Philadelphia, Pennsylvania 19153.

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: May 3, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-14352 Filed 5-7-79; 8:45 am]

BILLING CODE 3510-22-M

Modification of Permit No. 219

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 219, issued to Dr. Kenneth S. Norris, University of California at Santa Cruz, on January 31, 1978, as modified March 9, 1979, is further modified as follows:

1. Section A is modified by deleting Section A-1 and substituting there the following:

"Fifteen (15) spinner porpoises (*Stenella longirostris*) of either sex, may be taken, radio or Roto tagged and released."

The original permit authorized fifteen (15) spinner porpoises to be taken by radio tagging and released. By this modification, the Permit Holder is authorized to use a Roto tag in lieu of a radio tag where appropriate.

This modification is effective on May 2, 1979.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 2, 1979.

Winfred H. Meibohm,

Associate Director, National Marine Fisheries Service.

[FR Doc. 79-14350 Filed 5-7-79; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council's Advisory Panel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265) and the Council has established an Advisory Panel (AP) which will meet to review the final draft of the King and Spanish Mackerel Fishery Management Plan.

DATES: The meeting will convene on Wednesday, May 23, 1979, at 9 a.m. and will adjourn at approximately 3 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the South Carolina Wildlife and Marine Resources Department, Ft. Johnson Road, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: May 3, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-14351 Filed 5-7-79; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council, Inter-Council Billfish Steering Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Inter-Council Billfish Steering Committee, established under Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to review the Billfish Fishery Management Plan.

DATES: The meeting will convene on Monday, May 21, 1979, at 9 a.m. and will adjourn on Tuesday, May 22, 1979, at approximately 12 noon. The meeting is open to the public.

ADDRESS: The meeting will take place at the South Atlantic Fishery Management Headquarters, Charleston, South Carolina.

FOR FURTHER INFORMATION: South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: May 2, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-14238 Filed 5-7-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report—Thermal Insulation Materials; Correction

The NVLAP Quarterly Report appearing in the *Federal Register* of April 13, 1979 (44 FR 22139), indicated that formal applications for accreditation for testing thermal insulation materials were received from 20 organizations representing 23 laboratories. The names of only 22 laboratories were listed. The laboratory of Johns-Manville Sales Corporation should be added to that list.

Dated: May 3, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 79-14310 Filed 5-7-79; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board; Open Meeting

1. 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: Armed Forces Epidemiological Board.

Date of Meeting: May 31-June 1, 1979.

Place: Conference Room 3092, Walter Reed

Army Institute of Research, Walter Reed

Army Medical Center, Washington, D.C.

Time: 0900-1700 May 31, 1979; 0830-1400

June 1, 1979.

Proposed Agenda: The proposed agenda will include briefings on the Navy Tuberculosis Control Program, Navy malaria control in the Philippines, and update on the Uniformed Services University and the

Armed Forces Preventive Medicine Officers will discuss their current activities. The meeting will conclude with a Board working session.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASC-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: 30 April 1979.

Charles W. Halverson,

CDR MSC USN, Executive Secretary.

[FR Doc. 79-14286 Filed 5-7-79; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement

To prepare a Draft Environmental Impact Statement (DEIS) for the proposed Novato Regional Shopping Center, Regulatory Permit Application in Novato, Marin County, California.

AGENCY: San Francisco District, U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. Proposed Action. Novato Center Inc., Richard Hanna, President, has applied for a Department of the Army permit under Section 10 of the River and Harbor Act of 1899 and under Section 404 of the Clean Water Act to fill 48 acres of historic wetland and 8 acres of existing brackish marsh for the purpose of construction of a 77-acre regional shopping center, with approximately 988,000 square feet of leasable retail space. The center would be built partly on the 56 acres proposed to be filled and partly on an adjoining previously filled portion of the property. The application also includes the excavation of approximately 400,000 cubic yards of fill material from historic wetland on an adjacent property. A 37-acre lake would be created as a result. The site of the above work is known locally as Hanna Ranch.

Development plans have not been submitted for the entire 56 acres within Corps jurisdiction which are proposed to be filled.

A change in zoning from industrial to commercial use would be necessary for the southern portion of the project site.

2. Alternatives. Four alternatives to the proposed action will be considered in the Draft EIS. They are as follows:

a. No fill or development on any portion of the project site.

b. A reduced (53-acre) on-site shopping center with no fill placed within Corps jurisdiction.

c. Development on-site in accordance with current city zoning of commercial use in the north and industrial use in the southern portion.

d. Development of a 77-acre regional shopping center at Hamilton Air Force Base (two miles south of the Hanna Ranch site) as proposed by Marin County. Most of the base has been determined to be surplus Federal property and will be disposed pending a study by the U.S. General Services Administration of potential future uses.

3. Scoping Process: a. To allow for identification of the significant issues and to facilitate communication between the applicant and interested agencies and other interested parties, the San Francisco District of the Corps has and is coordinating the EIS process with the City of Novato, the U.S. Fish and Wildlife Service, the California State Resources Agency, the project applicant, and private conservation groups. The Corps formally requested comments from government agencies and community groups in January 1978, through the San Francisco District, Corps of Engineers, Public Notice #10138-33. Other interested parties are invited to participate in the DEIS process by contacting the address indicated in paragraph six of this notice.

b. The significant issues to be analyzed in depth in the DEIS are: loss of wildlife habitat, hydrology and water quality, geologic and seismic risks, traffic and air quality, economics and public services and utilities.

c. Although the document is being prepared solely by the San Francisco District, the City of Novato has provided significant input.

d. Consultation is being performed under the Fish and Wildlife Coordination Act (16 USC Sec 661 et seq.), the National Historic Preservation Act of 1966 (16 USC Sec 470 et seq.) and the Endangered Species Act of 1973.

4. Because coordination with concerned agencies is already underway, and because the significant issues have been identified through previous coordination, a scoping meeting as such is not planned.

5. It is estimated that the DEIS will be available to the public in June 1979, provided required additional data is received as expected.

6. Questions about the proposed action and DEIS can be answered by Roger Golden, Paul Portch, or Jody Zaitlin, Environmental Branch, San Francisco District, Corps of Engineers, 211 Main Street, San Francisco, California 94105 (415-556-0325).

Dated: April 30, 1979.

Raymond F. Jackson,

Lt. Colonel, CE, District Engineer.

[FR Doc. 79-14240 Filed 5-7-79; 8:45 am]

BILLING CODE 3710-FS-M

Engineers Corps

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Modifications to Existing Navigation Project on Green and Barren Rivers, Ky.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: Alternatives under consideration are:

Close Lock 3: Continue to provide spot maintenance at Dams 3, 5, 6, and Barren River Dam 1 on a custodial care basis as required.

Close Lock 3: Dispose of all properties at Dams 3-6 and Barren River Dam 1; revoke authorization of navigation project above Green River Mile 108.2.

No change: Continue operation of Lock and Dam 3.

Gradually dismantle Dams 3 and 6 and lower pools (over 1-2 year period), dispose of all properties at Dams 3-6 and Barren River Dam 1; revoke authorization of navigation project above Green River Mile 108.2.

Provision of developed recreation areas (possibly including camping, boating, picnicking, nature walks, etc.) at suitable upper river damsites, with or without structural maintenance to dams themselves.

Channel modifications near Mile 106 to provide navigation by four-barge tow to Rochester.

A Plan Formulation Public Meeting was recently held, February 15, 1979, in Bowling Green, Kentucky. This meeting constituted a part of the scoping process as the alternatives and preliminary impacts and evaluations were presented to the public and affected agencies for their considerations. Views and comments were solicited and obtained. The scoping process will continue with invitations for comments to be sent in April 1979 to affected agencies and those organizations and individuals that have expressed an interest in the environmental or cultural resources. The aforementioned meeting and coordination efforts are expected to adequately define the scope of issues to be addressed in the DEIS. No specific meeting for scoping purposes will be held. As presently scheduled, the DEIS will be distributed for review in September 1979.

ADDRESS: Questions regarding the proposed action, the Draft Environmental Impact Statement or the scoping process, should be directed to Thomas P. Nack, Colonel, Corps of Engineers, 600 Federal Place, P.O. Box 59, Louisville, Kentucky 40201. Telephone: (502) 582-5601.

By Authority of the Secretary of the Army.

Dated: April 30, 1979.

Richard C. Bennett,

Deputy District Engineer.

[FR Doc. 79-14233 Filed 5-7-79; 8:45 am]

BILLING CODE 3710-GF-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Additional Agreement Between the U.S. Government and the European Atomic Energy Committee; 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 Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Sweden, Austria, and Norway.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following retransfers:

RTD/EU(SW)-43—Retransfer from Sweden to West Germany of 1,484 g uranium, containing 31 g U-235, to be used in an experimental test to develop methods for purification of scrap material from wet recovery.

RTD/EU(AT)-10—Retransfer from Austria to West Germany of 5.53 g uranium, containing 5.1 g U-235, and 25.5 g thorium, for post irradiation analysis and disposal.

RTD/EU(SW)-44—Retransfer from Sweden to France of 1,484 g uranium, containing 31 g U-235, to be used in an experimental test to develop methods for purification of scrap material from wet recovery.

RTD/SW(NO)-14—Retransfer from Norway to Sweden of 4,000 g uranium, containing 140 g U-235, the return of uranium samples after analysis of uranium content, isotopic composition, and rare earth metals.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 23, 1979.

For the Department of Energy.

Dated: May 2, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs International Programs.

[FR Doc. 79-14368 Filed 5-7-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Columbia Gas Transmission Corp.; Proposed Changes In FERC Gas Tariff

May 2, 1979.

Take notice that on April 27, 1979, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Fifth Revised Sheet No. 1
Fifth Revised Sheet No. 19
Fourth Revised Sheet No. 20
Second Revised Sheet No. 27
Fourth Revised Sheet No. 28
Fourth Revised Sheet No. 29
Fourth Revised Sheet No. 30
Second Revised Sheet No. 31
Second Revised Sheet No. 32
Fourth Revised Sheet No. 33
Third Revised Sheet No. 34
Second Revised Sheet No. 37
First Revised Sheet No. 38
Second Revised Sheet No. 43
First Revised Sheet No. 44
First Revised Sheet No. 44A
First Revised Sheet No. 44B
First Revised Sheet No. 44C
First Revised Sheet No. 44D
Sixth Revised Sheet No. 47
Seventh Revised Sheet No. 62
Second Revised Sheet No. 63
Original Sheet No. 63A
Seventh Revised Sheet No. 90

According to Columbia, the purpose of this tariff filing is to delete the seasonal curtailment provisions and Maximum Monthly Volumes contained in its interim curtailment plan under the Commission's order issued October 31, 1975, in Docket No. RP72-89, from its currently effective FERC Tariff. Columbia claims that such provisions are no longer necessary or appropriate in view of its most recent supply/demand projections, which indicate that it will not be curtailing its customers at least through October, 1987, the last year of the forecast period. Columbia proposes to retain daily curtailment procedures and provisions protecting

high-priority and essential agricultural uses on its system in the event of *force majeure* situations, including an unanticipated, temporary loss of gas supply.

Columbia requests the Commission to grant such waivers of its Regulations as it deems necessary to permit the revised tariff sheets to become effective as of April 1, 1979, and asks that, if the Commission suspends the filing, such suspension be for only one day, so that the revised tariff sheets can be made effective at the earliest possible date.

Copies of the filing were served by Columbia upon its jurisdictional customers interested State commissions and all parties to its curtailment proceeding in Docket No. RP72-89.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) on or before May 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules. This filing which was made with the Commission is available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. TC79-127 (related to RP72-89)]
[FR Doc. 79-14256 Filed 5-7-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

California; Marine Sanitation Device Standard for Two Harbor Areas Within the State

On January 31, 1979, notice was published that the State of California has petitioned the Administrator, U.S. Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Channel Islands Harbor, Oxnard, and Avalon Bay Harbor, Santa Catalina Island (44 FR 6197). The petition was

filed pursuant to section 312 (f)(3) of Pub. L. 92-500.

Section 312(f)(3) states:

After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The information submitted to me by the State of California certified that there are two pumpout facilities available to service vessels in Avalon Harbor. These facilities, which are installed on a large float on the east side of the harbor, are open 24 hours a day, and their use is free to the public. The two facilities are operated by the City of Avalon, and the waste collected at the two pumpout facilities is disposed of at the City of Avalon's secondary treatment sewage treatment plant (NPDES Permit Number CA 0054372).

The State of California has also certified that each pumpout facility can service from three to five vessels at one time, depending on vessel length, and that five minutes are required to pump out the average vessel. Peak period accommodation of Avalon Harbor during the summer of 1978 was 347 vessels; however, the State has certified that the two pumpout facilities can service a total of approximately 576 vessels per day if required to do so, and both pumpout facilities can accommodate vessels with an 18-foot draft.

The State of California has further certified that there are three pumpout facilities available to service vessels in Channel Islands Harbor. All three facilities are operated by the County of Ventura, Channel Island Harbor Manager, and are open 24 hours a day. Pumpout facility No. 1 is located at the Harbor Master's Dock, pumpout facility No. 2 is located at the Launch Ramp day-use dock, and pumpout facility No. 3 is located at the Peninsula Park dock; the three facilities can service approximately 1,500 vessels, considerably more than the present population of 1,150 vessels, and each facility takes approximately five minutes to pump out the average vessel. All three facilities are coin-operated, and provide five minutes of pumping for twenty-five cents (\$0.25). The wastes

collected from the three pumpout facilities are discharged to the City of Oxnard's secondary treatment sewage treatment plant (NPDES Permit No. CA 00544097).

The State of California has also certified that pumpout facility No. 1 will accommodate vessels with approximately a 20-foot draft, and that pumpout facilities Nos. 2 and 3 are in locations where the harbor is dredged to a depth of 10 feet at mean lower low water.

Three comments were received by the Agency on the merits of the two petitions prior to the deadline for receipt of comments. The first was from the City Council of the City of Avalon, Santa Catalina Island, California, supporting the California State Water Resources Control Board's petition to the Agency. The second comment was from a law firm in New York City representing the Boating Pollution Control Committee. The commenter stated his belief that the petitions should be denied because they are "patently defective on their respective faces, and that it is patently incongruous to require the retention and discharge of vessel sewage only to be concentrated and deposited in municipal secondary treatment sewage plants and from there to be discharged into the receiving waters." This is a criticism of the existing statute and not of the two petitions submitted by the State, and is not relevant to the issue at hand. The commenter also stated his belief that the pumpout facilities were inadequate. This belief was based on three assumptions, all of which I have considered and rejected. First, the commenter assumed that to pump out a vessel takes ten minutes. The State has certified that it takes five minutes to perform this operation. I have accepted the State's certification, since the State is engaged in the operation of the facility. Second, the commenter assumed that each pumpout facility can handle only one vessel at a time. The State has certified that the two pumpout facilities in Avalon Harbor are each capable of handling three to five vessels at one time. While it is correct that the State has certified that the three facilities in Channel Islands Harbor can each handle one vessel at one time; I do not find this sufficient grounds for rejection of the petition, and have accepted the State's certification on the basis of their operational experience. Third, the commenter assumed that every vessel must be pumped out every day. I find that this assumption is unreasonably conservative, and that in reality, vessels are often pumped out every second or third day.

The third comment was from a distributor of Type II marine sanitation devices, who stated that he was against the requested prohibition, and who enclosed copies of some of his previous statements to the State Water Resources Control Board opposing the initiation of the petition by the Board to the Agency.

One comment was received by the Agency after the deadline for receipt of comments; it was from the Environmental Quality Protection Commission of the City of Oxnard, California. However, this comment has not been a factor in the determination I have made, since it was received after the deadline for receipt of comments.

Following an examination of the petitions and their supporting information, and a consideration of the three comments received prior to the closing date stated in the January 31 **Federal Register** notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Channel Islands Harbor, Oxnard, and Avalon Bay Harbor, Santa Catalina Island, both within the State of California. This determination is made pursuant to section 312(f)(3) of the Pub. L. 92-500.

Dated: May 2, 1979.

Douglas M. Costle,
Administrator.

[FRL 1216-8]

[FR Doc. 79-14348 Filed 5-7-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL HOME LOAN BANK BOARD

Chaves County Savings and Loan Association, Roswell, N. Mex.; Approval of Conversion Application (Notice of Final Action)

Dated: April 30, 1979.

Notice is hereby given that on April 26, 1979, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 79-269 approved the application of Chaves County Savings and Loan Association, Roswell, N. Mex., for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[No. AC-54]

[FR Doc. 79-14307 Filed 5-7-79; 8:45 am]

BILLING CODE 6720-01-M

Peoples Savings and Loan Association, Little Rock, Ark.; Approval of Conversion Application (Notice of Final Action)

Dated: April 30, 1979.

Notice is hereby given that on April 19, 1979, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 79-253 approved the application of Peoples Savings and Loan Association, Little Rock, Ark., for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Ark. 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[AC-53]

[FR Doc. 79-14306 Filed 5-7-79; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 28, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is

unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 8524-1. Filing Party: John D. Straton, Jr., Manager, Rates and Conferences, Moore-McCormack Lines, Inc., 2 Broadway, New York, New York 10004.

Summary: Agreement No. 8524-1, a transshipment agreement between Scandinavian and East African Lines and their subsidiary company La Ligne Scandinave and Robin Line, a service of Moore-McCormack Lines, Inc., extends the scope of the agreement to also include the Seychelles Islands and also provides for transshipment at South and East African ports in the Capetown Mombasa range.

Agreement No. T-2153-6. Filing Party: Leslie E. Still, Jr., Senior Deputy City Attorney, Harbor Branch, City of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-2153-6, between the City of Long Beach and National Molasses Company (NMC) modifies the basic agreement between the parties which provides for the exclusive use of land and the preferential use of wharf on Pier J to be used as a liquid bulk terminal. The purpose of the modification is to re-define and clarify the uses for which NMC may use the premises.

Agreement No. T-2640-13. Filing Party: L. M. Killeen, Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-2640-13, between the Port of Seattle (Port) and American President Lines, Inc. (APL), modifies the parties' basic agreement which provides for the 20-year lease to APL of certain premises and activities by APL at Terminals 25 and 26, Seattle, Washington. The purpose of this amendment is to amortize the Port's reimbursement to APL for certain modifications to the yard area as well as costs expended by APL for the movement of an additional crane from Terminal 46 and subsequent installation at Terminal 25. Also included in the amendment is amortization of the book value of the crane over its remaining life. These additional costs will result in

an increase of monthly rental from \$123,465.96 to \$139,371.96.

Agreement No. T-3798. Filing Party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3798, between Port of Seattle (Port) and Seacon Terminals, Inc. (Seacon), provides for the lease of an office building at Terminal 46 to Seacon for the monthly rental of \$2,096.36. This lease cancels and supersedes a prior lease for the same premises between the Port and Kerr Steamship Company, Inc. By order of the Federal Maritime Commission.

Dated: May 2, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-14311 Filed 5-7-79; 8:45 am]

BILLING CODE 6730-01-M

Trailer Marine Transport Corp., Proposed General Increase in Rates; Order of Investigation and Hearing

On January 31, 1979, Trailer Marine Transport Corp. (TMT) filed Supplement No. 1 to its Tariff FMC-F No. 5 proposing a 5 percent general increase in rates effective April 1, 1979. Under authority of Commission Special Permission No. 6317, TMT filed Supplement No. 2 to its Tariff FMC-F No. 5 postponing the April 1, 1979 effective date to May 1, 1979.

TMT Tariff FMC-F No. 5 establishes local, joint and proportional commodity rates between United States Atlantic and Gulf Coast ports and ports in the Commonwealth of Puerto Rico and the Virgin Islands via direct and transshipment service at Puerto Rico. The proposed 5 percent general increase would apply: to all ocean freight commodity rates to and from U.S. Atlantic and Gulf Coast ports and Puerto Rico; to the minimum ocean freight charge on a shipment under one bill of lading between terminals in Puerto Rico and U.S. Atlantic and Gulf Coast ports (TMT Freight Tariff No. 7, FMC-F No. 5, Rule 5, p. 29); and to rates which apply "Per Trailer", i.e. except as otherwise indicated in individual tariff items, rates on shipments loaded in trailers by the shipper, unloaded by the consignee and having specified minimum and maximum interior capacities (TMT Freight Tariff No. 7, FMC-F No. 5, Rule 15, p. 36). Supporting data, as required by Commission General Order No. 11 (G.O. 11) was submitted by TMT at the time of filing of the proposed increase.

Protests were received from the Puerto Rico Manufacturers Association (PRMA) and the Government of the

Virgin Islands (GVI). The PRMA protest is primarily concerned that the 5 percent general increase in rates, in addition to other increases in individual commodity rates, are unjust and unreasonable. Moreover, PRMA asserts that the individual and general rate increases may exceed the 5 percent no-suspension limit under Pub. L. 95-475 (92 Stat. 1494), thereby empowering the Commission to suspend the proposed increase.

It is the position of GVI that due to the nature of the trade between the U.S. mainland and the Virgin Islands via Puerto Rico, TMT's proposed rate increase would have a significant negative impact on the commerce and economy of the Virgin Islands. The GVI contends that TMT, on the basis of its G.O. 11 report, has failed to provide sufficient justification that its proposed rates are just, reasonable, and lawful under section 18(a) of the Shipping Act, 1916 and under sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended. The GVI alleges TMT's data is insufficient to determine: (1) that part of the embedded debt cost of Crowley Maritime Corporation (CMC) (TMT's parent Corporation) which should be allocated to TMT; (2) the debt and equity ratio of Crowley Maritime Corporation; and (3) the rate of return on equity that should be attributed to TMT. Further, the GVI believes additional information is required of TMT to explain the revenue projections that are contained in its G.O. 11 for the forecasted year. The GVI requests that the Commission enter into a hearing and investigation and include at least the following issues:

1. Whether the proposed rates are unjust and unreasonable in that they will provide TMT (and/or CMC) with an excessive return as measured by accepted analytical methods;
2. Whether TMT's projection of the revenue that is designed to be produced by the proposed rates is reasonable;
3. What is a just and reasonable allocation of assets and expenses from CMC to TMT;
4. Whether the proposed rates are unjust and unreasonable in that their negative effect on the Virgin Islands' economy outweighs the carrier's need, if any, for increased revenues.

We have permitted the subject rate increase to go into effect without suspension in view of it being subject to section 3(c)(1)(B) of the Intercoastal Shipping Act, 1933, as amended, which provides in part that the Commission may not suspend " * * * an increase or decrease of 5 per centum or less and filed as part of a general increase in rates or a general decrease in

rates * * *." However, the Commission is of the opinion that TMT's proposed 5 percent increase, as proposed in Supplement No. 1 to Tariff FMC-F No. 5, should be made the subject of a limited public hearing to determine whether or not TMT's return on equity is excessive in comparison to other industries facing similar business and financial risks. Moreover, the Commission has reviewed data submitted by TMT regarding the tandem barge towing service with Gulf Caribbean Marine Lines (GCML—also a subsidiary of CMC) between U.S. Gulf Coast ports and Puerto Rico. This data shows that costs are divided equally between the two companies for the joint tow portion of a voyage. However, the Commission is of the opinion that an equal division of these expenses does not follow a benefits-received allocation principle. Therefore, this proceeding shall also determine the allocation of line haul expenses and the division of assets between TMT and GCML for tandem barge towing between U.S. Gulf Coast ports and Puerto Rico.

Now, therefore, *it is ordered*, That, pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933 as amended (46 U.S.C. sections 817, 821, 845, 845a), an expedited investigation is hereby instituted into the lawfulness of the tariff matters contained in Supplement No. 1 to Trailer Marine Transport Corporation Tariff FMC-F No. 5 for the purpose of making such findings as the facts and circumstances warrant;

It is further ordered, That, this proceeding be limited to an investigation of:

1. Whether or not TMT's return on equity is excessive in comparison to other industries facing similar business and financial risks; and
2. The allocation of line haul expenses and division of assets between TMT and Gulf Caribbean Marine Lines, both subsidiaries of CMC, for tandem barge towing services between U.S. Gulf Coast ports and Puerto Rico;

It is further ordered, That Trailer Marine Transport Corporation be named Respondent in this proceeding;

It is further ordered, That the Government of the Virgin Islands and the Puerto Rico Manufacturers Association be named Protestants in this proceeding;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), Hearing Counsel shall be a party to this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That the parties submit to the Administrative Law Judge, at a prehearing conference, recommendations identifying all unresolved issues and specifying the type of procedure best suited to resolve them. After consideration of these recommendations, the Administrative Law Judge will issue an appropriate order limiting the issues and establishing the procedure for their resolution;

It is further ordered, That the hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That any hearing in this proceeding shall be completed within sixty (60) days of service of this order;

It is further ordered, That the initial decision of the Presiding Administrative Law Judge shall be submitted in writing to the Commission within one hundred and twenty (120) days of service of this order;

It is further ordered, That during the pendency of this investigation, Respondent will serve the Administrative Law Judge and all parties of record with notice of any tariff changes affecting the material under investigation at the same time such changes are filed with the Commission;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record;

It is further ordered, That any person, other than the parties named herein, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing

conference, shall be mailed directly to all parties of record;

It is further ordered, That, except as provided in Rules 159 and 201(a) of the Commission's Rules of Practice and Procedure (46 CFR 502.159, 46 CFR 502.201(a)), all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,
Secretary.

[Docket No. 79-48]

[FR Doc. 79-14257 Filed 5-7-79; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Administration

National Advisory Council on Drug Abuse; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of May 1979:

National Advisory Council on Drug Abuse

May 24 and 25, 1979; 9:30 a.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Closed 9:30 a.m. to Noon; May 24, open otherwise. Contact: Ms. Pamela Jo Thurber, Room 10-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-433-6480.

Purpose. The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities, and the efficient administration of drug abuse research, training, demonstration, prevention, and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes recommendations on grant applications.

Agenda. From 9:30 a.m. to 12 noon, May 24, the meeting shall be closed for final review of grant applications for Federal assistance in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the

provisions of Title 5, U.S. Code 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

The remainder of the meeting from 1:30 p.m. on May 24 until adjournment on May 25 will be open to the public for a discussion of issues in the field of drug abuse, and administrative announcements.

Substantive program information, summaries of the meeting, and roster of the Council members may be obtained from the contact person listed above.

Dated: May 1, 1979.

Elizabeth A. Connolly,
Committee Management Officer, Alcohol, Drug Abuse, and
Mental Health Administration.

[FR Doc. 79-14234 Filed 5-7-79; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Amercian Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for safe use of a dipentene-styrene resin as a component of adhesives intended for food-contact use.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3392) has been filed by the American Cyanamid Co., Wayne, NJ 07470, proposing that § 175.105 Adhesives (21 CFR 175.105) be amended to provide for the use of a dipentene-styrene resin as a component of adhesives intended for food-contact use.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the need of an environmental impact analysis report and that no environmental impact statement is necessary.

Dated: May 1, 1979.

Sanford A. Miller,
Director, Bureau of Foods.

[Docket No. 79F-0114]

[FR Doc. 79-14443 Filed 5-7-79; 8:45 am]

BILLING CODE 4110-03-M

Consumer Exchange Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming Consumer Exchange Meeting to be chaired by Adam J. Trujillo, Director, Food and Drug Administration (FDA) Orlando District Office, Orlando, FL.

DATE: The meeting will be held from 9 a.m. to 11:30 a.m., Thursday, May 24, 1979.

ADDRESS: The meeting will be held at the FDA Orlando District Office, Orlando Central Park, 7200 Lake Ellenor Dr., Rm. 120, Orlando, FL 32809.

FOR FURTHER INFORMATION CONTACT: Lynne C. Trauba, Consumer Affairs Officer, Food and Drug Administration, 7200 Lake Ellenor Dr., Orlando, FL 32809, 305-855-0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and the FDA Orlando District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 3, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-14442 Filed 5-7-79; 8:45 am]

BILLING CODE 4110-03-M

Health Services Administration

Assistance Under Public Health Service Act, Project Grants for Family Planning Services, Delivery Improvement Research; Announcement of Availability of Grants

The Bureau of Community Health Services, Health Services Administration, announces that under the authority of Section 1004(a) of the Public Health Service Act (42 U.S.C. 300a-2(a)) grants will be available in fiscal year 1979 to public or nonprofit private entities for research projects in the field of program implementation related to the improved delivery of family planning services. The amount available for these grants in fiscal year 1979 is \$500,000, and it is expected that 4 or 5 awards will be made under this program during fiscal year 1979.

Application kits, including all necessary forms, instructions, and information, may be obtained by writing:

Grants Management Branch, Bureau of Community Health Services, Room 6-49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-1440.

Completed applications should be returned to the above address; the deadline for submission is August 1, 1979.

Consultation and technical assistance regarding development of an application are available from Mr. William J. White, Bureau of Community Health Services, Office for Family Planning, 5600 Fishers Lane, Room 7-49, Rockville, Maryland 20857; telephone 301 443-2430.

It is anticipated that the Secretary will issue regulations establishing procedures and criteria for the approval of applications for research in the field of program implementation related to the delivery of family planning services. Until such regulations are issued, all information and guidance provided reflect preliminary policies only; if those policies are changed by the regulations before grants are made, applications will have to be revised accordingly.

Dated: April 25, 1979.

John H. Kelson,

Acting Administrator, Health Services Administration.

[FR Doc. 79-14235 Filed 5-7-79; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 27, 1979. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted by May 18, 1979.

William J. Murtagh,

Keeper of the National Register.

ALASKA

North Slope Division

Barrow vicinity. *Negilik*, SE of Barrow at Colville River Delta.

Valdez, Chitina, Whittier Division

Chitina, *Chitina Tin Shop*, Main St.

CALIFORNIA

San Francisco County

San Francisco, *Old Ohio Street Houses*, 17-55 Osgood Pl.

CONNECTICUT

Fairfield County

Fairfield, *Ogden, David, House*, 1520 Bronson Rd.

Hartford County

Windsor, *Allyn, Capt. Benjamin, II House*, 119 Deerfield Rd.

Litchfield County

Kent vicinity, *Beardsley, Capt. Phila, House*, SE of Kent on Beardsley Rd.

Middlesex County

Cromwell, *Middletown Upper Houses*, Historic District, CT 99.

New Haven County

New Haven, *Goffe Street Special School for Colored Children*, 106 Goffe St.

New London County

Lisbon, *Clark, Andrew, House*, Ross Hill Rd.

DELAWARE

Kent County

Dover, *Victorian Dover Historic District*, roughly bounded by Silver Lake, St. Jones River, North and Queen Sts.

GEORGIA

Clarke County

Athens, *Crane, Ross, House*, 247 Pulaski St. Whitehall, *White Hall*, Whitehall and Simonton Bridge Rds.

HAWAII

Hawaii County

Honolulu, *St. Benedict's Catholic Church*, off HI 11.

Kauai County

Lihue, *Wilcox, Albert Spencer, Building* (Kauai Museum), 4420 Rice St.

IOWA

Johnson County

Iowa City, *Berryhill, Charles, House*, 414 Brown St.

Iowa City, *Rittenmeyer, F. X., House*, 630 E. Fairchild St.

LOUISIANA

Tangipahoa Parish

Hammond, *Hammond Historic District*, roughly bounded by Magnolia, Robert, Cherry and Morris Sts.

MAINE

Washington County

Whitneyville, *Whitneyville Congregational Church*, Main St.

MISSISSIPPI*Jefferson County*

Union Church, *Union Church Presbyterian Church*, MS 550.

NEBRASKA*Lancaster County*

Walton vicinity, *Retzlaff Farmstead*.

NEW MEXICO*Bernalillo County*

Albuquerque, *de Garcia, Tomasa Griego, House*, 6939 Edith Blvd., NE.

Mora County

Ocate, *Strong, J. P., Store*, NM 21 and NM 120.

NEW YORK*Greene County*

Leeds vicinity, *Salisbury Manor*, NW of Leeds on NY 145/23.

Onondaga County

Syracuse, *Syracuse University Multiple Resource Area*, roughly bounded by University P., Irving Ave., Sims Dr. and College Pl.

Suffolk County

Commack, *Carll, Marion, Farm*, 475 Commack Rd.

Yates County

Penn Yan, *Yates County Courthouse Park District*, Main, Court and Liberty Sts.

PENNSYLVANIA*Chester County*

Chester Springs vicinity, *Lapp Log House (Hopper Log House)* S of Chester Springs at Conestoga and Yellow Springs Rds.
Downingtown, *Downingtown Log House*, 15 E. Lancaster Ave.

Philadelphia County

Philadelphia, *Old Federal Reserve Bank*, 925 Chestnut St.
Philadelphia, *Union League of Philadelphia*, 140 S. Broad St.

Westmoreland County

New Florence vicinity, *Squirrel Hill Site (36 Wm 35)* W of New Florence.

TEXAS*Erath County*

Thurber vicinity, *Thurber Historic District*, S of Thurber

Harris County

Houston, *Carter, W. T., Jr., House*, 18 Courtlandt Pl.

VIRGINIA*Alexandria (independent city)*

Lee-Fendall House, 614 Oronoco St.

Arlington County

Arlington, *Hume School*, 1805 S. Arlington Ridge Rd.

Brunswick County

Lawrenceville, *St. Paul's College*, St. Paul's College campus.

Fairfax County

Herndon, *Herndon Depot*, Elden St.

Hampton (independent city)

Trusty, *William H., House*, 76 W. County St.

Hanover County

Ashland, *Randolph-Macon College Buildings*, Randolph-Macon College campus.

Isle of Wight County

Raynor vicinity, *Jordan, Joseph, House*, NE of Raynor on VA 683.

James City County

Toano vicinity, *Chickahominy Shipyard Archeological Site*.

Lynchburg (independent city)

Hayes Hall, *Dewitt St. and Garfield Ave. Main Hall, Randolph-Macon Woman's College*, 2500 Rivermont Ave.

Madison County

Woodberry Forest, *Residence, The, Woodbury Forest School*.

Norfolk (independent city)

Christ and *St. Luke's Church*, 560 W. Olney Rd.

Page County

Hamburg vicinity, *Fort Egypt*, NW of Hamburg.
Stanley vicinity, *Beaver, John, House*, N of Stanley on VA 615.

Petersburg (independent city)

Poplar Lawn *Historic District*, roughly bounded by Surrey Lane, S. Jefferson, Mars and Harrison Sts.

Prince Edward County

Meherrin vicinity, *Falkland*, NW of Meherrin on VA 632.

Richmond (independent city)

St. Andrew's Church, 223, 224 and 227 S. Cherry St.

Shenandoah County

Strasburg, *Strasburg Stone and Earthenware Manufacturing Company*, E. King St.

Southampton County

Drakes Corner vicinity, *Brown's Ferry*, E of Drakes Corner off VA 684.

Wythe County

Fort Chiswell vicinity, *McGavock Family Cemetery*, E of Fort Chiswell off I-81.

WISCONSIN*Kenosha County*

Kenosha, *Kenosha High School*, 913 57th St.
Kenosha, *St. Matthew's Episcopal Church*, 5900 7th Ave.

Racine County

Racine, *Hansen House*, 1221 N. Main St.

Racine, *Murray, George, House*, 2219 Washington Ave.

[FR Doc. 79-13891 Filed 5-7-79; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Correction

In FR Doc. 79-13003 appearing at page 25520 in the issue of Tuesday, May 1, 1979, on page 25521, second column insert the following State above "Franklin County": "WASHINGTON."

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR**Mine Safety and Health Administration**

Consolidation Coal Co.; Petition For Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241, has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells), to its Loveridge Mine, located in Marion County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

1. Several abandoned oil and gas wells penetrate the coal seam the petitioner intends to mine.
2. As an alternative to leaving barriers of coal around these wells as required by the standard, the petitioner proposes to plug and mine through the wellbores using a technique detailed in the petition.
3. This technique uses expanding cement to seal the wellbores below the coal seam and involves careful monitoring to insure that natural gas from the well does not enter the mine.
4. In addition to eliminating a possible gas flow, this technique simplifies the mine ventilation system and improves subsidence control in secondary mining.
5. The petitioner states that this alternative will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 7, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 30, 1979.

Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-59-C]

[FR Doc. 79-14343 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-43-M

Kentucky Diamond Coal Co., Inc.; Petition For Modification of Application of Mandatory Safety Standard

Kentucky Diamond Coal Company, Inc., Route 2, Box 233 A, Whitesburg, Kentucky 41858, has filed a petition to modify the application of 30 CFR 75.1710 (canopies) to its No. 4 Mine located in Letcher County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the use of canopies on cutting machines, scoops, roof bolting machines and roof bolting drills in the petitioner's mine.
2. Due to low mining heights in the petitioner's mine, canopies on this equipment would strike and dislodge roof supports, creating the danger of a roof fall.
3. A canopy would restrict an equipment operator's field of view, limiting his ability to properly control the equipment or to see other miners in the area.
4. The petitioner has attempted to find canopies for its equipment which would not diminish the safety of its miners. However, as yet the petitioner has found none.
5. For these reasons, the petitioner requests relief from the application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 7, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 30, 1979.

Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-53-C]

[FR Doc. 79-14344 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Abate Clothing Inc. Atlantic City, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was

initiated on March 13, 1979 in response to a worker petition received on March 8, 1979 which was filed on behalf of workers and former workers producing men's and women's coats, overcoats, dresses and suits at Abate Clothing Inc., Atlantic City, New Jersey.

The Notice of Investigation was published in the *Federal Register* on March 23, 1979 (44 FR 17834). No public hearing was requested and none was held.

In a letter dated April 20, 1979 the petitioner requested withdrawal of the petition. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington D.C. this 2nd day of May 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[TA-W-4924]

[FR Doc. 79-14339 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

C.A. Baltz and Sons, Inc. Salem, N.Y., Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4767: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 1, 1979, in response to a worker petition received on January 30, 1979, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' loungewear and sleepwear at the Salem, New York plant of C.A. Baltz and Sons, Incorporated.

The Notice of Investigation was published in the *Federal Register* on February 9, 1979 (44 FR 8381). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of C.A. Baltz and Sons, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether

any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department surveyed the major manufacturers for whom C. A. Baltz and Sons performs contract work. None of those manufacturers have imported ladies' loungewear and sleepwear or utilized foreign contractors in the 1976-1978 period. Some of the manufacturers decreased purchases from Baltz from 1977 to 1978 and experienced decreased sales during the same time period. A Departmental survey of those manufacturers' customers revealed that customers which reduced purchases from the manufacturers from 1977 to 1978 either reduced import purchases both absolutely and relative to total purchases or increased their domestic purchases to a much greater extent than their import purchases.

Conclusion

After careful review, I determine that all workers of the Salem, New York, plant of C.A. Baltz and Sons, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[TA-W-4767]

[FR Doc. 79-14340 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Frank Montalbano Sportswear, Inc., Paterson, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4868: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 27, 1979 which was filed by the Passaic District Council of New Jersey, International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' blouses at Frank Montalbano Sportswear, Incorporated in Paterson, New Jersey.

The Notice of Investigation was published in the *Federal Register* on

March 9, 1979 (44 FR 13095). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Frank Montalbano Sportswear, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The average employment of sewing machine and pressing machine operators engaged in the production of women's blouses at Montalbano Sportswear and the average number of hours worked per worker increased in 1978 compared to 1977 and increased during the January-February period of 1979 compared to the same period of 1978.

Employment declines were experienced among the floor workers at Montalbano Sportswear. Floor workers at the firm are involved in a training program in which superior work performance is rewarded with advancement to the status of sewing machine operator. Attrition plays an important role in the turn over rate among floor workers. This can be attributed to the relative unskilled and tedious nature of the floor worker's job.

Conclusion

After careful review, I determine that all workers at Frank Montalbano Sportswear, Incorporated, Paterson, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[TA-W-4868]

[FR Doc. 79-14341 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Goodyear Tire and Rubber Co., Plant No. 2, Akron, Ohio; Determinations Regarding Eligibility To Apply for Worker adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4789: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 9, 1979 in response to a worker petition received on January 29, 1979 which was filed by the United Rubber Workers Union on behalf of workers and former workers producing machine built hose, hand built hose, irrigation hose, fire hose, air springs, conveyor belt hose and extruded and special products at the Akron, Ohio No. 2 Plant (Industrial Products Division) of the Goodyear Tire and Rubber Company.

The Notice of Investigation was published in the *Federal Register* on February 23, 1979 (44 FR 10800). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Goodyear Tire and Rubber Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. With respect to workers producing machine built hose and irrigation hose, it is concluded that all of the requirements have been met.

U.S. imports of hose products increased both absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

Goodyear Tire and Rubber Company has been importing machine built hose from a Canadian plant since 1977. The company is planning to transfer all production of this type of hose from its Akron plant to the newer one in Canada. Goodyear increased its imports of machine built hose from this plant from 1977 to 1978 both absolutely and relative to machine built hose production at the Akron plant.

A Departmental survey of the major customers of Goodyear revealed that customers decreased purchases of irrigation hose from the subject firm and increased purchases of imported irrigation hose from 1977 to 1978.

With respect to workers producing conveyor belts, without regard to

whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production of conveyor belts at Plant No. 2 Akron, Ohio increased from 1977 to 1978. Sales and production of conveyor belts increased in each quarter of 1978 compared to the same quarter in 1977.

With respect to workers producing fire hose and without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey of the major customers of Goodyear purchasing fire hose revealed that none of them purchased imports in 1977 or 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with machine built hose and irrigation hose produced at Goodyear Tire and Rubber Company's Akron, Ohio Plant No. 2 (Industrial Products Division) contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Goodyear Tire and Rubber Company's Akron, Ohio Plant No. 2 (Industrial Products Division) engaged in employment related to the production of machine built hose and irrigation hose who became totally or partially separated from employment on or after January 26, 1978 be certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[TA-W-4789]

[FR Doc. 79-14342 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this

notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 18, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 18, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bert Lorell of California, DBA Lorell of Calif. (workers).	Gardena, Calif.	4/25/79	4/13/79	TA-W-5,312	Sew ladies' apparel (jackets).
Blair Electric Service Company (U.M.W.A.)	Raleigh County, W. Va.	4/23/79	4/19/79	TA-W-5,313	Construct preparation plants.
Blair Electric Service Company (U.M.W.A.)	Wyoming County, W. Va.	4/23/79	4/19/79	TA-W-5,314	Construct preparation plants.
F. J. Boutell (Teamsters)	Hoboken, N.J.	4/12/79	4/9/79	TA-W-5,315	Ship GM cars.
Cliffex Corp. (workers)	New Bedford, Mass.	4/23/79	4/19/79	TA-W-5,316	Men's suits and sportcoats.
Freight Consolidation Service, Inc. (Teamsters)	Hoboken, N.J.	4/12/79	4/9/79	TA-W-5,317	Unload GM cars.
Gibson Electric Co., Inc. (U.M.W.A.)	Raleigh County, W. Va.	4/23/79	4/19/79	TA-W-5,318	Electrical construction work for preparation plants.
Gibson Electric Co., Inc. (U.M.W.A.)	Wyoming County, W. Va.	4/23/79	4/19/79	TA-W-5,319	Electrical construction work for preparation plants.
Hattie-Carnegie, Harry Rosenfeld Div. (Leather Goods, Plastics, Handbags & Novelty Workers' Union).	New York, N.Y.	4/23/79	4/18/79	TA-W-5,320	Ladies' handbags.
Ideal Outerwear Co. (ACTWU)	East Newark, N.J.	4/23/79	4/17/79	TA-W-5,321	Men's sportswear, jackets, coats.
Nu-Car Carriers, Inc. (Teamsters)	Newark, N.J.	4/12/79	4/9/79	TA-W-5,322	Transport Ford cars.
Riverton Coal Company, Eagle Mine (U.M.W.A.)	Powellton, W. Va.	4/23/79	4/16/79	TA-W-5,323	Mining of coal.
Roberts & Schaefer Company (U.M.W.A.)	Raleigh County, W. Va.	4/23/79	4/19/79	TA-W-5,324	Engineering and construction of preparation plants.
Roberts & Schaefer Company (U.M.W.A.)	Wyoming County, W. Va.	4/23/79	4/19/79	TA-W-5,325	Engineering and construction of preparation plants.
Royalty Smokeless Coal Co., Premier Tipple (U.M.W.A.)	McDowell County, W. Va.	4/23/79	4/19/79	TA-W-5,326	Mining of coal.
Seagoing Uniform Corporation (workers)	Brooklyn, N.Y.	4/25/79	4/21/79	TA-W-5,327	Sew pants.
Sun Cloud (workers)	New York, N.Y.	4/23/79	4/17/79	TA-W-5,328	Ladies' wool coats, rainwear, suits and jackets.
T & R Handling Corp. (Teamsters)	Newark, N.J.	4/12/79	4/9/79	TA-W-5,329	Unload cars for Ford.
Trace Fork Coal Company, Trace Fork Mine #4 (U.M.W.A.)	Premier, W. Va.	4/23/79	4/19/79	TA-W-5,330	Mining of coal.
Trace Fork Coal Company, Trace Fork Mine #5 (U.M.W.A.)	Premier, W. Va.	4/23/79	4/19/79	TA-W-5,331	Mining of coal.
Trace Fork Coal Company, Trace Fork Mine #8 (U.M.W.A.)	Premier, W. Va.	4/23/79	4/19/79	TA-W-5,332	Mining of coal.
Trace Fork Coal Company, Banacek Mine (U.M.W.A.)	Premier, W. Va.	4/23/79	4/19/79	TA-W-5,333	Mining of coal.

[FR Doc. 79-14337 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to

Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of

a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The

investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request

is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 18, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 18, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of May 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/Workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Cementation Company of America, Inc. (U.M.W.A.)	Raleigh County, W. Va.	4/23/79	4/19/79	TA-W-5,334	Contract construction work for Westmoreland Coal Company.
Fashion Leather Bags (workers)	New York, N.Y.	4/25/79	4/20/79	TA-W-5,335	Sell ladies handbags.
Fleishman Trucking, Inc. (U.M.W.A.)	Raleigh County, W. Va.	4/23/79	3/27/79	TA-W-5,336	Truck hauling of coal.
Holly Coal Company (workers)	Summersville, W. Va.	4/25/79	4/10/79	TA-W-5,337	Mining of coal.
Muench-Kreuzer Candle Corp. (U.S.W.A.)	Liverpool, N.Y.	4/24/79	4/20/79	TA-W-5,338	Candles.
Muench-Kreuzer Candle Corp. (U.S.W.A.)	Syracuse, N.Y. Plants	4/24/79	4/20/79	TA-W-5,339	Candles.
Olga Coal Co., Caretta Mine #4 (U.M.W.A.)	McDowell County, W. Va.	4/23/79	4/19/79	TA-W-5,340	Mining of coal.
Olga Coal Co., War Creek Mine #5 (U.M.W.A.)	McDowell County, W. Va.	4/23/79	4/19/79	TA-W-5,341	Mining of coal.
Olga Coal Company Road Fork Mine #2 (U.M.W.A.)	McDowell County, W. Va.	4/23/79	4/19/79	TA-W-5,342	Mining of coal.
Olga Coal Company, Olga Mine (U.M.W.A.)	McDowell County, W. Va.	4/23/79	4/19/79	TA-W-5,343	Mining of coal.
Olga Coal Company, Olga Preparation Plant (U.M.W.A.)	McDowell County, W. Va.	4/23/79	4/19/79	TA-W-5,344	Cleaning of coal.
Preservati Construction Co., Inc., Black Wolf Mine (U.M.W.A.)	McDowell County, W. Va.	4/23/79	4/19/79	TA-W-5,345	Mining of coal.
Preservati Construction Co., Inc. Horsepen Mine #1 (U.M.W.A.)	Tazewell County, Va.	4/23/79	4/19/79	TA-W-5,346	Mining of coal.
Preservati Construction Co., Inc. Horsepen Mine #2 (U.M.W.A.)	Tazewell County, Va.	4/23/79	4/19/79	TA-W-5,347	Mining of coal.
Rolin Coal Company, Rolin Deep Mine (U.M.W.A.)	Raleigh County, W. Va.	4/2/79	3/27/79	TA-W-5,348	Mining of coal.

[FR Doc. 79-14338 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Camp Creek Mining Co., Camp Creek, W. Va. [TA-W-4874]; McKenzie Mining Co., Egeria, W. Va., Odd, W. Va., Flat Top, W. Va. [TA-W-4876, TA-W-4877, and TA-W-4877A]

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 23, 1979 which was filed by the United Mine Workers of America, District #29, on behalf of workers and former workers

mining metallurgical coal at the Camp Creek Mining Company, Camp Creek, West Virginia, and at the Leatherhead No. 1 and No. 2 mines and at the Tipple mine of the McKenzie Mining Company, Egeria, West Virginia. The investigation revealed that the Tipple mine is a preparation plant located not in Egeria, but in Odd, West Virginia. The investigation also revealed that the Appalachian Pocahontas Coal Company is the parent company of both the McKenzie and Camp Creek Mining Companies. It is concluded that all of the requirements have been met.

Coke is metallurgical coal at a later stage of processing. Since a domestic product may be "directly competitive with" an imported article at a later stage of processing, imports of coke can be considered in determining import injury to workers producing metallurgical coal at Camp Creek and at McKenzie Mining Companies.

Appalachian Pocahontas Coal Company sells all coal produced by the Camp Creek and McKenzie operations

on a contractual basis through coal brokers. A Labor Department survey of the major customers that purchased Appalachian's coal through brokers revealed that these major customers began to decrease purchases of metallurgical coal from Appalachian and increased purchases of imported coke from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal mined at the Camp Creek Mining Company, Camp Creek, West Virginia and mined at the Egeria, West Virginia mines and prepared at the Odd, West Virginia preparation plant of the McKenzie Mining Company, contributed importantly to the decline in sales or production and to the total or

partial separation of workers of these firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Camp Creek Mining Company, Camp Creek, West Virginia and the Egeria, West Virginia mines and the Odd, West Virginia preparation plant of the McKenzie Mining Company and the joint field office at Flat Top, West Virginia who became totally or partially separated from employment on or after October 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-14122 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Cities Service Co., Plainview Terminal, Plainview, N.Y. [TA-W-4860]

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 26, 1979 which was filed by the Oil, Chemical and Atomic Workers International Union on behalf of workers and former workers transporting gas for the Plainview terminal, Plainview, New York, of Cities Service Company.

The Cities Service Company was founded in 1910 and incorporated in the State of Delaware. The company operates a fully integrated refinery of petroleum products in Lake Charles, Louisiana, and distributes these products from terminal throughout the United States. The Plainview, New York terminal is engaged in providing the service of transporting petroleum products by truck.

Since workers of the Plainview, New York terminal of Cities Service Company do not produce an article within the meaning of Section 222(3) of the Trade Act, they may be certified

only if their separation was caused importantly by a reduced demand for their services from either the parent firm or from a firm related to Cities Service Company by ownership or control. In either case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely impacted by imports.

The Plainview terminal, unlike others of Cities Service Company, did not have any loading facilities and did not transport petroleum products produced by Cities Service Company. The company's trucks picked up the petroleum products of independent companies and delivered them to customers.

Since the reduced demand for petroleum products trucking services did not come from Cities Service Company or a firm related to Cities Service Company through ownership or control, the petroleum products that are handled cannot be considered in determining whether workers at the Plainview terminal of Cities Service Company may be certified as eligible to apply for worker adjustment assistance.

Conclusion

After careful review, I determine that all workers of the Plainview terminal, Plainview, New York, of Cities Service Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of April 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-14123 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

F & D Ladies' Coats & Suits, Inc., Brooklyn, N.Y.

The investigation was initiated on March 5, 1979 in response to a worker petition received on February 12, 1979 which was filed on behalf of workers and former workers producing ladies' coats, raincoats and some jackets at F & D Ladies' Coats and Suits, Inc., Brooklyn, New York. It is concluded that all of the requirements have been met.

Imports of women's, misses', and children's coats and jackets increased absolutely in 1978 compared to 1977.

Imports of women's, girls' and infants' raincoats increased absolutely in 1978 compared to 1977.

One of the manufacturers for which F & D Ladies' Coats and Suits produces garments reduced purchases from F & D in 1978 compared to 1977 and in the first quarter of 1979 compared to the first quarter of 1978. This manufacturer increased purchases of imported coats, raincoats and jackets in FY 1978 (Y/E July 31, 1978) compared to FY 1977, and in the first half of FY 1979 compared to the first half of 1978. This manufacturer provided F & D with the major proportion of its business in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's coats, raincoats and jackets produced at F & D Ladies' Coats and Suits, Inc., Brooklyn, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of F & D Ladies' Coats and Suits, Inc., Brooklyn, New York who became totally or partially separated from employment on or after February 8, 1978 are eligible to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of April 1979.

James F. Taylor,

Director, Office of management, Administration, and Planning.

[TA-W-4880]

[FR Doc. 79-14124 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of

eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Fair-Rite Products Corp., Palestine, Ill.

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 26, 1979 which was filed on behalf of workers and former workers producing ferrite magnetic cores at the Palestine, Illinois plant of Fair-Rite Products Corporation.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of customers of the Palestine, Illinois facility of Fair-Rite Products Corporation. The survey indicated that most customers did not purchase imported ferrite cores for coils as used in the entertainment industry, principally color television sets. The customers that decreased purchases from Fair-Rite and increased purchases of imported ferrite cores represented an insignificant proportion of the firm's decline in sales.

Conclusion

I determine that all workers of the Palestine, Illinois plant of the Fair-Rite Products Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of April 1979.

Michael Aho,
Director, Office of Foreign Economic Research.
[TA-W-4883]
[FR Doc. 79-14125 Filed 5-7-79; 8:45 am]
BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Food Fair, Inc., Pantry Pride Supermarket Division, Philadelphia, Pa. [TA-W-4854]

The investigation was initiated on February 26, 1979 in response to a worker petition received on February 22, 1979 which was filed on behalf of workers and former workers cutting, packaging and weighing meat at the Philadelphia Region of the Pantry Pride Supermarket Division of Food Fair, Inc., Philadelphia, Pennsylvania. The Department has determined that services are not "articles" within the meaning of Section 222 of the Act.

The Pantry Pride Supermarket Division of Food Fair, Inc. is a chain of retail food supermarkets. The employees in the Philadelphia Region are engaged in the retail selling of food.

On October 2, 1978, Food Fair, Inc. and nine of its subsidiaries filed petition under Chapter 11 of the National Bankruptcy Act. The court ordered Food Fair to close down its Pantry Pride Supermarket Division in the Philadelphia Region.

The petition alleges that increased imports of meat and seafood contributed importantly to the separation of workers cutting and packaging meat for retail sale by the Philadelphia Region of the Pantry Pride Supermarket Division of Food Fair, Inc. The Philadelphia Region is not involved in the production of an article within the meaning of Section 222 (3) of the Act.

Conclusion

After careful review, I determine that all workers of the Philadelphia Region of the Pantry Pride Supermarket Division of Food Fair, Inc., Philadelphia, Pennsylvania are denied eligibility to apply for adjustment under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of April 1979.

Michael Aho,
Director, Office of Foreign Economic Research.
[FR Doc. 79-14126 Filed 5-7-79; 8:45 am]
BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of

eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Grandview Mining Co., Beaver, W. Va. [TA-W-4875]

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 23, 1979 which was filed by the United Mine Workers of America, District #29, on behalf of workers and former workers mining metallurgical coal at Grandview Mining Company, Beaver, West Virginia. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed and importantly to the separations, or threat thereof, and to the absolute decline in sales or productions.

Evidence developed during the course of the investigation revealed that legal ownership of the Grandview Mining Company is in arbitration.

The quantity of sales and production of coal produced by Grandview Mining Company increased in 1978 compared to 1977. Coal sales and production were halted indefinitely at the end of November, 1978 as a result of an ownership dispute.

Average employment of production workers at Grandview Mining increased in 1978 until legal problems concerning the ownership of the company caused the cessation of operations.

Conclusion

After careful review, I determine that all workers of Grandview Mining Company, Beaver, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of April 1979.

Michael Aho,
Director, Office of Foreign Economic Research.
[FR Doc. 79-14127 Filed 5-7-79; 8:45 am]
BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an

investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Harbison-Walker Refractories Division of Dresser Industries Cape May, N.J.

The investigation was initiated on March 20, 1979 in response to a worker petition received on March 15, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing synthetic dead-burned magnesite at the Cape May, New Jersey plant of the Harbison-Walker Refractories Division of Dresser Industries.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of some of the customers of magnesite of Harbison-Walker Refractories. None of the respondents reported reduced purchases from Harbison-Walker Refractories and increased purchases of imported magnesite in 1978 compared to 1977.

The aggregate level of imports of synthetic dead-burned magnesite remained constant in 1978 compared to 1977. The ratio of imports to domestic shipments of synthetic dead-burned magnesite declined in 1978 compared to 1977.

Conclusion

After careful review, I determine that all workers of the Cape May, New Jersey plant of the Harbison-Walker Refractories Division of Dresser Industries are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of April 1979.

James F. Taylor,
Director, Office of Management Administration and Planning.

[TA-W-4992]

[FR Doc. 79-14128 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Hunt Manufacturing Co., Bienfang Paper Division, Edison, N.J.

The investigation was initiated on March 23, 1979 in response to a worker petition received on March 20, 1979 which was filed on behalf of workers and former workers producing paper products at the Edison, New Jersey plant of the Bienfang Paper Division of the Hunt Manufacturing Company. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Edison, New Jersey plant is scheduled to be permanently closed at the end of April 1979. All production activities performed at the Edison plant will be immediately transferred to another company facility in Statesville, North Carolina. The company currently operates a production facility in the Statesville area. Operating costs are expected to be lower as the two plants will be able to share the same support facilities.

Production, sales and employment at the Edison plant increased in 1978 compared to 1977 and continued to increase in the first quarter of 1979 compared to the first quarter in 1978.

The ratio of imports of both writing and related paper and of combination furnish paperboard to the respective domestic production of these products was less than 0.5 percent in both 1977 and 1978.

Conclusion

After careful review, I determine that all workers of the Edison, New Jersey plant of the Bienfang Paper Division of the Hunt Manufacturing Company are denied eligibility to apply for adjustment

assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of April 1979.

James F. Taylor,
Director, Office of Management Administration and Planning.

[TA-W-5028]

[FR Doc. 79-14128 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Imperial Reading Corp., Marshall, Tex.

The investigation was initiated on March 16, 1979 in response to a worker petition received on March 12, 1979 which was filed by the United Garment Workers of America on behalf of workers and former workers producing denim jeans at the Marshall, Texas plant of Imperial Reading Corporation. The investigation revealed that the plant produced primarily men's and boys' denim jeans. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' woven cotton and man-made jeans and dungarees increased from 14,000,000 units in 1976 to 23,000,000 units in 1977 and increased again to 30,500,000 units in 1978.

Customers who were surveyed reported that they decreased purchases of denim jeans from Imperial Reading Corporation and increased their reliance on foreign sources for similar products.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' denim jeans produced at the Marshall, Texas plant of Imperial Reading Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of the Marshall, Texas plant of Imperial Reading Corporation who became totally or partially separated from employment on or after February 27, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 27th day of April 1979.

C. Michael Aho,
Director, Office of Foreign Economic Research.
[TA-W-4962]
[FR Doc. 79-14130 Filed 5-7-79; 8:45 am]
BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Majestic Silver Co., New Haven, Conn.

The investigation was initiated on March 7, 1979 in response to a worker petition received on March 1, 1979 which was filed on behalf of workers and former workers engaged in employment related to the importation of flatware at Majestic Silver Company, New Haven, Connecticut. "The Department has determined that services are not 'articles' within the meaning of Section 222 of the Act."

Majestic had sold imported stainless steel flatware in 1977 as compared to 1976. In December 1977, Majestic terminated its in-house production of flatware.

Majestic had sold imported stainless steel flatware prior to December 1977 and continued selling imported flatware after ceasing domestic production. Those workers who were retained after the discontinuation of the domestic manufacturing operation in December 1977 have been engaged exclusively in employment related to the shipping and packaging of imported flatware.

Majestic has not produced an article as that term is used in the Trade Act of 1974 since December 1977 and consequently Majestic's employees have not been engaged in the production of an article for a least five consecutive quarters.

Conclusion

After careful review, I determine that all workers of Majestic Silver Company, New Haven, Connecticut are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.
[TA-W-4896]
[FR Doc. 79-14131 Filed 5-7-79; 8:45 am]
BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

McKnight Mining, Inc., Fayette County, W.Va.

The investigation was initiated on March 5, 1979 in response to a worker petition received on February 23, 1979 which was filed by the United Mine Workers of America, District 29 on behalf of workers formerly producing metallurgical coal at McKnight Mining, Incorporated, Fayette County, West Virginia. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

McKnight Mining, Incorporated was a producer of metallurgical coal at two strip mine sites in Fayette County, West Virginia. Since the company's inception in May 1976, all of the coal was sold exclusively to foreign buyers. Declines in production and employment at McKnight Mining, Incorporated are solely attributable to reduced purchases by foreign customers.

Conclusion

After careful review, I determine that all workers of McKnight Mining,

Incorporated, Fayette County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of April 1979.

James F. Taylor,
Director, Office of Management Administration and Planning.
[TA-W-4881]
[FR Doc. 79-14132 Filed 5-7-79; 8:45 am]
BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Natalie Knitting Mills, Division of Hampshire Designers, Inc., Chilhowie, Va.

The investigation was initiated on February 26, 1979 in response to a worker petition received on February 22, 1979 which was filed on behalf of workers and former workers producing men's and ladies' sweaters and leotards at Natalie Knitting Mills, Division of Hampshire Designers, Incorporated, Chilhowie, Virginia. The investigation revealed that the plant primarily produces women's sweaters and knit tops. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Office of Trade Adjustment Assistance conducted a survey of customers who had decreased purchases of knit tops from Natalie Knitting Mills. The survey revealed that the majority of these customers did not purchase from foreign sources. The one customer who had increased its purchases of imported knit tops, in 1978 compared to 1977, represented an insignificant percent of Natalie's 1978 sales. This customer does not anticipate decreasing its purchases from Natalie in 1979 as compared to 1978.

Production of women's sweaters and tops at Natalie Knitting Mills increased in 1978 compared to 1977 and in the first two months of 1979 compared to the same period of 1978.

The average number of hourly workers at Natalie Knitting Mills increased in every quarter of 1978 and in the first quarter of 1979 compared to the corresponding quarters one year earlier.

Conclusion

After careful review, I determine that all workers of Natalie Knitting Mills, Division of Hampshire Designers, Incorporated, Chilhowie, Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of April 1979.

C. Michael Aho,
Director, Office of Foreign Economic Research.

[TA-W-4852]

[FR Doc. 79-14133 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Tru-Fit Knitwear, Inc., Brooklyn, N.Y.

The investigation was initiated on February 26, 1979 in response to a worker petition received on February 11, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and women's sweaters at Tru-Fit Knitwear, Incorporated, Brooklyn, New York. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's sweaters increased both absolutely and relative to domestic production from 1975 to 1976. Imports of sweaters increased in 1977 as compared to the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production exceeded 140 percent in 1976 and in 1977. The IP ratio in 1977 was

higher than the average IP ratio for the period 1973 through 1976.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased from 20.4 million units in 1975 to 26.5 million units in 1976 and to 28.3 million units in 1977. Imports increased to 38.4 million units in 1978 as compared to 28.3 million units in 1977.

The Department conducted a survey of the customers of Tru-Fit's sales in the first six months of 1977 reduced purchases of sweaters from Tru-Fit and increased purchases of imported sweaters in the first six months of 1978 compared to the same period in 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and women's sweaters produced at Tru-Fit Knitwear, Incorporated, Brooklyn, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification: "All workers of Tru-Fit Knitwear, Incorporated, Brooklyn, New York who became totally or partially separated from employment on or after February 10, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 25th day of April 1979.

James F. Taylor,
Director, Office of Management Administration and Planning.

[TA-W-4856]

[FR Doc. 79-14134 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Uniroyal, Inc., Naugatuck, Conn.

The investigation was initiated on March 15, 1979 in response to a worker petition received on March 13, 1979

which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing rubber canvas footwear at the Naugatuck, Connecticut plant of Uniroyal, Incorporated. It is concluded that all of the requirements have been met.

Imports of rubber canvas footwear increased absolutely and relative to domestic production in 1977 compared to 1976 and in 1978 compared to 1977.

Certifications applicable to the petitioning group of workers were issued on May 11, 1977 (TA-W-1683 and 1995). These certifications remain in effect until May 11, 1979, two years from their date of issuance.

Imports of rubber canvas footwear continue to have an adverse affect on the remaining operations of the Naugatuck, Connecticut plant after the expiration of the previous certification.

By May 11, 1979, the expiration date of the Department's previous certifications, remaining workers at the Naugatuck, Connecticut plant of Uniroyal, Incorporated will continue to be warehousing rubber canvas footwear. Uniroyal had discontinued production of footwear at the Naugatuck plant in December of 1977 and has since been warehousing footwear at this facility while attempting to sell this plant and this division. In April 1979, the company sold the Naugatuck plant and property but continues to warehouse footwear by leasing back some buildings. By July 1, 1979, approximately 100 more workers will be laid off, with further layoffs occurring after this date. Uniroyal plans to sell the footwear division by the end of 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with rubber canvas footwear produced at the Naugatuck, Connecticut plant of Uniroyal, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Naugatuck, Connecticut plant of Uniroyal, Incorporated who became totally or partially separated from employment on or after May 11, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[TA-W-4959]

[FR Doc. 79-14135 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Western Tanning, Inc., Delta, Colo.

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 26, 1979 which was filed on behalf of workers and former workers producing tanned leather at Western Tanning, Incorporated, Delta, Colorado. It is concluded that all of the requirements have been met.

U.S. imports of tanned and finished cattlehides increased both absolutely and relative to domestic production during 1978 compared to 1977.

Customers representing a significant proportion of Western Tanning's sales of cattlehide leather were surveyed by the Department. The results of this survey revealed that customers reduced purchases from Western Tanning and increased purchases of imported cattlehide leather in 1978 compared to 1977 and during the first two months of 1979 compared to the first two months of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with tanned leather produced at Western Tanning, Incorporated, Delta, Colorado contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Western Tanning, Incorporated, Delta, Colorado who became

totally or partially separated from employment on or after May 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of April 1979.

C. Michael Aho, Director, Office of Foreign Economic Research.

[TA-W-4872]

[FR Doc. 79-14136 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The Willette Corp., New Brunswick, N.J.

The investigation was initiated on March 20, 1979 in response to a worker petition received on March 15, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing ceramic fixtures for the Willette Corporation, New Brunswick, New Jersey. The investigation revealed that the plant primarily produces vitreous china bathroom accessories for the Willette Corporation. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Annual company sales increased in 1978 compared with 1977 and continued to increase in the first quarter of 1979 compared with the like period of 1978.

Conclusion

After careful review, I determine that all workers of the Willette Corporation, New Brunswick, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[TA-W-5001]

[FR Doc. 79-14137 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Winter Scene Fashions, Inc., Hoboken, N.J.

The investigation was initiated on March 13, 1979 in response to a worker petition received on March 1, 1979 which was filed on behalf of workers and former workers producing ladies' coats and suits at Winter Scene Fashions, Incorporated, Hoboken, New Jersey. The investigation revealed that the plant produces ladies' winter coats only. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Declines in employment which took place at Winter Scene Fashions, Incorporated are attributable to the seasonal nature of the ladies' coat industry. Contractors for ladies' coats generally receive orders for winter coats during the second quarter of the calendar year. Workers producing winter coats are typically employed from May through November in order to fulfill manufacturers' orders. Workers are then usually laid off in November or December once the orders are completed. In most years, contractors producing winter coats suffer a period of negligible orders during the first few months at the beginning of the calendar year. Employment declines which occurred at Winter Scene Fashions, Incorporated during the first quarters of both 1978 and 1979 reflect the seasonal

pattern typical to winter coat production.

Conclusion

After careful review, I determine that all workers of Winter Scene Fashions, Incorporated, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[TA-W-4949]

[FR Doc. 79-14138 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

Class Exemption for Certain Transactions Authorized or Required by Judicial Order or Judicially Approved Settlement Decree

AGENCY: Department of Labor.

ACTION: Grant of class exemption.

SUMMARY: This exemption permits certain otherwise prohibited and specially taxable transactions and activities involving employee benefit plans under the Employee Retirement Income Security Act of 1974 (the "Act") and the Internal Revenue Code of 1954, as amended, (the "Code") to take place provided, among other things, that before such transactions or activities take place they are specifically authorized or required by a judicial order or a judicially approved settlement decree. The exemption may affect employee benefit plans, participants in and beneficiaries of such plans, fiduciaries of such plans and other persons engaging in such transactions or activities, and any other parties to litigation resulting in a court order or court-approved settlement authorizing or requiring such transactions or activities.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Stevan Durovic, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20216; (202) 523-9129. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 6, 1979, notice was published in the *Federal Register* (44 FR 7244) that the Department of Labor (the "Department") proposed on its own motion a class exemption from the prohibitions of sections 406 and 407(a) of the Act, and from the taxes imposed by section 4975(a) and (b) of the Code,

to the extent necessary to permit employee benefit plans and fiduciaries and disqualified persons thereof to engage under certain circumstances in transactions and activities which are within the scope of those sections, provided that the transactions or activities have been authorized or required in advance by an order made or approved by a United States District Court. The exemption would be available only where the Department or the Internal Revenue Service was a party to the litigation, and where the nature of the transaction or activity was specifically described in an order issued by the court or a settlement approved by the court. The exemption was proposed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 18, 1975).¹

No public comments and no requests for a public hearing with respect to the proposed class exemption were received by the Department. For the reasons set forth in the notice of the proposed exemption, the Department has determined to adopt the class exemption as proposed.²

General Information

The attention of interested persons is directed to the following:

1. The fact that a transaction or activity is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan which is affected by the exemption from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act. Section 404 of the Act requires, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the plan's participants and beneficiaries and

¹ The authority of the Secretary of Labor to issue exemptions under section 4975(c)(2) of the Code is set forth in section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978.

² Although the class exemption is available only in cases where the Department or the Internal Revenue Service is a party to the litigation, the Department and the Service do not intend to become parties to litigation in cases where they would otherwise not be parties, merely to make the class exemption available or potentially available. Where a court authorizes or requires a prohibited transaction in connection with a proceeding to which neither the Department nor the Service is a party, plan fiduciaries intending to carry out the transaction are free to apply for an individual exemption pursuant to the Department's regular procedure. Information concerning judicial activity should be included in any application for such an exemption. See ERISA Procedure 75-1, 40 FR 18471, April 18, 1975.

in a prudent fashion. Nor does it affect the provision of section 401(a) of the Code that, in order to qualify under that section, a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan or their beneficiaries.

2. This class exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction or activity is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

3. This class exemption is applicable to a particular transaction or activity only if the transaction or activity satisfies the conditions specified in the class exemption.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 18, 1975), and based upon the considerations set forth in the notice of proposed class exemption (44 FR 7244, February 6, 1979), the Department makes the following determinations:

- (a) The class exemption set forth herein below is administratively feasible;
- (b) It is in the interests of plans and of their participants and beneficiaries; and
- (c) It is protective of the rights of participants and beneficiaries of plans.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1.

Sections 406 and 407(a) of the Act and section 4975(a) and (b) of the Code shall not apply with respect to any transaction or activity which is authorized or required, prior to the occurrence of such transaction or activity, by an order of a United States District Court or by a settlement of litigation approved by such a court, provided that the nature of such transaction or activity is specifically described in such order or settlement, and provided further that the Secretary of Labor or the Internal Revenue Service is a party to the litigation at the time of such order or settlement.

Signed at Washington, D.C., this 1st day of May 1979.

Ian D. Lenoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor

[FR Doc. 79-14238 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-29-M

Exemption From Prohibited Transactions Provisions Involving the Building Trades United Pension Trust Fund, Milwaukee and Vicinity

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Building Trades United Pension Trust Fund, Milwaukee and Vicinity (the Plan) to carry out an extension of credit pursuant to permanent mortgage financing to Megal Development Corporation (Megal).

FOR FURTHER INFORMATION CONTACT: Stephen Elkins of the Department of Labor (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 23, 1979, notice was published in the Federal Register (44 FR 17813) of pendency before the Department of Labor (the Department) of a proposed exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1)(A) through (D) of the Code. The exemption was requested in an application filed by the trustees of the Plan pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application on file with the Department for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. No comments have been received by the Department with respect to the exemption as proposed.

The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore this exemption is granted solely by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply, and the general fiduciary responsibility provisions of section 404 of the Act, which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan, and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act. Moreover, the fact that the transaction is the subject of an exemption does not affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees (and their beneficiaries) of the employer maintaining the plan.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to and not in derogation of any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Further, the fact that a transaction is the subject of an administrative exemption, statutory exemption, or transitional rule, is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and with the procedures set forth in ERISA Procedure 75-1, and based upon the entire record, the Department makes the following determinations:

- (a) The exemption is administratively feasible;
- (b) The exemption is in the interests of the Plan and of its participants and beneficiaries; and
- (c) The exemption is protective of the rights of the participants and beneficiaries of the Plan.

Therefore, the prohibitions of section 406(a) of the Act and the taxes imposed by § 4975(a) and (b) of the Code, by reason of § 4975(c)(1)(A) through (D) of the Code shall not apply to extension of credit pursuant to the three mortgage loans discussed in the exemption as proposed at 44 FR 17814, between the Plan and Megal, nor to purchase of the

three construction loans by the Plan from First Bank-Midland, N.A., Milwaukee, attendant to effectuation of such extension of credit from the Plan to Megal.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 2nd day of May, 1979.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[Prohibited Transaction Exemption 79-10]

[FR Doc. 79-14289 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Wednesday, May 23, 1979, in Conference Room N-5437 D, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C.

The purpose of the meeting is to discuss the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Department of Labor Progress Report

2. Council Report on Work Groups

3. Statements from the Public

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA, by submitting 30 copies on or before May 21, 1979, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S-4522, 200 Constitution Avenue, N.W., Washington, D.C. 20216

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523-8753.

Signed at Washington, D.C., this 2nd day of May 1979.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs.
[FR Doc. 79-14312 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-29-M

Exemption for Certain Activities Involving the United Mine Workers of America 1950 Benefit Plan and Trust

AGENCY: Department of Labor.

ACTION: Grant of an Individual Exemption.

SUMMARY: This exemption permits the trustees of the United Mine Workers of America 1950 Benefit Plan and Trust (the Plan) to offer their opinion so as to assist in resolution of certain disputes arising in connection with provision of health and other benefits through employee welfare benefit plans established by individual employers pursuant to the National Bituminous Coal Wage Agreement of 1978 (the Agreement).

DATE: The exemption is effective from March 27, 1978 until termination of the Agreement.

FOR FURTHER INFORMATION CONTACT: Stephen Elkins of the Department of Labor, (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 12, 1979 notice was published in the Federal Register (44 FR 2726) that the Department of Labor (the Department) had under consideration a proposed exemption from the restrictions of section 406(a)(1)(C) and (D) and 406(b)(1) of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption was requested in an application filed by the trustees of the Plan, pursuant to section 408(a) of the Act, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

As proposed, the exemption would allow the trustees of the Plan to offer their opinion with respect to questions of eligibility and coverage arising in connection with benefits provided by welfare plans (the 1978 Plans) created pursuant to terms of the Agreement. In the absence of the exemption, the trustees represent that they may be prohibited from providing such advisory opinions because of certain provisions of section 406 of the Act.

According to the trustees, eligibility and benefit coverage under the 1978 Plans is to be identical to eligibility and benefit coverage under the Plan. Furthermore, by terms of the Agreement,

the Plan was amended so as to authorize the trustees of the Plan to resolve disputes which might arise concerning eligibility and benefit coverage under the 1978 Plans.

The Notice of Pendency invited interested persons to submit comments on the proposed exemption and to request that a public hearing be held. Comments and hearing requests were received. Notice of a public hearing, as requested, was published in the Federal Register on March 13, 1979 (44 FR 14651). The hearing was held at which persons presented testimony explaining their view with respect to the proposed exemption.

Discussion of Comments and Testimony Received at Public Hearing

Following publication of the proposed exemption, the Department received approximately sixty comments. The comments were almost exclusively from beneficiaries of the Plan, or from representatives of such beneficiaries.

A substantial majority of the comments raised issues not specifically addressed to whether or not the proposed exemption should be granted. For the most part, the comments expressed dissatisfaction with the arrangement whereby pension and welfare benefits are provided to retirees from plans separate from the plans which provide pension and welfare benefits to active employees. These comments do not appear germane to the question of whether or not the exemption should be granted. Other commentators raised questions concerning the burden of administrative costs which might fall upon the Plan with respect to Plan trustees rendering advisory opinions regarding the 1978 Plans. On the basis of all the facts and circumstances described in the application, including the guarantee of the level of benefits currently provided under the Plan, the Department believes that the requested exemption should be granted, notwithstanding the possibility of increased administrative costs as described in the application.

The Hearing was held in Washington on April 17, 1979. Testimony was received from ten persons. Portions of such testimony echoed the concerns of beneficiaries of the Plan who earlier had filed comments on the proposed exemption. Other testimony, while not opposing the proposed exemption, raised questions as to the authority of the trustees of the Plan to enforce compliance with any opinions which they might issue with respect to coverage or eligibility under the 1978 Plans. Still other testimony was given

fully in support of the proposed exemption, at the same time addressing questions raised by others who testified or presented comments.

After consideration of the comments received and the testimony presented at the hearing, the Department has decided to grant the exemption in the form in which it was proposed.

GENERAL INFORMATION: The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) This exemption does not extend to transactions prohibited under sections 406(a)(1)(A), (B) and (E), 406(a)(2), 406(b)(2) and (3), and 407(a) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provision of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that transactions are subject to an administrative or statutory exemption is not dispositive of whether the transactions are in fact prohibited transactions.

Exemption

In accordance with section 408(a) of the Act, and based upon the entire record, including written comments submitted in response to the notice of January 12, 1979, and the testimony received at the public hearing on April 17, 1979, the Department makes the following determinations:

(a) The exemption set forth herein is administratively feasible;

(b) The exemption is in the interests of the Plan and of the participants and beneficiaries of the Plan; and

(c) The exemption is protective of the rights of participants and beneficiaries of the Plan.

Accordingly, the following exemption hereby is granted under the authority of section 408(a) of the Act, and in accordance with procedures set forth in ERISA Procedure 75-1.

Effective March 27, 1978, and until the date of termination of the National

Bituminous Coal Wage Agreement of 1978, the restrictions of section 406(a)(1)(C) and (D), and 406(b)(1) of the Act shall not apply to the resolution by the trustees of the United Mine Workers of America 1950 Benefit Plan and Trust of disputes involving the nature of benefits to be provided under plans established pursuant to Article XX of the National Bituminous Coal Wage Agreement of 1978 (1978 plans), generic questions of eligibility under the 1978 plans, and individual questions of eligibility under the 1978 plans, provided that such trustees maintain and make available to the Department of Labor upon request, records adequate to ascertain both the cost of rendering such services and the portion of such costs which may be attributed to the resolution of each of the three types of disputes which the trustees may consider.

Signed at Washington, D.C. this 3rd day of May 1979.

Ian Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[Prohibited Transaction Exemption 79-17]

[FR Doc. 79-14291 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

Public Meeting

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold a public meeting on June 7 and June 8, 1979, in Room 550, 2000 K Street, N.W., Washington, D.C. 20006.

The National Commission on Employment and Unemployment Statistics was established under Section 13 of the Emergency Jobs Program Extension Act of 1975, Public Law 94-444. Its purpose is to advise the President and the Congress on reliable and comprehensive measurements of employment and unemployment by examining the procedures, concepts, and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

The meetings will begin each day at 9:00 a.m. to review issues involved in linking employment status, income and earnings. The public is invited to attend. Official records of the meetings will be available for public inspection by contacting:

Mr. Wesley H. Lacey, Administrative Officer, National Commission on

Employment and Unemployment Statistics, Suite 550, 2000 K Street, N.W., Washington, D.C. 20006.

Signed at Washington, D.C., this 3rd day of May, 1979.

Sar A. Levitan,

Chairman.

[FR Doc. 79-14287 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Intent To Hold Hearings on Reinsurance of State Unemployment Compensation Plans

The Commission plans to consider and vote at a forthcoming meeting on the general principle of establishing by Federal law a reinsurance plan which would provide for payments made from a Federal reinsurance account to States which experience extraordinary benefit costs.

The plan would be effective beginning January 1, 1980. The plan would be phased into full operation over a five year period.

The plan would be financed exclusively from employer payroll contributions. The total cost would be limited to an annual cost equivalent to two-tenths of one percent of taxable payrolls.

One option is that the two-tenths of one percent of taxable payrolls would come entirely from the Federal Unemployment Tax Act. Another is that one-tenth comes from FUTA and one-tenth from State Funds. Another is that funds come in part or whole from Federal general revenues. The plan which the Commission will have under consideration provides that the income to the reinsurance account would come entirely from two-tenths of one percent of taxable payrolls from FUTA.

A State would be eligible to receive a reinsurance payment provided it maintained a solvency standard in its State Law, which provided as of September 30 of the year prior to receipt of a reinsurance payment, a State reserve fund of 1½ times the highest benefits paid out in 5 of the prior 7 calendar years (eliminating the highest and lowest years).

The various reinsurance approaches suggested to the Commission may be summarized as follows:

1. Payments based upon a specified increase in unemployment;
2. Payments based upon a specified increase in benefit payments;

3. Payments based upon a specified increase in contribution costs;

4. Some combination of a specified increase in two or three of the above.

The plan would be operative either when unemployment exceeded a specified level, or when benefit payments exceeded a specified level or both.

Such hearing will afford the Commission an opportunity to study a method or methods of financing the costs of any reinsurance plans. This will include a review of a proposal on reinsurance adopted by majority vote by the Interstate Conference of Employment Security Agencies at a meeting on March 15, 1979, together with all other proposals submitted to the Commission or developed by the Commission and staff.

It is currently expected that the hearing will be held at either of two scheduled Commission meetings:

Portland, Oregon—July 26-28, 1979.

New York City—August 23-25, 1979.

The Commission will welcome any comments in writing that will assist in preparation for such hearing. *In particular, the Commission invites comments on a method or methods to finance the costs of any reinsurance plan.*

All such comments should be directed to the Executive Director of the Commission, as identified below, no later than May 31, 1979.

Documents submitted in response to this notice, and staff papers prepared for the Commission use, will be made available to all respondents and others requesting such materials. These will be distributed as far in advance of the hearing date, of which announcement will be made in the Federal Register, as feasible.

Requests for permission to testify in person will be granted by the Commission to the extent that time permits and in such manner as to offer the Commission the broadest possible spectrum of differing views. More specific information on details of the hearing will be published in a subsequent notice.

Telephone inquiries and communications concerning this meeting should be directed to:

James M. Rosbrow, Executive Director,
National Commission on
Unemployment Compensation, 1815
Lynn Street, room 440, Rosslyn,
Virginia 22209, (703) 235-2782.

Signed at Washington, D.C. this 1st day of May, 1979.

James M. Rosbrow,

Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 79-14345 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-30-M

Intent To Hold Hearings on Federal Wage Base Under the Federal Unemployment Tax Act

The Commission plans to consider and vote at a forthcoming meeting on the general principle of increasing the \$6,000 taxable wage base in the Federal Unemployment Tax Act (FUTA) on a phased basis over a period of time.

1. One option is to increase the base in relation to some portion of annual average national covered earnings.

2. Another option is to increase the base on a specific annual basis such as \$1,000 a year, or \$2,000 very two years.

3. Another option is to apply a FUTA tax rate to total earnings.

4. Another option is to increase the base periodically a given amount over a period such as five years, and then relate future increases to some proportion of average earnings.

5. Another option is to make the wage base some proportion of the social security earnings base.

The Commission has heard extensive testimony on this subject over the past year.

It is currently expected that the subject will be discussed and action taken at either of two scheduled Commission meetings:

Portland, Oregon—July 26-28, 1979.

New York City—August 23-25, 1979.

The Commission will welcome any comments in writing that will assist in their deliberations.

All such comments should be directed to the Executive Director of the Commission, as identified below, no later than May 31, 1979.

Documents submitted in response to this notice, and staff papers prepared for the Commission use, will be made available to all respondents and others requesting such materials. These will be distributed as far in advance of the meeting date, of which announcement will be made in the *Federal Register*, as feasible.

If found to be advisable, requests for permission to testify in person will be granted by the Commission to the extent that time permits and in such manner as to offer the Commission the broadest possible spectrum of differing views. More specific information on details of the hearing will be published in a subsequent notice.

Telephone inquiries and communications concerning this meeting should be directed to:

James M. Rosbrow, Executive Director,
National Commission on
Unemployment Compensation, 1815
Lynn Street, room 440, Rosslyn,
Virginia 22209, (703) 235-2782.

Signed at Washington, D.C. this 1st day of May 1979.

James M. Rosbrow,

Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 79-14346 Filed 5-7-79; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL SCIENCE FOUNDATION

Executive Committee of the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Executive Committee of the Advisory Committee for Ocean Sciences.

Date and Time: May 24 and 25, 1979—9:00 a.m. to 5:00 p.m. each day.

Place: Room 543, National Science Foundation, 1800 G Street, NW Washington, DC.

Type of Meeting: Open.

Contact Person: Dr. Dirk Frankenberg, Director, Division of Ocean Sciences, Room 609, National Science Foundation, Washington, DC 20550. Telephone (202) 632-5913.

Summary Minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 238, 1800 G Street, NW, Washington, DC 20550.

Purpose of Committee: To provide advice and recommendations concerning oceanographic research and its support by the NSF's Division of Ocean Sciences.

Agenda: May 24, 1979.

1) Review and Approve minutes of last meeting—R. Dugdale

2) Establish a more rapid procedure for approving minutes of meeting—R. Dugdale

3) Report on IDOE/CORES—Grant Gross

a. progress report on establishment of CORES

b. status report on preliminary proposals discussed at October meeting

c. plans for review of 1979 preliminary and full-scale proposals

4) Report on UNOLS fleet, funding shortfall, and *Alpha Helix* status—M. K. Johrde

5) Study on Ocean Sciences Research Facility Requirements 1980-85—D. Frankenberg

Agenda May 25, 1979.

6) Review and Oversight Plans for Oceanography Section Programs—J. Byrne

7) Structure of the Ocean Sciences Division Advisory Committee—D. Frankenberg

8) Rotation of Executive Committee—R. Dugdale

May 3, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 79-14347 Filed 5-7-79; 8:45 am]

BILLING CODE 7555-01-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Report of Staff Contacts

The President's Commission on Pension Policy decided in its first public meeting on March 23, 1979 to request that each professional member of the staff maintain a log of contacts of a substantive nature with individuals and groups interested in the activities of the Commission.

During the month of April the Commission staff met with representatives of the following groups and organizations.

Municipal Finance Officers Association.

ERISA Industry Committee.

American Academy of Actuaries.

National Governors' Association.

National Conference of State Legislatures.

U.S. Chamber of Commerce.

National Association of Retired Federal Employees.

Pension Rights Center.

Merrill Anderson Company.

Putnam Sound National Bank.

Council of State Governments.

William M. Mercer Company.

Teachers Insurance and Annuity Association and the College Retirement Equities Fund (TIAA-CREF).

Employee Benefit Research Institute.

Academy for Contemporary Problems.

Mathematica.

OMB and White House Staff.

Staff of the United States Senate and the U.S. House of Representatives.

Staff of the U.S. Department of Housing and Urban Development.

Staff of the Social Security Administration.

Paul Howell, Pension Consultant.

Signed at Washington, D.C., this 2nd day of May 1979.

Thomas C. Woodruff,

Executive Director.

[FR Doc. 79-14321 Filed 5-7-79; 8:45 am]

BILLING CODE 6820-99-M

SECURITIES AND EXCHANGE COMMISSION

Bergstrom Paper Co.; Application and Opportunity for Hearing

April 30, 1979.

Notice is hereby given that Bergstrom Paper Company (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for

an order exempting Applicant from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states that it has no securities owned by the public as the result of a merger with and into P.H. Glatfelter Company on January 30, 1979.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 25, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 1100 L Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[File No. 81-487]
[FR Doc. 79-14258 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

Hyatt Corp.; Application and Opportunity for Hearing

April 30, 1979.

Notice is hereby given that Hyatt Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934 (the "1934 Act") for an order granting Applicant an exemption from the periodic reporting requirements of sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. On February 5, 1979, Applicant was merged into New Hy, Inc., a Delaware corporation which is owned by the principal stockholders of the Applicant prior to the merger. As a result of the merger, Applicant no longer has any publicly traded common stock.

2. Preparation and filing of a final Form 10-K for the fiscal year ended January 31, 1979 would serve no useful purpose.

Applicant argues that the granting of the exemption would not be inconsistent

with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested persons not later than May 25, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[File No. 81-483]
[FR Doc. 79-14260 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

Hudson Pulp & Paper Corp.; Application and Opportunity for Hearing

April 30, 1979.

Notice is hereby given that the Hudson Pulp & Paper Corp. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the filing requirements of Sections 12, 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. The Applicant is a Maine corporation subject to the reporting provisions of Sections 12, 13 and 15(d) of the 1934 Act.

2. On January 19, 1979, the Applicant became a wholly-owned subsidiary of Georgia Pacific Corporation as the result of a merger.

3. There is no trading in Applicant's securities.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Sections 12, 13 and 15(d) of the 1934 Act.

The Applicant argues that no public investors will benefit from the filing of the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 25, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[File No. 81-486]
[FR Doc. 79-14261 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

Mercury General Corp.; Application and Opportunity for Hearing

April 30, 1979.

Notice is hereby given that Mercury General Corporation ("Applicant") has filed an application, pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order granting Applicant an exemption from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. On January 3, 1979, Applicant became a wholly-owned subsidiary of California General Management Inc. As a result of the merger, Applicant no longer has any publicly owned common stock.

2. There is no trading in the common stock of Applicant.

3. The Applicant filed a certification pursuant to Rule 12g-4 of the 1934 Act to

terminate registration of its common stock.

In the absence of an exemption, Applicant is required to file reports pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder for the fiscal year ended December 31, 1978, and for the fiscal year ending December 31, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that the time, effort, and expense involved in the preparation of additional periodic reports will be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person not later than May 25, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time, after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority,

Shirley E. Hollis,
Assistant Secretary.

[File No. 81-477]

[FR Doc. 79-14262 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

1. Pursuant to an offer to purchase, First City Development Corporation of California acquired 91% of the Applicant's issued and outstanding common stock in early 1979. On March 16, 1979 First City caused a short form cash merger of the Applicant into First City.

2. Registration of Applicant's stock under Section 12(g) of the 1934 Act was terminated effective April 5, 1979.

3. Applicant argues that the granting of the exemption would not be inconsistent with the public interest or the protection of investors, in view of the fact that its securities are no longer publicly held.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person not later than May 25, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time, after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority,

Shirley E. Hollis,
Assistant Secretary.

[File No. 81-501]

[FR Doc. 79-14263 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

by virtue of registration under Section 12(b) thereof.

2. On July 18, 1963, the Applicant issued 5 1/2% External Loan Bonds ("Bonds") due July 1, 1978 in the principal amount of \$20,000,000. Such Bonds were listed on the New York Stock Exchange (the "Exchange").

3. On July 1, 1978, the Applicant provided its paying agent with sufficient funds to redeem all remaining Bonds and such Bonds were removed from listing on the Exchange. The Applicant is not otherwise subject to Sections 12(g) or 15(d) of the 1934 Act.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Section 13 of the 1934 Act.

The Applicant argues that no useful purpose would be served in filing the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L St., N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 25, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority,

Shirley E. Hollis,
Assistant Secretary.

[File No. 81-411]

[FR Doc. 79-14259 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

Metropolitan Development Corp.; Application and Opportunity for Hearing

April 30, 1979.

Notice is hereby given that Metropolitan Development Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order granting Applicant an exemption from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

City of Milan; Application and Opportunity for Hearing

April 30, 1979.

Notice is hereby given that the City of Milan ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the filing requirements of Section 13 of the 1934 Act.

The Application states, in part:

1. The Applicant is a foreign municipality subject to the reporting provisions of Section 13 of the 1934 Act

**New England Electric System;
Proposed Issue and Sale of Common
Stock Pursuant to a Dividend
Reinvestment and Share Purchase
Plan**

May 1, 1979.

Notice is hereby given that New England Electric System ("NEES"), 20 Turnpike Road, Westborough, Massachusetts 01581, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rules 5(a)(1) and 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated August 1, 1977 (HCAR NO. 20121), NEES was authorized to issue through August 1, 1979 a maximum of 500,000 shares of its authorized common shares, \$1 par value, pursuant to a Dividend Reinvestment and Common Share Purchase Plan.

NEES now proposes to issue and sell from time to time through December 31, 1981, up to 500,000 additional shares of its authorized but unissued common stock, par value \$1.00, pursuant to a dividend Reinvestment and Common Share Purchase Plan ("Plan"). The proceeds of the sale will be used for investment in NEES' subsidiaries, purchase of additional shares of their capital stocks, or capital contributions for payment of NEES' indebtedness, or for general purposes.

The Plan will be administered by the First National Bank at Boston, or such other bank or trust company as NEES may from time to time designate. All holders of record of NEES's common shares will be eligible to participate. Participants in the Plan may: (a) have cash dividends on their common shares automatically reinvested at a 5% discount, (b) have cash dividends on a portion of their shares automatically reinvested at a 5% discount, (c) continue to receive their cash dividends and invest by making optional cash payments (with no discount) not more frequently than once a month and not less than \$25 per payment, or (d) reinvest all or a portion of their cash dividends at a 5% discount and, in addition, invest by making optional cash payments (with no discount). The Company reserves the right to refuse any optional cash payment in excess of \$5,000. The price of common shares purchased with invested common

dividends will be 95% of the average of the daily averages of the high and low sales prices of the common shares on the New York Stock Exchange Composite Transactions listing during the last five trading days ending with the investment date. The price of common shares purchased with optional cash payments will be 100% of such average. The Investment Dates are the dividend payment dates for the months in which dividends are payable or, if such day is not a trading-day, the next following trading day. For each month in which a dividend is not payable, the Investment Date shall be the first trading day of such month.

A participant may change his investment option at any time. All costs of administration of the Plan will be paid by NEES. There will be no brokerage commissions or service charges to participants in connection with purchases under the Plan. A participant will be able to withdraw from the plan at any time upon written notice. Upon withdrawal the participant will be issued a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share. Participants will retain all voting relating to the shares purchased under the Plan and credited to their accounts and shares will be voted in accordance with the instructions of the participant to whose account they are credited.

NEES will announce the Plan to its shareholders and solicit their participation by mailing to them a summary prospectus. A summary prospectus or similar material will be sent to those who become shareholders after the initial announcement of the Plan. All shareholders who join the Plan will receive a complete prospectus.

NEES states that the proposed issuance and sale of common shares through the reinvestment of dividends is exempted from the competitive bidding requirements of Rule 50 by virtue of 50(a)(1), and request an exemption under Rule 50(a)(5) for the proposed issuance and sale of common shares through the optional cash payments provision of the Plan.

A statement of fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 25, 1979, request in writing that a hearing be held on such matter, stating

the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[Rel. No. 21026; 70-6295]

[FR Doc. 79-14264 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

**Olinkraft, Inc.; Application and
Opportunity for Hearing**

April 30, 1979.

Notice is hereby given that Olinkraft, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), seeking an exemption from the requirement to file reports pursuant to Sections 13 and 15(d) of the 1934 Act.

The Applicant states in part:

1. The Applicant was a publicly-held company with a class of securities registered pursuant to Section 12(b) of the 1934 Act, and was thus subject to the reporting provisions of Section 13 of the 1934 Act.

2. On January 19, 1979, the Applicant was merged with Johns-Manville Corporation pursuant to an Agreement and Plan of Reorganization dated November 9, 1978.

3. As a result of the merger, all the issued and outstanding shares of

common stock of the Applicant are now owned by Johns-Manville Corporation.

4. After termination of its Section 12(b) registration on March 5, 1979, Applicant is subject to the reporting provisions of Section 15(d) of the 1934 Act.

In the absence of an exemption, Applicant will be required to file certain periodic reports with the Commission, including an annual report on Form 10-K for the fiscal year ended December 31, 1978, pursuant to Section 13 of the 1934 Act, and further reports for periods ending in 1979 pursuant to Section 15(d) of the 1934 Act.

The Applicant contends that no useful purpose would be served in filing the periodic reports because Johns-Manville Corporation now owns all of the Applicant's common stock, and its common stock is no longer publicly traded.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the Office of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 25, 1979, may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[File No. 81-490]

[FR Doc. 79-14265 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

Southern Co. and Southern Co. Services, Inc.; Proposal by Service Co. to Increase Amount of Notes Outstanding

Notice is hereby given that The Southern Company ("Southern"), 64 Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, and Southern Company Services, Inc. ("Services"), 64 Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a service company subsidiary of Southern, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7 and 12 of the Act and rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Services provides certain services for Southern and its associate companies in the Southern system pursuant to authorization of the Commission. It is stated that expansion in the amount of such services provided in recent years has resulted in a substantial increase in the amount of Services' necessary working capital needs. Services presently has authority from the Commission to issue and sell up to \$30,000,000 aggregate principal amount of unsecured notes to Southern and to issue up to \$22,000,000 aggregate principal amount of unsecured notes to Aetna Life Insurance Company ("Aetna"). The Commission's order authorizing the sale of notes to Aetna, dated February 22, 1977 (HCAR No. 19893), contemplates that borrowings made pursuant to such authority and borrowings made pursuant to the Commission's order authorizing the borrowings from Southern will aggregate not more than \$30,000,000 at any one time outstanding.

Services' working capital needs have continued to increase to the point that they are now expected to be approximately \$42,000,000 during 1979 and up to \$45,000,000 during 1980. Services proposes that the aggregate principal amount of notes which Services is authorized by the Commission to issue be increased to \$50,000,000, consisting of the presently authorized \$22,000,000 in notes to Aetna; up to \$20,000,000 in notes to Credit Lyonnais as described below; and the balance to Southern. It is proposed that the maximum principal amount at any one time outstanding will not exceed

\$50,000,000 until further authorization from the Commission.

Services proposes to enter into an agreement ("Loan Agreement") to issue and sell unsecured notes ("Notes") in an aggregate principal amount not to exceed \$20,000,000 to Credit Lyonnais ("Bank"). It is proposed that the Notes will be guaranteed by Southern as to principal, premium, if any, and interest. It is expected that the Notes will represent a significant saving to Services in interest cost over its current borrowings and other currently available means of financing. The following are the proposed terms of the Notes: The interest rate will be either (a) The applicable London Interbank Offering Rate ("LIBOR"), as quoted to the Bank on the date of quotation, plus $\frac{1}{2}$ of 1% in the first three years; plus $\frac{3}{4}$ of 1% during the years 4 through 6; and plus $\frac{1}{2}$ of 1% during the years 7 and 8, or (b) 107% of the applicable prime rate from time to time established by the Bank. The election of one of the foregoing rate bases will be made by Services at each interest interval and will apply for such. Interest will be payable at the end of each calendar quarter.

The interest rate, whether based upon the LIBOR or upon the prime rate, will be adjusted at periodic intervals throughout the life of the Loan Agreement, with the length of each such interval, subject to the limitations below, to be determined by Services. Such intervals may vary between 30 and 90 days in the event that Services shall elect to use the interest rate calculation formula based upon the Bank's prime rate, or shall vary between 30 and 180 days if Services shall elect to use the LIBOR based rate. Regardless of whether the prime rate basis or the LIBOR basis is used, the applicable interest rate will be fixed for the duration of each interest interval.

The Notes will mature eight years from the date thereof, with principal to be repaid in five equal annual installments, commencing at the end of the fourth year.

Prepayment will be permitted without penalty at any time, provided that the applicable interest payment basis prevailing at the time of the request for prepayment is the prime rate basis. If at the time of the prepayment request the interest rate is determined on the LIBOR basis, then prepayment without penalty will be permitted on the date corresponding to the end of the then current interest interval. In the event that prepayment is solicited prior to the end of such LIBOR based interest interval, the Bank will charge a penalty

for such prepayment equal to the Bank's out-of-pocket cost for settling its offsetting LIBOR based transaction, provided that, if no such cost is incurred by the Bank, then no prepayment penalty will be imposed.

The net proceeds from the sale of the Notes will be applied: to redeem Services' Notes to CIT Corporation outstanding at the time of the sale; to finance to acquisition of fixed assets; to increase Services' working capital; and to the extent not required for the foregoing purposes, to reduce Services' outstanding borrowings from Southern.

Southern and Services request that the proposed transactions be excepted from the competitive bidding requirements of Rule 50 pursuant to paragraph (a)(5) thereof for the reasons that such requirements are impracticable with respect to the proposed transactions and are unnecessary for the protection of investors or consumers to assure the maintenance of competitive conditions.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 24, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[Release No. 21024: 70-6287]

[FR Doc. 79-14266 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

Unifund, Inc.; Filing of Application for Order Declaring That Applicant Has Ceased To Be an Investment Company

May 1, 1979.

Notice is hereby given that Unifund, Inc. ("Applicant"), 727 S. Main Street, Burbank, California 91506, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 11, 1978, requesting an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a California corporation which registered under the Act on December 7, 1964, and that 1 million shares of its common stock were registered for issuance under the Securities Act of 1933.

According to the application, on January 31, 1977, pursuant to an Agreement and Plan of Reorganization ("Plan"), Paramount Mutual Fund, Inc. ("PMF"), an investment company registered under the Act, acquired substantially all of the assets of Applicant, including all of Applicant's portfolio securities, and assumed the outstanding liabilities of Applicant, in exchange for shares of common stock of PMF. Applicant states that its board of directors authorized and recommended the adoption of said Plan, and that the Plan was approved by a majority vote of the outstanding shares of Applicant at a meeting held on January 25, 1977. The application states that the number of PMF shares issued to Applicant was determined by dividing the net assets of Applicant by the net asset value per share of PMF, in each case, determined as of January 31, 1977. Applicant states that the PMF shares it received were distributed on a pro rata basis to each of Applicant's shareholders. Applicant further states that, as of January 31, 1977, it had net assets of \$1,710,091, a net asset value of \$9.59 per share, and

178,320 shares outstanding. According to the application, on such date the net asset value of PMF was \$8.71 per share, and 196,331 shares of PMF were distributed to Applicant's shareholders.

The application further states that, as of the date of the application, Applicant had no assets or debts, and was not a party to any litigation or administrative proceeding. Applicant states that it is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs, and that distribution to all of Applicant's shareholders has been made in full. Applicant further states that on January 31, 1977, the appropriate documents of dissolution were filed with the State of California.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than May 25, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[Release No. 10679: 811-1296]

[FR Doc. 79-14267 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

WJA Realty, Successor to World Jai-Alai, Inc.; Application and Opportunity for Hearing

April 30, 1979.

Notice is hereby given that WJA Realty ("WJA"), a Massachusetts limited partnership, has filed as successor to World Jai-Alai, Inc. ("World") an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act"), seeking for World an exemption from the reporting requirements of Section 13 and 15(d) of that Act.

The Application states in part:

1. WJA Delaware, Inc. a wholly-owned subsidiary of WJA, was merged with and into World effective November 22, 1978 and World was thereafter liquidated. Prior to such merger and liquidation, World was the issuer of a class of securities registered under Section 12(g) of the 1934 Act.

2. Stockholders of World at the time of the merger had the right to appraisal under Delaware law.

3. In connection with the merger, a registration statement was filed by WJA on Form S-14, File No. 2-61010, and declared effective on June 16, 1978.

4. A current report on Form 8-K dated November 22, 1978 was filed by World with the Commission in connection with its merger and liquidation.

5. A certification on Form 12g-4 was filed by World with the Commission on December 5, 1978 to terminate registration of its common stock, par value \$.10 per share, pursuant to Section 12(g)(4) of the 1934 Act.

In the absence of an exemption, WJA, as successor to World, is required to file pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder, an annual report on Form 10-K for World's fiscal year ending June 30, 1979. WJA states that no useful purpose would be served in filing such annual report on Form 10-K and that its request for an order exempting it from the provisions of Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that WJA believes that the time, effort and expense involved in preparation of such annual report on Form 10-K would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 25, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol St., N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[File No. 81-452]

[FR Doc. 79-14268 Filed 5-7-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Agribusiness Capital Co.; Issuance of a Small Business Investment Company License

On July 27, 1978, a notice was published in the *Federal Register* (43 FR 32484) stating that an application had been filed by Agribusiness Capital Company, 1401 North Western Avenue, Lake Forest, Illinois 60045, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (12 CFR 107.102 (1978)) for a license as a small business investment company.

Interested parties were given until close of business August 11, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application

and all other pertinent information, SBA issued License No. 05/05-0127 on April 19, 1979, to Agribusiness Capital Company to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, of Small Business Investment Companies)

Dated: May 2, 1979.

Peter F. McNeish,
Deputy Associate Administrator for Finance and Investment.

[License No. 05/05-0127]

[FR Doc. 79-14359 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

Missouri; Declaration of Disaster Loan Area

Clay County and adjacent counties within the State of Missouri constitute a disaster area as a result of damage caused by tornadoes, winds, rain and flooding which occurred on April 11, 1979. Applications will be processed under provisions of Pub. L. 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until close of business on July 2, 1979, and for economic injury until close of business on February 4, 1980, at: Small Business Administration District Office, 12 Grand Bldg., 5th Floor, 1150 Grand Avenue, Kansas City, Missouri 64106, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: May 2, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area 1625]

[FR Doc. 79-14358 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

New York; Declaration of Disaster Loan Area

Chautauqua, Erie and Jefferson Counties and adjacent counties within the State of New York constitute a disaster area as a result of damage caused by high winds, ice, and flooding which occurred on or about April 6-7, 1979. Applications will be processed under the provisions of Pub. L. 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 29, 1979, and for economic injury until the close of business on January 29, 1980, at: Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 30, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area 1623]
[FR Doc. 79-14356 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration I find that Hardin, Harris, Jefferson, Liberty, Montgomery and Orange Counties, and adjacent counties within the State of Texas, constitute a disaster area because of damage resulting from severe storms, tornadoes and flooding beginning on or about April 18, 1979. Applications will be processed under the provisions of Pub. L. 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 25, 1979, and for economic injury until close of business on January 28, 1980, at: Small Business Administration, District Office, One Allen Center, Suite 705, 500 Dallas Street, Houston, Texas 77002, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 2, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area 1626]
[FR Doc. 79-14357 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

Wisconsin; Declaration of Disaster Loan Area

Waupaca County and adjacent counties within the State of Wisconsin constitute a disaster area as a result of damage caused by flooding which occurred on March 24, 1979. Applications will be processed under provisions of Pub. L. 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 2, 1979, and for economic injury until the close of business on February 4, 1980, at: Small Business Administration, District Office, 212 East Washington Avenue—2nd Floor, Madison, Wisconsin 53703, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 2, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area 1624]
[FR Doc. 79-14355 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

North Dakota; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the following 40 counties: Barnes, Benson, Bottineau, Burke, Burleigh, Cass, Cavalier, Dickey, Divide, Eddy, Emmons, Foster, Grand Forks, Griggs, Kidder, LaMoure, Logan, McHenry, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, Wells, Ward, Williams and adjacent counties within the State of North Dakota, constitute a disaster area because of damage resulting from severe storms, snowmelt and flooding beginning on or about April 11, 1979. Applications will be processed under the provisions of Pub. L. 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 25, 1979, and for economic injury until close of business on January 28, 1980, at: Small Business Administration, District Office, Federal Office Building, Room 218, 653-2nd Avenue North, Fargo, North Dakota 58102, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: May 1, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area #1627]
[FR Doc. 79-14360 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council Meeting; Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of Hato Rey, will hold a public meeting at 9:30 a.m., on Tuesday, June 12, 1979, at the Federico Degetau Federal Building, Room 756, Carlos Chardón Avenue, Hato Rey, Puerto Rico, to discuss such business as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Antonio Yordán, District Director, U.S. Small Business Administration, Federico Degetau Federal Building, Room 691,

Carlos Chardón Avenue, Hato Rey, Puerto Rico 00918—(809) 753-4218.

Dated: May 3, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-14354 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

Trammell Crow Investment Co.; Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to Section 107.701 of the regulations governing small business investment companies (13 CFR Section 107.701 (1978)), for the transfer of control of Trammell Crow Investment Company (TCIC), located at 2001 Bryan Street, Dallas, Texas 75201, a Federal Licensee under the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 et seq.) and the Rules and Regulations promulgated thereunder.

TCIC was licensed by SBA on April 13, 1961, and its present paid-in capital and paid-in surplus is \$529,000. The present shareholders are as follows:

Trammell Crow—66.6 percent.
Trammell S. Crow—33.4 percent.

It is proposed that Henry Billingsley acquire 100 percent of the Licensee's stock now held by his father-in-law, Trammell Crow, and his brother-in-law, Trammell S. Crow.

The proposed transfer of control is subject to the prior approval of SBA. If such approval is given, the new officers and directors of TCIC will be:

Henry Billingsley, 3921 Potomac, Dallas, Texas 75205—President, Director.
Trammell Crow, 4500 Preston Road, Dallas, Texas 75205—Vice President, Director.
Hubert H. Young, Jr., 12126 Forestwood Circle, Dallas, Texas 75234—Secretary, Director.
Mary Laura Verner, 6108 Junius, Dallas, Texas 75214—Treasurer.
Lucy Crow Billingsley, 3921 Potomac, Dallas, Texas 75205—Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of management and shareholders, and the probability of successful operations of TCIC under their management, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than May 23, 1979, submit to SBA in writing comments on the proposed transfer of control of this company. Any such comments should be addressed to: Associate Administrator

for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published by TCIC in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: May 1, 1979.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[License NO. 06/10/0044]

[FR Doc. 79-14361 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

United States-Spain Joint Committee for Scientific and Technological Cooperation—Cooperative Research Grants

The United States-Spain Joint Committee for Scientific and Technological Cooperation, established under the Treaty of Friendship and Cooperation with Spain (TIAS 8360, signed at Madrid January 24, 1976), announces the availability of grants for research activities conducted jointly by Spanish and United States scientists. These grants will be made as part of the second annual program conducted under Supplementary Agreement No. 3 of the Treaty which provides for Scientific and Technological cooperation between the two countries. The amount available for such grants totals \$500,000 and will be used only for activities which have not previously been funded under Supplementary Agreement No. 3.

1. Procedures

Grants will be made for the support of cooperative research projects under the direction of a Spanish and a United States principal investigator.

The proposal for a cooperative research grant must be prepared jointly by the Spanish and United States principal investigators. The Spanish principal investigator is responsible for the description in Spanish of that part of the cooperative project which is to be carried out at the Spanish center which he represents. Similarly, the U.S. principal investigator will prepare in English that part of the cooperative project which is to be carried out in the U.S. center.

2. Eligibility

Not for profit institutions and U.S. Government agencies are eligible to submit proposals in conjunction with

similar Spanish institutions and Government agencies.

3. Amount, Nature and Period of the Grants

(a) The grants will be made for the amount approved by the Joint Committee, which will take into account the budgets submitted by the Spanish and United States principal investigators. The grant to the Spanish principal investigator will be made to the Spanish institution which he/she represents, and the grant to the U.S. principal investigator will be made to his/her U.S. institution.

(b) The Spanish side of the Joint Committee has designated as being of special interest proposals which involve (1) more than one Spanish institution, and (2) research in the oceanography of the Spanish continental shelf, the quality of terrestrial and maritime waters in the coastal zone, and solid state physics and its applications.

(c) The normal period of the grant will be 12 months, from July, 1979 to June, 1980. However, if in the course of the development of the work plan a longer period (maximum of three years) is determined to be appropriate, the proposers shall indicate their desire to have the grant renewed. Requests for grant renewals will be made by means of new proposals in the following program cycle, on the condition that the activity reports presented at the end of the original grant period are favorable.

4. Presentation of Proposals

Proposals and supplementary documents must be presented in triplicate to the Executive Secretariat of the United States-Spanish Joint Committee for Scientific and Technological Cooperation, Calle Cartagena 83-85, 3°, Madrid 28, Spain within a maximum period of three months from the date of the publication of this announcement in the *Federal Register*.

Grant application forms are available from the Executive Secretariat at the above address or from Mr. Wilfred F. Declercq, Bureau of Oceans and International Environmental and Scientific Affairs, Room 4328, Department of State, Washington, D.C. 20520.

The applications require the following information to be submitted: Project title, the names, position titles, institutional addresses and professional curriculum vitae of the United States and Spanish principal investigators; a summary of the proposed research; a statement of common objectives and the advantages to be gained from the

cooperation; the research plan of each principal investigator; the human and material resources each has available for the project; a bibliography on the research subject; budgets for the United States and Spanish parts of the project, and administrative approval by the appropriate official of each institution.

5. Selection

Proposals will be evaluated by a joint group of United States and Spanish experts designated by the Co-Chairmen of the Joint Committee.

The joint group of experts, when necessary for the evaluation of proposals, may interview applicants or request additional information.

When the selection is completed, the joint group of experts will transmit its recommendations to the Joint Committee for final decision.

6. Reporting Obligations of Grantees

Grantees shall present to the Executive Secretariat, in triplicate, semi-annual reports on the work accomplished with an indication of the results achieved; these reports will be evaluated by the joint group of experts.

Dated: April 30, 1979.

Thomas R. Pickering,

Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

[Public Notice 662]

[FR Doc. 79-14236 Filed 5-7-79; 8:45 am]

BILLING CODE 4710-09-M

United States-Spain Joint Committee for Scientific and Technological Cooperation—Postdoctoral Research and Travel Grants

The United States-Spain Joint Committee for Scientific and Technological Cooperation, established under the Treaty of Friendship and Cooperation with Spain (TIAS 8360, signed at Madrid January 24, 1976), announces the availability of postdoctoral research grants for U.S. scientific research personnel for the purpose of carrying out research in Spain. The term of the grant will be from six to twelve months. In addition, short term travel grants will be awarded to qualified U.S. scientists in order that they may travel to Spain to exchange information on specific research topics or to learn special techniques. This type of grant will have a maximum term of three months.

1. Scope of Grants

Grants are available in the following areas of research:

- (a) Agriculture.
- (b) Natural resources.

- (c) Oceanography.
- (d) Environment.
- (e) Urban and regional planning.
- (f) Industrial technology.
- (g) Energy.
- (h) Biomedical sciences.
- (i) Basic sciences.

The grant period will begin between September 1, 1979 and January 31, 1980; in special circumstances, the Joint Committee may authorize a grant period to begin at an earlier or later date. The postdoctoral research grants may be extended for an additional year, provided a proper application for extension is submitted by the grantee and his/her quarterly reports receive a favorable review.

2. Requirements

Applicants must meet the following requirements:

- (a) Be a U.S. citizen or be a regular member of the U.S. scientific community.
- (b) Possess a Doctoral degree, or have equivalent experience.
- (c) Have knowledge of written and spoken Spanish.
- (d) Submit proof of acceptance by the Spanish University or research center where the applicant wishes to carry out his/her work.
- (e) Not be the recipient of any other financial aid or grant for the same purpose.

3. Amount and Nature of Grants

The grant award will include:

- (a) Round-trip airfare (economy class) between the grantee's usual residence and his/her final destination in Spain by the most direct route.
- (b) Health and accident insurance in Spain during the grantee's stay on the grant (for postdoctoral grants only).
- (c) Subsistence at the rate of \$1,000 per month for grants of more than one month's duration; current U.S. Government per diem rates will be paid for grants of one month or less.

Outbound travel will not be paid for those persons who, upon initiating the grant activity, are already in Spain.

When two grantees are married and reside in the same city in Spain during the period of their grants, the monthly stipend of one of them will be reduced by 50 percent.

4. Presentation of Applications

Application forms may be obtained from the Executive Secretariat of the United States-Spanish Joint Committee for Scientific and Technological Cooperation (Calle Cartagena, 83-85, third floor, Madrid 28, telephone 256.0408), or from Mr. Wilfred F.

Declercq, Bureau of Oceans and International Environmental and Scientific Affairs, Room 4328, Department of State, Washington, D.C. 20520. Three copies of the form and any accompanying documents (with the exception of reference 5—see 5(g) below) must be submitted to the Executive Secretariat within three months of the date of publication of this Notice in the *Federal Register*.

5. Documents to be presented.

- (a) Application form completed and signed.
- (b) Professional resume.
- (c) Description of the planned research.
- (d) Written evidence of acceptance as referenced in paragraph 2(d).
- (e) Certification of knowledge of Spanish as referenced in paragraph 2(c).
- (f) Proof of possession of doctorate degree (or academic transcripts for non-doctorate holders).
- (g) Two letters of reference from professors or researchers who have supervised or directed research done by applicant in his/her field. These letters should be submitted directly to the Executive Secretariat by the authors at the same time the grant application is submitted.

6. Selection

Applications will be evaluated by a joint United States-Spanish panel appointed by the co-chairmen of the United States-Spain Joint Committee for Scientific and Technological Cooperation.

The panel may request additional information concerning any application and conduct personal interviews with the applicant.

The panel will send to the Joint Committee a list of applicants which it recommends for grants. On the basis of this recommendation, the Joint Committee will make the final award of grants.

7. Certain Obligations of Grantees

(a) To conduct his/her activity on the research project in accordance with the practices of the host institution.

(b) To submit to the Executive Secretariat of the Joint Committee on a quarterly basis (or at the end of the stay if the grant period is shorter) a report of the work carried out and the results obtained. This report should be signed by the department head or supervising scientist at the host institution.

8. Payment Schedule

The grant stipend will be paid before the start of each quarter after the

quarterly report referenced in paragraph 7 is approved. This rule will not apply to the first quarter payment.

9. Early Termination of Grant

If a grantee terminates his/her research before expiration of the grant, he/she should immediately notify the Executive Secretariat in writing. The Joint Committee will examine the reasons for the early termination and if it finds the reasons unjustifiable it may require the grantee to reimburse the Joint Committee for the amounts paid to him/her (including the cost of air fare).

10. Renewal of Grant.

Under special circumstances, a grantee who needs more time in Spain to finish his/her research may be awarded a renewal of the grant. A written request must be sent to the Executive Secretariat well in advance of the proposed renewal date.

Dated: April 30, 1979.

Thomas R. Pickering,

Assistant Secretary of State For Oceans and International Environmental and Scientific Affairs.

[Public Notice 863]

[FR Doc. 79-14237 Filed 5-7-79; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF THE TREASURY

Customs Service

Certain Textiles and Textile Products From Colombia; Amendment of Final Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Amendment of Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that the Treasury Department has determined that the Government of Colombia no longer gives benefits which constitute bounties or grants under the countervailing duty law on the manufacture, production or exportation of certain leather wearing apparel from Colombia. The Treasury had previously found that export of leather wearing apparel, which until recently were duty-free, were receiving such bounties or grants.

EFFECTIVE DATE: March 1, 1979.

FOR FURTHER INFORMATION CONTACT: Donald W. Eiss, Office of Tariff Affairs, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220 (202-544-8256).

SUPPLEMENTARY INFORMATION: On November 16, 1978, a notice of "Final Countervailing Duty Determination" regarding certain textiles and textile

products from Colombia was published in the **Federal Register** (43 FR 53525-26). That notice advised the public that an investigation had determined that the Government of Colombia pays or bestows bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act"), on the manufacture, production or exportation of certain leather wearing apparel from Colombia. It was further determined that all other products subject to the investigation did not receive benefits considered to be bounties or grants within the meaning of the Act.

The leather wearing apparel found to have benefited from the bestowal of "bounties or grants" entered the United States from under item number 791.76 of the Tariff Schedules of the United States. The merchandise being duty-free under the U.S. Generalized System of Preferences (GSP), pursuant to section 303(a)(2) of the Act (19 U.S.C. 1303(a)(2)) countervailing duties could not be imposed absent a determination by the U.S. International Trade Commission that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such article or merchandise into the United States. The case was referred to the U.S. International Trade Commission and liquidation of entries was suspended pending its determination in the matter.

On March 5, 1979, the U.S.I.T.C. published its determination in the **Federal Register** that no injury or likelihood of injury resulted from the importation of the duty-free leather wearing apparel from Colombia (44 FR 12113). Accordingly the suspension of liquidation was to have been terminated and liquidation of leather wearing apparel classified under TSUS item number 791.76 entered on or after November 16, 1978, would have proceeded without regard to countervailing duties.

However, on March 2, 1979, the President published Executive Order 12124 in the **Federal Register** (44 FR 11729) which removed leather wearing apparel classified under TSUS item number 791.76 from the listing of articles eligible for duty-free entry under GSP. As a result, imposition of countervailing duties on such leather wearing apparel from Colombia, on or after March 1, 1979, is no longer controlled by section 303(a)(2) of the Act. With respect to such items, the Treasury Department has established that a "net" bounty or grant of 6.18 percent exists. However, Colombian manufacturers of these

products have certified that they will renounce the "net" bounty of 6.18 percent, voluntarily relinquishing negotiable tax certificates (CAT's) valued in those amounts on leather wearing apparel exports to the United States on or after March 1, 1979. The Government of Colombia and its Central Bank have stated that they will monitor this agreement and report any violations to the U.S. Treasury Department. Based upon these circumstances, it is determined that with respect to the leather wearing apparel classified under TSUS item number 791.76, no bounty or grant is being paid or bestowed within the meaning of section 303 of the Act upon its manufacture, production or exportation, and the final determination published on November 16, 1978, is hereby amended accordingly.

This determination is published pursuant to section 303 of the Tariff Act of 1930, amended (19 U.S.C. 1303).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1979, the provisions of Treasury Department Order 165, revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 150.47), insofar as they pertain to the issuance of an amended final countervailing duty determination by the Commissioner of Customs, are hereby waived.

Robert H. Mundheim,
General Counsel of the Treasury.

April 30, 1979.
[FR Doc. 79-14305 Filed 5-7-79; 8:45 am]
BILLING CODE 4810-22-M

Office of the Secretary

Bonds of 2004-2009; Interest Rate; Supplement to Department Circular

May 3, 1979.

The Secretary of the Treasury announced on May 2, 1979, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 10-79, dated April 26, 1979, will be 9½ percent. Interest on the bonds will be payable at the rate of 9½ percent per annum.

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. 79-14304 Filed 5-7-79; 8:45 am]
BILLING CODE 4810-40-M

INTERSTATE COMMERCE COMMISSION

California Motor Carrier Tariff Bureau, Inc.—Agreement

April 26, 1979.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of 49 U.S.C. Section 10706(b), formerly Section 5a of the Interstate Commerce Act.

Filed February 28, 1979: Ann M. Pougiales, Loughran & Hegarty, 100 Bursh Street, 21st Floor, and San Francisco, CA 94104.

Agreement involves: Organization and procedures for the joint consideration, initiation and establishment of rates, classifications, divisions, allowances and charges and regulations pertaining thereto by motor common carriers of property in interstate and intrastate commerce between points in California.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before May 28, 1979. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

H. G. Homme, Jr.
Secretary
[Section 5a Application No. 117]
[FR Doc. 79-14248 Filed 5-7-79; 8:45 am]
BILLING CODE 7035-01-M

Chicago and North Western Transportation Co.

Because of the inability of the railroad to assemble the cars, a movement of 60 empty covered hopper cars has been seriously delayed enroute to Shakopee, Minnesota, for loading. The Peavey Company desires to ship a sixty car unit-grain-train of wheat to Buffalo, New York, routed CNW-NW. The consignee at Buffalo is badly in need of the wheat. Only 46 empty covered hoppers have

arrived at Shakopee. Section (a) of Revised Service Order No. 1312 authorizes any railroad which is unable to supply the number of covered hopper cars required by its tariff to transport unit-grain-trains of fewer cars in accordance with the scale in Section (b).

Pursuant to the authority vested in the Director, Bureau of Operations, by Section (h) of Revised Service Order No. 1312, the Chicago and North Western Transportation Company is authorized to operate a sixty (60) car unit-grain-train from Shakopee, Minnesota, to Buffalo, New York, comprised of sixty (60) covered hoppers, on a one trip basis, with a minimum of 46 loaded cars operated in the first movement, and the remaining cars of the unit-train operated together in the final movement of the unit-grain-train. The total tariff minimum weight will be transported as required except if the railroad is unable to move all of the empty covered hoppers to the loading point on the final movement, the train can be reduced by the allowable number of cars or allowable weight percentage, as set forth in Section (b) of this Service Order.

This exception applies to railroad owned and private covered hopper cars.

The bills of lading and waybills shall bear the following endorsement: "Unit-grain-train of () tons or () cars. Partial movement of () tons or () cars forwarded authority Exception No. 9 to ICC Revised Service Order No. 1312. () tons or () cars to follow."

Demurrage rules will be treated as if each of the movements of the unit-train is a complete movement in itself.

Effective 12:01 a.m., April 24, 1979.

Expires 11:59 p.m., May 15, 1979.

Issued at Washington, D.C., April 23, 1979.

Joel E. Burns,
Director.

[Rev. S.O. 1312; Exc. 9]

[FR Doc. 79-14245 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Illinois Terminal Railroad Company—Abandonment and Abandonment of Trackage Rights Over—Illinois Central Gulf Railroad Company—In Logan and Tazewell Counties, IL; 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 March 29, 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, provided, however, that applicant shall not sell, lease or otherwise dispose of the right-of-way underlying the track between mileposts 155.99 and 128.41, including all bridges and culverts, for a period of 120 days following issuance of the certificate to permit any state and 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 abandonment by the Illinois Terminal Railroad Company of its line of railroad extending from milepost 155.99 at or near Allentown, IL, to milepost 128.41 at Lincoln, IL, and of its operation over the line of railroad owned by the Illinois Central Gulf Railroad Company extending from a point near milepost 44.3 at Lincoln to a point near milepost 55.4 at Mt. Pulaski, IL. A certificate of public convenience and necessity permitting abandonment was issued to the Illinois Terminal Railroad Company. After the completion of 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 May 23, 1979. 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 AB-84 (Sub-No. 1)]

[FR Doc. 79-14247 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Minnesota Intrastate Freight Rates and Charges—1979

Decided: April 18, 1979.

By joint petition filed March 19, 1979, eight common carriers by railroad¹ operating in intrastate commerce in Minnesota, request that this Commission institute an investigation of their Minnesota intrastate pulpwood and woodpulp rates under 49 U.S.C. 11501 and 11502 (formerly Section 13 of the Interstate Commerce Act). They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application in Ex Parte Nos. 318, 330, 336 and 343. Petitioners have stated grounds sufficient to warrant the institution of an investigation.

It is ordered: The petition is granted. An investigation, under 49 U.S.C. 11501 and 11502 is instituted to determine whether the Minnesota state rail rates on pulpwood and woodpulp in any respect cause an unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in interstate commerce and persons or localities in interstate of foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include increases authorized for interstate application by this Commission in Ex Parte Nos. 318, 330, 336 and 343. In the investigation we shall also determine if any rates or charges, or maximum, or minimum charges, or both, should be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law found to exist.

All common carriers by railroad operating in Minnesota subject to the jurisdiction of the Commission are made respondents in this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5356 Interstate Commerce Commission, Washington, D.C. 20423, on or before May 23, 1979. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of

¹Burlington Northern, Inc.; Canadian National Railways; Chicago Milwaukee; St. Paul and Pacific Railroad (Stanley E. G. Hillman, Trustee); Chicago and North Western Transportation Company; Chicago Rock Island and Pacific Railroad Company (William M. Gibbons, Trustee); Duluth, Missabe and Iron Range Railway Company; Duluth Winnipeg and Pacific Railway; and Soo Line Railroad Company.

only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon who service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of the order shall be served upon each of the petitioners and respondents. Minnesota shall be notified of the proceeding by sending copies of this decision by certified mail to the Governor of Minnesota and the Minnesota Public Service Commission. Further notice of this proceeding shall be given to the public by depositing a copy of this decision in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register, for publication in the **Federal Register**.

This is not a major Federal Action significantly affecting the quality of the human environment. Furthermore, this decision is not a major regulatory action under the Energy Policy and Conservation Act of 1975.

By the Commission, Alan Fitzwater,
Director, Office of Proceedings.

H. G. Homme, Jr.,
Secretary.

[Docket 37144]
[FR Doc. 79-14249 Filed 5-7-79; 8:45 am]
BILLING CODE 7035-01-M

Rerouting Traffic

Missouri-Kansas-Texas Railroad Company: Upon further consideration of I.C.C. Order No. 29 and good cause appearing therefor:

It is ordered, I.C.C. Order No. 29 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1979.

This amendment 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 amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 30, 1979.

Interstate Commerce Commission,
Robert S. Turkington,
Agent.

[Amdt. No. 1; I.C.C. Order 29; S.O. 1344]
[FR Doc. 79-14242 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Rerouting Traffic

Upon further consideration of I.C.C. order No 11 (Louisville and Nashville Railroad Company), and good cause appearing therefor:

It is ordered, I.C.C. Order No. 11 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1979.

This amendment 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 amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 27, 1979.

Interstate Commerce Commission,
Robert S. Turkington,
Agent.

[Amdt. No. 3; I.C.C. Order 11; S.O. 1344]
[FR Doc. 79-14243 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Soo Line Railroad Company

Because of the inability of the railroad to assemble the cars, a movement of 60 empty covered hopper cars has been seriously delayed on Soo Line Railroad Company enroute to Duluth, Minnesota, for loading. International Multi-Foods desires to ship a sixty (60) car unit-grain-train of barley to Buffalo, New York, routed Soo Line-Norfolk and Western-ConRail. The consignee at Buffalo is badly in need of the barley. Only 27 empty covered hoppers have arrived at Duluth. Section (a) of Revised Service Order No. 1312 authorizes any railroad which is unable to supply the number of covered hopper cars required by its tariffs to transport unit-grain-trains of fewer cars in accordance with the scale in Section (b).

Pursuant to the authority vested in the Director, Bureau of Operations, by Section (h) of Revised Service Order No. 1312, Soo Line Railroad Company is authorized to operate a sixty (60) car unit-grain-train from Duluth, Minnesota, to Buffalo, New York, comprised of sixty

(60) railroad owned covered hoppers, on a one trip basis, with a minimum of 27 loaded cars operated in the first movement, and the remaining cars of the unit-train operated together in the final movement of this unit-grain-train. The total tariff minimum weight will be transported as required except if the railroad is unable to move all of the empty covered hoppers to the loading point on the final movement, the train can be reduced by the allowable number of cars or allowable weight percentage, as set forth in Section (b) of this Service Order.

This exception applies to railroad owned covered hopper cars.

The bills of lading and waybills shall bear the following endorsement: "Unit-grain-train of () tons or () cars. Partial movement of () tons or () cars forwarded authority Exception No. 8 to ICC Revised Service Order No. 1312. () tons or () cars to follow".

Demurrage rules will be treated as if each of the movements of the unit-train is a complete movement in itself.

Effective 12:01 a.m., April 21, 1979.

Expires 11:59 p.m., May 1, 1979.

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

Joel E. Burns,
Director

[Exception 8; Rev. S.O. 1312]
[FR Doc. 79-14244 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Transportation of "Waste" Products for Reuse or Recycling; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 M.C.C. 583 (1976). Requests are processed as seeking authority between all points in the United States.

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before May 28, 1979. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before June 7,

1979, subject to its tariff publication effective date.

P-13-78 (Special Certificate-Waste Products) (Amendment) filed February 12, 1979. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Ave., Dayton, Ohio 45427. Representative: Richard Schaefer, Vice-President (same address as applicant). Sponsors: General Mill Supply Company of Detroit, MI; Albert E. Silberman & Co., Inc., of Cleveland, OH; Marks Lead Co., Inc., of Cleveland, OH; Krell Paper Stock Company, Inc., of Grand Rapids, MI; Van's Paper & Board Sales, of Kalamazoo, MI; Marks Paper Stock Co., of Canton, OH; Container Corporation of America, of Carol Stream, IL. Commodities: Waste Products (waste paper).

Note.—The purpose of this amendment is to add the above-named sponsors.

P-2-79 (Special Certificate, Waste Products) filed February 21, 1979. Applicant: CARL SCHAEFER JR. TRUCK LINES, INC., P.O. Box 26040, Trotwood, OH 45426. Representative: Carl Schaefer, Jr., President, (same address as applicant). Sponsors: General Mill Supply Company, of Detroit, MI; Albert E. Silberman & Co., Inc., of Cleveland, OH; Marks Lead Co., Inc., of Cleveland, OH; Krell Paper Stock Company, Inc. of Grand Rapids, MI; Van's Paper & Board Sales, of Kalamazoo, MI; Marks Paper Stock Co., of Canton, OH; Container Corporation of America, of Carol Stream, IL; Acme Waste Products, Inc., of Cleveland, OH; Capitol Waste Materials Co., of Dayton, OH. Commodities: Waste Products (waste paper).

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-14324 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Assignment of Hearings

May 3, 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 59531 (Sub-107F), Auto Convoy Co., now assigned for hearing on May 15, 1979, (1 day), will be held in Room No. 9017, U.S. Post Office, 701 Loyola Avenue, New Orleans, LA.

MC 115162 (Sub-424F), Poole Truck Line., MC 115311 (Sub-293F), J & M Transportation Co., Inc., now assigned for hearing on May 21, 1979 (1 week), will be held in Room No. 9017, U.S. Post Office, 701 Loyola Avenue, New Orleans, LA.

MC 116915 (Sub-62F), Eck Miller Transportation Corp., now assigned for hearing on May 14, 1979, (2 days), will be held in Room 1319, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, IL.

MC 123872 (Sub-90F), W & L Motor Lines, Inc., now assigned for hearing on May 16, 1979, (3 days), will be held in Room 1319, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, IL.

MC 99439 (Sub-11F), Suwannee Transfer, Inc., now assigned for hearing on May 16, 1979 (3 days), at Jacksonville, FL., and will be held in Room No. 801, Federal Building, 400 West Bay Street.

MC 97699 (Sub-49F), Barber Transportation Co., now assigned for hearing on May 14, 1979, (5 days), at Sioux City, Iowa, and will be held at the Hilton Inn, Plaza South, 707-4th Street.

MC 143762 (Sub-2F), Steve T. Allen, DBA Riggs & Allen Transportation, now assigned for hearing on May 16, 1979 (3 days) at Phoenix, AZ., and will be held in Room 235, U.S. Tax Court, Federal Building & Post Office, 522 N. Central Avenue.

MC 2908 (Sub-24), Capital Motor Lines, DBA Capital Trailways, now assigned for continued hearing on June 9, 1979 (2 weeks), at Montgomery AL., in a hearing room to be later designated.

MC-C-10166, North American Van Lines, Inc., et al. Investigation & Revocation Of Certificates, now assigned for continued Prehearing Conference on May 30, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118159 (Sub-285F), National Refrigerated Transport, Inc., now assigned May 16, 1979, at Atlanta, GA., will be held in Room No. 305, 1252 W. Peachtree St., N.W.

MC 129537 (Sub-28F), Reeves Transportation Co., now assigned May 14, 1979, at Atlanta, GA., will be held in Room No. 305, 1252 W. Peachtree St., N.W.

MC 118831 (Sub-170F), Central Transport, Inc., now assigned May 14, 1979, at Washington, D.C., is cancelled and application is dismissed.

MC 99610 (Sub-30F), Ross Neely Express, Inc., now assigned for hearing on June 4, 1979, at Atlanta, GA., is cancelled and application dismissed.

MC 59457 (Sub-38F), Sorensen Transportation Company, Inc., MC 107615 (Sub-14F), Untco, Inc., now assigned for hearing on June 19, 1979 at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 59457 (Sub-38F), Sorensen Transportation Company, Inc., MC 107615 (Sub-14F), Untco, Inc., now assigned for continued hearing on July 9, 1979, at the Offices of the

Interstate Commerce Commission, Washington, D.C.

MC 32882 (Sub-96F), Mitchell Bros. Truck Lines, A Corp., now assigned May 21, 1979, at Los Angeles, CA. is advanced to May 16, 1979, (3 days), in Room 203, U.S. County Court House 111 N. Hill Street, Los Angeles, CA.

MC 134068 (Sub-39F), Kodiak Refrigerated Lines, Inc., now assigned May 16, 1979, at Los Angeles, CA. is postponed to May 21, 1979, (1 week), in Room 203, U.S. County Court House, 111 N. Hill Street, Los Angeles, CA.

MC 114457 (Sub-445F), Dart Transit Company, A Corp., and MC 135874 (Sub-114F), LTL Perishables, Inc., now assigned May 21, 1979, at St. Paul, MN, will be held in Court Room No. 2, 7th Floor, Federal Bldg., 316 N. Robert.

H. G. Homme, Jr.,

Secretary.

[Notice No. 83]

[FR Doc. 79-14323 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Irregular-Route Motor Common Carriers of Property-Elimination of Gateway Letter Notices

Dated: April 26, 1979.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 18, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 108119 (Sub-No. E-46) (Correction), filed July 11, 1976, published in the *Federal Register*, issue of April 19, 1978, and partially republished, as amended, this issue. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Applicant's representative: Mark E. Moser (same address as above).

(A)(1) *Metal and metal articles* when such commodities are heavy and bulky articles requiring specialized handling or rigging, and (2) *Metal and metal articles*, when such commodities are materials and supplies used or useful in road construction, mining, logging and sawmill operations, (except contractors' equipment, machinery and machine parts), (a) between points in ID in and north of the counties of Clearwater, Lewis and that part of ID County on and west of US Hwy 95, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS, (points on and east of US Hwy 281), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of US Hwy 281), NH, NJ, NY, NC, ND (points on and east of US Hwy 281), OK (points on and east of US Hwy 281), PA, RI, SC, SD, (points on and east of US Hwy 281), TN, TX (points on and east of US Hwy 281), VT, VA, WV and WI, (b) between points in ID within the counties of Custer, Lemhi, Valley and points in ID east of US Hwy 95, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of US Hwy 77), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along US Hwy 81 to its junction with I Hwy 80, then easterly along I Hwy 80 to its junction with US Hwy 77, then southerly along US Hwy 77 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of US Hwy 281), OK (points on and east of a line extending southerly along US Hwy 177 to its junction with OK Hwy 13, then southeasterly along OK Hwy 13 to its junction with OK Hwy 99, then southerly along OK Hwy 99 to its junction with OK Hwy 78, then southeasterly along OK Hwy 78 to its junction with US Hwy 75, then southerly along US Hwy 75 to the OK-TX State line), PA, RI, SC, SD, (points on and east of a line extending southerly along US Hwy 281 to its junction with SD Hwy 50, then southerly along SD Hwy 50 to Yankton, SD, then southerly along US Hwy 81 to the SD-NE State line), TN, TX (points on and east of a line extending southerly along US Hwy 69 to its junction with TX Hwy 19, then southerly along TX Hwy 19 to Huntsville, TX, then southerly along I Hwy 45 to Houston, TX then southerly along TX Hwy 288 to the Gulf of Mexico), VT, VA, WV and WI, (c) between points in ID within the counties of Adams, WA, Payette, Gem, Canyon and Ada, on the one hand, and, on the other hand, points in AL, AR (points on and east of a line extending southerly from Ft. Smith, AR along US

Hwy 71 to the AR-LA State line), CT, DE, DC, FL, GA, IA, KS (points on and east of US Hwy 75), KY, LA (points on and east of a line extending southerly along US Hwy 71 to its junction with US Hwy 171, then southerly along US Hwy 171 to its junction with LA Hwy 27, then southerly along LA Hwy 27 to the Gulf of Mexico near Creole, LA), ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along US Hwy 81 to its junction with US Hwy 275, then southerly along US Hwy 275 to its junction with US Hwy 77, then southerly along US Hwy 77 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with NE Hwy 50, then southerly along NE Hwy 50 to its junction with NE Hwy 4, then easterly along NE Hwy 4 to its junction with US Hwy 75, then southerly along US Hwy 75 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of US Hwy 281), OK (points on and east of a line extending southerly along US Hwy 75 to Tulsa, OK, then southeasterly along Muskogee Turnpike to its junction with I Hwy 40, then easterly along I Hwy 40 to the OK-AR State line), PA, RI, SC, SD (points on and east of a line extending southerly along US Hwy 281 to its junction with US Hwy 16, then easterly along US Hwy 16 to its junction with SD Hwy 37, then southerly along SD Hwy 37 to its junction with SD Hwy 50, then southeasterly along SD Hwy 50 to its junction with US Hwy 81, then southerly along US Hwy 81, to the SD-NE State line), TN, VT, VA, WV, and WI, (d) between points in ID within the counties of Boise, Elmore, Owyhee, Twin Falls, Gooding, and Camas, on the one hand, and, on the other hand, points in AL, AR, (points on and east of US Hwy 65), and CT, DE, DC, FL, GA, IA, (points on and east of a line extending southerly along I Hwy 29 to its junction with LA Hwy 141, then easterly along IA Hwy 141 to its junction with US Hwy 59, then southerly along US Hwy 59 to its junction with I Hwy 80, then easterly along I Hwy 80 to its junction with US Hwy 71, then southerly along US Hwy 71 to its junction with US Hwy 34, then easterly along US Hwy 34 to its junction with US Hwy 169, then southerly along US Hwy 169 to its junction with IA Hwy 2, then easterly along IA Hwy 2 to its junction with I Hwy 35, then southerly along I Hwy 35 to the IA-MO State line), KY, LA (points on and east of a line extending southerly along I Hwy 55 to its junction with I Hwy 10, then easterly along I Hwy 10 to its junction with LA Hwy 23, then southerly along LA Hwy 23 to the Gulf of Mexico), ME, MD, MI (points in the Upper Peninsula only),

MN, MS (points on and east of a line extending southeasterly along MS Hwy 27 to its junction with I Hwy 55, then southerly along I Hwy 55 to the LA State line), NH, NJ, NY, NC, ND (points on and east of US Hwy 281), PA, RI, SC, SD (points on and east of a line extending southerly along US Hwy 281 to its junction with US Hwy 212, then easterly along US Hwy 212 to its junction with SD Hwy 37, then southerly along SD Hwy 37 to its junction with I Hwy 90, then easterly along I Hwy 90 to its junction with US Hwy 81, then southerly along US Hwy 81 to its junction with SD Hwy 50, then southeasterly along SD Hwy 50 to its junction with US Hwy 77, then along US Hwy 77 to the SD-IA State line), TN, VT, VA, WV and WI, (e) between points in ID within the counties of Blaine, Butte, Lincoln, Jerome, Minidoka, Power, Cassia and the Commercial Zone of Pocatello, on the one hand, and, on the other hand, points in AL, AR (points on and east of a line extending southerly along US Hwy 63 to its junction with AR Hwy 1, then southeasterly along AR Hwy 1 to its junction with US Hwy 49, then easterly along US Hwy 49 to the AR-MS State line), CT, DE, DC, FL, GA, IA (points on, north and east of a line extending easterly along IA Hwy 141 to its junction with US Hwy 30, then easterly along US Hwy 30 to its junction with US Hwy 218, then southerly along US Hwy 218 to the IA-IL State line), KY, ME, MD, MA, MI (points in the Upper Peninsula), MN, MS, (points on and east of a line extending southerly along MS Hwy 322 to its junction with US Hwy 49, then southerly along US Hwy 49, to its junction with US Hwy 49W, then southerly along US Hwy 49W to its junction with US Hwy 49, then southerly along US Hwy 49 to the Gulf of Mexico), NH, NJ, NY, NC, ND (points on and east of US Hwy 281), PA, RI, SC, SD, (points on and east of a line extending southerly along US Hwy 281 to its junction with US Hwy 14, then easterly along US Hwy 14 to its junction with SD Hwy 37, then southerly along SD Hwy 37 to its junction with US Hwy 13, then easterly along US Hwy 18, then southerly along US Hwy 81 to the SD-NE State line), TN, VT, VA, WV, WI, (f) between points in ID in and east of the Counties of Clark, Jefferson, Bingham, Bannock, and Oneida, on the one hand, and, on the other hand, points in AL, CT, DE, DC, FL, GA, IA (points on, north and east of a line extending easterly along US Hwy 18 to its junction with US Hwy 169, then southerly along US Hwy 169 to its junction with US Hwy 20, then easterly along US Hwy 20 to its junction with IA Hwy 150, then, southerly along IA Hwy

150 to its junction with US Hwy 30, then easterly along US Hwy 30 to its junction with US Hwy 61, then southerly along US Hwy 61 to the IA-IL State line), KY (points on and east of the Penny Riley Parkway), ME, MD, MA, MI (points in the Upper Peninsula only), MN, NH, NJ, NY, NC, ND, (points on and east of ND Hwy 18), PA, RI, SC, SD, (points on and east of US Hwy 81 extending southerly to its junction with SD Hwy 19, then southerly along SD Hwy 19 to its junction with US Hwy 18, then easterly along US Hwy 18 to the SD-IA State line), TN (points on and east of a line extending southerly along TN Hwy 48 to its junction with the Natchez Trace Parkway, then southerly along the Natchez Trace Parkway to the TN-MS State line), VT, VA, WV, and WI, (B) (1) *Metal and metal articles* when such commodities are heavy and bulky articles requiring specialized handling or rigging, and (2) *Metal and metal articles*, when such commodities are materials and supplies used or useful in road construction, mining, logging and sawmill operations, (except contractors' equipment, machinery and machine parts).

(a) Between points in ID within the counties of Boundary, Bonner, Valley, Kootenai, Benewah, Shoshone, Latah, Clearwater, ID, Nez Perce, Lewis, Adams, WA, Payette, Gem, Canyon, Ada, Boise, Elmore, Camas, Gooding, Twin Falls and Owyhee, on the one hand, and, on the other, points in IL, IN, MI (points in the lower peninsula only), MO, and OH, (b) between points in ID within the counties of Butte, Blaine, Lincoln, Jerome, Minidoka, Power and Cassia, on the one hand, and, on the other, points in IL, IN, MI (points in the lower peninsula only), MO (points on and east of a line extending northerly along US Hwy 65 to its junction with MO Hwy 73, then northerly along MO Hwy 73 to its junction with US Hwy 54, then northeasterly along U.S. Hwy 54 to its junction with MO Hwy 19, then northerly along MO Hwy 19 to its junction with US Hwy 61, then northerly along US Hwy 61 to the IA-MO State line), and OH, (c) between points in ID within the counties of Lemhi and Custer, on the one hand, and, on the other, points in IL (points on and east of a line extending northeasterly along IL Hwy 150 to its junction with IL Hwy 4, then northerly along IL Hwy 4 to its junction with IL Hwy 29, then northerly along IL Hwy 29 to its junction with IL Hwy 26, then northerly along IL Hwy 26 to the IL-WI State line), IN, MI (points in the lower peninsula only), and OH, (d) Between

points within the commercial zone of Pocatello, ID, on the one hand, and, on the other, points in IL (points that are on and east of a line extending northerly along I Hwy 55 to its junction with US Hwy 66, then northerly along US Hwy 66 to its junction with IL Hwy 29, then northerly along IL Hwy 29 to its junction with US Hwy 6, then westerly along US Hwy 6 to the IL-IA State line), IN, MI (points in the lower peninsula only), MO (points that are on and east of a line extending northerly along I Hwy 55 to its junction with MO Hwy 51, then northerly along MO Hwy 51 to the IL-MO State line, and points in the St. Louis, MO commercial zone) and OH, (C)(1) *Metal and metal articles* when such commodities are heavy and bulky articles requiring specialized handling or rigging, and (2) *Metal and metal articles*, when such commodities are materials and supplies used or useful in road construction, mining, logging and sawmill operations, (except contractors' equipment, machinery and machine parts), (a) between points in OR in and east of the counties of Hood River, Wasco, Jefferson, and Deschutes and on and north of US Hwy 20, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS (points on and east of a line extending southerly from the KS-NE State line along US Hwy 77 to its junction with KS Hwy 96, then easterly along KS Hwy 96 to KS Hwy 99, then southerly along KS Hwy 99 to the KS-OK State line), KY, LA, ME, MD, MA, MI, MN, MS, MO, NE (points on and east of a line extending southerly along US Hwy 81 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with NE Hwy 15, then southerly along NE Hwy 15 to its junction with I Hwy 80, then easterly along I Hwy 80 to its junction with US Hwy 77, then southerly along US Hwy 77 to the NE-KS State line) NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OH, OK (points on and east of a line extending southerly from the OK-KS State line along US Hwy 75 to its junction with I Hwy 40, then southerly along the Indian Nation Turnpike to the OK-TX State line), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, TX, (points on and east of a line extending southerly along TX Hwy 19 to its junction with US Hwy 69, then along US Hwy 69 to the Gulf of Mexico at Port Arthur, TX), VT, VA, WA, and WI, (b) between points in OR in and east of the counties of Deschutes and Klamath and points south of US Hwy 20, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS (points on and east of a line

extending southerly along US Hwy 77 to its junction with US Hwy 36, then easterly along US Hwy 36 to its junction with US Hwy 159, then southerly along US Hwy 159 to its junction with US Hwy 59, then southerly along US Hwy 59 to its junction with US Hwy 169, then southerly along US Hwy 169 to the KS-OK State line), KY, LA (points on, north and east of a line extending westerly along US Hwy 84 to its junction with US Hwy 171, then southerly along US Hwy 171 to Lake Charles, LA, then southerly along LA Hwy 27 to the Gulf of Mexico), ME, MD, MA, MI, MN, MS, MO, NE (points on and east of a line extending southerly along US Hwy 81 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with NE Hwy 15, then southerly along NE Hwy 15 to its junction with I Hwy 80, then easterly along I Hwy 80 to its junction with US Hwy 77, then southerly along US Hwy 77 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OH, OK (points on and east of US Hwy 169 extending southerly to Tulsa, OK, then southerly along US Hwy 75 to the Indian Nation Turnpike, then along the Indian Nation Turnpike to the OK-TX State line), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, TX (points on, east and north of a line extending southerly along TX Hwy 19 to its junction with TX Hwy 154, then southerly along TX Hwy 154 to its junction with US Hwy 69, then southerly along US Hwy 69 to its junction with US Hwy 84, then easterly along US Hwy 84 to the TX-LA State line), VT, VA, WV and WS, (D) (1) *Metal and metal articles* when such commodities are heavy and bulky articles requiring specialized handling or rigging, and (2) *Metal and metal articles*, when such commodities are materials and supplies used or useful in road construction, mining, logging and sawmill operations, (except contractors' equipment, machinery and machine parts), (a) between points in WA, in north and west of the counties of Grays Harbor, Thurston, Pierce, King, Snohomish, Skagit and Whatcom, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of US Hwy 283), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along US Hwy 183 to its junction with I Hwy 80, then westerly along I Hwy 80 to its junction with US Hwy 283, then southerly along US Hwy 283 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OK (points on and east of a line extending southerly along US Hwy 283 to Altus,

OK, then southerly along OK Hwy 44 to the OK-TX State line), PA, RI, SC, SD (points on and east of a line extending southerly along SD Hwy 45 to its junction with I Hwy 90, then westerly along I Hwy 90 to its junction with SD Hwy 47 to its junction with US Hwy 183, then southerly along US Hwy 183 to the SD-NE State line), TN, TX (points on and east of a line extending southerly along TX Hwy 283 to its junction with US Hwy 287, then southerly along US Hwy 287 to US Hwy 281, then along US Hwy 281 to the international Boundary near McAllen, TX), VT, VA, WV and WI (b) between points in WA within the counties of Clark, Skamania, Cowlitz, Wahkiakum, Pacific and Lewis, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of KS Hwy 14), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along NE Hwy 137 to its junction with US Hwy 20, then easterly along US Hwy 20 to its junction with US Hwy 281, then southerly along US Hwy 281, to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OK (points on and east of a line extending southerly along US Hwy 81 to its junction with OK Hwy 7, then easterly along OK Hwy 7 to its junction with I Hwy 35, then southerly along I Hwy 35 to the OK-TX State line), PA, RI, SC, SD (points on and east of a line extending southerly along SD Hwy 45 to its junction with US Hwy 14, then westerly along US Hwy 14 to its junction with SD Hwy 47, then southerly along SD Hwy 47 to the SD-NE State line), TN, TX (points on and east of I Hwy 35 extending southerly from the TX-OK State line to Waco, TX, then southerly along US Hwy 77 to Victoria, TX, then southerly along TX Hwy 185 to the Gulf of Mexico near Port O'Connor, TX), VT, VA, WV and WI, (c) between points in WA in and east of the counties of Klickitat, Yakima, Kittitas, Chelan, and Okanogan, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of US Hwy 281), KY, LA, ME, MD, MA, MI, (points in the Upper Peninsula only), MN, MS, NE (points on and east of US Hwy 281), NH, NJ, NY, NC, ND, (points on and east of a line extending along US Hwy 281 to its junction with US Hwy 10 then westerly along US Hwy 10 to its junction with ND Hwy 30, then southerly along ND Hwy 30 to its junction with ND Hwy 13, then westerly along ND Hwy 13 to its junction with ND Hwy 3, then southerly along ND Hwy 3 to the ND-SD State line), OK (points on and east of a line extending southerly along

US Hwy 281 to its junction with US Hwy 183, then southerly along US Hwy 183 to the OK-TX State line), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, TX (points on and east of a line extending southerly along US Hwy 281 to its junction with US Hwy 183, then southerly along US Hwy 183 to its junction with US Hwy 59, then southwesterly along US Hwy 59 to its junction with US Hwy 77, then southerly along US Hwy 77 to its end near Brownsville, TX), VT, VA, WV, and WI, (E) (1) *Metal and metal articles* when such commodities are heavy and bulky articles requiring specialized handling or rigging, and (2) *Metal and metal articles*, when such commodities are materials and supplies used or useful in road construction, mining, logging and sawmill operations, (except contractors' equipment, machinery and machine parts), (a) between points in WA in, north and west of the counties of Gray Harbor, Thurston, Pierce, King, Snohomish, Skagit and Whatcom, on the one hand, and, on the other, points in the States of IL, IN, MO, MI (points in the Lower Peninsula only) and OH, (b) between points in WA within the counties of Pacific, Lewis, Wahkiakum, Colity, Skamania and Clark, on the one hand, and, on the other, points in the States of IL, IN, MI (points in the Lower Peninsula only), MO and OH, (c) Between points in WA that are in and east of the counties of Klickitat, Yakima, Kittitas, Chelan, and Okanogan on the one hand, and, on the other, points in IL (points on and south of a line extending northeasterly along IL Hwy 37 to its junction with IL Hwy 146, then easterly along IL Hwy 146 to its junction with US Hwy 45, then northwesterly along US Hwy 45 to its junction with IL Hwy 1, then northeasterly along IL Hwy 1 to its junction with US Hwy 50, then easterly along US Hwy 50 to the IL-IN State line), IN (points on and east of a line extending easterly along US Hwy 50 to its junction with IN Hwy 67, then northeasterly along IN Hwy 67 to its junction with US Hwy 31, then northerly along US Hwy 31 to the IN-MI State line), MI (points in the Lower Peninsula only), MO (points on and east of a line extending northerly along I Hwy 55 to its junction with I Hwy 57, then easterly along I Hwy 57 to the IL-MO State line) and OH. (Gateways eliminated: (1) any point in MT west of a line extending from the boundary of the US and Canada along US Hwy 89 to Livingston, MT, then east along US Hwy 10 to Laurel, MT, then south along US Hwy 310 to the MT-WY State line, including points on the indicated portions of the highways specified, and MN, (2) Ada or

Jerome County, ID and any point in MN, (3) Ada or Jerome County, ID, and points in MN, (4) any point in western MT and MN, (5) Ada or Jerome County, ID, and MN. The purpose of this partial republication is to correct the commodity description in the above sections. The remainder of this letter-notice remains as previously published.

MC-115554 (Sub-No. E20), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, IA 50306. Applicant's representative: James R. Madler, Attorney, 1255 North Sandburg Terrace, Chicago, IL 60610. *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials and supplies* used in the manufacture, repair, and distribution of such commodities, (1) between points in IL, on the one hand, and, on the other, points in AZ on, south and west of a line beginning at the AZ-NV state line and extending along AZ Hwy 68 to junction I Hwy 40, then east along I Hwy 40 to junction U.S. Hwy 89, then south along U.S. Hwy 89 to junction AZ Hwy 69, then east along AZ Hwy 69 to junction I Hwy 17, then south along I Hwy 17 to junction I Hwy 10, then south along I Hwy 10 to junction I Hwy 8, then west along I Hwy 8 to the CA-AZ state line, (2) between points in IL on and north of a line beginning at the IL-MO state line, and extending along IL Hwy then along IL Hwy 13 to the KY-IL state line, on the one hand, and, on the other, points in AZ (3) between points in IL, on the north of a line beginning at the IL-IN state line, and extending along U.S. Hwy 36 to junction IL Hwy 104, then along IL Hwy 104, to the Mississippi River on the one hand, and, on the other, points in NM (4) between points in IL on the north of a line beginning at the IN-IL state line and extending west along U.S. Hwy 50 to junction U.S. Hwy 45, then north along U.S. Hwy 45 to junction I Hwy 70, then west along I Hwy 70 to junction U.S. Hwy 51, then north along on U.S. Hwy 51 to junction IL Hwy 29, then west along IL Hwy 29 to junction IL Hwy 104, then west along IL Hwy 104 to junction U.S. Hwy 36, then west along on U.S. Hwy 36 to the IL-MO state line, on the one hand, and, on the other, points in CO (5) Between points in IL on the one hand, and, on the other points in CO on and west of a line beginning at the CO-NE state line and extending southwest along I Hwy 80 to junction I-Hwy 25, then along I Hwy 25 to junction U.S. Hwy 24, then west along U.S. Hwy 24 to junction U.S. Hwy 285, then south along U.S. Hwy 285 to junction CO Hwy 291, then east along CO Hwy 291 to junction

U.S. Hwy 50, then west along U.S. Hwy 50 to the CO-UT state line. (Gateway eliminated: Amana, IA).

MC 118831 (Sub-No. E-148), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, N.C. 27263. Applicant's representative: E. Stephen Heisely, Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. *Liquid petrochemicals*, (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, between Fayetteville, N.C. on the one hand; and on the other, points in North Carolina on and west of a line beginning at Gibson, N.C. on the one North Carolina-South Carolina State line and running northwestward on N.C. Hwy 381 to US Hwy 381 to US Hwy 74 to US Hwy 220 to N.C. Hwy 73 to US Hwy 52 to US Hwy 601 to US Hwy 64 to N.C. Hwy 901 to N.C. Hwy 115 to N.C. Hwy 18 to the North Carolina-Virginia Line; and points in North Carolina on and South of a line beginning at the North Carolina-South Carolina Line on US Hwy 301 running thence on US Hwy 301 to Rowland; thence, over N.C. Hwy 130 to N.C. Hwy 904 to Fair Bluff; US Hwy 76 to Cerro Gordo; thence, over unnumbered highway through Wards to N.C. Hwy 410 to US Hwy 701 to unnumbered highway through Mollie to Nakina to Old Dock; thence, N.C. Hwy 130 to the Atlantic Ocean. (Gateway eliminated points in S.C.)

MC 118831 (Sub-No. E-149), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, N.C. 27263. Applicant's representative: E. Stephen Heisely, Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. *Liquid petrochemicals*, (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, between Lexington, N.C. on the one hand, and on the other, points in the following portions of North Carolina: Those points in North Carolina on and east of a line beginning on N.C. Hwy 145 at the North Carolina-South Carolina State Line running to Morven; thence, due east in a straight line to Hamlet; thence, US Hwy 74 to Laurel Hill; thence, unnumbered highway to Wagram; thence, unnumbered highway to Antioch; thence, N.C. Hwy 211 through Red Springs to Lumberton; thence, N.C. Hwy 41 to Chinquapin; thence, unnumbered highway to US Hwy 258 north of Jacksonville; thence, N.C. Hwy 24 through Boque and Ocean to unnumbered highway; thence, through Newport to N.C. Hwy 101; thence, N.C. Hwy 101 to unnumbered highway to

Merrimon and points in North Carolina on and west of a line beginning on N.C. Hwy 200 at the North Carolina-South Carolina State line north to N.C. Hwy 16; N.C. Hwy 16 to N.C. Hwy 51; thence, unnumbered highway to N.C. Hwy 49 to Interstate 85; to N.C. Hwy 16; thence, north on N.C. Hwy 16 to N.C. Hwy 275; thence, N.C. 275 to Kings Mountain; thence, US Hwy 74 to Shelby; thence, N.C. Hwy 226 through Polkville to unnumbered Highway through Sunshine and Bostic to Branch Road; thence, US Hwy 74; US Hwy 74 to Fairview; thence, unnumbered highway through Fletcher to Mills River; thence, N.C. Hwy 191 to US Hwy 19 to Interstate 40 to the Tennessee State Line. (Gateway eliminated: points in S.C.)

MC 118831 (Sub-No. E-151), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, N.C. 27263. Applicant's representative: E. Stephen Heisely, Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. *Liquid petrochemicals*, (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Canton, N.C. to points in Georgia on and south of a line beginning on the Tugaloo River (Georgia-South Carolina State Line) on US Hwy 123 and running west to Cornelia; thence, US Hwy 23 to Georgia Hwy 105; thence, Georgia Hwy 105 to Georgia Hwy 254; thence, Georgia Hwy 254 to Georgia Hwy 115 to Cleveland; thence, US Hwy 129 to Georgia Hwy 9 to Dahlonaga; thence, US Hwy 19 to Dawsonville; thence, Georgia Hwy 53 to Tate, Georgia; thence, Georgia Hwy 158 to Georgia Hwy 140; thence, Georgia Hwy 140 to Georgia Hwy 153 to Rome; thence, Georgia Hwy 20 to the Alabama-Georgia State Line. (Eliminate: Gateway of SC).

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-14322 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

April 26, 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 263 (Sub-227TA), filed March 26, 1979. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne S. Green (same address as applicant). *Sugar, in packages*, from points in ID to points in SD, for 180 days. Supporting shipper(s): The Amalgamated Sugar Company, First Security Bank Building, Ogden, UT 84402. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706. An underlying ETA seeks 90 days authority.

MC 2202 (Sub-585TA), filed February 14, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Common carrier—regular routes, general commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the federal prison at or near Milan, MI, as an off-route point in connection with applicant's regular

routes, for 180 days. Applicant will tack with its existing authority. Supporting shipper(s): U.S. Postal Service, Office of Resources Management, Room 1100, 475 L'Enfant Plaza West, S.W., Washington, DC 20260. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 2202 (Sub-587TA), filed March 27, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. Common carrier—regular route: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Ampacet at or near De Ridder, LA, as an off-route point in connection with applicant's regular routes, for 180 days. Applicant will tack with its existing authority and interline at all points of interchange. Supporting shipper(s): Ampacet Corporation, 16 Pearl Street, Metuchen, NJ 08840. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 8973 (Sub-56TA), filed March 1, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Avenue, North Bergen, NJ 07047. Representative: Dennis J. Reilly, Suite 102, 4851 Homestead Road, Houston, TX 77028. Common, irregular. *Plastic pettets and plastic granules*, from La Porte, Port Arthur, Houston, and Orange, TX to Chicago, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): ARCO Polymers, Inc., 1500 Market St., P.O. Box 7258, Philadelphia, PA 19101. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton St. Room 618, Newark, NJ 07102.

MC 14552 (Sub-66TA), filed April 5, 1979. Applicant: MCNICHOLAS TRANSPORTATION CO., 555 West Federal St., Youngstown, OH 44501. Representative: Michael Spurlock, Esq., 275 East State St., Columbus, OH 43215. *Iron and steel articles*, from the facilities of Armco, Inc., at Middletown, OH, to points in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armco, Inc., 703 Curtis St., Middletown, OH 45043. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 19193 (Sub-17TA), filed April 6, 1979. Applicant: LAFFERTY TRUCKING COMPANY, 3703 Beale Avenue, Altoona, PA 16603. Representative: S. Berne Smith, Esquire, McNeese, Wallace & Nurick, P.O. Box 1166, Harrisburg, PA

17108. *Contract carrier*: irregular routes: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith equipment, materials and supplies used in the conduct of such business* between shippers facilities in Altoona, PA and its retail stores in Hornell, Jamestown, and Olean, NY. Restriction: Limited to transportation service to be performed under a continuing contract or contracts with The Great Atlantic and Pacific Tea Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Great Atlantic and Pacific Tea Company, 2 Paragon Drive, Montvale, NJ 07645. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 64932 (Sub-594TA), filed February 12, 1979. Applicant: ROGERS CARTAGE COMPANY, 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: William F. Farrell, address same as applicant. *Re-processed Sulphuric Acid*, in bulk, in tank vehicles from the facility of Eli Lilly Company at LaFayette, IN to the facility of Ohio Liquid Company at Vickery, OH, for 180 days. Supporting shipper(s): Eli Lilly and Company, 1555 South Kentucky Avenue, Indianapolis, IN 46206. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 64932 (Sub-595TA), filed February 12, 1979. Applicant: ROGERS CARTAGE COMPANY, 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Same as applicant. *Waste Oil*, in bulk, in tank vehicles from the plantsite of Alcoa Aluminum at Alcoa, TN to the plantsite of Nalco Chemical Company at Chicago, IL, for 180 days. Supporting shipper(s): Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, IL 60521. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 80262 (Sub-3TA), filed April 4, 1979. Applicant: SOUTH ATLANTIC BONDED WAREHOUSE CORPORATION, P.O. Drawer R, 2020 E. Market Street, Greensboro, NC 27406. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Appliances, carpet, carpet cushioning, heating and air-conditioning units, and*

kitchen cabinets from Greensboro, NC, on the one hand, and, on the other, points in VA; Fayette, Greenbrier, Logan, McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming counties, WV; Carter, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington counties, TN; and Floyd, Harlan, Johnson, Knott, Leslie, Letcher, Martin, Perry, and Pike counties, KY, for 180 days. An underlying ETA has been filed for 90 day authority. Supporting shipper(s): Sears, Roebuck and Co., 2600 Lawndale Drive, Greensboro, NC 27480. Send protests to: Mr. Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 82063 (Sub-102TA), filed March 23, 1979. Applicant: KLIPSCH HAULING CO., 10795 Watson Rd., Sunset Hills, MO 63127. Representative: W. E. Klipsch, same as above. *Liquid Chemicals*, in bulk, in tank vehicles, from Freeport, TX to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, MS, NC, NJ, OH, PA, SC, TN, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical U.S.A., Freeport, TX 77541. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 82063 (Sub-104TA), filed April 10, 1979. Applicant: KLIPSCH HAULING CO., 10795 Watson Rd., Sunset Hills, MO 63127. Representative: W. E. Klipsch, address same as above. *Liquid chemicals*, in bulk, in tank vehicles, from Brownsville, TN to all points in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): B.A.S.F. Wyandotte Corporation, 100 Cherry Hill Rd., Parsippany, NJ 07054. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 103602 (Sub-11TA), filed March 29, 1979. Applicant: SKJONSBY TRUCK LINE, INC., 2831 First Avenue North, Box 362, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. (1) *Such commodities as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure product dealers and manufacturers* (except commodities in bulk, in tank vehicles), and (2) *Parts and attachments for the commodities named in (1) above*, from Fargo and Mandan, ND to points in ND, SD, MN, MT and WY, restricted to shipments having a prior movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Harvester Company, 401 N. Michigan Avenue, Chicago, IL 60611. Send

protests to: DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 106373 (Sub-42TA), filed February 28, 1979. Applicant: THE SERVICE TRANSPORT CO., 114 1/4 East Main Street, P.O. Box 950, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Iron and steel articles*, from facilities of Gibraltar Group of Companies, its affiliates and subsidiaries, at Buffalo, NY, and Niles, OH, to points in MI, IN, IL, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gibraltar Group of Companies, 635 South Park Avenue, Buffalo, NY 14240. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 106373 (Sub-43TA), filed February 14, 1979. Applicant: THE SERVICE TRANSPORT CO., 114 1/4 East Main Street, P.O. Box 950, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Iron and steel articles*, from facilities of Bethlehem Steel Corporation, at or near Lackawanna, NY, to points in IN and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bethlehem Steel Corporation, Bethlehem, PA 18016. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 107012 (Sub-350TA), filed February 27, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, 5001 U.S. Highway 30 West, Fort Wayne, IN 46801. Representative: Stephen C. Clifford, address same as applicant. *Baby cribs, cartoned*, from Quincy, FL to Elverson, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Graco Childrens Productions, Inc., Route 23, Elverson, PA 19520. Send protests to: Beverly J. Williams, Transportation Assistant, I.C.C. 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 107452 (Sub-12TA), filed February 28, 1979. Applicant: R. D. BROWN d.b.a. DAN BROWN TRUCKING, Greybull Heights, Greybull, WY 82426. Representative: Same as applicant. *Taconite (bentonite)*, in bulk, from Worland, WY to Nashwauk, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Black Hills Bentonite Company, Box 9, Mills, WY 82644. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal

Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 107452 (Sub-13TA), filed March 23, 1979. Applicant: R. D. BROWN d.b.a. DAN BROWN TRUCKING, Greybull Heights, Greybull, WY 82426. Representative: Dan Brown (same address as applicant's). *Taconite (bentonite)*, in bulk, from Worland, WY to points in MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Black Hills Bentonite Co., P.O. Box 9, Mills, WY 82644. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 107882 (Sub-44TA), filed April 6, 1979. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Contract carrier: irregular routes: silver dollar tokens*, from Cincinnati, OH to Atlantic City, NJ, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Caesar's World, Boardwalk Regency, Atlantic City, NJ 08401. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 109692 (Sub-82TA), filed January 26, 1979. Applicant: GRAIN BELT TRANSPORTATION COMPANY, Route 13, Kansas City, Missouri 64161. Representative: Warren H. Sapp, P. O. Box 16047, Kansas City, Missouri 64112. (1) *Irrigation systems, pipe, tubing, light and transmission poles, mast arms, brackets, bases, solar energy heating and cooling systems, wood burning heating appliances, iron and steel articles*, and (2) *parts, materials, equipment, supplies and accessories* for, or used in the manufacture, distribution, installation and operations of, the commodities described in (1) above, between the facilities of Valmont Industries, Inc. at or near Valley, NE, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, OR, UT, WA and WY, for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): Valmont Industries, Inc., Valley, NE 68064. Send protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri.

MC 109692 (Sub-83TA), filed March 23, 1979. Applicant: GRAIN BELT TRANSPORTATION COMPANY, Route 13, Kansas City, Missouri 64161. Representative: Warren H. Sapp, P. O. Box 16047, Kansas City, Missouri 64112.

Such commodities as are dealt in or used by manufacturers and dealers of agricultural equipment, industrial equipment, and lawn and leisure products, except commodities in bulk, between the facilities of, or used by, International Harvester Company at Canton, East Moline, Moline, and Rock Island, IL, on the one hand, and, on the other, points in CO, ID, KS, MO, NE, NV, UT and WY, for 180 days. An underlying ETA seeks authority for 90 days. Restriction: The above authority is restricted to the transportation of traffic (a) originating at the facilities of, or used by, International Harvester Company named therein, and destined to points in the states named therein, and (b) originating at points in the states named therein and destined to the facilities of, or used by, International Harvester Company. Supporting shipper(s): Agricultural Equipment Group, International Harvester Company, 401 N. Michigan Avenue, Chicago, Illinois 60611. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 110563 (Sub-267TA), filed March 21, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N, Sidney, OH 45365. Representative: John L. Maurer (same address as applicant). *Bananas*, from the Ports of Norfolk, Portsmouth and Hampton Roads, VA, to points in IL, IN, MD, MA, MI, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, DC and the ports of entry on the United States-Canada Border, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Best Banana Company, Inc., 3616 E. Virginia Beach Blvd., Norfolk, VA 23502. Send protests to: Interstate Commerce Commission, Bureau of Operations, 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 110683 (Sub-141TA), filed April 3, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Virginia 24401 Representative: W. D. Kirkpatrick, same address as above. Common—Regular. *General Commodities*, except household goods as defined by the Commission, commodities in bulk, Classes A & B explosives, commodities requiring special equipment, and commodities of unusual value, serving points in McDonough, Warren, Knox, Peoria, Stark, Mercer, Rock Island, Henry, Bureau, and Vermillion counties, IL; and White, Warren, Fountain, Tippecanoe, Parke, Montgomery, Jennings, Jackson, Washington, Vermillion and Vigo

counties, IN, as off route points in connection with present regular routes, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 53 supporting shippers to this application whose statements may be examined at the I.C.C., Washington, D.C. or the field office. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, VA 23240.

MC 110923 (Sub-10TA), filed April 5, 1979. Applicant: ALBERT LIVEK, d.b.a. AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, IL 61443. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers and dealers of agricultural equipment, industrial equipment, and lawn and leisure products;* (except commodities in bulk) (1) from the facilities of, or used by, International Harvester Co., East Moline, Moline and Rock Island, IL to points in the U.S. in and east of WI, IA, MO, AR and LA (except IN), and (2) from the facilities of, or used by International Harvester at Canton, IL to points in AR, CT, LA, MA, ME, NH, RI, and VT, points in IA west of U. S. Hwy. 63, points in MO on and west of U. S. Hwy 65, and points in Kenosha, Racine and Milwaukee Counties, WI, restricted in (1) and (2) above to the transportation of traffic originating at the named facilities and destined to the named destinations, except that the foregoing restriction shall not apply to traffic moving in foreign commerce, for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): International Harvester Company, 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: Annie Booker, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, Illinois 60604.

MC 111302 (Sub-148TA), filed March 1, 1979. Applicant: HIGHWAY TRANSPORT, INC., 934 44th Avenue, North, P.O. Box 90408, Knoxville, TN 37209. Representative: David A. Peterson, same address as applicant. *Liquid resins, in bulk, in tank vehicles,* from the facilities of Cargill, Inc., in Forest Park, GA to AL, FL, MS, NC, SC, TN, TX, Louisville, KY, St. Louis, MO, and Attleboro, MA, for 180 days. Supporting shipper(s): Cargill Inc., 71 Barnett Road, Forest Park, GA 30050. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-150TA), filed March 7, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500

Amherst Road, Knoxville, TN 37919. Representative: David A. Peterson, same address as applicant. *Liquid chemicals, in bulk, in tank vehicles,* from the facilities of Alpine Laboratories, Inc., in Childersburg, AL to points in AR, CA, CO, IA and NE, for 180 days. Supporting shipper(s): Alpine Laboratories, Inc., P.O. Box 147, Bay Minette, AL 36506. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-153TA), filed April 11, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Dry extendo spheres, in bulk, in hopper-type vehicles,* from the facilities of P A Industries in Rockwood, TN to Dalton and Milledgeville, GA and Berlin, WI, for 180 days. Supporting Shipper(s): P. A. Industries, Rockwood, TN. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111812 (Sub-619TA), filed March 28, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, 1600 E. Benson Rd., Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). *Chemical liquid photographic developer* from Bensenville, IL to Rochester, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55101. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-622TA), filed April 5, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and *foodstuffs* when moving in mixed truckloads with articles listed above from the facilities of Oscar Mayer & Co. at or near Davenport, IA to the states of GA & FL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 112713 (Sub-252TA), filed March 23, 1979. Applicant: YELLOW FREIGHT

SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, KS 66207. Representative: John M. Records (same as applicant). *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment), serving Cedar Rapids, IA as an off-route point in connection with carrier's otherwise authorized operations, for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): There are approximately 31 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies may be examined at the field office named below. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 112713 (Sub-253TA), filed March 23, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, KS 66207. Representative: John M. Records (same as applicant). *Shipping racks,* serving the facilities of General Tire and Rubber Co., at Ionia, MI as an off-route point in connection with carrier's otherwise authorized operations, for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): The General Tire & Rubber Co., Akron, OH. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 112893 (Sub-57TA), filed February 27, 1979. Applicant: BULK TRANSPORT CO., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Petroleum lubrication oil, industrial oils and petroleum wax,* in bulk, in tank vehicles, from the facilities of Mobil Oil Corp. in Cicero, IL to the states of IN, IA, OH, MI, WI & MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mobil Oil Corp., 3350 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 113362 (Sub-351TA), filed April 3, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Millwork, hardwood furniture parts, hardwood furniture dimension stock,* from Foreston, MN to Davenport, IA for 180

days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foreston Dimensions Co., Div. of Woodcraft Ind., P.O. Box 26, St. Cloud, MN 56330. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-573TA), filed March 23, 1979. Applicant: CRST, INC., 3930 16th Ave., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). *Iron and steel articles* from the plantsites of Wheeling-Pittsburgh Steel located at Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH; Allenport and Monessen, PA; Beech Bottom, Benwood, Follansbee, and Wheeling, WV to destinations in the state of IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wheeling-Pittsburgh Steel Corporation, P.O. Box 118, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-574TA), filed March 23, 1979. Applicant: CRST, INC., 3930 16th Ave., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). *Meat, meat products, and 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*, (restricted against the transportation of commodities in bulk, in tank vehicles), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, on the one hand, and, on the other, points in CT, DE, IL, IN, KS, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WI, and DC, restricted to traffic originating at and destined to the named points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-576TA), filed February 21, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same as applicant). *Agricultural implements and parts* from Grinnell, IA to Chesapeake, VA; Louisville, KY; Indianapolis, IN; and Syracuse, NY for 180 days. An underlying ETA seeks 90 days authority. Note: Common control may be involved. Supporting shipper(s): Farmhand, Inc., 146 South, Grinnell, IA 50112. Send protests to: Herbert W.

Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-585TA), filed March 30, 1979. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). *Heatilator fireplaces and parts or accessories*, from the facilities of the Heatilator Division of Vega Industries at Mt. Pleasant and/or Centerville, IA to all points in MN, MI, WI, IL, IN, OH, PA, NY, NJ, VA, WV, MD, DE, and MA for 180 days. Supporting shipper(s): Heatilator Div. of Vega Industries, Highway 34 W., Mt. Pleasant, IA 52641. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-586TA), filed March 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). *Hog and pig skins and trimmings* as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Geo. A. Hormel & Co. at Ottumwa, IA to all points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Company, P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114632 (Sub-212TA), filed April 3, 1979. Applicant: APPLE LINES, INC., 212 S. W. Second Street, P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same as applicant). *Ferro alloys and calcium carbide* from Ashtabula and Marietta, OH and Alloy, WV to points in MN and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carpenter Brothers, Inc., 606 W. Wisconsin Ave., Milwaukee, WI 53203. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-213TA), filed April 4, 1979. Applicant: APPLE LINES, INC., 212 S. W. Second Street, P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same as applicant). *Frozen foodstuffs* from Wethersfield and Hartford, CT to Syracuse, NY and points in GA, IL, KS, MN, MI, MO, OH, PA, TX, and WI for 180 days. Supporting shipper(s): Foodways National, Inc., 1000 Silas Dean Hwy., Wethersfield, CT 06109. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 115162 (Sub-474TA), filed April 4, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Box Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as applicant). *Kiln dust, mineral filler*, in bulk from Mobile, AL to Pascagoula, MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ideal Cement Company, P.O. Box 6707, Mobile, AL 36606. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115322 (Sub-166TA), filed March 20, 1979. Applicant: Redwing Refrigerated, Inc., P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. *Foodstuffs*, from Blackwood, N.J. to the international boundary between the United States and Canada for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pestritto Foods, P.O. Box 328, Blackwood, N.J. 08012. Send protests to: G. H. Fauss, Jr., D/S, ICC, Box 35008, 400 West Bay St., Jacksonville, FL 32202.

MC 115523 (Sub-179TA), filed March 30, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, P.O. Box 1995, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Sand*, in bulk, from Vancouver, WA to Little Mountain, UT and *petroleum coke*, in bulk, from Brea, CA to Little Mountain, UT, for 180 days. Supporting Shipper(s): Western Zirconium, Inc., 3564 Lincoln Ave., Suite 7, Ogden, UT 84401. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115523 (Sub-180TA), filed April 6, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, P.O. Box 1895, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Petroleum products*, in bulk, from Sinclair, WY to points in UT, for 180 days. Supporting Shipper(s): W. W. Clyde & Company, P.O. Box 350, Springville, UT 84663. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115703 (Sub-15TA), filed February 20, 1979. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North Wyomissing, PA 19610. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *Machinery and machine parts, and commodities which, because of size or weight, require the use of special equipment*, between points in Berks, Luzerne and York Counties, PA, on the one hand, and, on the other, points in

WA, ID, MT, OR, WY, CA, NV, UT and CO, for 180 days. Supporting Shipper(s): Rockwell International, M.G.D. Graphic Systems Group, Wyomissing, PA. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 115793 (Sub-25TA), filed March 20, 1979. Applicant: CALDWELL FREIGHT LINES, INC., Highway 321 South, P.O. Box 672, Lenoir, NC 28645. Representative: C. Douglas Woods, P.O. Box 620, Lenoir, N.C. 28645. *Limestone or gypsum products in bags* (except in bulk, in tank vehicles) from Irvington, KY to all points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): American Pelletizing Corporation, P.O. Box 3628, Des Moines, IA 50322. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, N.C. 28205.

MC 116073 (Sub-375TA), filed March 29, 1979. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, MN 56560. Representative: John C. Barrett, same address as applicant. *Travel trailers* from the plantsite of Skyline Corporation at or near Mansfield, TX to points in LA and NM, for 180 days. Supporting shipper(s): Skyline Corporation, 2520 By-Pass Road, Elkhart, IN 46514. Send protests to: DS, ICC, Bureau of Operations, Room 268, Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 116073 (Sub-376TA), filed April 11, 1979. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, MN 56560. Representative: John C. Barrett, same address as above. *Travel trailers* from the plantsite of Terry Industries of Texas at or near Waco, TX to points in AR, CO, KS, LA, MO, NM, OK and TX, for 180 days. Supporting shipper(s): Fleetwood Enterprises, Inc., 3125 Myers Street, Riverside, CA 92503. Send protests to: DS, ICC, Bureau of Operations, room 268, Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 116763 (Sub-496TA), filed March 23, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Charcoal, charcoal briquettes, activated carbon, hickory chips, lighter fluid and related barbecue items* (except commodities in bulk), (1) from the facilities of Husky Industries, Inc., located at or near Ocala, FL, and Pachuta, MS, to points in AL, GA, KY,

LA, MS, NC, SC, TN, TX and VA. (2) from the facilities of Husky Industries, Inc., located at Romeo, FL, to points in the U.S. in and east of MN, IA, MO, OK and TX and Kansas City, KS, for 180 days. RESTRICTED in (1) and (2) above to traffic originating at and destined to the above named territory. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Industries, Inc., David Modlinski, Traffic Manager, 62 Perimeter Center, East, Atlanta, GA 30346. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., room 63238, Philadelphia, PA 19106.

MC 116763 (Sub-497TA), filed March 7, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Such commodities as are used, distributed, manufactured, processed or dealt in by wholesalers, distributors, retailers, manufacturers or processors of automotive and transportation equipment, parts or accessories* (except (1) commodities in bulk, in tank vehicles, (2) commodities the transportation of which because of size or weight require the use of special equipment and (3) automobiles, trucks and buses, as described in the report in *Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766*), from the facilities of Kinpak, Inc., at or near Atlanta, GA, to points in AL, FL, NC, SC and TN, for 180 days. RESTRICTED to the transportation of shipments originating at the above named origin and destined to points in the named destination states. Supporting shipper(s): Kinpak, Inc., H. W. Fisher, President, 460 Patton Drive, SW, Atlanta, GA 30336. Send protests to: Paul J. Lowry, DS, ICC, 5514-B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 116763 (Sub-498TA), filed March 29, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). (1) *Such commodities as are dealt in by manufacturers, distributors, wholesalers, and retailers of cleaning, scouring, washing, preserving, protecting and polishing compounds, waxes, insecticides, disinfectants, deodorants and related materials and supplies; and (2) materials, equipment and supplies used in the manufacturing, distribution, warehousing and sale of such commodities as outlined in (1) above. RESTRICTED in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles,*

between the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, OK and TX, for 180 days. RESTRICTED to traffic which either originates at or is destined to the above named facilities. An underlying ETA seeks 90 days authority. Supporting shipper(s): S. C. Johnson & Sons, Inc., Gilbert H. Anderson, Traffic Manager, Rates & Routes, Domestic & International, 1525 Howe St., Racine, WI 53403. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., room 63238, Philadelphia, PA 19106.

MC 117883 (Sub-241TA), filed March 20, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, P.O. Box 62, Versailles, OH 45380. Representative: Thomas R. Stone (same as applicant). *Candy, confectionery and chewing gum* (except in bulk, in tank vehicles), (1) from Canajoharie, NY, to Holland, MI, and (2) from Holland, MI, to Canajoharie, NY; Baltimore, MD, and North Bergen, NJ, for 180 days. RESTRICTED to traffic originating at the plantsite and/or storage facilities of Life Savers, Inc., at Canajoharie, NY, and Holland, MI. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Life Savers, Inc., L. E. McDuffee, Manager Distribution Operations, Church Street, Canajoharie, NY 13317. Send protest to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., room 63238, Philadelphia, PA 19106.

MC 118142 (Sub-214TA), filed February 27, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. *Prepared flour mixes and frosting mixes* (except in bulk), from facilities of Chelsea Milling Company at or near Chelsea, MI, to the states of AR, IA, KS, MO, NE, OK & TX; 180 days, common irregular, 90-day ETA being filed concurrently; SUPPORTING SHIPPER: Chelsea Milling Company, Chelsea, MI; SEND PROTESTS TO: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. Supporting Shipper(s): Chelsea Milling Company, Chelsea, MI 48118. Send protests to: M. E. Taylor, Dist. Supv., Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 118142 (Sub-218TA), filed March 30, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza, Wichita, KS 67202. Automotive,

industrial and tractor tires and tubes, from Huntsville, AL and Buffalo, NY to Wichita, KS; 180 days, common, irregular; ETA filed simultaneously and permanent already applied for; Supporting Shipper: AG-TIRE, INC., Wichita, KS; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. Supporting Shipper(s): AG-TIRE, INC., Garvey Industrial Park, 55th Hoover Rd., Wichita, KS 67209. Send protests to: M. E. Taylor, Dist. Supv., Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 118202 (Sub-109TA), filed March 7, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. (1) Paper from Byron and Stevens Point, WI to Chicago, IL; and (2) Magazines and magazine sections from Chicago, IL to Glendale, Baltimore and Riverdale, MD, Merrifield, VA, Philadelphia, PA, Depew, NY and Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Time, Inc., 303 East Ohio Street, 19th Floor, Chicago, IL 60611. SEND PROTESTS TO: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 119493 (Sub-271TA), filed March 23, 1979. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Flour, corn meal, flour or meal prepared edible, and flaked potatoes (except in bulk)*, from Sherman, TX, to AL, AR, AZ, CO, GA, LA, MS, MO, OK, AND TN for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): ConAgra, Inc., Omaha, NE. Send protests to: DS John V. Barry, 600 Fed. Bldg., 911 Walnut, Kansas City, MO 64106.

MC 119493 (Sub-272TA), filed March 9, 1979. Applicant: MONKEM COMPANY, INC., P.O. 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same). *Fertilizer, tree and weed killing compounds, insecticides and fungicides (except in bulk)*, from East St. Louis, IL to KS for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Swift Agricultural Chemical Corp. East St. Louis, IL 62202. Send protests to: DS John V. Barry, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 119493 (Sub-280TA), filed April 4, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th Street Road, Joplin, MO 64801. Representative:

Thomas D. Boone (same as applicant). (1) *New Furniture*, from facilities of La-Z-Boy Midwest Company at or near Neosho, Missouri, to ND, SD, MN, WI, IL, MI, IN, KY, AL, GA, OH, WV, NC, SC, and (2) *Materials and supplies* used in the manufacture, sale and distribution of new furniture (except in bulk), from destination states named in (1) above to facilities of La-Z-Boy Midwest Company at or near Neosho, Missouri, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): La-Z-Boy Midwest Company, P.O. Box 628, Neosho, Missouri 64850. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut, Kansas City, MO 64106.

MC 119702 (Sub-67TA), filed March 30, 1979. Applicant: STAHLY CARTAGE CO., 119 South Main St., Edwardsville, IL 62025. Representative: Jeff Wolford, 119 South Main St., Edwardsville, IL 62025. Common, irregular Petroleum solvents in bulk in tank vehicles from (i) the plant site and storage facilities of Superior Terminals, Inc. located in St. Louis, Mo to all points and places in IN and Memphis, TN (2) Chicago, IL to Indianapolis, IN; Louisville, KY; Memphis, TN to the plantsite and storage facilities of Superior Terminals, Inc. located in St. Louis, MO for 180 days. Supporting shipper(s): Superior Terminals, Inc., 60 Chouteau Avenue, St. Louis, MO 63102. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 121223 (Sub-4TA), filed February 28, 1979. Applicant: GEORGE HALLDEN SONS CO., P.O. Box 2271, 370 Le Harps Road, Youngstown, OH 44504. Representative: Paul B. Sonoski, Jr., 2310 Grant Building, Pittsburgh, PA 15219. *Iron and steel articles*, from the facilities of United States Steel Corporation, in Allegheny and Westmoreland Counties, PA, to points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 121223 (Sub-5TA), filed April 5, 1979. Applicant: GEORGE HALLDEN SONS CO., P.O. Box 2271, 370 Le Harps Road, Youngstown, OH 44504. Representative: Paul B. Sonoski, Jr., 2310 Grant Building, Pittsburgh, PA 15219. *Iron and steel articles*, from points in Trumbull and Mahoning Counties, OH, to points in OH. Restricted to traffic

having a prior movement in interstate commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 123392 (Sub-86TA), filed March 2, 1979. Applicant: JACK B. KELLEY, INC., Rt. 1, Box 400, Amarillo, TX 79106. Representative: Austin L. Hatchell, Suite 1022, Perry Brooks Bldg., Austin, TX 78701. *Liquefied carbon dioxide gas*, in bulk, in tank trailers, from the plantsite of Dye Carbonic near Cortez, CO to Portland, ME, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Gil V. Dye Corporation, P.O. Box 6496, Phoenix, AZ 85005. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 123872 (Sub-102TA), filed March 29, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same as applicant's). *Meat, meat products and meat by-products and articles distributed by meat packing houses, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk in tank vehicles)* from Waterloo, IA and Indianapolis, IN to points in VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Rath Packing Company, P.O. Box 330, Waterloo, IA 50704. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Road—Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 124062 (Sub-18TA), filed March 6, 1979. Applicant: FRICK TRANSPORT, INC., Wawaka, IN 46794. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Liquid caustic soda, in bulk, in tank vehicles*, from Burns Harbor, IN to points in MI, IL and OH, for 180 days. Supporting shipper: Resource Economics Corporation, Suite 4, 1724 Sherman Avenue, Evanston, IL 60201. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 East Ohio Street, Indianapolis, IN 46204.

MC 124692 (Sub-274TA), filed April 9, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58107. *Carbon steel pipe*

(1) from Portland, OR commercial zone to points in WA, OR, ID, and MT; Restriction: Restricted to transportation of shipments having a prior movement by water; and (2) from the storage facilities utilized by Denco Steel Corp. at Vancouver, WA to points in WA, OR, ID, and MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Denco Steel Corp., Suite 202, Academy Center, 4000 Palos Verdes Drive North, Palos Verdes Peninsula, CA 90274. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 124813 (Sub-198TA), filed March 1, 1979. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles* from the facilities of Bethlehem Steel Corporation at Burns Harbor, IN to points in IA, except points in Des Moines, Henry, Jefferson, Lee, Louisa and Van Buren Counties, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bethlehem Steel Corporation, Box 246, Chesterton, IN 46304. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 124813 (Sub-199TA), filed March 8, 1979. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles* from points in the Chicago, IL Commercial Zone to Webster City, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Franklin Manufacturing Company, Laundry Division, White Consolidated Industries, 600 Stockdale Street, Webster City, IA 50595. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 124813 (Sub-200TA), filed April 4, 1979. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., P.O. Box 166, Eagle Grove, IA 50501. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. *Wooden pallets and pallet parts* from Dubuque, IA to points in IL and IN for 180 days. Supporting shipper(s): Edison Pallet & Wood Products, P.O. Box 195, Winfield, IL 60190. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 124813 (Sub-201TA), filed March 28, 1979. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., P.O. Box 166, Eagle Grove, IA 50501.

Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Landscape timbers* from Chippewa Falls, WI to points in IL, IA, and MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Landscape Supplies, 152 Muriel Blvd., West St. Paul, MN 55118. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 125433 (Sub-234TA), filed March 19, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Chemicals, drilling mud and ore*, except commodities in bulk in tank vehicles, and (2) equipment, materials and supplies used in or useful in the manufacture or distribution of chemicals, drilling mud and ore, between points in the United States, for 180 days. Restricted to traffic originating at or destined to the facilities of Eiseman Chemical Company. Supporting shipper(s): Eisenman Chemical Company, 312 East 16th Street, Greeley, CO 80631. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 125433 (Sub-235TA), filed March 23, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Battery insulating partitions and glass fiber scrap* from the facilities of Evans Products Company located at or near Corvallis, OR to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Evans Products Company, P.O. Box E, 1115 SE Crystal Lake Drive, Corvallis, OR 97330. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 125433 (Sub-236TA), filed March 28, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Furnaces, air conditioners, combination furnace and air conditioner units, solar energy heating and cooling systems*, and parts, attachments and accessories for furnaces, air conditioners, combination furnace and air conditioner units and solar energy heating and cooling systems, except in bulk, from Marshalltown, IA to points in UT, NV, AZ, CA and OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lennox Industries, Inc., P.O. Box 400450, Dallas,

TX 75240. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC125433 (Sub-237TA), filed April 5, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Tractors*; (2) *industrial, construction, excavating and material handling equipment*; (3) parts and attachments for (1) and (2) above, from the facilities of J. I. Case at or near Bettendorf and Burlington, IA to points in AR, MS, LA, OK, TX, UT, MT, ID, WA, OR, CA and NV, for 180 days. Supporting shipper(s): J. I. Case, 700 State Street, Racine, WI 53404. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC125433 (Sub-238TA), filed April 6, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Canned goods*, from CA to points in the United States (excluding AK and HI). Restricted to shipments originating at the facilities of Glorietta Foods, for 180 days. Supporting shipper(s): Glorietta Foods, 570 Race Street, San Jose, CA 95126. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC125533 (Sub-39TA), filed January 31, 1979. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Representative: John P. McMahon, Esq., George, Greek, King, McMahon & McConnaughey, 100 E. Broad St., Columbus, OH 43215. (1) *Fire brick, fire clay, fire kiln lining, refractory products and commodities* used in the installation thereof; and (2) *materials and supplies* used in the manufacture and production of the commodities named in (1) above between Farber, MO, on the one hand, and, on the other, points in CT, DE, MD, MA, MI, NJ, NY, OH, PA, RI, SC, TN, VA and WV, for 180 days. Supporting shipper(s): North American Refractories Co., 900 Hanna Building, Cleveland, OH 44115. Send protests to: Mary Wehner, District Supervisor, Interstate Commerce Commission, 1240 E. Ninth Street, Cleveland, OH 44199.

MC-126822 (Sub-55TA), filed March 23, 1979. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith, same as applicant. Air conditioning and heating duct work and registers and equipment, materials, and supplies used in the installation thereof from the facilities of Goodman Manufacturing

Corporation, at or near Houston, TX to points in PA, NJ, OK, FL, CO, AL, GA, and NC, for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Goodman Manufacturing Corp., Houston, Texas. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut, Kansas City, MO 64106.

MC-126893 (Sub-3TA), filed April 9, 1979. Applicant: BALTIMORE-WASHINGTON EXPRESS SERVICE, INC., P.O. Box 4333, Baltimore, MD 21223. Representative: Charles E. Creager, P.O. Box 1417, Hagerstown, MD 21740. *General commodities in vehicles equipped with mechanical refrigeration (except Classes A & B explosives, commodities in bulk, household goods and commodities requiring special equipment)* between the facilities of Baltimore Shippers and Receivers Association, Inc. at or near Baltimore, MD on the one hand, and, on the other, Denver, CO and Houston and Dallas, TX, including their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Larry E. Dillon, Baltimore Shippers and Receivers Association, Inc., 3801 Benson Avenue, Baltimore, MD 21227. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC-127042 (Sub-259TA), filed April 5, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as above). *Glass bottles (empty glass bottles one gallon or less in capacity)*, from Joliet, IL to Cedar Rapids and Iowa City, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Richard D. Moreland, National Bottle Company, 1 Bala Plaza, Bala Cynwyd, PA 19004. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC-127172 (Sub-5TA), filed February 21, 1979. Applicant: FRANCIS MARGOLIES, d.b.a. MARC BAGGAGE LINES, 9033 Hollyberry Avenue, Des Plaines, IL 60016. Representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Contract carrier-irregular routes, *Electric and Electronic Products, Electric Lamps, Fluorescent, Incandescent, Mercury Vapor, Photoflash, Photographic and Sealed Beam*, between the facilities of G T E Sylvania Incorporated at Elk Grove Village, IL, on the one hand, and on the other, MI (upper peninsula only), Elkhart, Jasper, Lake, LaPorte, Porter, and St. Joseph Counties, IN, Clinton, Cott, Des Moines, Dubuque, Iowa,

Johnson, Lee, Linn, Mahasca, and Muscatine Counties, IA, and WI, for 180 days. Supporting shipper(s): G T E Sylvania Incorporated, 800 Devon Avenue, Elk Grove Village, IL 60007. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 127602 (Sub-22TA), filed March 1, 1979. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 996, Denver, CO 80201. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Denver, CO and Grand Junction, CO; (From Denver, CO over Interstate Highway 70 to Grand Junction, CO and return over the same route, serving no intermediate points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 30 supporting shippers. Send protests to: District Supervisor Herbert C. Rouff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

Note.—Applicant intends to tack and interline at Denver and Grand Junction, CO.

MC 128273 (Sub-343TA), filed March 6, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt St., Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Paper and paper products* (except commodities in bulk in tank vehicles) from Kankakee, IL to points in the U.S.; Restricted to traffic which originates at the facilities of Olinkraft, Inc., at or near Kankakee, IL (except AK, HI & IL); Supporting shipper: Olinkraft, Inc., West Monroe, LA.; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202, for 180 days. Supporting shipper(s): Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291. Send protests to: M. E. Taylor, Dist. Supv., Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 128543 (Sub-16TA), filed February 23, 1979. Applicant: CRESO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Contract-irregular, *zinc, zinc alloys and zinc products* between the facilities of St. Joe Zinc Company located at Josephstown (Potter Township, Beaver County), PA,

on the one hand, and on the other, AL, AR, CT, DE, GA, IL, IN, IA, KY, MD, MI, MO, NJ, NY, NC, TX and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Company, 2 Oliver Plaza, Pittsburgh, PA 15222. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 129032 (Sub-79TA), filed March 22, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 40th West, P.O. Box 9667, Tulsa, OK 74107. Representative: David R. Worthington (same as applicant). (1) *Such merchandise as is dealt in by wholesale, retail, chain, grocery and food business houses*, and (2) *materials, ingredients and supplies used in the manufacture, distribution, and sale of the products in (1) above*, between the facilities of the Ralston Purina Co. at or near Flagstaff, AZ, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, ND, OH, OK, PA, SD, TN, TX, and WI, restricted to traffic originating at or destined to the above named origin, 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: 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-129032 (Sub-82TA), filed April 12, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, P.O. Box 9667, Tulsa, OK 74107. Representative: David Worthington, 6015 South 49th West Avenue, Tulsa, OK 74107. *Alcoholic Beverages* (except malt beverages) from Louisville, Frankfort, Bardstown, Clermont, and Owensboro, KY, Lawrenceburg, IN, Cincinnati, OH, Pekin, Peoria, Chicago, Lemont, and Plainfield, IL, St. Louis, MO, Lynchburg, TN, Tulsa and Oklahoma City, OK to Los Angeles, Sacramento, San Diego and San Francisco, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Central Liquor Company, 4001 NW. Third Street, Oklahoma City, OK 73107. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office Bldg., 215 NW. Third Street, Oklahoma City, OK 73102.

MC-129563 (Sub-6TA), filed April 6, 1979. Applicant: ONONDAGA

BEVERAGE TRANSPORT, INC., 345 Spencer Street, Syracuse, NY 13204. Representative: Freeda Harvey, 345 Spencer Street, Syracuse, NY 13204. *Contract carrier; Irregular routes: Malt beverages in containers*, from South Volney, NY to Painesville, Lorain and Ravenna, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glenn Distributors, Inc., Edward W. Hursh, President, 44-76 Burton St., Painesville, OH 44077. Portage Distributing Co., Tony Porcase, President, 6117 State Route 14, Ravenna, OH 44266. Forrest Distributing Co., Peter Popov, Jr., Vice-President, 1138 Lexington Ave., Lorain, OH 44052. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 S. Clinton St.-Rm. 1259, Syracuse, NY 13260.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 54]

[FR Doc. 79-14327 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

April 26, 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 133302 (Sub-4TA), filed April 6, 1979. Applicant: WICHITA-SOUTHEAST KANSAS TRANSIT, INC., P.O. Box G, Parsons, KS 67357. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (1) Between Joplin, MO, and Fort Scott, KS, from Joplin, MO, over MO Hwy 171 to the junction KS Hwy 57, then over KS Hwy 57 to the junction U.S. Hwy 69, then over U.S. Hwy 69 to Fort Scott, KS, and return over the same route; (2) Between Carthage, MO, and the junction of KS Hwy 96 and U.S. Hwy 69, from Carthage, MO, over MO Hwy 96 to the junction of KS Hwy 96 to the junction of U.S. Hwy 69, and return over the same route; (3) Between Springfield, MO, and the junction of KS Hwy 96 and U.S. Hwy 69, from Springfield, MO, over Interstate Hwy 44 to the junction of MO Hwy 96, then over MO Hwy 96 to the junction of KS Hwy 96, then over KS Hwy 96 to the junction of U.S. Hwy 69, and return over the same route; (4) Between Springfield, MO, and Joplin, MO, on the one hand, and, on the other, Riverton, KS, from Springfield, MO, over Interstate Hwy 44 to the junction of U.S. Hwy 166, then over U.S. Hwy 166 to the junction with KS Hwy 26, then over KS Hwy 26 to Riverton, KS, and return over the same route; (5) Between South Coffeyville, OK, and Coffeyville, KS, from South Coffeyville, OK, over U.S. Hwy 169 to Coffeyville, KS, and return over the same route, for 180 days. Supporting shipper(s): There are 44 supporting shippers which may be examined at the field office listed. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 134552 (Sub-8TA), filed March 5, 1979. Applicant: TRANSAMERICAN CARRIER CO., Route 1, Box 28, Winthrop, MN 55396. Representative:

Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Dry fertilizer (except commodities in bulk, in tank vehicles)* from Pine Bend, MN to Points in IA, WI, NE, ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): N-ReN Corporation, P.O. Box 418, South St. Paul, MN 55075. Farmers Union Central Exchange, Inc., a/k/a Cenex, P.O. Box 43089, St. Paul, MN 55164. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 134783 (Sub-48TA), filed March 1, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. (1)(a) *Drugs, medicines, cosmetics, plastic boxes, weed killing compounds, and animal and poultry feed supplements*, and (b) Materials and supplies used in the manufacture and production of the commodities named in (1)(a) above (except commodities in bulk), and (c) Rejected and/or damaged shipments of the commodities named in (1)(a) and (b) above (except commodities in bulk), from the facilities of Eli Lilly and Company, located at or near Clinton, Lafayette, and Indianapolis, IN, to points in TX and (2) Materials and supplies used in the manufacture and distribution of commodities named in (1) above, from points in TX, to the facilities of Eli Lilly and Company, located at or near Indianapolis, Clinton, and Lafayette, IN, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): Eli Lilly & Company, 1555 Kentucky Avenue, Indianapolis, IN 46206. Send protests to: District Supervisor Haskell E. Ballard, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 134783 (Sub-50TA), filed March 30, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Foodstuffs* (except in bulk), from the facilities of Knouse Foods, Inc. at or near Peach Glen, Orrtanna, and Chambersburg, PA, to points in TX, LA, OK, NM, and AR, for 180 days. Supporting Shipper(s): Knouse Foods, Inc. Peach Glen, PA 17306. Send protests to: District Supervisor Haskell E. Ballard, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 134813 (Sub-10TA), filed February 26, 1979. Applicant: WESTERN

CARTAGE, INC., P.O. Box 964, Pryor, OK 74361. Representative: Michael R. Vanderburg, Attorney, 5200 South Yale, Suite 400, Tulsa, OK 74135. *Contract Carrier: irregular routes: Foodstuffs, baby supplies, canner's supplies, equipment and commodities used, or useful in the packing, sale and distribution of the above commodities (except commodities in bulk), between the facilities of Gerber Products Co., at Fort Smith, AR, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, KY, LA, MO, MS, NE, NM, OK, SD, TN, TX, and WY, for the account of Gerber Products Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gerber Products Co., 445 State Street, Fremont, MI 49412. 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 135653 (Sub-5TA), filed April 5, 1979. Applicant: GLENN E. TRIPP, d.b.a., SPECIAL SERVICE, 760 Lindenwood Lane, Medina, OH 44256. Representative: Michael Spurlock, Esq., 275 East State St., Columbus, OH 43215. *Canned fruit juices from the facilities of Keystone Foods, Inc., located at North East, PA, to points in OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Foods, Inc., 63 Wall St., North East, PA 16428. Send protests to: Mary A. Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.*

MC 136512 (Sub-15TA), filed March 1, 1979. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Spindles and transmission parts from Ellicottville and Syracuse, NY to St. Paul, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Company, Suite 200 East, One Parklane Boulevard, Dearborn, MI 48128. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 138732 (Sub-23TA), filed March 29, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Road, Suite 235, San Ramon, CA 94583. *Cast iron pressure pipe, from the facilities of the United States Pipe and Foundry Company at Union City, CA, to points in CO, for 180 days. An underlying ETA seeks up to 90 days operating authority.*

Supporting shipper(s): United States Pipe and Foundry Company, P.O. Box 707, Union City, CA 94587. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 138882 (Sub-235TA), filed March 29, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: William P. Jackson, Jr. 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Malt beverages, from Laredo, TX, to points in NJ, LA, NC, TN, PA, OH, Washington, DC, MD, DE, VA, AL, GA, and FL. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): All Brand Importers, Inc., P.O. Box 67, 99 Powerhouse Road, Roslyn Heights, NY 11577. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.*

MC 138882 (Sub-236TA), filed March 30, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest, P.O. Box 707, Troy, AL 36081. *Paper and paper products materials, equipment and supplies used in the manufacture, distribution and sales thereof, between the facilities of the Packaging Corporation of America located at or near Harrisonburg, VA on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX. Restricted against the transportation of commodities in bulk. Restricted against the transportation of commodities in bulk. Restricted to shipments originating at the above origins and destined to the above destinations. For 180 days. Supporting shipper(s): Packaging Corporation of America, 1603 Orington Avenue, Evanston, IL 60204. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.*

MC 139483 (Sub-3TA), filed March 26, 1979. Applicant: ALLEN MITCHEK, P.O. Box 512, Sterling, CO 80751. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Dry fertilizer from Sidney, NE and its commercial zone to points in CO, WY, SD and NE for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116. Send protests to: D/S Roger L. Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.*

MC 139973 (Sub-68TA), filed March 2, 1979. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street (P.O. Box 398), Fulton, Missouri 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. (1) *Electrical appliances, (2) equipment and parts for electrical appliances, and (3) poleline hardware, from Washington, MO, to those points in the United States in and west of MT, WY, CO, and NM (except AK and HI), for 180 days. Supporting shipper(s): A. B. Chance & Co., 8100 West Florissant, St. Louis, MO 63136. Send protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.*

MC 139982 (Sub-2TA), filed March 2, 1979. Applicant: WILLIAMSON DELIVERY SERVICE, INC., Box 22032 AMF, Tampa, FL 33622. Representative: Travis W. Williamson, same address as applicant. *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment between Tampa International Airport, on the one hand, and, on the other, points in Charlotte, DeSoto, Hardee, Highlands, Lee, Manatee, Pinellas and Sarasota Counties, FL, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are nine supporting shippers. Their statements may be examined at the office listed below and Headquarters. 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 140563 (Sub-27TA), filed March 21, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, 4480 Moreland Ave., Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Paper and paper products from the facilities of Union Camp Corporation at or near Tifton and Savannah, GA to points in IL, IN, IA, MI, MN, MO, OH, and WI 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: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.*

MC-140612 (Sub-62TA), filed March 23, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar

Rapids, IA 52406. Representative: J. L. Kazimour (same as applicant). (1) Such merchandise as is dealt in by wholesale, retail, chain grocery and feed business houses, paste, dairy, flour, and soy products, and (2) materials, ingredients and supplies used in the manufacture, distribution and sale of the products in (1) above, between points in, and west and south of MI, OH, KY, TN and NC. Restricted to traffic originating at or destined to the facilities used by Ralston Purina Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC-140612 (Sub-65TA), filed March 30, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same as applicant). *Rubber and or plastic articles and materials, equipment and supplies, used in the manufacture and distribution of rubber and plastic articles* (except commodities in bulk in tank vehicles), between the facilities used by Entek Corporation of America located at or near Irving, TX on the one hand, and, on the other, points in and west of MI, OH, KY, TN, and NC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Entek Corporation of America, P.O. Box 61048, Dallas, TX 75261. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC-141033 (Sub-50TA), filed March 30, 1979. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: Harris L. Rabins, same address as applicant. *Such commodities as are dealt in by producers and packagers of paint and paint products (except in bulk)*, from Los Angeles, CA and its Commercial zones; Baltimore, MD and its commercial zones; Chicago, IL and its commercial zones; Atlanta, GA and its commercial zones; and Linden, NJ and its commercial zones, to all points in the United States, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Dutch Boy, Inc., 500 Central Avenue, P.O. Box 209, Northfield, IL 60093. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC-141212 (Sub-4TA), filed April 5, 1979. Applicant: JOHN M. RADKE, Route 2, Box 93, Marathon, WI 54448. Representative: Richard A. Westley,

4506 Regent Street, Suite 100, Madison, WI 53705. *Animal and poultry feeds and feed ingredients*, from the facilities of Ralston Purina Company, Minneapolis, MN to Ashland, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, 3901 Hiawatha Ave., So., Minneapolis, MN 55406. 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.

MC 141443 (Sub-15TA), filed April 11, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, Oklahoma 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, Oklahoma 73112. *Such commodities as are dealt in by wholesale, retail and chain and grocery and food business houses (except frozen commodities and commodities in bulk)* from the facilities of the Clorox Company at Kansas City, MO to Denver, CO and its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway, Oakland, CA 94612. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office Bldg., 215 N.W. Third Street, Oklahoma City, Oklahoma 73102.

MC 141733 (Sub-3TA), filed April 6, 1979. Applicant: UNION TRANSIT COMPANY, INC., 276 Pasco Road, Springfield, MA 01151. Representative: David M. Marshall, Esq., Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Contract carrier: irregular routes: *Paper and paper products, and materials and supplies used in the manufacture, distribution and sale of such commodities* (except in bulk), (1) between the facilities of American Pad & Paper company located at Holyoke, MA, on the one hand, and, on the other, the facilities of American Pad & Paper Company located at Salt Lake City, UT, Mattoon, IL, and Grapevine, TX and (2) between the facilities of American Pad & Paper Company located at Mattoon, IL on the one hand, and, on the other, the facilities of American Pad & Paper Company located at Salt Lake City, UT, and Grapevine, TX under a continuing contract or contracts with American Pad & Paper Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Pad & Paper Company, 75 Appleton Street,

Holyoke, MA 01040. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 141932 (Sub-10TA), filed March 20, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: A. C. Gardner, 176 King Street, Hanover, MA 02339. (1) *Synthetic plastics, synthetic latex, adhesives, sealants, cements, chemicals, chemical compounds, cleaning compounds, rubber compounds, soldering flux, coatings, lubricants, fertilizer compounds, battery insulating partitions, pulpboard and materials, equipment and supplies used in the application of the above named commodities, and materials, equipment and supplies used in the manufacture, production and distribution of the above named commodities*, (except in bulk and commodities which by reason of size or weight require the use of special equipment), between Atlanta, GA; Chicago, IL; Owensboro, KY, Acton and Cambridge, MA; Nashua, NH and Woodbury, NJ on the one hand, and, on the other, points in the United States in or east of ND, SD, NE, KS, OK, and TX and further restricted to traffic originating at or destined to the facilities of W. R. Grace & Co.; (2) *building materials, perlite, plant bed media, plastic articles, potting soil, vermiculate and materials, equipment and supplies used in the application of the above named commodities and materials, equipment and supplies used in the manufacture, production and distribution of the above named commodities*, (except in bulk and commodities which by reason of size or weight require the use of special equipment), between Little Rock, AR, Boca Raton, Jacksonville, Pompano Beach and Tampa, FL, Atlanta, GA, Chicago, IL, Wilders, KY, New Orleans, LA, Muirkirk, MD, Easthampton, MA, Dearborn, MI, Minneapolis, MN, St. Louis, MO, North Bergen and Trenton, NJ, Weedsport, NY, High Point, NC, New Castle, PA, Enoree and Travelers Rest, SC, Nashville, TN, Dallas, Houston, and San Antonio, TX and Milwaukee, WI, on the one hand, and, on the other, points in the United States in or east of ND, SD, NE, KS, OK, and TX and further restricted to traffic originating at or destined to the facilities of W. R. Grace & Co., for 180 days. Supporting shipper(s): W. R. Grace & Co., Organic Chemicals Div., 55 Hayden Ave., Lexington, MA 02173; W. R. Grace & Co. Construction Products Div., 62 Whittemore Ave., Cambridge, MA 02140. Send protests to: John B. Thomas, TS,

ICC, 150 Causeway St., Rm. 501, Boston, MA 02114.

MC 142062 (Sub-24TA), filed March 5, 1979. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box Drawer P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract carrier: irregular routes: Cabinets, components thereof and accessories therefor, and materials, equipment and supplies used in the installation or distribution of the foregoing commodities, from the facilities of H. J. Scheirich Company at or near Louisville, KY, to points in AZ, CA, and FL, for 180 days. Restricted to transportation of commodities under a continuing contract or contracts with H. J. Scheirich Company. Supporting shipper: H. J. Scheirich Company, 250 Ottawa, P.O. Box 21037, Louisville, KY 40221. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.*

MC 142262 (Sub-6TA), filed March 15, 1979. Applicant: BERNARD PAVELKA TRUCKING, INC., Route 1, Box 263B, Hastings, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Gibbon Packing, Inc., at or near Gibbon, NE, to Bloomington and Rockford, IL, and Kenosha, WI, under a continuing contract(s) with Gibbon Packing, Inc. of Gibbon, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gibbon Packing, Inc., P.O. Box Q, Gibbon, NE 68840. Send protests to: Max Johnston, DS, ICC, 285 Federal Building and U.S. Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.*

MC 142283 (Sub-6TA), filed March 13, 1979. Applicant: VOORHORST, INC., 2099 East Packard Hwy., Charlotte, MI 48813. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Soybean meal and soybean hulls, from the facilities of Cargill, Inc., Chicago, IL, to various points in MI restricted to shipments moving in equipment equipped with auger unloading devices, for 180 days.*

Supporting shipper(s): Cargill, Inc., 122nd and Torrence Ave., Chicago, IL 60617. Send protests to: Clarence Flemming, TS, ICC, 225 Federal Bldg., 325 West Allegan Street, Lansing, MI 48933.

MC 142352 (Sub-6TA), filed March 13, 1979. Applicant: HAUSMAN TRUCKING, INC., 607 D Avenue, Vinton, IA 52349. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Meats and packinghouse products, from the facilities of Wilson Foods Corp., at Cedar Rapids, IA to AL, AR, GA, IL (except Chicago, IL and its commercial zone), MO and TN, restricted to shipments originating at the named origin and destined to the named states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Herbert Allen, DS, ICC, 518 Federal Bldg., 210 Walnut Street, Des Moines, IA 50309.*

MC 142423 (Sub-5TA), filed March 19, 1979. Applicant: BIG D CARTAGE, INC., 20891 Kingsberry Drive, Mt. Clemens, MI 48045. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48064. *Automobile parts, from the facilities of Clipper International Corporation at Detroit, MI to Buffalo, NY and the commercial zone thereof, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Clipper International Corporation, 18050 Ryan Road, Detroit, MI 48234. Send protests to: Timothy Quinn, TS, ICC, 604 Federal Bldg. and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.*

MC 142743 (Sub-12TA), filed April 2, 1979. Applicant: FAST FREIGHT SYSTEMS, INC., Rt. 1, Box 132c, Tupelo, MS 38801. Representative: Edwin M. Snyder, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. *Iron and steel articles from Chicago, IL, St. Louis, MO, Houston, TX, and Birmingham, AL to points in AR, MS and TN, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Donnelly Metals, 4646 Poplar, Suite 215, Memphis, TN 38117. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.*

MC 142792 (Sub-3TA), filed April 3, 1979. Applicant: DENNIS I. OLSON d.b.a. TWO WAY TRUCKING, No. 4 Ginger Cove Road, Valley, NE 68064. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *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 skins and commodities in bulk), from the facilities utilized by Wilson Foods Corporation at Omaha, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC, for 180 days. Restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations. An underlying ETA seeks 90 days authority. Supporting Shipper(s): A. N. Brent, Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 143032 (Sub-13TA), filed March 29, 1979. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. *Printing paper, not printed, from the facilities of Potlatch Corporation at or near Brainerd and Cloquet, MN to the Minneapolis-St. Paul, MN Commercial Zone, restricted to the transportation of traffic having a subsequent movement by rail, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Potlatch Corporation, Division Transportation Manager, P.O. Box 510, Cloquet, MN 55720. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC143693 (Sub-4TA), filed April 13, 1979. Applicant: DFC TRUCKING COMPANY, 17872 Cartwright Road, Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Avenue, Suite 705, Fullerton, CA 92631. *Contract: irregular: Donut mix, flour, sugar, shortening, yeast, fruit filling, frozen and canned fruit juice; frozen, canned and packaged foodstuffs, (1) Between the distribution, shipping and receiving facilities of Winchell's Donut Houses located in La Mirada, CA; Union city, CA; Portland, OR; Denver, CO; Arlington, TX; Kansas City, MO; Bonner Springs, KS; Chicago, IL; Itasca, IL; Bloomington, MN; Minneapolis, MN; and Cleveland, OH; (2) From the distribution, shipping and receiving facilities of Winchell's Donut Houses located in La Mirada, CA; Union City, CA; Portland, OR; Denver, CO; Arlington, TX; Kansas City, MO; Bonner Springs, KS; Chicago, IL; Itasca, IL; Bloomington, MN; Minneapolis, MN and Cleveland, OH, to Winchell's Donut Houses located at various locations in the states of CA, OR, WA, ID, UT, TX.*

CO, KS, NE, SD, MN, IA, MO, and AR. Furniture, fixtures, supplies and equipment used in the establishment and operation of a donut house, (1) Between the distribution, shipping and receiving centers of Winchell's Donut Houses located in La Mirada, CA; Union City, CA; Portland, OR; Denver, CO; Arlington, TX; Kansas City, MO; Bonner Springs, KS; Chicago, IL; Itasca, IL; Bloomington, MN; Minneapolis, MN; and Cleveland, OH; (2) From the distribution, shopping and receiving centers of Winchell's Donut House in La Mirada, CA and Bonner Springs, KS, to Winchell's Donut Houses located at various locations in the 48 contiguous United States. Used furniture, fixtures and equipment used in the operation of a donut house returned for refurbishing and repair, from Winchell's Donut Houses located at various locations in the 48 contiguous United States, to Winchell's restaurant furniture, fixture and equipment repair facilities located at La Mirada, CA and Bonner Springs, KS, for 180 days. Supporting shipper(s): Winchell's Donut House, 16424 Valley View Avenue, La Mirada, CA. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC144323 (Sub-3TA), filed April 4, 1979. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Drive, Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 Plankinton Ave., Milwaukee, WI 53203. Contract carrier: irregular routes: Steel wire and steel rods, from the facilities of Charter Rolling Division, Charter Manufacturing Co., Inc., Saukville, WI to the facilities of National Lockwasher Division, Charter Manufacturing Co., Inc., North Branch, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Charter Rolling Division, Charter Manufacturing Co., Inc., 1658 Cold Spring Drive, Saukville, WI 53080. 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.

MC144513 (Sub-8TA), filed April 4, 1979. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, Esq., P.O. Box 82028, Lincoln, NE 68501. Carpet and flooring materials, and materials and supplies utilized in the distribution and installation thereof, from Nashville and Chattanooga, TN;

Columbus, GA; and points in GA on and north of I-85, to the facilities of Building Material Distributors, Inc., at or near Galt and Sunnyvale, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Building Material Distributors, Inc., P.O. Box 606, Galt, CA 95632. Send protests to: Mary A. Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC144572 (Sub-14TA), filed April 4, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. Packaged chemicals (1) from points in CA, CT, DE, FL, GA, IL, IA, KS, KY, LA, MI, MS, MO, NV, NJ, NY, NC, OH, OR, PA, TN, WA, WV and WI to Denver and Grand Junction, CO; and (2) from points in states above, with the exception of CA, to points in CA, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Foremost-McKesson, Inc., Crocker Plaza, One Post St., San Francisco, CA 94104. Send protests to: D/S Roger L. Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202. Supporting shipper(s): Foremost-McKesson, Inc., Crocker Plaza, One Post St., San Francisco, CA 94104. Send protests to: D/S Roger L. Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 144622 (Sub-55TA), filed March 2, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, 11800 Arch Street Pike, Little Rock, AR 72206. Representative: Phillip G. Glenn, same as applicant. Meat, meat products, meat by-products and articles distributed by meat packing houses [except hides and commodities in bulk], from Logansport, IN to points in CA, restricted to transportation from plant and storage facilities of Wilson Foods Corporation, destined to the above named destinations, for 180 days, as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-49TA), filed March 1, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, 11800 Arch Street Pike, Little Rock, AR 72206. Representative: Phillip G. Glenn, same as applicant and Theodore Ploydoroff, 1307 Dolley Madison, Suite 301, McLean, VA 22101. (1) Such merchandise as is

dealt in by wholesale, retail, chain grocery and food business houses, and (2) materials, ingredients and supplies used in the manufacture, distribution, and sale of the products in (1) above, between the facilities of the Ralston Purina Company at or near Clinton and Davenport, IA on the one hand, and on the other, points in IL, IN, KY, MI, MN, MO, NY, OH, PA, and WI, for 180 days, as a common carrier over irregular routes. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-60TA), filed April 2, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn, same as applicant and Theodore Ploydoroff, 1307 Dolley Madison, Suite 301, McLean, VA 22101. Canned goods (except frozen and in bulk), from the facilities of Joan of Arc at or near St. Francisville and Belledeau, LA to points in CT, IA, IL, KS, MA, MD, MI, MN, MO, NH, NJ, NY, OH, PA, VT, WI, and all points in and west of MT, CO, NM, and WY, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joan of Arc, Inc., 2231 W. Altorfer Dr., Peoria, IL 61614. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144912 (Sub-2TA), filed March 8, 1979. Applicant: LEON R. GOLDSMITH, d.b.a. TERMINAL MOTOR EXPRESS, 1711 East 15th Street, Los Angeles, CA 90021. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which are at the time moving on bills of lading of a non-profit shipper association, between Los Angeles, CA, on the one hand, and, on the other, Atlanta, GA; Boston, MA; Chicago, IL; Cleveland, OH; Memphis, TN; Newark, NJ; and Philadelphia and Pittsburgh, PA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): MSA-Lamada, Inc., 4430 E. Sheila Street, Los Angeles, CA 90023. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 145072 (Sub-14TA), filed March 30, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Equipment, material and supplies utilized in the manufacture of heating and refrigeration equipment, steel and aluminum*, from the states of NJ, OH, NY, PA, MI, IN and IL to the plantsite of McQuay-Perfex in Fairbault, MN and Spirit Lake, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): McQuay-Perfex, Inc., 13600 Industrial Park Blvd., Minneapolis, MN. 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 145102 (Sub-16TA), filed March 6, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Frozen bakery products* from the facilities of Dressel's Bakery, a division of American Bakery, Chicago, IL to Burbank, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dressel's Bakery, a div. of American Bakery, 6630 S. Ashland Ave., Chicago, IL 60636. 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.

MC 145102 (Sub-18TA), filed April 10, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Meat, meat products and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from Green Bay, WI to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Packerland Packing Co., Inc., P.O. Box 1184-Lime Kiln Rd., Green Bay, WI 54305. 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.

MC 145102 (Sub-19TA), filed March 30, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *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 Hillshire Farm Co., at or near New London, WI to CA, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Hillshire Farm Co., P.O. Box 227, New London, WI 54961. 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.

MC 145152 (Sub-60TA), filed March 6, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Such commodities as are dealt in or used by wholesale and retail discount and variety stores, from Benton and White Counties, AR on the one hand, and, on the other, points in the states of IL, KY, KS, LA, MO, MS, OK, TN, and TX, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-61TA), filed March 27, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Office furniture* from the facilities of Peterson Furniture Industries, Inc. at or near Springdale, AR, to points in AZ, DE, ID, MA, MD, ME, MO, NC, NH, NJ, NV, NY, PA, RI, VA, and VT, (2) *Parts, equipment, materials and supplies* used in the manufacture of the commodities named in (1) above, from Grand Rapids, MI and Laurel, MS, to Springdale, AR, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peterson Furniture Industries, Inc., P.O. Box 152, Springdale, AR 72764. Send protests to: William H. Land, Jr.,

District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-62TA), filed March 29, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Frozen poultry products*, and (2) *commodities* the transportation of which is exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with frozen poultry products (except commodities in bulk, in tank vehicles), and (3) *Materials, equipment and supplies* used in the processing and distribution of the commodities named in (1) above, from points in GA, IA, IL, MS, NC, NJ, OH, TN, TX, and WV, to Benton, Carroll, Howard, Pulaski and Washington Counties, AR; Webster Parish, LA; Barry and Lawrence Counties, MO, and (4) *Frozen poultry products and commodities* the transportation of which is exempt under Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with frozen poultry (except commodities in bulk, in tank vehicles), from Benton, Carroll, Howard, Pulaski and Washington Counties, AR, to points in the United States (except AK, AR and HI), restricted to the transportation of traffic originating at or destined to the facilities of Tyson Foods, Inc., for 180 days as a common carrier over irregular routes. Supporting shipper(s): Tyson Foods, Inc., 2210 Oaklawn, Springdale, AR 72756. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-63TA), filed April 3, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Foodstuffs* (except in bulk), from the facilities of Southeastern Public Service, Inc., at or near Bonner Springs, KS to points in AR, IA, LA, MO and OK for 180 days as a common carrier over irregular routes. Supporting shipper(s): Southeastern Public Service, Inc., 800 47th Street, Kansas City, MO. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-64TA), filed April 3, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Charcoal Briquettes* (except in bulk), from the

facilities of Husky Industries, at or near Branson, MO; Pachuta, M Scotia, NY; Dickinson, ND; and White City, OR to points in the United States (except AK and HI), 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-65TA), filed April 10, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Foodstuffs, Canned, Preserved or Prepared (Other than frozen) NOI From the facilities of Ocean Spray Corporation, at or near Bordentown, NJ; Middleboro, MA; and North East, PA to points in AR, CO, IL, IN, KS, KY, LA, MI, MO, OH, OK, TN and TX, 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Corporation, Water Street, Plymouth, MA 02360. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-66TA), filed April 11, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Plastic Cannisters, From Luxemburg, WI to Jacksonville, FL. Restricted to the transportation of traffic originating at the named origin and destined to the facilities of Roux Laboratories, Inc. at or near Jacksonville, FL, 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roux Laboratories, Inc., 3733 University Boulevard, Jacksonville, FL 32217. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-66TA), filed April 13, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) Chemicals, and (2) Materials, Equipment and Supplies used in the manufacture and distribution of the commodities named in (1) above (except in bulk) from the facilities of National Starch & Chemical Corporation, at or near Meredosia, IL to points in AZ, AR, CA, CT, DE, MA, MD, ME, NH, NY, PA, RI, VA and VT. Restricted to the transportation of traffic

originating at the facilities of National Starch & Chemical Corporation at or near Meredosia, IL, 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Starch & Chemical Corporation, 10 Funderne Avenue, Bridgewater, NJ 08807. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-68TA), filed April 13, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Such commodities as are dealt in or used by manufacturers and distributors of containers and related articles (except in bulk) From Henryetta, OK to Detroit and Frankenmuth, MI, 180 days, common, irregular. An underlying eta seek 90 days authority. Supporting shipper(s): Midland Glass Company, Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-69TA), filed April 13, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Toilet Preparations and Toilet Articles (in vehicles equipped with mechanical refrigeration) (1) from Denton, TX to the facilities of Roux Laboratories, Inc., at or near Jacksonville, FL (2) From the facilities of Roux Laboratories, Inc., at or near Jacksonville, FL to points in IL. Restricted to the transportation of traffic originating at or destined to the facilities of Roux Laboratories, Inc. 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roux Laboratories, Inc., 6831 Stuart Avenue, Jacksonville, FL 32205. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-70TA), filed April 13, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Fully baked refrigerated rye bread from the facilities of Iverson Baking Company, at or near Rogers, AR to points in IL, 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): Iverson Baking Company, 1510 West Easy Street, Rogers, AR

72756. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145203 (Sub-2TA), filed March 14, 1979. Applicant: REITZEL TRUCKING CO., INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. *Plastic auto parts*, from the plantsite of the Budd Company at North Baltimore, OH to points in the lower peninsula of MI; St. Louis, MO; and Louisville, KY, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Common carrier-irregular routes. Supporting shipper(s): Budd Co., P.O. Box 277, North Baltimore, OH 45872. Send protests to: Interstate Commerce Commission, Bureau of Operations, 600 Arch St., room 3238, Philadelphia, PA 19106.

MC 145423 (Sub-3TA), filed March 21, 1979. Applicant: C. VAN BOXELL TRANSPORTATION COMPANY, 763 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Coal tar and coal tar products, in bulk, in tank vehicles, from Detroit, MI to points in IL, IN, NJ, NY, OH, PA, and WI. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Semet-Solvay division, Allied Chemical, P.O. Box 1013 R, Morristown, NJ 07960. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 145423 (Sub-4TA), filed March 19, 1979. Applicant: C. VAN BOXELL TRANSPORTATION COMPANY, 763 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Roofing, roofing materials, roofing products, roofing insulation and materials, equipment and supplies* used in the installation or manufacture of the foregoing FROM Detroit, MI to points in PA and KY. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Corning Fiberglass Corporation, Fiberglass Tower, Toledo, OH 43659. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 145592 (Sub-2TA), filed March 28, 1979. Applicant: R & E TRANSPORTATION CO., INC., 1614 English Knoll, Birmingham, AL 35235. Representative: Robert C. Thrasher (same address as applicant). Contract, Irregular: *Pipe, valves, fitting and accessories therewith, including the materials and supplies used in the manufacture of commodity*, between the

facility of Slocumb Plastic Pipe and Products Inc. at Slocumb, AL on the one hand, on the other, points in AR, CA, CO, CT, DE, IA, KS, ME, MA, MN, NE, NH, NJ, NM, NY, OK, RI, TX, VT, WI. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Slocumb Plastic Pipe & Products Co., Inc., P.O. Drawer J, Slocumb, AL 36375. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145772 (Sub-4TA), filed April 4, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Fluid automotive products*, (except in bulk in tank vehicles), from Cicero, IL and points in its Commercial Zone to Waukesha, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): O'Rourke Distributing Co., Inc., 303 Sentry Dr., 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 619, Milwaukee, Wisconsin 53202.

MC 145842 (Sub-3TA), filed March 5, 1979. Applicant: SUNDERMAN TRANSFER, INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Fresh meat* from the facilities of John Morrell & Co. at East St. Louis, IL to points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145872 (Sub-1TA), filed April 2, 1979. Applicant: TREVIS BERRY TRANSPORTATION, P.O. Box 1802, Gilroy, CA 95020. Representative: Trevis L. Berry, 655 Luchessa, Gilroy, CA 95020. Contract carrier: irregular routes: *Fibreboard, paper or pulpboard materials* and supplies in the manufacture and distribution of fibreboard, paper or pulpboard products, between the facilities of Container Corporation of America at or near Oakland, Milpitas, San Jose, and Santa Clara, CA, on the one hand, and, on the other, points in NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Corporation of America, 2800 De La Cruz Boulevard, Santa Clara, CA. Send

protests to: District Supervisor Michael M. Butler, 211 Main, Suite 500, San Francisco, CA 94105. Supporting shipper(s): Container Corporation of America, 2800 De La Cruz Boulevard, Santa Clara, CA 95050. Send protests to: District Supervisor Michael M. Butler, 211 Main, Suite 500, San Francisco, CA 94105.

MC 146152 (Sub-2TA), filed April 2, 1979. Applicant: W. S. GILSTRAP, dba, W. S. GILSTRAP TRUCKING, Route 1, Live Oak Ridge, Nipomo, CA 93444. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Contract: irregular: *Electrical switchgears and materials, equipment, supplies and components used in the manufacture of electrical switchgears*, between Santa Maria, CA, on the one hand, and, on the other, points in the United States, in and east of ND, SD, NE, KS, OK, and LA, under a continuing contract(s) with Gould, Inc., Switchgear Division, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Gould, Inc., Switchgear Division, 2643 Industrial Parkway, P.O. Box 1068, Santa Maria, CA 93456. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 146293 (Sub-11TA), filed March 15, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Adhesive cement, racks, stands, rims, strips, tools, products dealt in by wholesale and retail building supply stores (except commodities in bulk)* from Los Angeles and Orange Counties, CA to points in the U.S. on and east of US Hwy 85, for 180 days. An ETA seeks 90 days authority. Supporting shipper(s): Taylor Manufacturing Co., Inc., 900 Rockdale Ind. Blvd., Conyers, GA 30270. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree Street NW., room 300, Atlanta, GA 30309.

MC 146293 (Sub-12TA), filed March 22, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Florescent lighting fixtures, parts and accessories for florescent lighting fixtures (except in bulk)* from Bucks and Philadelphia Counties, PA to WA, OR, CA, NV, AZ, UT, ID, WY, CO, NM, MT, OK, TX, AR, LA, MS, TN, AL, GA, FL, NC, SC, for 180 days. An

underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Lighting Corp., Rt. 13 Beaver Street, Bristol, PA. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree Street NW, Room 300, Atlanta, GA 30309.

MC 146382 (Sub-1TA), filed March 14, 1979. Applicant: J. R. KUZAS MEATS, INC., 16615 S. Vincennes Road, South Holland, IL 60473. Representative: Julius R. Kuzas (address same as applicant). *Meat, meat by-products, and articles distributed by packing houses* as described in Section A & C of Appendix I to the report in description in Motor Carrier Certificate, except hides and commodities; from the facilities of J. R. Kuzas Meats, Inc. South Holland, IL to all points in Chicago, IL commercial zone and all points in Lake LaPorte and Porter Counties, IN, for 180 days. An underlying ETA was granted 90 days' authority. Supporting shipper(s): George A. Hormel Company, P.O. Box 800, Austin, MN 55912. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 146403 (Sub-1TA), filed March 8, 1979. Applicant: ROGER LOVE, dba ROGER LOVE TRUCKING, Route 3, East Grand Forks, MN 56721. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. *Coal*, from the Duluth, MN commercial zone to points in ND on and east of U.S. Hwy 281 and on and north of Interstate Highway 94, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ireland Lumber Company, 2600 West Demers Avenue, Grand Forks, ND 58201. Send protests to: DS, ICC, Room 268 Federal Building & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 146422 (Sub-2TA), filed March 26, 1979. Applicant: DELBERT F. JOHNSTON, 2601 Gore Road, Pueblo, CO 81006. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Contract/irregular—*Steel pipe*, (1) from La Junta, CO and its commercial zone, to points in MT, WY, NE and KS; (2) from Houston, TX and its commercial zone, to La Junta, CO, and its commercial zone. Restricted to transportation to be performed under a continuing contract, or contracts with Timberline Pipe Corporation. An underlying ETA seeks 90 days authority, for 180 days. Supporting shipper(s): Timberline Pipe Corporation, Box 5603, Pueblo, CO 81002. Send protests to: District Supervisor Herbert C. Ruoff, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 146432 (Sub-2TA), filed March 19, 1979. Applicant: THE HIRT TRUCKING COMPANY, 771 Walnut Street, Fremont, OH 43420. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Canned and preserved foodstuffs*, from the facilities of Heinz USA at or near Fremont and Toledo, OH and Holland, MI to points in AL, FL, GA, MS and SC, for 180 days. Supporting Shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Interstate Commerce Commission, Bureau of Operations, 600 Arch St., Rm. 3238, Phila. PA 19106.

MC 146483 (Sub-1TA), filed March 30, 1979. Applicant: JAMES G. POTTER, d/b/a JIM POTTER & SONS, 608 Tyler Avenue, Muscle Shoals, AL 35660. Representative: James G. Potter, P.O. Box 216, Sheffield, AL 35660. *Freight of all kinds moving in trailers furnished by shipper, consignee or the railroad that have their prior or subsequent movement by railroad from railroad yard at Decatur and Haleyville, AL and counties in AL of Lauderdale, Lawrence, Franklin, Limestone, Morgan, Madison, Cullman, Winston, Marshall, Jackson, and Colbert, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Diamond Shamrock Corporation, 1100 Superior Avenue, Cleveland, OH 44114. Send protests to: Mabel E. Holston, Transportation Assistant, Room 1616-2121 Building, Bureau of Operation, ICC., Birmingham, AL 35203.*

MC 146502 (Sub-1TA), filed March 30, 1979. Applicant: DOUG'S MOBILE HOME TOWING, INC., Rt. 1, Box 554, Monroe, NC 28110. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Single and double wide mobile and modular housing and office units (1) from points in NC west of US Highway 220 to points in the States of PA, DE, MD and KY (2) to, from and between points in NC west of US Highway 220 on the one hand and points in the states of WV, VA, TN, SC, GA and AL on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Tidwell Homes of NC, Rockwell, NC; Schult Homes, Polkton, NC; Carolina Homes Rockwell, NC, Design Space International, 6351 N. Tryon St., Charlotte, NC. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.*

MC 146582 (Sub-1TA), filed April 4, 1979. Applicant: VICTOR L. MATHIS, d.b.a., LOBO LEASING COMPANY, 26 Westlake Drive, NE., Albuquerque, NM

87112. Representative: Jack Smith, 420 Lomas Boulevard NW, Albuquerque, NM 87102. *Packaged petroleum products and packaged drywall products*, between points and places in NM, on the one hand, and points and places in CA, on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 7 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: DS, ICC, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 146572 (Sub-1TA), filed April 6, 1979. Applicant: LEONARD & HARRAL PACKING COMPANY, 122 Woodhull St., San Antonio, TX 78214. Representative: Howard M. Burke, 122 Woodhull St., San Antonio, TX 78214. Applicant applies for common carrier authority over irregular route to transport *meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and *cheeses* from Washington Court House, Dayton, and New Riegel, OH, Harrodsburg, KY and Atlanta, GA to Houston, San Antonio and Dallas, TX., for 180 days. An underlying ETA seeks 90 days Authority. Supporting Shipper(s): Cudahy Foods Co., 100 W. Clarendon, Suite 1800, Phoenix, AZ 85013. Send protests to: Richard H. Dawkins, District Supervisor, INTERSTATE COMMERCE COMMISSION, Room B-400 Federal Building, 727 E. Durango St., San Antonio, TX 78206.

MC 146592 (Sub-1TA), filed March 26, 1979. Applicant: AVERY TRANSPORT, INC., 11026 Roswell, Pomona, CA 91766. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Travel trailers and 5th wheel trailers from Chino, Hemet and San Jacinto, CA, to points in AZ, NV, NM and UT, for 180 days. Supporting Shipper(s): Skyline Home, Inc., d.b.a., Nomad Travel Trailers, 920 W. Mayberry Street, Hemet, CA 92343; Kit Manufacturing Company, P.O. Box 848, Long Beach, CA 90801; Modernistic Industries, 335 S. Lyon, Hemet, CA 92343; Carolina International Corp., 39661 Esplanade Avenue, San Jacinto, CA 92386. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 146602 (Sub-1TA), filed April 4, 1979. Applicant: ODEAN DUANE BAKKEN DBA BAKKEN TRUCK LINE, Northwood, IA 50459. Representative: Carl E. Munson, 469 Fischer Bldg.,

Dubuque, IA 52001. *Plastic articles* from Fort Wayne and La Porte, IN to the facilities of Carroll George, Inc., at or near Northwood, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Carroll George Inc., P.O. Box 144, Northwood, IA 50459. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146633 (Sub-1TA), filed March 22, 1979. Applicant: TOWING SERVICES OF U.S.A., INC., 4590 126th Avenue, North, Clearwater, FL 33520. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Wrecked, disabled, or repossessed motor vehicles, trailers, motor homes and replacement vehicles and parts* therefore, in wrecker service between points and places in FL, GA, AL, MS, LA, TX, SC, NC, TN, KY, VA, DC, MD, PA, OH, IN, and IL for 180 days. Supporting Shipper(s): There are six supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOP, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 146652 (Sub-1TA), filed March 29, 1979. Applicant: FEDERAL PRODUCE TRANSPORTATION COMPANY, 8309 Tujunga Avenue, Sun Valley, CA 91352. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *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, OR and WA, for 180 days. Restricted to the transportation of traffic having a prior movement by water. 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 146673 (Sub-1TA), filed March 29, 1979. Applicant: DENNIS JIMISON CONSTRUCTION CO., INC., P.O. Box 1154, Glendive, MT 59330. Representative: G. Todd Baugh, 805 Midland Bank Bldg., Billings, MT 59101. *Petroleum, petroleum products and materials, equipment and supplies used in manufacture, refining and*

distribution of petroleum and petroleum products from Portland, OR and Wood River, IL and their commercial zones to points in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Cross Petroleum Service, Box 1388, Glendive, MT 59330. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146732TA, filed March 26, 1979. Applicant: John Laubenthal, d.b.a., LAUBENTHAL REFRIGERATED TRANSPORT, 1421 Garford Avenue, Elyria, OH 44035. Representative: Richard H. Brandon, 220 West Bridge Street, Dublin, OH 43017. (1) *Sauces and condiments*, in containers, from the facilities of Conway Import Co., Franklin Park, IL, to Cleveland, Dayton, and Toledo, OH, and Louisville, KY; (2) *salad dressings, mayonnaise, oils and cooking oils*, in containers, from the facilities of Re-Mi Foods, Inc., Elk Grove Village, IL, to Akron, Cleveland, Mansfield, and Warren, OH; (3) *edible cooking oils*, in containers, from the facilities of Columbus Foods Co., Chicago, IL, to Cleveland, OH; *shortening*, in containers, from the facilities of Interstate Foods Corporation, Chicago, IL, to Cleveland and Toledo, OH, restricted to operations in vehicles equipped with mechanical temperature control devices, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Columbus Foods Co., 324 N. Bell Avenue, Chicago, IL 60612; Conway Import Co., Inc., 11051 W. Addison Street, Franklin Park, IL 60131; Re-Mi Foods, Inc., 1201 Towne Road, Elk Grove Village, IL 60007; Interstate Foods Corporation, 3800 S. Morgan Street, Chicago, IL 60609. Send protests to: Mary A. Wehner, D/S, ICC, 731 Federal Building, Cleveland, OH 44199.

MC 146733TA, filed March 19, 1979. Applicant: CLAYCAMP, INC., 2904 East North Street, Tampa, FL 33610. Representative: Felix A. Johnston, Jr., 1030 E. LaFayette Street, Suite 112, Tallahassee, FL 32301. *Animal, fish, and poultry feed, insecticides, fungicides, and animal medicines (none of which are food for human consumption)*, between Ralston Purina plant in Tampa and point and places in States of FL, IN, KY, TN, MS, AL, GA, NC, SC, WI, MN, MO, LA, OH, and IL for 180 days. Supporting Shipper(s): Ralston Purina Company, 3615 E. Broadway, Tampa, FL. Send protests to: G. H. Fauss, Jr., DC, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[Notice No. 55]

[FR Doc. 79-14329 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Applications; Decision-Notice

Decided: May 2, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). For applications filed before March 1, 1979, 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.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily that each 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 Number 1, Members Carleton, Joyce, and Jones.

H. G. Homme, Jr.,
Secretary.

MC 2633 (Sub-62F), filed February 22, 1979. Applicant: CROSSETT, INC., P.O. Box 946, Warren, PA 16365. Representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, NY 14701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas*, in bulk, in tank vehicles, from points in Clearfield County, PA, to points in NY. CONDITION: To the extent the certificate granted in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance. (Hearing site: Buffalo, NY, or Pittsburgh, PA.)

MC 14702 (Sub-19F), filed February 26, 1979. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron powder*, from the facilities of Hoeganaes Corporation, at or near Gallatin, TN, to points in OH, IN, MI, IL, and KY. (Hearing site: Columbus, OH.)

MC 16903 (Sub-65F), filed February 23, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glazed cinder blocks*, from Martinsville, VA, to points in DE, NJ, and PA. (Hearing site: Washington, DC.)

MC 16903 (Sub-66F), filed February 23, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47402. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *fabricated metal products*, from the facilities of the United States Gypsum Company, at Franklin Park, IL, to those points in the United States in and east of MI, IL, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 41432 (Sub-160F), filed February 15, 1979. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Dallas, TX 75207. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. 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 Dallas, TX, and Muskogee, OK, from Dallas over U.S. Hwy 75 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Muskogee, and return over the same route, serving the intermediate points of McKinney, Sherman, and Denison, TX;

(2) between Dallas, TX, and Oklahoma City, OK, from Dallas over Interstate Hwy 35E to junction U.S. Hwy 77, then over U.S. Hwy 77 to Oklahoma City, and return over the same route, serving the intermediate points of Gainesville, TX, and Ardmore, OK;

(3) between Fort Worth, TX, and junction Interstate Hwy 35E and Interstate Hwy 35W, over Interstate Hwy 35W, serving no intermediate points and serving junction Interstate Hwy 35E and Interstate Hwy 35W for purposes of joinder only;

(4) between Fort Worth and Wichita Falls, TX, over U.S. Hwy 287, serving no intermediate points and serving junction U.S. Hwy 287 and U.S. Hwy 81 for purposes of joinder only;

(5) between Bowie, TX, and junction U.S. Hwy 81 and H. E. Bailey Turnpike, over U.S. Hwy 81, serving the intermediate point of Duncan, OK, and serving junction U.S. Hwy 81 and H. E. Bailey Turnpike for purposes of joinder only;

(6) between Wichita Falls, TX, and Oklahoma City, OK, from Wichita Falls over U.S. Hwy 281 to junction H. E. Bailey Turnpike, then over H. E. Bailey Turnpike to Oklahoma City, and return over the same route, serving the intermediate or off-route points of Lawton, Chickasha, and Anadarko, OK;

(7) between Amarillo, TX, and Oklahoma City, OK, over Interstate Hwy 40, serving no intermediate points;

(8) between junction U.S. Hwy 287 and U.S. Hwy 82 and junction U.S. Hwy 82 and U.S. Hwy 75, over U.S. Hwy 82, serving no intermediate points and serving junction U.S. Hwy 82 and U.S. Hwy 81 and junction U.S. Hwy 82 and U.S. Hwy 77 for purposes of joinder only;

(9) between junction U.S. Hwy 75 and U.S. Hwy 69 and Oklahoma City, OK, from junction U.S. Hwy 75 and U.S. Hwy 69 over U.S. Hwy 75 to junction OK Hwy 3, then over OK Hwy 3 to junction OK Hwy 13, then over OK Hwy 13 to junction OK Hwy 39, then over OK Hwy 39 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Oklahoma City, and return over the same route (also from junction OK Hwy 13 and U.S. Hwy 177 over U.S. Hwy 177 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Oklahoma City, and return over the same route), serving the intermediate point of Ada, OK;

(10) between Ada and McAlester, OK: from Ada over OK Hwy 1 to junction U.S. Hwy 270, then over U.S. Hwy 270 to McAlester, and return over the same route, serving no intermediate points and serving junction U.S. Hwy 270 and U.S. Hwy 75 for purposes of joinder only;

(11) between junction U.S. Hwy 69 and Indian Nation Turnpike and Tulsa, OK, from junction U.S. Hwy 69 and Indian Nation Turnpike over Indian Nation Turnpike to junction U.S. Hwy 75, then over U.S. Hwy 75 to Tulsa, and return over the same route, serving the intermediate or off-route points of Henryetta and Okmulgee, OK;

(12) between junction U.S. Hwy 82 and U.S. Hwy 75 and junction U.S. Hwy 82 and U.S. Hwy 271, over U.S. Hwy 82, serving no intermediate points;

(13) between junction U.S. Hwy 69 and Indian Nation Turnpike and junction U.S. Hwy 271 and U.S. Hwy 82 at or near Paris, TX, from junction U.S. Hwy 69 and Indian Nation Turnpike, over Indian Nation Turnpike to junction U.S. Hwy 271 at or near Hugo, OK, then over U.S. Hwy 271 to junction U.S. Hwy 82, and return over the same route, serving no intermediate points and serving junction U.S. Hwy 271 and U.S. Hwy 82 for purposes of joinder only;

(14) between Ardmore, OK, and junction U.S. Hwy 70 and Indian Nation Turnpike, over U.S. Hwy 70, serving no intermediate points, and serving junction U.S. Hwy 70 and U.S. Hwy 75 and junction U.S. Hwy 70 and Indian Nation Turnpike for purposes of joinder only;

(15) between junction Interstate Hwy 35 and U.S. Hwy 60 and junction U.S. Hwy 60 and U.S. Hwy 66, over U.S. Hwy 60,

serving the intermediate or off-route points of Ponca City, Tonkawa, and Bartlesville, OK;

(16) between Tulsa, OK, and junction Muskogee Turnpike and Interstate Hwy 40, from Tulsa over OK Hwy 51 to junction Muskogee Turnpike, then over Muskogee Turnpike to junction Interstate Hwy 40, and return over the same route, serving the intermediate point of Muskogee, OK;

(17) between junction OK Hwy 3 and Interstate Hwy 40 and Fort Smith, AR, over Interstate Hwy 40, serving the intermediate or off-route points of Shawnee and Seminole, OK, and serving junction U.S. Hwy 75 and Interstate Hwy 40 for purposes of joinder only;

(18) between Fort Smith and Little Rock, AR, over Interstate Hwy 40, serving the intermediate or off-route points of Conway and Morrilton, AR;

(19) between Little Rock, AR, and junction U.S. Hwy 65 and U.S. Hwy 60, over U.S. Hwy 65, serving no intermediate points, and serving junction of U.S. Hwy 65 and U.S. Hwy 60 for purposes of joinder only;

(20) between Texarkana, AR, and junction U.S. Hwy 82 and U.S. Hwy 271, over U.S. Hwy 82, serving no intermediate points and serving junction U.S. Hwy 82 and U.S. Hwy 271 for purposes of joinder only;

(21) between Fort Smith, AR, and Joplin, MO, over U.S. Hwy 71, serving the intermediate or off-route points of Fayetteville, Springdale, Rogers, Siloam Springs, and Bentonville, AR, and Neosho, MO;

(22) between Oklahoma City, OK, and Springfield, MO, over U.S. Hwy 66, serving all intermediate points between Tulsa, OK, and Springfield, MO, including Tulsa, and the off-route point of Neosho, MO;

(23) between Joplin, MO, and junction U.S. Hwy 71 and MO Hwy 7, over U.S. Hwy 71, serving the off-route point of Pittsburg, KS and serving the junction U.S. Hwy 71 and MO Hwy 7 for purposes of joinder only;

(24) between Springfield and St. Louis, MO, over Interstate Hwy 44, serving no intermediate points;

(25) between Kansas City and St. Louis, MO: (a) from Kansas City over U.S. Hwy 40 to St. Louis and return over the same route, and (b) from Kansas City over U.S. Hwy 50 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 40, then over U.S. Hwy 40, to St. Louis, and return over the same route (also from junction U.S. Hwy 40 and Interstate Hwy 70 over Interstate Hwy 70 to St. Louis, and return over the same route), serving in connection with (a) and (b) above the intermediate or off-

route points of Sedalia, Boonville, Jefferson City, Columbia, and Mexico, MO;

(26) between Kansas City and Hannibal, MO: from Kansas City over U.S. Hwy 24 to junction U.S. Hwy 36, then over U.S. Hwy 36 to Hannibal, and return over the same route, serving intermediate points of Moberly and Monroe City, MO;

(27) between Jefferson City, MO, and El Dorado, KS, over U.S. Hwy 54, serving no intermediate points and serving junction U.S. Hwy 54 and U.S. Hwy 71 for purposes of joinder only;

(28) between Oklahoma City, OK, and Salina, KS: from Oklahoma City over Interstate Hwy 35 to junction Interstate Hwy 135, then over Interstate Hwy 135 to junction U.S. Hwy Alt. 81, then over U.S. Hwy Alt. 81 to Salina, and return over the same route, serving the intermediate or off-route points of Enid, OK, Wichita, Newton, and McPherson, KS.

(29) between Ponca City, OK, and Kansas City, MO: from Ponca City over U.S. Hwy 77 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Kansas City, and return over the same route (also from junction U.S. Hwy 77 and Kansas Turnpike, over Kansas Turnpike to Kansas City, and return over the same route, serving the intermediate or off-route points of Arkansas City, Winfield, El Dorado, Topeka, Lawrence, and Kansas City, KS);

(30) between Kansas City, KS, and junction U.S. Hwy 73 and U.S. Hwy 75, over U.S. Hwy 73, serving the intermediate point of Leavenworth, KS, and serving the junction U.S. Hwy 73 and U.S. Hwy 75 for purposes of joinder only;

(31) between junction U.S. Hwy 77 and U.S. Hwy 40 and Omaha, NE: from junction U.S. Hwy 77 and U.S. Hwy 40 over U.S. Hwy 77 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Omaha, and return over the same route (also from junction U.S. Hwy 77 and Interstate Hwy 80 over Interstate Hwy 80 to Omaha, and return over the same route), serving the intermediate points of Lincoln, NE;

(32) between Kansas City, MO, and junction Interstate Hwy 80 and Interstate Hwy 35, over Interstate Hwy 35, serving no intermediate points;

(33) between Wichita and McPherson, KS: from Wichita over KS Hwy 96 to junction KS Hwy 61, then over KS Hwy 61 to McPherson, and return over the same route, serving the intermediate point of Hutchinson, KS;

(34) between Salina and Topeka, KS, over U.S. Hwy 40, serving junction U.S.

Hwy 40 and U.S. Hwy 77 for purposes of joinder only;

(35) between El Dorado, KS, and junction U.S. Hwy 77 and U.S. Hwy 40, over U.S. Hwy 77, serving no intermediate points;

(36) between Memphis, TN, and Kansas City, MO: from Memphis over Interstate Hwy 40 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 60 at or near Willow Springs, MO, then over U.S. Hwy 60 to Springfield, then over MO Hwy 13 to junction MO Hwy 7 at or near Clinton, MO, then over MO Hwy 7 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Kansas City, and return over the same route, serving the intermediate points of Jonesboro, AR, and Springfield, MO, and serving junction U.S. Hwy 71 and MO Hwy 7 for purposes of joinder only;

(37) between St. Louis, MO, and Muscatine, IA: from St. Louis over Interstate Hwy 70 to junction U.S. Hwy 61 (also from St. Louis over U.S. Hwy 40 to junction U.S. Hwy 61 at or near Wentzville, MO), then over U.S. Hwy 61 to Muscatine, and return over the same route, serving the intermediate or off-route points of Hannibal and Palmyra, MO, Quincy, IL, and Keokuk, Fort Madison, and Burlington, IA;

(38) between Kansas City, MO, and Council Bluffs, IA, over Interstate Hwy 29, serving the intermediate or off-route points of St. Joseph, MO, and Leavenworth, KS;

(39) between Omaha, NE, and Davenport, IA: (a) from Omaha over Interstate Hwy 80 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Davenport, and return over the same route (also from Omaha over U.S. Hwy 6 to Davenport and return over the same route), and (b) from Omaha over U.S. Hwy 6 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction IA Hwy 38, then over IA Hwy 38 to junction IA Hwy 130, then over IA Hwy 130 to Davenport, and return over the same route, serving in connection with (a) and (b) above the intermediate or off-route points of Ames, Marshalltown, Des Moines, Tama, Council Bluffs, Amana, Cedar Rapids, Marion, and Iowa City, IA;

(40) between Marshalltown and Dubuque, IA: from Marshalltown over IA Hwy 14 to junction IA Hwy 57 near Fern, IA, then over IA Hwy 57 to Waterloo, then over U.S. Hwy 20 to Dubuque, and return over the same route, serving the intermediate or off-route points of Waterloo, Independence, Oelwein, and Dyersville, IA;

(41) between Stanwood, IA, and Aurora, IL, over U.S. Hwy 30, serving the intermediate points of Sterling and Rock Falls, IL, and Clinton, IA;

(42) between Moline and Rochelle, IL: from Moline over IL Hwy 92 to junction IL Hwy 5, then over IL Hwy 5 to junction IL Hwy 2 then over IL Hwy 2 to junction IL Hwy 38, then over IL Hwy 38 to Rochelle, and return over the same route, serving the intermediate or off-route points of Cordova, Sterling, and Dixon, IL;

(43) between Moline, IL, and junction Interstate Hwy 80 and Interstate Hwy 55, over Interstate Hwy 80, serving no intermediate points, and serving junction Interstate Hwy 80 and Interstate Hwy 55 for purposes of joinder only;

(44) between Dubuque, IA, and Freeport, IL, over U.S. Hwy 20, serving no intermediate points;

(45) between Des Moines, IA, and Minneapolis, MN: from Des Moines over Interstate Hwy 35 to junction Interstate Hwy 35W, then over Interstate Hwy 35 W to Minneapolis, and return over the same route, serving the intermediate or off-route points of Ames, IA, and Albert Lea, Owatonna, and Faribault, MN;

(46) between Chicago, IL, and Milwaukee, WI, over U.S. Hwy 41, serving no intermediate points;

(47) between Council Bluffs, IA, and Minneapolis, MN: from Council Bluffs over Interstate Hwy 29 to junction U.S. Hwy 75 at or near Sioux City, IA, then over U.S. Hwy 75 to junction IA Hwy 60, then over IA Hwy 60 to IA-MN State line, then over MN Hwy 60 to junction U.S. Hwy 169, then over U.S. Hwy 169 to MN Hwy 101, then over MN Hwy 101 to junction MN Hwy 13, then over MN Hwy 13 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction Interstate Hwy 35W, then over Interstate Hwy 35W to Minneapolis, and return over the same route, serving the intermediate points of Sioux City and Le Mars, IA, and Mankato, MN, and serving junction U.S. Hwy 16 and MN Hwy 60 for purposes of joinder only;

(48) between Burlington, IA, and Monmouth, IL, over U.S. Hwy 34, serving no intermediate points;

(49) between junction U.S. Hwy 61 and U.S. Hwy 218 near Summitville, IA and Owatonna, MN, over U.S. Hwy 218, serving the intermediate or off-route points of Mt. Pleasant, Iowa City, Cedar Rapids, Cedar Falls, and Waterloo, IA, and Austin, MN;

(50) between Dubuque, IA, and St. Paul, MN, over U.S. Hwy 52, serving the intermediate point of Rochester, MN;

(51) between Dubuque, IA, and junction U.S. Hwy 61 and U.S. Hwy 14, over U.S. Hwy 61, serving no intermediate points;

(52) between Rochester, MN, and Janesville, WI, over U.S. Hwy 14, serving no intermediate points;

(53) between Dubuque, IA, and Green Bay, WI: from Dubuque over U.S. Hwy 151 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Green Bay, and return over the same route, serving no intermediate points;

(54) between St. Paul, MN, and junction U.S. Hwy 14 and Interstate Hwy 90: from St. Paul over U.S. Hwy 12 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction U.S. Hwy 14, and return over the same route, serving no intermediate points;

(55) between St. Paul, MN, and Stevens Point, WI, over U.S. Hwy 10, serving no intermediate points and serving junction U.S. Hwy 10 and Interstate Hwy 94 for purposes of joinder only;

(56) between Milwaukee and Green Bay, WI: from Milwaukee over U.S. Hwy 41 to junction U.S. Hwy 151, then over U.S. Hwy 151 to junction WI Hwy 55, then over WI Hwy 55 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Green Bay, and return over the same route, serving no intermediate points;

(57) between Stevens Point and Appleton, WI, over U.S. Hwy 10, serving no intermediate points;

(58) between Madison and Stevens Point, WI, over U.S. Hwy 51, serving no intermediate points;

(59) between Green Bay, WI, and junction WI Hwy 29 and Interstate Hwy 94, over WI Hwy 29, serving the intermediate points of Wausau and Chippewa Falls, WI;

(60) between Milwaukee and Beloit, WI, over WI Hwy 15, serving no intermediate points;

(61) between Milwaukee and Madison, WI, over Interstate Hwy 94, serving no intermediate points;

(62) between junction U.S. Hwy 16 and MN Hwy 60 and junction U.S. Hwy 16 and U.S. Hwy 218, over U.S. Hwy 16, serving no intermediate points and serving junction U.S. Hwy 16 and Interstate Hwy 35 for purposes of joinder only;

(63) between junction U.S. Hwy 16 and U.S. Hwy 218 and junction U.S. Hwy 63 and U.S. Hwy 52: from junction U.S. Hwy 16 and U.S. Hwy 218 over U.S. Hwy 16 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 52, and return over the same route, serving no intermediate points;

(64) between Wichita Falls, TX, and Ardmore, OK: from Wichita Falls over

TX Hwy 79 to the TX-OK State line, then over OK Hwy 79 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Ardmore, and return over the same route, serving no intermediate points and serving junction OK Hwy 79 and U.S. Hwy 81 at or near Waurika, OK, for purposes of joinder only;

(65) between Dallas, TX, and junction TX Hwy 24 and U.S. Hwy 82 at or near Paris, TX: from Dallas over Interstate Hwy 30 to junction TX Hwy 34, then over TX Hwy 34 to junction TX Hwy 24, then over TX Hwy 24 to junction U.S. Hwy 82, and return over the same route, serving no intermediate points and serving junction TX Hwy 24 and U.S. Hwy 82 for purposes of joinder only;

(66) between Fort Smith, AR, and Texarkana, TX, over U.S. Hwy 71, as an alternate route for operating convenience only, serving no intermediate points;

(67) between junction U.S. Hwy 70 and Indian Nation Turnpike and Fort Smith, AR: from junction U.S. Hwy 70 and Indian Nation Turnpike over Indian Nation Turnpike to junction U.S. Hwy 271, then over U.S. Hwy 271 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Fort Smith, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points;

(68) between Tulsa, OK, and junction Interstate Hwy 35 and Cimarron Turnpike, over Cimarron Turnpike, as an alternate route for operating convenience only, serving no intermediate points;

(69) between Wichita, KS, and junction Interstate Hwy 35 and U.S. Hwy 77, over Interstate Hwy 35, serving no intermediate points, and serving junction Interstate Hwy 35 and U.S. Hwy 77 for purposes of joinder only;

(70) between Newton and Hutchinson, KS, over U.S. Hwy 50, as an alternate route for operating convenience only, serving no intermediate points;

(71) between Hutchinson and Kansas City, KS: from Hutchinson over U.S. Hwy 50 to Kansas City, and return over the same route (also from junction U.S. Hwy 50 and Interstate Hwy 35 over Interstate Hwy 35 to Kansas City, and return over the same route), serving no intermediate points, and serving junction U.S. Hwy 50 and Interstate Hwy 35 for purposes of joinder only;

(72) between Kansas City, MO, and junction MO Hwy 10 and U.S. Hwy 24: from Kansas City over U.S. Hwy 69 to junction MO Hwy 10, then over MO Hwy 10 to junction U.S. Hwy 24, and return over the same route, serving no intermediate points and serving junction

MO Hwy 10 and U.S. Hwy 24 for purposes of joinder only.

(73) between Topeka, KS, and Omaha, NE, over U.S. Hwy 75, as an alternate route for operating convenience only, serving no intermediate points;

(74) between Des Moines, IA, and junction U.S. Hwy 30 and IA Hwy 330: from Des Moines over U.S. Hwy 65 to junction IA Hwy 330, then over IA Hwy 330 to junction U.S. Hwy 30, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points;

(75) between Cedar Rapids and Dubuque, IA, over U.S. Hwy 151, as an alternate route for operating convenience only, serving no intermediate points;

(76) between Davenport and Dubuque, IA, over U.S. Hwy 61, serving no intermediate points and serving the junction U.S. Hwy 61 and U.S. Hwy 30 for purposes of joinder only;

(77) between Dixon and Rockford, IL, over IL Hwy 2, serving no intermediate points;

(78) between Hannibal, MO, and Jacksonville, IL over U.S. Hwy 36, serving no intermediate points;

(79) between Portland, OR, and Ogden, UT: from Portland over Interstate Hwy 80N to junction Interstate Hwy 15, then over Interstate Hwy 15 to Ogden, and return over the same route, serving no intermediate points;

(80) between Ogden, UT, and Omaha, NE: from Ogden over Interstate Hwy 80 N to junction Interstate Hwy 80, then over Interstate Hwy 80 to Omaha, and return over the same route, serving no intermediate points and serving junction Interstate Hwy 80N and Interstate Hwy 80 near Coalville, UT, for purposes of joinder only;

(81) between Sacramento, CA, and junction Interstate Hwy 80N and Interstate Hwy 80, over Interstate Hwy 80, serving no intermediate points and serving junction Interstate Hwy 80 and Interstate Hwy 15 and junction Interstate Hwy 80 and Interstate Hwy 80N for purposes of joinder only;

(82) between San Bernadino, CA, and junction Interstate Hwy 80 and Interstate Hwy 15, over Interstate Hwy 15, serving no intermediate points, and serving junction Interstate Hwy 80 and Interstate Hwy 15 for purposes of joinder only;

(83) between San Bernadino, CA, and junction U.S. Hwy 60 and U.S. Hwy 287: from San Bernadino over Interstate Hwy 15 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 287 and U.S. Hwy 60, and return over the same route, serving no intermediate points and serving junction

Interstate Hwy 40 and U.S. Hwy 54 for purposes of joinder only;

(84) between San Bernadino, CA, and junction Interstate Hwy 76 and Interstate Hwy 80: from San Bernadino over Interstate Hwy 15 to junction UT Hwy 4, then over UT Hwy 4 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 80, and return over the same route, serving no intermediate points and serving junction Interstate Hwy 76 and Interstate Hwy 80 for purposes of joinder only;

(85) between junction Interstate Hwy 40 and U.S. Hwy 54 and Wichita, KS, over U.S. Hwy 54, serving no intermediate points;

(86) between El Paso and Wichita Falls, TX: from El Paso U.S. Hwy 180 to junction U.S. Hwy 277, then over U.S. Hwy 277 to Wichita Falls, and return over the same route, serving no intermediate points and serving junction U.S. Hwy 87 and U.S. Hwy 180 for purposes of joinder only;

(87)(a) serving in connection with routes (1) through (17) above, points in Collin, Cooke, Fannin, Grayson, and Lamar Counties, TX, and Bryan, Caddo, Carter, Cleveland, Comanche, Creek, Garfield, Grady, Kay, Muskogee, Oklahoma, Okmulgee, Pittsburg, Pontotoc, Pottawatomie, Stephens, Seminole, Tulsa, and Washington Counties, OK, as intermediate or off-route points;

(b) serving in connection with route (21) above, points in Benton, Sebastian, and Washington Counties, AR, as intermediate or off-route points;

(c) serving in connection with routes (22) through (28) above, points in Ottawa County, OK, Bourbon, and Crawford Counties, KS, and Audrain, Boone, Buchanan, Cole, Cooper, Greene, Jackson, Jasper, Lawrence, Marion, Monroe, Newton, Pettis, and Randolph Counties, MO, as intermediate or off-route points;

(d) serving in connection with routes (28) through (35) above, points in Butler, Cherokee, Cowley, Douglas, Harvey, McPherson, Reno, Sedgwick, Saline, Shawnee, and Wyandotte Counties, KS, and Dodge, Douglas, Sarpy, and Washington Counties, NE, as intermediate or off-route points;

(e) serving in connection with route (37) above, points in Marion County, MO, Adams County, IL, and Des Moines, and Lee Counties, IA, as intermediate or off-route points;

(f) serving in connection with route (38) above, points in Buchanan County, MO, and Leavenworth County, KS, as intermediate or off-route points;

(g) serving in connection with routes (39) through (42) above, points in Buchanan, Clinton, Dubuque, Fayette, Humboldt, Iowa, Johnson, Linn, Marshall, Polk, Pottawattamie, Story, Tama, and Webster Counties, IA, and Lee, Rock Island, and Whiteside Counties, IL, as intermediate or off-route points;

(h) serving in connection with routes (44) through (50) above, points in Black Hawk, Henry, Plymouth, and Woodbury Counties, IA, and Blue Earth, Brown, Dakota, Dodge, Freeborn, Fillmore, Houston, Hennepin, Le Sueur, Mower, Nicolett, Olmsted, Ramsey, Rice, Scott, Steele, Winona, and Waseca Counties, MN, as intermediate or off-route points; and

(i) serving in connection with routes (51) through (61) above, Antigo, Merrill, and Rhinelander, WI, and those points in WI on and south of a line beginning at the MN-WI State line and extending along Interstate Hwy 94 to junction WI Hwy 29, then along WI Hwy 29 to junction WI Hwy 22, then along WI Hwy 22 to Green Bay.

Applicant intends to tack the authority described above with its existing regular-route operations. (Hearing site: Dallas, TX, Oklahoma City, OK, Kansas City, MO, St. Paul, MN, San Francisco, CA, and Atlanta, GA.)

MC 99493 (Sub-6F), filed February 22, 1979. Applicant: CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG, A Corporation, P.O. Box 2821, Harrisburg, PA 17105. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and motor vehicles), between Baltimore, MD, and the facilities of Central Storage & Transfer Co. of Harrisburg, at Harrisburg, PA. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 109373 (Sub-3F), filed February 26, 1979. Applicant: NATIONAL TRUCKING, INC., P.O. Box 16081, Houston, TX 77022. Representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, TX 78701. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of

natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials and supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, and (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Harris, Orange and Jefferson Counties, TX, on the one hand, and, on the other, points in LA. (Hearing site: Houston, TX.)

MC 112123 (Sub-16F), filed February 22, 1979. Applicant: BEST-WAY TRANSPORTATION, a Corporation, 5150 North 16th Street, Phoenix, AZ 85016. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. 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 San Manuel, AZ, and the facilities of Palo Verde Nuclear Station, at or near Wintersburg, AZ, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

Note: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. Section 11343(a) (1978), Formerly section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 112713 (Sub-247F), filed February 1, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (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), serving the facilities of Magma Copper Co., at San Manuel, AZ, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

MC 112822 (Sub-469F), filed February 23, 1979. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, OK 74023. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1600 Lincoln Street, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from points in ID, OR, and WA, to points in AZ, CA, ID, NV, OR, and WA. (Hearing site: Portland, OR, or Seattle, WA.)

MC 114052 (Sub-8F), filed February 23, 1979. Applicant: CATENCAMP TRANSFER & STORAGE, INC., 218 East Richmond Street, Shawano, WI 54186. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, from the facilities of Shawano Paper Mills Divisions Little Rapids Corporation, at Shawano, WI, to those points in the United States in and east of MN, IA, MO, KS, OK, AR, and LA, and (2) *waste, scrap paper, and pallets*, in the reverse direction, under continuing contract(s) with Shawano Paper Mills Division, Little Rapids Corporation, of Shawano, WI. (Hearing site: Milwaukee, or Green Bay, WI.)

MC 114273 (Sub-552F), filed February 22, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from Clinton, IA, to Eden and Greensboro, NC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-553F), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dental, medical and surgical supplies*, and (2) *materials, supplies and equipment* used in the manufacture and distribution of commodities in (1) above (except in bulk, in tank vehicles), between the facilities of Parke Davis at Greenwood, SC, on the one hand, and, on the other,

points in IL, IN, IA, KS, MI, MN, MO, NE, and OH, restricted to the transportation of traffic originating at the named origin, and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-554F), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic liquors*, from Detroit, MI, to Minneapolis, MN. The purpose of this filing is to substitute single-line service for existing joint-line service. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-555F), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *door and accessories for doors*, from the facilities of Lakeshore Industries, Inc., at Toledo, OH, to points in IA, IN, IL, KS, MO, MN, and NE, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. The purpose of this filing is to substitute single-line service for existing joint-line service. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-556F), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *molded pulp egg cartons* (1) from Middletown, OH, to points in IA, NE, MO, MN, and WI, and; (2) from Palmer, MA, to points in OH, IN, IL, MI, IA, NE, MO, MN and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-558F), filed February 26, 1979. Applicant: CRST, INC., 3930 16 Avenue, S.E., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, in irregular routes, transporting (1) *lead and lead alloys*, from Omaha, NE, to points in the United States (except AK and HI), and (2) *materials and supplies* (except in commodities in bulk), used in the manufacture and distribution of lead and lead alloys in the reverse direction, restricted in (1) and (2) above to the

transportation of traffic originating at or destined to the facilities of ASARCO Incorporated, at or near Omaha, NE. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-559F), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cherokee and Storm Lake, IA, to points in MI and OH. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-562F), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *non-alcoholic beverages, mixes and preparations*, (except in bulk, in tank vehicles), from the facilities of Thomas J. Lipton, Inc., at or near Suffolk, VA, to Cleveland and Columbus, OH, Chicago, IL, Minneapolis, MN, and Detroit, MI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-563F), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *farm machinery*, from Vinton, IA, to points in IL, IN, MI, OH, PA, WV, VA, MD, NY, DE, and KY. The purpose of this filing is to substitute single-line service for existing joint-line service. (Hearing site: Chicago, IL, or Washington, DC.)

MC 115162 (Sub-462F), filed February 26, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulating materials and mineral wool*, from the facilities of the Rock Wool Manufacturing Co., at Leeds, AL, to points in MS, GA, WV, and those points in FL on and west of U.S. Hwy 319.

(Hearing site: Birmingham, AL, or Washington, DC.)

MC 116763 (Sub-478F), filed February 26, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such merchandise as is dealt in by discount and variety stores* (except foodstuffs, furniture, and commodities in bulk), and (2) *foodstuffs* (except in bulk), and *furniture*, in mixed loads with the commodities in (1) above, from the facilities of K-Mart Corporation, at or near Charlotte, NC, to points in MA, NJ, PA, TN, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Detroit, MI.)

MC 116763 (Sub-489F), filed February 21, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by grocery and food business houses*, (except commodities in bulk, in tank vehicles), between points in WI, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX (except WI), restricted to the transportation of traffic originating at or destined to points in WI. (Hearing site: Milwaukee, WI.)

MC 116763 (Sub-491F), filed February 22, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned milk*, from Maysville, KY, to points in WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Cincinnati, OH.)

MC 117212 (Sub-8F), filed February 16, 1979. Applicant: DIRECT WINTERS TRANSPORT (WESTERN) LIMITED, 1803 Hekla Avenue, Winnipeg, Manitoba, Canada R2R 0K3. Representative: Richard H. Streeter, 1729 H Street, NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *meats and meatpacking house products*,

from the ports of entry on the international boundary line between the United States and Canada at or near Noyes, MN, and Pembina, ND, to points in OH. (Hearing site: Rochester or Buffalo, NY.)

MC 118202 (Sub-110F), filed February 14, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except commodities in bulk), and (2) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, foodstuffs, and commodities in bulk), from Austin and Owatonna, MN, to points in AR, IL, IN, KY, MI, OH, OK, and TX. (Hearing site: Minneapolis, MN.)

MC 119522 (Sub-42F), filed February 22, 1979. Applicant: McCLAIN TRUCKING, INC., 2425 Walton Street, P.O. Box 2159, Anderson, IN 46011. Representative: John B. Leatherman, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printed matter*, and (2) *materials and supplies* used in the manufacture of printed matter, between Crawfordsville, IN, Chicago, IL, and Glasgow, KY, restricted to the transportation of traffic originating at or destined to the facilities of R.R. Donnelley & Sons, Inc. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 123263 (Sub-14F), filed February 26, 1979. Applicant: FLOYD R. WANGERIN AND LORRAINE C. WANGERIN, a Partnership, d.b.a. WANGERIN TRUCKING CO., Rural Route 2, Stephenson, MI 49887. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed, in bags*, from Clinton and Davenport, IA, to Minneapolis, MN. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 123872 (Sub-99F), filed February 26, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3487, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat*

products and meat byproducts, and articles distributed by meat-packing houses, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 209 and 766 (except hides and commodities in bulk), from the facilities of Geo. A. Hormel & Company, at (1) Rockville and Springfield, MO, and (2) Miami, OK, to points in GA, NC, SC, TN, and VA. (Hearing site: Austin, MN, or Washington, DC.)

Note—Dual operations may be involved.

MC 124802 (Sub-17F), filed February 23, 1979. Applicant: ACE MOTOR FREIGHT, INC., Box 127, Summerville, PA 15864. Representative: H. Ray Pope, Esquire, 10 Grant Street, Clarion, PA 16214. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting coal, in bulk, in dump vehicles, (1) from points in Butler and Venango Counties, PA, to points in NY, and (2) from points in Clarion and Jefferson Counties, PA, to those points in NY on and west of Interstate Hwy 81. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 126472 (Sub-23F), filed February 21, 1979. Applicant: WILLCOXSON TRANSPORT, INC., R.R. No. 2, Kahoka, MO 63445. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting anhydrous ammonia, in bulk, in tank vehicles, from points Marion County, MO to points in IA and IL. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 127042 (Sub-248F), filed February 16, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting meats, meat products and meat byproducts, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of (1) Farmland Foods, Inc., at (a) Carroll, Denison, Iowa Falls, Des Moines, Ft. Dodge, Cherokee, and Sioux City, IA, and (b) Omaha and Lincoln, NE, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, and (2) Dubuque Packing Company, at Denison, IA, to points in AZ, CA, CO, ID, NV, OR,

TX, UT, and WA. (Hearing site: Omaha, NE.)

MC 127042 (Sub-249F), filed February 16, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting meats, meat products and meat byproducts, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Hygrade Food Products, Inc., at Storm Lake and Cherokee, IA, to points in CA, CO, ID, KS, MN, MO, NE, SD, WA, and WI. (Hearing site: Omaha, NE.)

MC 127303 (Sub-53F), filed February 21, 1979. Applicant: ZELMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 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 feed, feed ingredients, minerals, pre-mixes, animal health products, livestock feeders, and livestock equipment, (except commodities in bulk), from Cedar Rapids, IA, to points in MO, MN, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 128273 (Sub-339F), filed February 26, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (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 (except commodities in bulk, in tank vehicles), from the facilities of Simpson Paper Company, at or near Vicksburg, MI, to points in the United States (except AK, HI and MI), restricted to the transportation of traffic originating at the named origin. (Hearing site: Sacramento, CA, or Washington, DC.)

MC 128343 (Sub-45F), filed February 21, 1979. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting plastic pots, crushed pine cones, ground shale, clay pebbles, and plant foods, between

Birmingham, AL, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada in ND, under continuing contract(s) with The Tupperware Co., of North Smithfield, RI. (Hearing site: Providence, RI, or Boston, MA.)

Note—Dual operations may be involved.

MC 129032 (Sub-75F), filed February 23, 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 *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting fresh meat products, from the facilities of Packerland Packing Company, at or near (1) Chippewa Falls, (2) Eau Claire, and (3) Green Bay, WI, to Shreveport, LA, and points in TX, restricted to the transportation of traffic originating at the named origins, and destined to the indicated destinations. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 134872 (Sub-14F), filed February 22, 1979. Applicant: GOSSELIN EXPRESS, LTD., 141 Smith Blvd., Thetford Mines, Quebec, Canada. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207. To operate as a *common carrier*, by motor vehicle, in foreign commerce only over irregular routes, transporting asbestos, in bags, from the ports of entry on the international boundary line between the United States and Canada at Champlain, NY, and Detroit, Sault St. Marie, and Port Huron, MI, to points in AL, CT, IL, IN, IA, MD, NH, NJ, NY, OH, PA, TN, TX, VT, VA, WV, and WI. (Hearing site: Albany, NY.)

MC 135082 (Sub-84F), filed February 14, 1979. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 4100 Rankin Road, NE, Albuquerque, NM 87125. Representative: Randall R. Sain, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting plastic materials (except in bulk, in tank vehicles), from points in Orange County, TX, to Portland, OR, and Los Angeles and San Leandro, CA. (Hearing site: Albuquerque, NM.)

MC 135873 (Sub-9F), filed February 26, 1979. Applicant: KSS TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08902. Representative: Elaine M. Conway, 10 South La Salle Street, Suite 1600, Chicago, IL 60603. 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 manufacturers and distributors of printed matter (except commodities in bulk), between Franklin, KY, on the one hand, and, on the other, points in the United States (except AK, HI, and KY), under a continuing contract(s) with Brown Printing, Inc., of Waseca, MN. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 136393 (Sub-3F), filed February 22, 1979. Applicant: N.Y., N.J., CONN., FREIGHT & MESSENGER CORP., 55 Lakeshore Drive, Rockaway, NJ 07866. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by retail department stores (except commodities in bulk), between New York, NY, and Chicago, IL, on the one hand, and, on the other points in the United States (except AK and HI). CONDITION: Issuance of a certificate is subject to the coincidental cancellation, as requested by applicant, of the outstanding permit in MC 145115F, issued March 22, 1979. (Hearing site: New York, NY.)

MC 139482 (Sub-97F), filed February 23, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores (except foodstuffs and commodities in bulk), (1) from points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA AND WV, to the facilities of the Zayre Corporation at points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, and (2) from points in IL, IN, IA, KY, MI, MN, MO, OH, and WI to the facilities of the Zayre Corporation at Clinton, Framingham, and Mansfield, MA. (Hearing site: Boston, MA.)

MC 139973 (Sub-63F), filed February 21, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. 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 (1) *electrical appliances, electrical equipment, parts for electrical appliances and equipment, and poleline hardware*, and (2) *materials and supplies* used in the manufacture and

distribution of the commodities in (1) above (except commodities in bulk), between Washington, MO, on the one hand, and, on the other, those points in the United States in and east of MT, WI, CO, and NM. (Hearing site: St. Louis, MO.)

MC 140563 (Sub-24F), filed February 7, 1979. Applicant: W.T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, insulating products and materials, glass fibre rovings, yarn and strands, glass fibre mats and matings, and flexible air ducts*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between the facilities of CertainTeed Corporation, at or near Mountaintop, PA, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 141852 (Sub-2F), filed February 26, 1979. Applicant: BILLY G. BARNETT and JOE D. BARNETT, d.b.a. BARNETT BROTHERS, 422 Pemberton Drive, Pearl, MS 39208. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *covered copper wire and fluorescent lamp ballasts*, and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture of copper wire and fluorescent lamp ballasts, between Blytheville, AR, and Mendenhall and Vicksburg, MS, under a continuing contract with Universal Manufacturing Corporation, of Paterson, NJ. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 144503 (Sub-11F), filed February 21, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as

described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Food Corporation, at Albert Lea, MN, and Cedar Rapids and Des Moines, IA, to points in AL, FL, GA, NC, SC, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 144503 (Sub-12F), filed February 21, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Food Corporation, at Marshall, MO, and Omaha, NE, to points in AL, FL, GA, NC, SC, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 144532 (Sub-2F), filed February 23, 1979. Applicant: ANDERSON POTATO CO., INC., 2179 Route 112, Medford, NY 11763. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bakery products*, and (2) *bakery product ingredients* between the facilities of Entenmann's Bakery, Inc., at (a) Bay Shore, NY, and (b) Miami, FL, on the one hand, and, on the other, points in IL, MI, MO, NJ, NY, OH, PA, SC, and WV, under a continuing contract(s) with Entenmann's, Inc., of Bay Shore, NY. (Hearing site: New York, NY.)

MC 144812 (Sub-2F), filed February 22, 1979. Applicant: HASKELL BRATTER AND CARY MILLER, A Partnership, d.b.a. EAGLE AIR FREIGHT, P.O. Box 58062, Houston, TX 77058. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *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), and (2) *commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) (1978) formerly Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities in (1) above, between Houston Intercontinental Airport and William P. Hobby Airport, at Houston, TX, on the one hand, and, on the other, Angleton, Brenham, Bryan, Clute, College Station, Freeport, Lake Jackson, Navasota, and Houston, TX, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Houston, TX.)

MC 145152 (Sub-42F), filed February 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from points in Jefferson County, CO, to points in CA, KS, OK, and TX; and (2) *materials and supplies* used by breweries, in the reverse direction. (Hearing site: Denver, CO, or Fayetteville, AR.)

MC 145152 (Sub-43F), filed February 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, container ends, and accessories for containers (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: Trenton, NJ, or Tulsa, OK.)

MC 146003 (Sub-2F), filed February 26, 1979. Applicant: BROOKRIDGE LEASING, INC., 7211 Brookpart Road, Parma, OH 44129. Representative: E. H. Van Deusen, 220 West Bridge Street, Dublin, OH 43017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobiles and trucks, in truckaway service*, in secondary movements, between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV. (Hearing site: Tampa, FL.)

MC 146293 (Sub-6F), filed February 5, 1979. Applicant: REGAL TRUCKING

CO., INC., 95 Lawrenceville Industrial, Park Circle NE., Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpet backing, yarn, and materials, equipment, and supplies* used in the manufacture of carpet backing and yarn (except commodities in bulk), from Bainbridge, Nashville, and Hazelhurst, GA, to points in CA, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC 146313 (Sub-1F), filed February 22, 1979. Applicant: WILLIAM E. MULLENAX, d.b.a. MULLENAX REFRIGERATED TRANSPORT, Route 220 South, Petersburg, WV 26847. Representative: Paul F. Beery, 275 East State Street, 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 or used by grocery and food business houses, (except commodities in bulk), between Cincinnati and Columbus, OH, on the one hand, and, on the other, points in IN, KY, MI, PA, VA, and WV, under continuing contract(s) with The Kroger Co., of Cincinnati, OH. (Hearing site: Columbus, OH.)

MC 146443F, filed February 14, 1979. Applicant: SCARLET & GRAY CORP., P.O. Box 424, Dayton, OH 45409. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of Superior Drawn Steel Co., at Monaca, PA, to points in IN, KY, and OH, (2) between the facilities of Ward Steel Service Co., at Dayton, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, PA, and WV, and (3) between the facilities of L & H Threaded Rods, Division of Gray America Corp., at Muncie, IN, on the one hand, and, on the other, points in IL, KY, MI, OH, PA, and WV, under continuing contracts in (1) above with Superior Drawn Steel Co., of Monaca, PA, in (2) above with Ward Steel Service Co., of Dayton, OH, and in (3) above with L & H Threaded Rods, Division of Gray America Corp., of Dayton, OH. (Hearing site: Columbus, OH.)

MC 146492F, filed February 26, 1979. Applicant: DESETRAN, INC., 9450 South

State Street, Sandy, UT 84070. Representative: Steven J. Kalish, 1750 Pennsylvania Ave., N.W., Washington, DC 20006. 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, health care products manufacturers, (except commodities in bulk, and those requiring refrigeration), between the facilities of the (1) Deseret Company, at Sandy, UT, on the one hand, and, on the other, points in the United States (except AK and HI), (2) Parke, Davis & Company, at Greenwood, SC, on the one hand, and, on the other, points in the United States (except AK & HI), (3) Fuller Laboratories, Inc., at Eden Prairie, MN, on the one hand, and, on the other, points in MI, (4) Parke-Davis division of Warner Lambert, at Detroit and Allen Park, MI, on the one hand, and, on the other, points in CA, CO, CT, GA, MD, MN, MO, NJ, OH, SC, TX, AND WA, and (5) Warner-Chilcott and General Diagnostic divisions of Warner Lambert at Morris Plains and Cedar Knoll, NJ, on the one hand, and, on the other, points in CA, CO, CT, GA, MD, MI, MN, MO, OH, SC, TX, AND WA, under continuing contract(s) with the Deseret Company of Sandy, UT, in (1) above Parke, Davis & Company of Greenwood, SC, in (2) above Fuller Laboratories, Inc., of Eden Prairie, MN, in (3) above the Parke-Davis division of Warner-Lambert, of Detroit, MI, in (4) above and the Warner-Chilcott and General Diagnostic divisions of the Warner Lambert Company, of Morris Plains, NJ, in (5) above. (Hearing site: Washington, DC or Morris Plains, NJ)

[Decisions Volume No. 53]

[FR Doc. 79-14326 Filed 5-7-79; 8:45 am]

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Permanent Authority Applications, Decision-Notice

Decided: May 2, 1979

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). For applications filed before March 1, 1979, 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.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each 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 Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,
Secretary.

MC 11592 (Sub-26F), filed February 22, 1979. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: Frank E. Myers (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, meat byproducts, and articles distributed by meat-packing houses*, as described in

Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), Omaha, NE, and Harlan, IA, to points in AZ, and CA. (Hearing site: Omaha or Lincoln, NE.)

MC 14252 (Sub-43F), filed January 15, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic and expanded plastic products*, (except commodities in bulk), from the facilities of Dow Chemical U.S.A. at Hanging Rock, OH, Channahon, IL, and Pevely, MO, to (1) points in IL, IN, OH, and MO, (2) points in Mercer, Lawrence, Butler, Allegheny, Erie, Crawford, Beaver, Washington, and Greene Counties, PA, and (3) those points in WV on, north and west of a line, beginning at the PA-WV state line, and extending along Interstate Hwy 79 to Charleston, WV, then west over Interstate Hwy 64 to the WV-KY state line. (Hearing site: Columbus, OH, or Indianapolis, IN.)

MC 52953 (Sub-49F), filed February 23, 1979. Applicant: ET & WNC TRANSPORTATION COMPANY A Corporation, 3177 Irving Boulevard, Callas, TX 75247. Representative: Jackie Hill (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Cello Chemical Company, at or near Havre de Grace, MD, as an off-route point in conjunction with applicant's regular route operations. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 82492 (Sub-227F), filed February 16, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printed matter*, and (2) *materials, equipment, and supplies used in the manufacture and distribution of printed matter*, (a) between Franklin, KY, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MO, MN,

NE, ND, OH, SD, TN, WI, those points in NY in and west of Broome, Cortland, Onondaga, and Oswego Counties, and those points in PA on and west of U.S. Hwy 219, and (b) between Waseca, MN, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MO, NE, ND, OH, SD, TN, WI, those points in NY in and west of Broome, Cortland, Onondaga, and Oswego Counties, and those points in PA on and west of U.S. Hwy 219, restricted to the transportation of traffic originating at or destined to the facilities of Brown Printing Co., Inc., at Franklin, KY, or Waseca, MN. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 107002 (Sub-544F), filed February 23, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John A. Crawford, 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 *chemicals*, in bulk, in tank vehicles, from points in Jefferson, Shelby and Walker Counties, AL, to points in AR, FL, GA, IN, KY, LA, MS, NC, SC, TN, TX, and VA. (Hearing site: Birmingham, AL.)

MC 107012 (Sub-346F), filed February 21, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electronic air cleaners and prefabricated metal articles* (except commodities the transportation of which because of size or weight requires the use of special equipment), from the facilities of Metal-Fab, Inc., at or near Wichita, KS, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Chicago, IL.)

MC 109633 (Sub-42F), filed February 21, 1979. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *corn and corn products* (except commodities in bulk), and *equipment and supplies* used in the manufacture and distribution of corn products, between Hammond, IN, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of American Maize Products Co. (Hearing site: Chicago, IL.)

MC 110563 (Sub-262F), filed February 16, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington St., Chicago, IL 60602. 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 John Morrell & Co., at or near East St. Louis, IL, and St. Louis, MO, to points in CA. (Hearing site: Chicago, IL.)

MC 110683 (Sub-131F), filed September 11, 1978, and previously published in the *Federal Register* on November 14, 1978. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerney, 1000 Sixteenth Street, NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Richmond, VA, and Raleigh, NC: from Richmond over Interstate Hwy 95 to Petersburg, then over Interstate Hwy 85 to Henderson, NC, then over U.S. Hwy 1 to Raleigh, and return over the same route, (2) between Richmond, VA and Raleigh, NC: from Richmond over U.S. Hwy 95 to Rocky Mount, NC, then over U.S. Hwy 64 to Raleigh, NC, and return over the same route, (3) between Henderson and Durham, NC, over U.S. Hwy 85, (4) between Rocky Mount, NC, and the junction of Interstate Hwy 95 and U.S. Hwy 74, near Lumberton, NC, over U.S. Hwy 95, (5) between Monroe and Wilmington, NC, over U.S. Hwy 74, (6) between Wilson and Wilmington, NC, over U.S. Hwy 117, (7) between Raleigh and Rockingham, NC, over U.S. Hwy 1, (8) between Rocky Mount and Wilmington, NC: from Rocky Mount over U.S. Hwy 64 to junction U.S. Hwy 13 at or near Bethel, then over U.S. Hwy 13 to Greenville, NC, then over U.S. Hwy 11 to Kinston, NC, then over U.S. Hwy 258 to junction U.S. Hwy 17 at or near Jacksonville, NC, then over U.S. Hwy 17 to Wilmington, and return over the same route, (a) restricted in (1) through (8) above to the transportation of traffic moving from, to, or through

VA, (b) serving Richmond, VA, for joinder only, (c) serving all intermediate points in NC, and (d) serving Caswell, Person, Granville, Vance, Warren, Halifax, Northampton, Gates, Hertford, Bertie, Edgecombe, Nash, Franklin, Chatham, Wilson, Martin, Pitt, Greene, Wayne, Johnston, Harnett, Stanly, Anson, Montgomery, Richmond, Moore, Scotland, Hoke, Cumberland, Robeson, Bladen, Columbus, Brunswick, New Hanover, Pender, Duplin, Sampson, Lenoir, and Jones Counties, NC, as off-route points. (Hearing site: Washington, D.C.)

Condition.—(1) Issuance of a certificate is subject of the prior submission by applicant of a verified statement stating further specific details of applicant's existing authority (including specific sub-numbers) and how applicant can presently perform the above operations.

Notes.—(1) Applicant states that it presently holds authority to serve all points in NC, but approval of this application would permit operations between some points over shorter and more economical routes. Applicant proposes to support the application by evidence of past traffic and efficiencies and economies. (2) The purpose of this republication is to correctly identify Route (2), add off-route points, and add the above condition. (3) The authority sought, to the extent it duplicates existing authorities of applicant, shall be restricted so as to prohibit severance of duplicating rights by sale or otherwise.

MC 111302 (Sub-143F), filed February 22, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *citric acid*, in bulk, in tank vehicles, from Elkhart, IN, to points in NC, SC, and TN. (Hearing site: Chicago, IL.)

MC 111302 (Sub-144F), filed February 22, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Representative: David A. Petersen (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, between Columbus, GA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, OK, and TX. (Hearing site: Atlanta, GA or Washington, D.C.)

MC 115162 (Sub-463F), filed February 26, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle,

in interstate or foreign commerce, over irregular routes, transporting (1) *plastic bags, plastic can liners, plastic containers, plastic articles, plastic film, plastic sheeting, plastic drop cloths, and plastic tarpaulins*, from points in Lawrence County, TN, to points in 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 distribution of commodities named in (1) above in the reverse direction. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 115322 (Sub-163F), filed February 22, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from points in Cattaraugus, Wayne, Genesee, Livingston, and Ontario Counties, NY, to points in AL, DE, FL, GA, MD, NC, SC, TN, VA, WV, and DC. (Hearing site: Washington, D.C.)

MC 115603 (Sub-16F), filed February 21, 1979. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, OK 73143. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe and iron and steel articles* (except pipe), from Conroe, TX, to points in the United States (including AK, But excluding HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 116763 (Sub-486F), filed February 21, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers, distributors, wholesalers, and retailers, of leather and leather products (except commodities in bulk, in tank vehicles), from those points in the United States in and east of ND, SD, NE, CO, and NM (except WI), to points in WI, restricted to the transportation of traffic destined to the named destinations. (Hearing site: Milwaukee, WI.)

MC 116763 (Sub-487F), filed February 21, 1979. Applicant: CARL SUBLER

TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of appliances and cookware, (except commodities in bulk, in tank vehicles), from points in the United States in and east of MN, IA, MO, OK, and TX to the facilities of The West Bend Co., Division of Dart Ind., at or near West Bend and Rockfield, WI, restricted to the transportation of traffic destined to the named destination facilities. (Hearing site: Milwaukee, WI.)

MC 116763 (Sub-488F), filed February 21, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *macaroni, spaghetti, noodles, and vermicelli products*, from the facilities of American Beauty Macaroni Co., at or near Denver, CO, to points in KS, MO, and MN; (2) *canned and preserved foodstuffs*, (except frozen foods), from the facilities of Ellis Food Corp., at or near Denver, CO, to points in KS, MO, and NE; and (3) *canned and preserved foodstuffs, flour, shortening, cooking oil, an salad oil*, (except frozen foods and commodities in bulk, in tank vehicles), from the facilities of Rustco Products Co., Division of Federal Co., at or near Denver, CO, to points in AR, AL, FL, GA, IA, IL, IN, KY, LA, MI, MN, MS, MO, OH, PA, and WI, restricted in (1), (2), and (3) above to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 116763 (Sub-490F), filed February 21, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foodstuffs* and (2) *shellfish and fish*, the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6), when transported in mixed loads with the commodities in (1) above, from the facilities of Denver Fish & Shoran Foods Co., at or near Denver, CO, to points in IL, IN, OH, MN, and WI, restricted to the transportation of traffic originating at the named origin facilities

and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 118142 (Sub-211F), filed February 16, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bananas, and agricultural commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) (1978), in mixed loads with bananas, from Gulfport, MS, to St. Louis, MO, and points in IL, IM, IA, MI, and WI, restricted to the transportation of traffic having an immediately prior movement by water. (Hearing site: New Orleans, LA, or Gulfport, MS.)

Note.—Dual operations may be involved.

MC 119493 (Sub-264F), filed February 23, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal and poultry feed and ingredients* (except in bulk), and (2) *materials and supplies*, used in the manufacture, sale, and distribution of commodities in (1) above, (except in bulk), between Columbus, OH, on the one hand, and, on the other, points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 125433 (Sub-177F), filed December 1, 1978, and previously published in the *Federal Register* on April 17, 1979, as Sub 117F. Applicant: F-B TRUCK LINE COMPANY, A Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). The scope of this application remains as previously published. The purpose of this republication is to correctly identify the application as Sub-No. 177F.

MC 125433 (Sub-209F), filed February 8, 1979. Applicant: F-B TRUCK LINE COMPANY, A Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *charcoal, charcoal briquets, hickory chips, charcoal lighter fluid, compressed sawdust fireplace logs, and barbecue supplies*, from the facilities of Husky Industries at or near Dickinson, ND, to

points in CA, CO, ID, MT, NE, NM, OR, TX, and WA. (Hearing site: Dallas, TX.)

MC 125433 (Sub-212F), filed February 14, 1979. Applicant: F-B TRUCK LINE COMPANY, A Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement pipe containing asbestos fibre and pipe fittings*, from Van Buren, AR, to those points in the United States in and west of MN, IA, MO, OK, TX, and LA (except AK and HI); and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Chicago, IL.)

MC 125433 (Sub-214F), filed February 16, 1979. Applicant: F-B TRUCK LINE COMPANY, A Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *shaped metal articles, and parts for shaped metal articles*, (except commodities the transportation of which because of size or weight requires the use of special equipment), from the facilities of Simpson Company, at San Leandro, CA, to 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 the named origin facilities. (Hearing site: San Francisco, CA.)

MC 125433 (Sub-215F), filed February 16, 1979. Applicant: F-B TRUCK LINE COMPANY, A Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *hydraulic pumps*, and (2) *attachments, accessories, equipment, and supplies* used in connection with hydraulic pumps, between the facilities of Paul Munroe Hydraulics, Inc., at or near Whittier and Orange, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 127042 (Sub-247F), filed February 6, 1979, and previously published in the Federal Register on March 29, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tassar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from Glenwood and Des Moines, IA, to points in CA. (Hearing site: Omaha, NE.)

Note.—The purpose of this republication is to add Des Moines, IA, as an origin.

MC 128133 (Sub-24F), filed February 16, 1979. Applicant: H. H. OMPS, INC., Route 7, Box 295, Winchester, VA 22601. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rock salt*, in bulk, from Baltimore, MD, to points in Caroline, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, King George, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties, VA, and Berkeley, Hardy, Hampshire, Jefferson, Mineral, and Morgan Counties, WV. (Hearing site: Washington, DC.)

MC 134082 (Sub-18F), filed February 5, 1979. Applicant: K. H. TRANSPORT, INC., 4796 Linthicum Road, Dayton, MD 21036. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen meats*, from Port Newark, NJ, Philadelphia, PA, Wilmington, DE, and Baltimore, MD, to points in IL, IN, KY, MD, MO, OH, PA, TN, and WI, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Washington, DC.)

MC 136782 (Sub-12F), filed February 14, 1979. Applicant: R.A.N. TRUCKING COMPANY, A Corporation, P.O. Box 128, Eau Claire, PA 16030. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1800, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from New York, NY, Wilmington, DE, and Trenton and Camden, NJ, to Pittsburgh, PA, and

points in Butler County, PA. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. Section 11343(a)(1978) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Applicant states that the purpose of this application is to substitute single line service for joint line service.

MC 139743 (Sub-7F), filed February 23, 1979. Applicant: GEORGIA CARPET EXPRESS, INC., P.O. Box 1680, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpets, carpeting and carpet samples*, from the facilities of (1) Galaxy Carpet Mills, Inc., at or near Chatsworth, GA, and (2) E.T. Barwick Industries, Inc., at or near Lafayette, GA, to points in AZ, NV, and NM. (Hearing site: Atlanta, GA.)

MC 141033 (Sub-49F), filed February 23, 1979. Applicant: CONTINENTAL CONTRACT CARRIER CORP., A corporation, 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities as are dealt in by hardware stores, drug stores, discount houses, wholesale and retail grocery, and food business houses, and* (2) *material and supplies* used in the manufacture of the commodities in (1) above, between points in the United States (except AL and HI). (Hearing site: Oakland, CA, or Washington, DC.)

MC 145152 (Sub-26F), filed November 28, 1978, and previously published in the Federal Register on February 8, 1978. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *office furniture*, from Springdale, AR, to points in AL, AZ, CO, CT, DE, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NM, NH, NJ, NY, NV, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, VT, I, WV, WY, and DC; and (2) *parts, equipment, materials, and supplies* used in the manufacture of office furniture, from Grand Rapids, MI, Laurel, MS, and

Morristown, TN, to Springdale, AR. (Hearing site: Fayetteville, AR, or Tulsa, OK.)

Note—The purpose of this republication is to change the territorial description in parts (1) and (2)

MC 141212 (Sub-2F), filed February 26, 1979. Applicant: JOHN M. RADKE, Route 2, Box 93, Marathon, WI 54448. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *degenerated granite*, in bulk, in dump vehicles, from points in Marathon County, WI, to points in IL and IM. (Hearing site: Chicago, IL.)

MC 141652 (Sub-32F), filed February 22, 1979. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, MS 39208. 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 *fabrics and piece goods*, from points in CT, MD, MA, NJ, NY, PA, and RI, to Tupelo, MS. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 142352 (Sub-5F), filed February 26, 1979. Applicant: HAUSMAN TRUCKING, INC., 607 D Avenue, Vinton, IA 52349. Representative: JOHN P. RHODES, P.O. Box 5000, Waterloo, IA 50704. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation at Cedar Rapids, IA, to points in AL, AR, GA, IL (except Chicago, IL, and its commercial zone), and MO, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 144233 (Sub-3F), filed February 14, 1979. Applicant: REJEAN, INC., Hwy 64 East, Russellville, AR 72801. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *zinc oxide, zinc dust, zinc slabs, and zinc dross*, (except commodities in bulk, in tank vehicles), from the facilities of St. Joe Zinc

Company, at Joseptown, PA, to points in the United States (except AK and HI). (Hearing site: Little Rock, AR.)

MC 144672 (Sub-9F), filed February 12, 1979. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers, converters, and printers of paper and paper products*, between points in Champaign and Montgomery Counties, OH, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Columbus, OH.)

Note—Dual operations may be involved.

MC 144982 (Sub-2F), filed February 26, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 2385 South High Street, Columbus, OH 43207. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning compounds and chemicals* (except in bulk), from Terre Haute, IN, to points in AZ, CA, CO, FL, GA, ID, LA, MT, NV, NM, OK, OR, TN, TX, UT, WA, and WY. (Hearing site: Columbus or Cincinnati, OH.)

MC 145072 (Sub-8F), filed February 16, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 37138. Representative: A. Doyle Cloud, Jr., 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 *tires*, from Warren, OH, to points in AL, AR, MS, and TN. (Hearing site: Memphis, TN.)

Note—Dual operations may be involved.

MC 145092 (Sub-1F), filed February 23, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic, rubber, and plastic and rubber articles*, and (2) *such commodities as are used in the manufacture, distribution, and sale of the commodities named in (1) above*, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic under continuing contract(s) with Osterman & Brewer, Inc., of Dallas, TX. (Hearing site: Washington, DC.)

MC 145673 (Sub-3F), filed February 7, 1979. Applicant: ROAD RAIL SERVICES, INC., 860 Skokie Hwy., Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobile parts, automobile supplies, and automobile accessories*, (except commodities in bulk), from Bedford Park and Hinsdale, IL, to points in IN, OH, and MI. (Hearing site: Chicago, IL.)

MC 146272 (Sub-1F), filed February 23, 1979. Applicant: J & H TRUCKING LTD., a Corporation, Box 255, Lillooet, British Columbia, Canada. Representative: Michael D. Duppenhaler, 211 South Washington Street, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, veneer, and railroad ties*, from Ports of Entry on the International Boundary Line between the United States and Canada, at Blaine and Sumas, WA, to Arlington, WA, under a continuing contract(s) with William A. Cook, of Lillooet, B.C., Canada VOK 1VO. (Hearing site: Seattle, WA.)

MC 146473F, filed February 16, 1979. Applicant: C. L. D. TRANSPORTATION CO., INC., 751 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle as passengers, in charter operations, beginning and ending at Bayonne, NJ, and extending to points in the United States (including AK, but excluding HI), under continuing contract(s) with Domenico Tours, Inc., of Bayonne, NJ. (Hearing site: Newark, NJ, or New York, NY.)

[Decisions Volume No. 52]
[FR Doc. 79-14238 Filed 5-7-79; 8:45 am]
BILLING CODE 7035-01-M

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: All Railroads: Upon further consideration of Revised Exemption No. 143 issued January 24, 1979.

It is ordered, That, under authority vested in me by Car Service Rule 19, Revised Exemption No. 143 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire July 31, 1979.

This amendment shall become effective April 30, 1979.

Issued at Washington, D.C., April 27, 1979.

Interstate Commerce Commission.

Robert S. Turkington,
Agent.

[Amdt. 1 to Revised Exemption No. 143]
[FR Doc. 79-14333 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: *All Railroads*: Because of a strike situation, the Pittsburgh and Lake Erie Railroad Company is unable to furnish shippers gondola cars of suitable ownership to maintain operations thereby threatening to close factories and create economic loss.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

The Pittsburgh and Lake Erie Railroad Company is authorized to accept from shippers general service plain gondola cars less than 61-ft., in length and bearing mechanical designations "GA", "GB", "GD", "GH", "GS", and "GT", as listed in the Official Railway Equipment Register, ICC RER 6410-A 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 April 20, 1979.

Expires May 11, 1979.

Issued at Washington, D.C., April 20, 1979.
Interstate Commerce Commission.

Joel E. Burns,
Agent.

[Exemption No. 165]
[FR Doc. 79-14334 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

Effective date. This amendment shall become effective at 11:59 p.m. April 30, 1979.

This amendment 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 amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 27, 1979

Interstate Commerce Commission.

Robert S. Turkington,
Agent.

[Amdt. No. 2 to I.C.C. Order No. 1 under S.O. No. 1344]
[FR Doc. 79-14335 Filed 5-7-79; 8:45 am]

BILLING CODE 7035-01-M

New York, Susquehanna and Western Railroad Co. Rerouting Traffic.

Upon further consideration of I.C.C. Order No. 1 (New York, Susquehanna and Western Railroad Company), and good cause appearing therefor:

It is ordered, I.C.C. Order No. 1, is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall remain in effect until modified or vacated by order of this Commission.

Sunshine Act Meetings

Federal Register

Vol. 44, No. 90

Tuesday, May 8, 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. 552(b)(3).

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1

CIVIL AERONAUTICS BOARD.

Deletion of item from the May 3, 1979 meeting agenda.

TIME AND DATE: 10 a.m., May 3, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

26. Dockets 24817 and 30998; Agreements among the members of the Air Traffic Conference of America (ATC) relating to travel agency bonding requirements, CAB 16874-A87 and CAB 16874-A34. (memo 8744, BPDA, OGC, BCP).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 26 is being deleted because the Chairman needs additional time to review this case. Accordingly, the following Members have voted that agency business requires that Item 26 be deleted from the May 3, 1979 meeting and that no earlier announcement of this deletion was possible:

Acting Chairman Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

[M-216, Amdt. 4; May 3, 1979]

[S-010-79 Filed 5-4-79; 2:08 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., May 10, 1979.

PLACE: Room 1027—Open, room 1011—closed, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 34191, Draft final rule to eliminate the reporting of freight loss and damage claims data (memo 8760, OEA, BPDA, OGC).
3. Docket 34492, Amendment of Part 385 Delegation and Review of Action Under Delegation; Nonhearing Matters (OGC, OEA).
4. Docket 34280, Third-party complaint of Carlsbad, Clovis, and Hobbs, N. Mex.; Enforcement Proceeding for the assessment of civil penalties against Texas International Airlines for failure to meet service obligations at Carlsbad, Clovis, and Hobbs, N. Mex. (BCP, OGC, BPDA).
5. Release of investigation materials obtained by administrative subpoenas in enforcement cases (BCP).
6. Proposed elimination of the requirement that carrier commission schedules be filed with the Board (OGC, BCP).
7. Amendment of Part 252 of the Board's Economic Regulations concerning filing of no-smoking manuals (memo 8589-C, OGC, BCP).
8. H.R. 612, a bill to prohibit the denial of air transportation solely on the basis of handicap (OGC).
9. Docket 31407 (Donald L. Pevsner v. American Airlines et al.), petition for review of BOE decision dismissing Pevsner's third-party complaint alleging that U.S. foreign carriers have failed to comply with Board Order 76-3-81 requiring the cancellation of certain baggage rules and charges in foreign air transportation (OGC).
10. Docket 30790, Motion of BCAL to modify previous order granting conditional release of international traffic data (memo 7978-J, OGC, BIA).
11. Docket 30699, *Oakland Service Case* (fitness phase)—Order taking discretionary review of issue of Aero-america's fitness (OGC).
12. Docket 28778, *Additional Dallas/Fort Worth-Kansas City Nonstop Service Investigation*, Draft Order (memo 7778-C, OGC).
13. Docket 32485, *Baltimore/Washington-St. Louis Route Proceeding*, Draft Order (OGC).
14. Docket 32115 and 34814; *Boise-Denver Nonstop Proceeding; Application of Frontier Airlines, Inc.* (for Boise-Denver Exemption Authority)—Opinion and Order (OGC).
15. Docket 24817 and 30998; Agreements among the members of the Air Traffic Conference of America (ATC) relating to travel agency bonding requirements, CAB 16874-A87 and CAB 16874-A34 (memo 8744, BPDA, OGC, BCP).
16. Dockets 33125, 33335, 34891, 34919, 34929, 34935, 34938, 35045, and 35072; *Great Lakes-Florida Service* (BPDA).
17. Docket 29789, *Houston/New Orleans-Yucatan Route Proceeding* (memo 6382-F, OGC).

18. Docket 35080, TWA's application for an exemption authorizing flights between Los Angeles and Fort Lauderdale, and other points (memo 8755, BPDA).

19. Docket 34567, Piedmont Aviation's Application in three Charleston, S.C. Markets (memo 8557-A, BPDA).

20. Docket 34717, United's application for an exemption from condition 17 of its certificate for Route 51 (memo 8765, BPDA).

21. Processing of section 401(j)(2) notices under Interim Part 323 (BPDA, OS, OASO, OGC, OI).

22. Dockets 34667, 34807, 34878, 35132, and 35134; applications of Braniff, Western, Ozark, Piedmont and Hughes Airwest for Dallas/Ft. Worth-Phoenix Nonstop Authority (memo 8763, BPDA, OGC, BLJ).

23. Dockets 34303, 34767, and 34767; Application of Pacific Southwest Airlines for a certificate of public convenience and necessity authorizing subsidy-ineligible nonstop authority between Denver and San Francisco/Los Angeles and San Diego. Applications of Hughes Airwest and Ozark Air Lines for similar authority and motions to consolidate filed in Docket 34767 (memo 8766, BPDA, OGC, BLJ).

24. Dockets 33527, 33615, 33923, 33901, 33665, 33659, 34709, 34726, 34733, 34732, 34735, 34303, 34747, and 34865; Applications of Frontier, Northwest, American, Ozark, Western, Trans World, Piedmont, Braniff, Eastern Southern, National, Pacific Southwest, North Central and Delta for Denver-Los Angeles nonstop authority (memo 8443-A, BPDA, OGC, BLJ).

25. Dockets 33826, 34086, 34145, 34174, 33894, 34696, 34687, 34707, 34690, 34694, 34718, 34750, 34659, 34303, 34698, and 34693; Applications of Continental, Delta, Ozark, TWA, American, Braniff, Eastern, Frontier, Hughes Airwest, National, North Central, Northwest, Pacific Southwest, Southern, and TXI for Denver-San Francisco and/or Denver-San Jose nonstop authority (BPDA, OGC, BLJ).

26. Docket 34321, Finalization of Show-Cause Order 79-3-85, tentatively amending Piedmont's certificate for Route 87 to permit one-stop operations in the Nashville/Washington market (memo 8585-A, BPDA).

27. Docket 34521, Allegheny's petition for show-cause procedures on its application for removal of certificate restrictions on its operations between Chicago and Cleveland, Chicago and White Plains, and Burlington and Chicago (memo 8757, BPDA, OGC, BLJ).

28. Docket 34739, Delta's notice of intent to suspend service at Beaumont/Pt. Arthur, Texas (BPDA).

29. Docket 34740, Notice of Delta Air Lines, Inc. of intent to suspend air service at Meridian, Mississippi under section 401(j) of the Act (BPDA).

30. Dockets 34513, 26681, and 34565; Petition of the Port of Astoria for determination of essential air transportation;

Hughes Airwest Petition for modification of orders granting temporary suspension, and notice of intent to terminate service at Astoria/Seaside, Oregon (BPDA).

31. Dockets 34707 and 34852, Ozark's notice of suspension of all air service at Ottumwa, Iowa, the Airport Commission of the City of Ottumwa's petition for determination of essential air service, and the City of Waterloo's motion for reconsideration of Order 79-3-186 (BPDA).

32. Docket 35034, Application of Mississippi Valley Airlines, Inc. for an exemption to permit it to suspend service at St. Louis on less than the 90 days' notice required by Section 37(c) of the Airline Deregulation Act (memo 8759, BPDA).

33. Docket 35084, Application of United for a blanket exemption from section 403 of the Act to enable it to transport other carriers' charter passengers on its scheduled service in emergency situations (memo 8762, BPDA).

34. Dockets 34640, 34757, and 34856; Application of Pan American, Northwest, and Braniff for exemption from the Hawaii common-fare requirement (memo 8758, BPDA).

35. Docket 35075, Temporary subsidy mail rate for Air New England, Inc (BPDA, OCCR, OC, OGC).

36. Dockets 31574 and 35366; *California-Nevada Low-Fare Route Proceeding; Application of PSA for Long Beach Exemption Authority* (memo 7433-E, OGC).

37. Docket 34317, Application of Alberta Northern Airlines LTD for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft (BIA, OGC, BLJ).

38. Dockets 34875 and 35010; Applications of TIA and World for exemptions to perform U.S.-Ireland scheduled service (memo 8654-D, BIA).

STATUS: Items 1-37 open; item 38 closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Public disclosure, particularly to foreign governments, of opinions, evaluations, and strategies of the consultations could seriously compromise the ability of the United States Delegation to achieve an agreement which would be in the best interest of the United States.

Accordingly, the following Members have voted that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(e)(9)(B) and 14 CFR section 310b.5(9)(B) and that the meeting will be closed.

Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

PERSONS EXPECTED TO ATTEND:

Board Members: Chairman Marvin S. Cohen, Member Richard J. O'Melia, Member Elizabeth E. Bailey, and Member Gloria Schaffer.

Assistant to Board Members: Mr. Sanford Rederer, Mr. David M. Kirstein, Mr. Richard Klem, Mr. Stephen H. Lachter, and Mr. James L. Deegan.

Managing Director: Mr. Cressworth Lander. Executive Assistant to the Managing Director: Mr. John R. Hancock.

Bureau of International Affairs: Mr. Donald L. Litton, Mr. Anthony M. Largay, Mr. David A. Levitt, Mr. Rosario J. Scibilia, Mr. Richard M. Loughlin, and Mr. Joseph Chesen.

Office of the General Counsel: Mr. Gary J. Edles, Mr. Michael Schopf, and Mr. Peter B. Schwarzkopf.

Bureau of Pricing and Domestic Aviation: Mr. Michael E. Levine, Mr. John Kiser, Mr. Douglas Leister, Ms. Barbara A. Clark, and Mr. Herbert P. Aswall.

Office of Economic Analysis: Mr. Robert H. Frank and Mr. Larry Manheim.

Bureau of Consumer Protection: Mr. Reuben Robertson and Ms. Patricia Kennedy.

Office of the Secretary: Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes, Jr.,
General Counsel.

[M-217; May 3, 1979]

[S-911-79 Filed 5-4-79; 2:08 pm]

BILLING CODE 6320-01-M

3

FEDERAL ELECTION COMMISSION.

"FEDERAL REGISTER" NO. FR-S-903.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 10, 1979 at 10 a.m.,

CHANGE IN MEETING: The following item has been deleted from the closed portion of the meeting: Audits continued from the meetings of April 11, 19, 25, 26, and May 3.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, 202-523-4065.

Lena L. Stafford,
Acting Secretary to the Commission.
[S-90-B-79 Filed 5-4-79; 1:43 pm]

BILLING CODE 6715-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

May 4, 1979.

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 10 a.m., May 4, 1979.

PLACE: Commissioners library, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Continued meeting from March 28, 1979, on matters relating to an investigation. Two additional matters relating to an investigation.

CONTACT PERSON FOR MORE INFORMATION: KENNETH F. PLUMB, SECRETARY, (202) 275-4166.

[S-907-79 Filed 5-4-79; 10:55 am]

BILLING CODE 6450-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Times of Agency Meetings

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act," (5 U.S.C. 552b(e)(2)), notice is hereby given that the meetings of the Corporation's Board of Directors scheduled for 2 p.m. (Open) and 2:30 p.m. (Closed) on Monday, May 7, 1979, have been rescheduled for 10 a.m. and 10:30 a.m., respectively, on that same date.

Dated: May 4, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Acting Executive Secretary.
[S-912-79 Filed 5-4-79; 3:27 pm]

BILLING CODE 6714-01-M

6

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, May 11, 1979.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Date: May 3, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[S-900-79 Filed 5-4-79; 1:43 pm]

BILLING CODE 6210-01-M

7

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:30 a.m., and 2 p.m., Monday, May 14, 1979.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: PORTIONS OPEN TO THE PUBLIC:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Steel wire coat hangers from Canada (Inv. AA1921-Inq.-25)—briefing (during morning session) and vote (during afternoon session).
6. Certain steel wire nails from Korea (Inv. AA1921-Inq.-26)—briefing (during morning session) and vote (during afternoon session).
7. Rayon staple fiber from Italy (Inv. AA1921-197)—briefing (during morning session) and vote (during afternoon session).
8. Any items left over from previous agenda.

Portions closed to the public:

9. Status report on Investigation 332-101 (MTN Study), if necessary (in closed session).

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

(USITC SE-79-20)

[S-914-79 Filed 5-4-79; 8:45 am]

BILLING CODE 7020-02-M

8

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: 44 FR 24692; April 26, 1979.

STATUS: Closed meeting; open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Monday April 23, 1979.

CHANGES IN THE MEETING: Additional items; deletion. The following item was not considered at the open meeting on Thursday, May 3, 1979 at 10 a.m.:

The Commission will consider a request for an administrative hearing be held on an application filed pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") by Investors Diversified Services, Inc. ("IDS"), the IDS Life Insurance Company ("IDS Life"), Alleghany Corporation ("Alleghany"), and two groups of open-end, diversified, management investment companies advised by IDS and IDS Life (the "Funds") requesting a temporary exemption from the provisions of Section 15(a) of the Act to permit the surviving corporation of a proposed merger of IDS into a wholly-owned subsidiary of Alleghany, and IDS Life to continue to render investment advisory services to the Funds after the assignment of their present advisory contracts on the same basis as such services are currently being provided, pending shareholder approval of new contracts. For further information, please

contact Glen Payne at (202) 755-1739 or Katherine Malfa at (202) 755-1613.

The following additional item was considered at a closed meeting held on Thursday, May 3, 1979, immediately following the above scheduled meeting:

Regulatory matters bearing enforcement implications.

The following additional item was considered at an open meeting held on Thursday, May 3, 1979 at 3:15 p.m.:

Oral argument on an appeal by Frank DeFelice, Ph. D. and Associates, Inc. and Dr. DeFelice from disciplinary action taken against him by the National Association of Securities Dealers, Inc. For further information, please contact R. Moshe Simon at (202) 755-1530.

The following additional closed items were considered after the 3:15 open meeting:

Post oral discussion.
Regulatory matter bearing enforcement implications.

Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

May 4, 1979.

[S-913-79 Filed 5-4-79; 3:45 pm]

BILLING CODE 8010-01-M

9

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 9:30 a.m., Thursday, May 10, 1979. (Meeting No. 1217).

PLACE: Dalton High School, 1500 Manly Street, Dalton, Ga.

STATUS: Open.

MATTERS FOR ACTION:

Personnel Actions¹

1. Change of status for John T. Shields from Administrator of the International Fertilizer Development Program to Assistant Director of Agricultural Development Office of Agricultural and Chemical Development, Muscle Shoals, Alabama.
2. Change of status for William R. Norwood, Assistant to the Manager of Engineering Design and Construction.
3. Change of status for Jerre W. Wilson, Assistant to the Manager of Engineering Design and Construction.
4. Change of status for Bevan W. Brown, Jr. from Acting Director of Natural Resources Services to Director of Natural Resources Services.
5. Change of status for Richard L. Doub from Chief, Planning and Management Services, to Assistant to the Manager of Natural Resources.
6. Appointment of Michael D. High as Assistant Director, Energy Demonstrations

¹ These items were approved by individual Board members. This would give formal ratification to the Board's action.

and Technology Division (Energy Demonstrations), Office of Power, Chattanooga, Tennessee.

7. Appointment of J. Frederick Weinhold as Director, Energy Demonstrations and Technology Division, Office of Power, Chattanooga, Tennessee.

Consulting and Personal Service Contracts

1. Consulting contract with Stanley D. Wilson, Seattle, Washington, for consulting and advisory services in connection with geotechnic and foundation engineering, requested by the Office of Engineering Design and Construction.

Purchase Awards

1. Req. No. 823402—Main steam isolation valves for the Yellow Creek Nuclear Plant.
2. Req. No. 824710—Main feed pump turbines for the Yellow Creek Nuclear Plant.
3. Req. No. 823589 (Reissue)—Requirement contract for metal cable trays and fittings for the Yellow Creek Nuclear Plant.
4. Req. No. 825460—Generator breakers for Browns Ferry Nuclear Plant.
5. Req. No. 595539—Purchase of interim computing equipment for the Computing Services Branch.

Project Authorizations

1. No. 3434—Construct a new 500-kv transmission line from the Browns Ferry Nuclear Plant to the Cordova, Tennessee, 500-kv Substation.
2. No. 3423—Install generator breakers and replace unit station-service transformers at Browns Ferry Nuclear Plant.

Power Items

1. Lease and amendatory agreement with Volunteer Electric Cooperative covering arrangements for 161-kv delivery at TVA's Ten Mile 69-kv Substation.
2. Lease and amendatory agreements with city of Cookeville, Tennessee, and Upper Cumberland Electric Membership Corporation covering arrangements for 69-kv delivery to each distributor at TVA's Cookeville District Substation.
3. Lease-purchase and amendatory agreement with Engelhard Minerals & Chemicals Corporation concerning power supply for its ferroalloy plant near Rockwood, Tennessee.
4. Lease-purchase and amendatory agreement with Reynolds Metals Company concerning power supply for its Sheffield, Alabama, operations.
5. Agreement with Middle Tennessee Electric Membership Corporation covering arrangements for participation of TVA in test project concerning heating-cooling storage devices.

Real Property Transactions

1. Grant of permanent easement to The Water Works and Sewer Board of the city of Guntersville, Alabama, for construction of a sewage pumping station affecting approximately 0.5 acre of Guntersville Reservoir land—Tract XTGR-126SP.
2. Grant of 30-year recreation easement to city of Knoxville, Tennessee, affecting approximately 10.9 acres of Fort Loudoun

Reservoir land known as Bicentennial Park—
Tract XTFL-113RE.

3. Grant of permanent easement to the
Tennessee Department of Transportation for
public highway right of way affecting
approximately 0.67 acre of Guntersville
Reservoir land—Tract XTGR-130B.

4. Abandonment of portion of Lonadale-
Alcoa transmission line easement and right
of way in Blount County, Tennessee—Tract
OAE-1.

5. Sale of permanent easement to First
Baptist Church of Gilbertsville, Kentucky, for
a building site, affecting approximately 0.27
acre of Kentucky Reservoir land in Marshall
County, Kentucky—Tract XGIR-900B.

6. Filing of condemnation suits.

Unclassified

1. Letter agreement with the Department of
Energy covering arrangements for Oak Ridge
National Laboratory to conduct a study of
fiber optics communications for utility
applications.

2. Adoption of final regulations and
implementation of Contract Disputes Act of
1978.

Dated: May 3, 1979.

CONTACT PERSON FOR MORE

INFORMATION: James L. Bentley, Director
of Information, or a member of his staff
can respond to requests for information
about this meeting. Call 615-632-3257,
Knoxville, Tennessee. Information is
also available at TVA's Washington
Office, 202-566-1401.

[S-906-79 Filed 5-4-79; 9:25 am]

BILLING CODE 8120-01-M

Test Report Federal Report

Tuesday
May 8, 1979

Part II

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act (CETA) Prime Sponsors

DEPARTMENT OF LABOR

Employment and Training
AdministrationComprehensive Employment and
Training Act (CETA) Prime Sponsors

AGENCY: Employment and Training
Administration, Labor.

ACTION: Notice.

SUMMARY: This notice promulgates the revised area wage adjustment index for Fiscal Year 1979 as required under Section 122(i)(3) of the Comprehensive Employment and training Act. This revised index replaces the area wage adjustment index which was published in the *Federal Register* on December 29, 1978.

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert Anderson, Administrator,
Office of Comprehensive Employment
Development, Employment and Training
Administration, U.S. Department of
Labor, 601 D Street, N.W., Washington,
D.C., 20213, Telephone (202) 376-6254.

1. *Purpose.* To transmit the revised annual area wage adjustment index for Fiscal Year (fiscal year) 1979.

2. *Background.* Field Memorandum No. 75-79 transmitted the area wage index to be used by CETA prime sponsors in fiscal year '79. This index was computed as the ratio of the average annual wage in each county to the national average annual wage. In cases where CETA prime sponsors consist of county combinations and portions of counties, the average annual wage was computed as a weighted average of the wages in component counties based on the relative employment in each.

3. *Adjustments in the area wage index.* As result of the numerous comments from prime sponsors and public interest groups regarding the methodology used to compute the index, the following two principal adjustments have been made:

a. The index has been computed on a Standard Metropolitan Statistical Area (SMSA) basis in addition to the original index for each prime sponsor jurisdiction. Prime sponsors may use the higher of either the SMSA index or the original prime sponsor index.

b. Where an SMSA index within a Balance of State (BOS), consortium or rural CEP prime sponsor is higher than the prime sponsor index, or where the individual index of a county within a BOS, consortium, or rural CEP prime sponsor which is eligible to be a

program agent (i.e., a county of at least 50,000 population), is higher than the prime sponsor index, the county or SMSA index may be used.

4. *Format of the area wage adjustment index.* The index figures presented in the attached table represent the highest of the prime sponsor index, the SMSA index, or the individual county index. In addition, maximum wages and average wages are shown for each county based on the highest index figure. In BOS, consortia, and rural CEP prime sponsors, the county index and maximum and average wages are shown only for counties eligible to be program agents (at least 50,000 population).

5. *Application of the area wage adjustment index.* (a) Maximum wage provisions were effective on January 26, 1979.

(b) Average wage provisions are effective April 1, 1979, and apply to all PSE participants hired on or after that date.

(c) In BOS, consortia, and rural CEP prime sponsors, there may be several different indices. The prime sponsor should use the index for the county in which a participant will be employed. Individual indices were computed to allow the prime sponsor to focus funds in high unemployment, but relatively higher wage, areas than would be possible with the original BOS, consortium, or CEP average wage level.

6. *Average wage rates payable with CETA funds.* The average annual wage rate for PSE participants hired on or after April 1, 1979, shall not exceed \$7,200, as adjusted upward or downward by the Secretary on an area basis in the area wage adjustment index. In no case shall this wage be adjusted downward to a level that is less than 10 percent above annualized Federal minimum wage rate.

The total average payments per month, equivalent to a full-time PSE job, including such payments to those engaged full-time in a combination of PSE and training who spend at least 50 percent of their time in PSE and who are compensated for training at the minimum wage, shall not exceed the prorated monthly share of the annual average wage.

7. *Action Required.* Regional offices are to immediately transmit the attached index to all CETA prime sponsors.

8. *Inquiries.* Questions may be directed to Joan Shelly on 8-376-7006.

BILLING CODE 4510-30-M

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ALABAMA					
BIRMINGHAM CONSORTIUM (JEFFERSON COUNTY) JEFFERSON.....	100.8	100.8	99.8	10,080	7,258
HUNTSVILLE CONSORTIUM (MADISON COUNTY) MADISON.....	106.0	106.0	98.3	10,600	7,632
MOBILE CONSORTIUM BALDWIN.....	90.2	69.8	91.2	10,000	6,635
MOBILE.....	90.2	94.0	91.2	10,000	6,768
MONTGOMERY CONSORTIUM AUTAUGA.....	85.1		85.1	10,000	6,635
ELMORE.....	85.1		85.1	10,000	6,635
MONTGOMERY.....	85.1	86.7	85.1	10,000	6,635
TUSCALOOSA COUNTY TUSCALOOSA.....	87.2	87.2	87.2	10,000	6,635
BALANCE OF ALABAMA CALHOUN.....	83.2	87.7	87.7	10,000	6,635
COLBERT.....	83.2	121.3	101.9	12,000	8,734
CULLMAN.....	83.2	72.0		10,000	6,635
DALLAS.....	83.2	70.7		10,000	6,635
ETOWAH.....	83.2	100.0	100.0	10,000	7,200
HOUSTON.....	83.2	83.3		10,000	6,635
LAUDERDALE.....	83.2	73.2	101.9	10,190	7,337
LEE.....	83.2	84.8		10,000	6,635
LIMESTONE.....	83.2		98.3	10,000	7,078
MARSHALL.....	83.2	72.6	98.3	10,000	7,078
MORGAN.....	83.2	98.7		10,000	7,106
RUSSELL.....	83.2		81.0	10,000	6,635
ST. CLAIR.....	83.2		99.8	10,000	7,186
SHELBY.....	83.2	91.1	99.8	10,000	7,186
TALLADEGA.....	83.2	86.3		10,000	6,635
WALKER.....	83.2		99.8	10,000	7,186
ALASKA					
ANCHORAGE MUNICIPALITY DIVISION ANCHORAGE DIVISION.....	183.3	183.3	183.3	18,330	13,198
BALANCE OF ALASKA FAIRBANKS DIVISION.....	198.8	209.0		20,900	15,048
ARIZONA					
TUSCON/PIMA CSRT. (PIMA CN.) PIMA.....	87.9	87.9	87.9	10,000	6,635
BALANCE OF ARIZONA COCHISE.....	91.5	97.5		10,000	7,020
COCONINO.....	91.5	76.9		10,000	6,635
NAVAJO.....	91.5	98.3		10,000	7,078
PINAL.....	91.5	106.1		10,610	7,639
YAVAPAI.....	91.5	86.7		10,000	6,635
YUMA.....	91.5	83.1		10,000	6,635
BAL OF MARICOPA CO LESS PHOENIX MARICOPA.....	96.4	96.4	96.4	10,000	6,941
PHOENIX CITY MARICOPA.....	96.4	96.4	96.4	10,000	6,941
ARKANSAS					
CENTRAL ARKANSAS CONSORTIUM PULASKI.....	89.3	90.6	91.1	10,000	6,635
SALINE.....	89.3		91.1	10,000	6,635
BALANCE OF ARKANSAS BENTON.....	76.1	76.6	76.3	10,000	6,635
CRAIGHEAD.....	76.1	75.7		10,000	6,635
CRAWFORD.....	76.1		81.6	10,000	6,635
CRITTENDEN.....	76.1	74.1	93.4	10,000	6,725
GARLAND.....	76.1	74.0		10,000	6,635
JEFFERSON.....	76.1	86.7	86.7	10,000	6,635

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
BALANCE OF ARKANSAS					
MISSISSIPPI	76.1	70.4		10,000	6,635
SEBASTIAN	76.1	84.6	81.6	10,000	6,635
WASHINGTON	76.1	76.0	76.3	10,000	6,635
CALIFORNIA					
BAL OF ALAMEDA CO LESS OAKLAND AND BERKELEY					
ALAMEDA	114.8	114.8	117.1	11,710	8,431
BERKELEY CITY					
ALAMEDA	114.8	114.8	117.1	11,710	8,431
BUTTE COUNTY					
BUTTE	82.3	82.3		10,000	6,635
BAL OF CONTRA COSTA COUNTY, CO. LESS CITY OF RICHMOND					
CONTRA COSTA	107.0	107.0	117.1	11,710	8,431
FRESNO CSRT. (FRESNO CN.)					
FRESNO	81.1	81.1	81.1	10,000	6,635
GLENDALE CITY					
LOS ANGELES	109.9	109.9	109.9	10,990	7,913
HUMBOLDT COUNTY					
HUMBOLDT	98.4	98.4		10,000	7,085
IMPERIAL COUNTY					
IMPERIAL	73.9	73.9		10,000	6,635
INLAND MANP. ASSOC.					
RIVERSIDE	90.3	84.8	90.3	10,000	6,635
SAN BERNARDINO	90.3	94.6	90.3	10,000	6,811
KERN COUNTY					
KERN	95.2	95.2	95.2	10,000	6,854
LONG BEACH CITY					
LOS ANGELES	109.9	109.9	109.9	10,990	7,913
LOS ANGELES CITY					
LOS ANGELES	109.9	109.9	109.9	10,990	7,913
MARIN COUNTY					
MARIN	92.2	92.2	117.1	11,710	8,431
BAL LOS ANGELES CO LESS GLENDALE, L					
BCH, PASADENA, LA, & TORRANCE					
LOS ANGELES	109.9	109.9	109.9	10,990	7,913
MERCED COUNTY					
MERCED	73.3	73.3		10,000	6,635
MONTEREY COUNTY					
MONTEREY	88.4	88.4	88.4	10,000	6,635
OAKLAND CITY					
ALAMEDA	114.8	114.8	117.1	11,710	8,431
ORANGE COUNTY MANP. CSRT. (ORANGE CN.)					
ORANGE	101.2	101.2	101.2	10,120	7,286
PASADENA CITY					
LOS ANGELES	109.9	109.9	109.9	10,990	7,913
RICHMOND CITY					
CONTRA COSTA	107.0	107.0	117.1	11,710	8,431
SAN DIEGO RETC (SAN DIEGO CN.)					
SAN DIEGO	96.7	96.7	96.7	10,000	6,962
SAN FRANCISCO CITY/COUNTY					
SAN FRANCISCO	124.1	124.1	117.1	12,000	8,935
SAN LUIS OBISPO COUNTY					
SAN LUIS OBISPO	87.5	87.5		10,000	6,635
SAN MATEO COUNTY					
SAN MATEO	120.0	120.0	117.1	12,000	8,640
SANTA BARBARA COUNTY					
SANTA BARBARA	89.7	89.7	89.7	10,000	6,635
SANTA CLARA VALLEY					
SANTA CLARA	114.7	114.7	114.7	11,470	8,258
SANTA CRUZ COUNTY					
SANTA CRUZ	78.7	78.7	78.7	10,000	6,635
SOLANO COUNTY					
SOLANO	109.3	109.3	103.8	10,930	7,870
SONOMA COUNTY					
SONOMA	90.4	90.4	90.4	10,000	6,635
STANISLAUS COUNTY					
STANISLAUS	86.5	86.5	86.5	10,000	6,635
STOCKTON/SAN JOAQUIN MANP. CSRT. (SAN JOAQUIN CN.)					
SAN JOAQUIN	92.2	92.2	92.2	10,000	6,638
SUNNYVALE CITY					
SANTA CLARA	114.7	114.7	114.7	11,470	8,258
TORRANCE CITY					
LOS ANGELES	109.9	109.9	109.9	10,990	7,913
TULARE COUNTY					
TULARE	71.0	71.0		10,000	6,635
VENTURA COUNTY					
VENTURA	95.8	95.8	95.8	10,000	6,898
BALANCE OF CALIFORNIA					
EL DORADO	84.4	77.7		10,000	6,635
KINGS	84.4	80.9		10,000	6,635
MADERA	84.4	72.0		10,000	6,635
MENDOCINO	84.4	87.5		10,000	6,635
NAPA	84.4	91.4	103.8	10,380	7,474

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
BALANCE OF CALIFORNIA					
PLACER.....	84.4	84.1	107.9	10,790	7,769
SACRAMENTO CONSORTIUM					
SACRAMENTO.....	113.0	113.0	107.9	11,300	8,136
YOLO COUNTY					
YOLO.....	89.2	89.2	107.9	10,790	7,769
SHASTA COUNTY					
SHASTA.....	99.0	99.0		10,000	7,128
COLORADO					
ADAMS COUNTY					
ADAMS.....	99.7	99.7	104.2	10,420	7,502
ARAPAHOE COUNTY					
ARAPAHOE.....	96.9	96.9	104.2	10,420	7,502
BOULDER COUNTY					
BOULDER.....	96.4	96.4	104.2	10,420	7,502
COLORADO SPRINGS CONSORTIUM					
(EL PASO COUNTY)					
EL PASO.....	83.0	83.0	82.8	10,000	6,635
DENVER CITY/COUNTY					
DENVER.....	108.5	108.5	104.2	10,850	7,812
JEFFERSON COUNTY CONSORTIUM					
JEFFERSON.....	102.5	102.5	104.2	10,420	7,502
LARIMER COUNTY					
LARIMER.....	84.9	84.9	84.9	10,000	6,635
PUEBLO COUNTY					
PUEBLO.....	101.0	101.0	101.0	10,100	7,272
WELD COUNTY					
WELD.....	93.0	93.0	93.0	10,000	6,696
BALANCE OF COLORADO					
DOUGLAS.....	80.9		104.2	10,420	7,502
GILPIN.....	80.9		104.2	10,420	7,502
MESA.....	80.9	88.2		10,000	6,635
CONNECTICUT					
BRIDGEPORT CONSORTIUM					
FAIRFIELD.....	110.4	113.1	113.1	11,310	8,143
NEW HAVEN.....	110.4	95.6	95.6	11,040	7,949
HARTFORD CONSORTIUM					
HARTFORD.....	103.4	104.6	102.1	10,460	7,531
TOLLAND.....	103.4	73.0	102.1	10,340	7,445
NEW HAVEN CONSORTIUM					
NEW HAVEN.....	95.6	95.6	95.6	10,000	6,883
STAMFORD CONSORTIUM					
FAIRFIELD.....	113.1	113.1	113.1	11,310	8,143
WATERBURY CITY					
NEW HAVEN.....	95.6	95.6	95.6	10,000	6,883
BALANCE OF CONNECTICUT					
FAIRFIELD.....	100.2	113.1	113.1	11,310	8,143
HARTFORD.....	100.2	104.6	102.1	10,460	7,531
LITCHFIELD.....	100.2	90.7		10,020	7,214
MIDDLESEX.....	100.2	90.6	102.1	10,210	7,351
NEW HAVEN.....	100.2	95.6	95.6	10,020	7,214
NEW LONDON.....	100.2	99.0	99.0	10,020	7,214
TOLLAND.....	100.2	73.0	102.1	10,210	7,351
WINDHAM.....	100.2	84.2		10,020	7,214
DELAWARE					
WILMINGTON CITY					
NEW CASTLE.....	113.6	113.6	113.9	11,390	8,201
DELAWARE MANP. CONSORTIUM					
KENT.....	104.3	84.3		10,430	7,510
NEW CASTLE.....	104.3	113.6	113.9	11,390	8,201
SUSSEX.....	104.3	80.6		10,430	7,510
DISTRICT OF COLUMBIA					
DISTRICT OF COLUMBIA.....	132.5	132.5	118.4	12,000	9,540
FLORIDA					
ALACHUA COUNTY					
ALACHUA.....	82.4	82.4	82.4	10,000	6,635
BREVARD COUNTY					
BREVARD.....	97.0	97.0	97.0	10,000	6,984
BROWARD CONSORTIUM (BROWARD COUNTY)					
BROWARD.....	90.8	90.8	90.8	10,000	6,635

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ESCAMBIA COUNTY					
ESCAMBIA.....	89.8	89.8	88.8	10,000	6,635
HEARTLAND MANPOWER CONSORTIUM					
POLK.....	84.7	87.3	87.3	10,000	6,635
LEE COUNTY					
LEE.....	80.3	80.3	80.3	10,000	6,635
LEON/GADSDEN CONSORTIUM					
LEON.....	82.5	83.8	83.4	10,000	6,635
MANATEE COUNTY					
MANATEE.....	78.5	78.5	78.5	10,000	6,635
MIAMI/DADE CONSORTIUM					
DADE.....	97.5	98.3	98.3	10,000	7,078
N.E. FLORIDA MANPOWER CONSORTIUM					
BAKER.....	92.6		90.9	10,000	6,667
DUVAL.....	92.6	92.6	90.9	10,000	6,667
NASSAU.....	92.6		90.9	10,000	6,667
OKALOOSA COUNTY					
OKALOOSA.....	81.2	81.2		10,000	6,635
ORANGE COUNTY/ORLANDO CONSORTIUM (ORANGE COUNTY)					
ORANGE.....	87.3	87.3	85.1	10,000	6,635
PALM BEACH COUNTY					
PALM BEACH.....	92.4	92.4	92.4	10,000	6,653
PASCO COUNTY					
PASCO.....	72.3	72.3	84.9	10,000	6,635
SARASOTA COUNTY					
SARASOTA.....	81.5	81.5	81.5	10,000	6,635
SEMINOLE COUNTY					
SEMINOLE.....	76.8	76.8	85.1	10,000	6,635
PINELLAS COUNTY CONSORTIUM (PINELLAS COUNTY)					
PINELLAS.....	81.4	81.4	84.9	10,000	6,635
MARION COUNTY					
MARION.....	73.1	73.1		10,000	6,635
HILLSBOROUGH CONSORTIUM (HILLSBOROUGH COUNTY)					
HILLSBOROUGH.....	89.1	89.1	84.9	10,000	6,635
VOLUSIA COUNTY					
VOLUSIA.....	73.9	73.9	73.9	10,000	6,635
BALANCE OF FLORIDA					
BAY.....	76.6	75.4	75.4	10,000	6,635
CLAY.....	76.6	76.8	90.9	10,000	6,635
COLLIER.....	76.6	81.7		10,000	6,635
LAKE.....	76.6	75.0		10,000	6,635
OSCEOLA.....	76.6		85.1	10,000	6,635
ST. JOHNS.....	76.6		90.9	10,000	6,635
ST. LUCIE.....	76.6	80.4		10,000	6,635
SANTA ROSA.....	76.6		88.8	10,000	6,635
WAKULLA.....	76.6		83.4	10,000	6,635
GEORGIA					
ATLANTA CITY					
DEKALB.....	109.3	101.0	104.0	10,930	7,870
FULTON.....	109.3	109.7	104.0	10,970	7,898
CLAYTON COUNTY					
CLAYTON.....	102.9	102.9	104.0	10,400	7,488
COBB COUNTY					
COBB.....	94.3	94.3	104.0	10,400	7,488
COLUMBUS AREA CONSORTIUM (GEORGIA PART, COLUMBUS SMSA)					
CHATTANOOCHEE.....	81.6		81.0	10,000	6,635
COLUMBUS.....	81.6	79.2	81.0	10,000	6,635
CSRA CONSORTIUM					
COLUMBIA.....	82.4		91.1	10,000	6,635
RICHMOND.....	82.4	89.6	91.1	10,000	6,635
BAL OF DEKALB COUNTY, CO. LESS CITY OF ATLANTA (PART)					
DEKALB.....	101.0	101.0	104.0	10,400	7,488
BAL OF FULTON COUNTY LESS CITY OF ATLANTA (PART)					
FULTON.....	109.7	109.7	104.0	10,970	7,898
GWINNETT CO					
GWINNETT.....	97.4	97.4	104.0	10,400	7,488
MID GEORGIA CONSORTIUM					
BIBB.....	92.9	83.2	95.4	10,000	6,869
HOUSTON.....	92.9	118.6	95.4	11,860	8,539
JONES.....	92.9	65.3	95.4	10,000	6,869
TWIGGS.....	92.9		95.4	10,000	6,869
SAVANNAH/CHATHAM CONSORTIUM (CHATHAM COUNTY)					
CHATHAM.....	90.6	90.6	89.8	10,000	6,635
BALANCE OF GEORGIA					
BRYAN.....	77.0		89.8	10,000	6,635
BUTTS.....	77.0		104.0	10,400	7,488
CARROLL.....	77.0	79.5		10,000	6,635
CATOOSA.....	77.0		94.1	10,000	6,775
CHEROKEE.....	77.0		104.0	10,400	7,488
CLARKE.....	77.0	84.0		10,000	6,635
DADE.....	77.0		94.1	10,000	6,775
DOUGHERTY.....	77.0	91.0	90.6	10,000	6,635
DOUGLAS.....	77.0		104.0	10,400	7,488
EFFINGHAM.....	77.0		89.8	10,000	6,635
FAYETTE.....	77.0		104.0	10,400	7,488
FLOYD.....	77.0	90.1		10,000	6,635
FORSYTH.....	77.0		104.0	10,400	7,488
HALL.....	77.0	76.6		10,000	6,635
HENRY.....	77.0		104.0	10,400	7,488
LEE.....	77.0		90.6	10,000	6,635
LOWNDES.....	77.0	74.0		10,000	6,635

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
BALANCE OF GEORGIA					
NEWTON.....	77.0				
PAULDING.....	77.0		104.0	10,400	7,488
ROCKDALE.....	77.0		104.0	10,400	7,488
WALKER.....	77.0	74.8	104.0	10,400	7,488
WALTON.....	77.0		94.1	10,000	6,775
WHITFIELD.....	77.0	87.3	104.0	10,400	7,488
				10,000	6,635
HAWAII					
HONOLULU CITY/COUNTY					
HONOLULU.....	89.5	89.5	89.5	10,000	6,635
HAWAII BAL OF STATE					
HAWAII.....	81.3	82.4		10,000	6,635
MAUI + KALAWAO.....	81.3	81.8		10,000	6,635
IDAHO					
IDAHO STATEWIDE CONSORTIUM					
ADA.....	89.5	96.9	96.9	10,000	6,977
BANNOCK.....	89.5	84.0		10,000	6,635
BONNEVILLE.....	89.5	90.1		10,000	6,635
CANYON.....	89.5	79.8		10,000	6,635
ILLINOIS					
CHAMPAIGN CONSORTIUM					
CHAMPAIGN.....	88.3	91.6	91.6	10,000	6,635
CHICAGO CITY					
COOK.....	116.9	116.9	114.8	11,690	8,417
BAL OF COOK COUNTY, CO. LESS					
CHICAGO CITY					
COOK.....	116.9	116.9	114.8	11,690	8,417
DUPAGE COUNTY					
DU PAGE.....	107.8	107.8	114.8	11,480	8,266
KANE CO CSRT					
DE KALB.....	96.5	87.5		10,000	6,948
KANE.....	96.5	98.1	114.8	11,480	8,266
LAKE COUNTY					
LAKE.....	107.3	107.3	114.8	11,480	8,266
LA SALLE COUNTY					
LA SALLE.....	100.8	100.8		10,000	7,258
MACON COUNTY					
MACON.....	109.1	109.1	109.1	10,910	7,855
MADISON COUNTY CONSORTIUM					
MADISON.....	108.0	109.6	106.4	10,960	7,891
MCHENRY COUNTY					
MCHENRY.....	95.6	95.6	114.8	11,480	8,266
MCLEAN COUNTY					
MCLEAN.....	94.0	94.0	94.0	10,000	6,768
PEORIA COUNTY CONSORTIUM					
PEORIA.....	108.8	108.8	117.6	11,760	8,467
ROCKFORD CONSORTIUM					
BOONE.....	108.8				
WINNEBAGO.....	108.8	106.7	108.8	10,880	7,834
ROCK ISLAND COUNTY					
ROCK ISLAND.....	122.9	122.9	112.6	12,000	8,849
SANGAMON COUNTY CONSORTIUM					
SANGAMON.....	94.8	94.7	94.6	10,000	6,826
SHAWNEE CONSORTIUM					
SHAWNEE.....	78.8			10,000	6,635
ST. CLAIR CONSORTIUM					
ST. CLAIR.....	93.9	93.9	106.4	10,640	7,661
TAZEWELL COUNTY					
TAZEWELL.....	137.1	137.1	117.6	12,000	9,871
WILL COUNTY CONSORTIUM					
WILL.....	109.6	110.2	114.8	11,480	8,266
BALANCE OF ILLINOIS					
ADAMS.....	90.8	91.2		10,000	6,635
CLINTON.....	90.8		106.4	10,640	7,661
HENRY.....	90.8	85.3	112.6	11,260	8,107
JACKSON.....	90.8	73.6		10,000	6,635
KANKAKEE.....	90.8	93.7	93.7	10,000	6,746
KNOX.....	90.8	97.0		10,000	6,894
MENARD.....	90.8		94.6	10,000	6,661
MONROE.....	90.8		106.4	10,640	7,661
VERMILION.....	90.8	103.2		10,320	7,430
WHITESIDE.....	90.8	105.1		10,510	7,567
WILLIAMSON.....	90.8	94.4		10,000	6,797
INDIANA					
DELAWARE CONSORTIUM					
DELAWARE.....	100.5	101.6	101.6	10,160	7,315
ELKHART COUNTY					
ELKHART.....	97.5	97.5		10,000	7,020
FT. WAYNE CONSORTIUM					
ADAMS.....	99.9		101.7	10,170	7,322
ALLEN.....	99.9	104.2	101.7	10,420	7,502
DEKALB.....	99.9		101.7	10,170	7,322
GARY CITY					
LAKE.....	126.2	126.2	125.6	12,000	9,086
HAMMOND CITY					
LAKE.....	126.2	126.2	125.6	12,000	9,086
INDIANAPOLIS CITY / MARION CO					
MARION.....	110.0	110.0	105.8	11,000	7,920
BAL OF LAKE COUNTY, CO. LESS					
CITIES OF GARY AND HAMMOND					
LAKE.....	126.2	126.2	125.6	12,000	9,086
LA PORTE COUNTY					
LAPORTE.....	93.1	93.1		10,000	6,703
MADISON COUNTY					
MADISON.....	121.1	121.1	121.1	12,000	8,719
SOUTH BEND CITY					
ST. JOSEPH.....	97.6	97.6	95.8	10,000	7,027
SOUTHWESTERN CONSORTIUM					
GIBSON.....	97.5		97.8	10,000	7,042
POSEY.....	97.5		97.8	10,000	7,042

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	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
SOUTHWESTERN CONSORTIUM					
VANDERBURGH.....	97.5	94.0	97.8	10,000	7,042
WARRICK.....	97.5		97.8	10,000	7,042
BAL OF ST. JOSEPH COUNTY, CO.					
LESS SOUTH BEND CITY					
ST. JOSEPH.....	97.6	97.6	95.8	10,000	7,027
TIPPECANOE COUNTY					
TIPPECANOE.....	96.2	96.2	96.2	10,000	6,926
VIGO COUNTY					
VIGO.....	93.8	93.8	93.6	10,000	6,754
BALANCE OF INDIANA					
BARTHOLOMEW.....	93.3	120.9		12,000	8,705
BOONE.....	93.3		105.8	10,580	7,618
CLARK.....	93.3	85.2	100.4	10,040	7,229
CLAY.....	93.3		93.6	10,000	6,739
DEARBORN.....	93.3		105.2	10,520	7,574
FLOYD.....	93.3	80.2	100.4	10,040	7,229
GRANT.....	93.3	110.0		11,000	7,920
HAMILTON.....	93.3	88.3	105.8	10,580	7,618
HANCOCK.....	93.3		105.8	10,580	7,618
HENDRICKS.....	93.3	85.1	105.8	10,580	7,618
HENRY.....	93.3	107.2		10,720	7,718
HOWARD.....	93.3	127.4	124.8	12,000	9,173
JOHNSON.....	93.3	76.2	105.8	10,580	7,618
KOSCIUSKO.....	93.3	90.3		10,000	6,718
MARSHALL.....	93.3		95.8	10,000	6,898
MONROE.....	93.3	86.6	86.6	10,000	6,718
MORGAN.....	93.3		105.8	10,580	7,618
PORTER.....	93.3	121.4	125.6	12,000	9,043
SHELBY.....	93.3		105.8	10,580	7,618
SULLIVAN.....	93.3		93.6	10,000	6,739
TIPTON.....	93.3		124.8	12,000	8,986
VERMILLION.....	93.3		93.6	10,000	6,739
WAYNE.....	93.3	92.2		10,000	6,718
WELLS.....	93.3		101.7	10,170	7,322
IOWA					
BLACKHAWK COUNTY					
BLACK HAWK.....	110.6	110.6	110.6	11,060	7,963
CENTRAL IOWA REGIONAL ASSN. OF					
LOCAL GOVERNMENTS					
POLK.....	95.1	99.0	98.3	10,000	7,128
STORY.....	95.1	87.0		10,000	6,847
WARREN.....	95.1		98.3	10,000	7,078
DAVENPORT CITY					
SCOTT.....	105.6	105.6	112.6	11,260	8,107
LINN COUNTY MANPOWER					
CONSORTIUM					
LINN.....	103.2	103.2	103.2	10,320	7,430
WOODBURY COUNTY					
WOODBURY.....	90.4	90.4	90.1	10,000	6,635
BALANCE OF IOWA					
CLINTON.....	84.7	90.8		10,000	6,635
DUBUQUE.....	84.7	109.5	109.5	10,950	7,884
POTTAWATTAMIE.....	84.7	82.4	94.1	10,000	6,775
SCOTT.....	84.7	105.6	112.6	11,260	8,107
KANSAS					
JOHNSON/LEAVENWORTH CONSORTIUM					
JOHNSON.....	94.4	95.4	104.1	10,410	7,495
LEAVENWORTH.....	94.4	87.4		10,000	6,797
KANSAS CITY CONSORTIUM					
(WYANDOTTE COUNTY)					
WYANDOTTE.....	111.9	111.9	104.1	11,190	8,057
TOPEKA CONSORTIUM (SHAWNEE					
COUNTY)					
SHAWNEE.....	92.9	92.9	91.6	10,000	6,689
WICHITA CITY					
SEDGWICK.....	95.9	95.9	95.2	10,000	6,905
BALANCE OF KANSAS					
DOUGLAS.....	81.0	89.7	89.7	10,000	6,635
JEFFERSON.....	81.0		91.6	10,000	6,635
RILEY.....	81.0	83.7		10,000	6,635
OSAGE.....	81.0		91.6	10,000	6,635
RENO.....	81.0	87.1		10,000	6,635
SEDGWICK.....	81.0	95.9	95.2	10,000	6,905

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
KENTUCKY					
BLUE GRASS MANPOWER CONSORTIUM					
BOURBON.....	89.7		91.7	10,000	6,635
CLARK.....	89.7		91.7	10,000	6,635
FAYETTE.....	89.7	93.9	91.7	10,000	6,761
SCOTT.....	89.7		91.7	10,000	6,635
WOODFORD.....	89.7		91.7	10,000	6,635
EASTERN KENTUCKY RURAL CEP					
PIKE.....	102.9	108.2		10,820	7,790
KENTON COUNTY					
KENTON.....	82.4	82.4	105.2	10,520	7,574
LOUISVILLE/JEFFERSON					
CONSORTIUM (JEFFERSON					
COUNTY)					
JEFFERSON.....	102.8	102.8	100.4	10,280	7,402
BALANCE OF KENTUCKY					
BOONE.....	84.4		105.2	10,520	7,574
BOYD.....	84.4	103.9	100.6	10,390	7,481
BULLITT.....	84.4		100.4	10,040	7,229
CAMPBELL.....	84.4	87.6	105.2	10,520	7,574
CHRISTIAN.....	84.4	77.9	77.9	10,000	6,635
DAVISS.....	84.4	88.8	88.8	10,000	6,635
GREENUP.....	84.4		100.6	10,060	7,243
HENDERSON.....	84.4		97.8	10,000	7,042
JESSAMINE.....	84.4		91.7	10,000	6,635
HARDIN.....	84.4	83.9		10,000	6,635
MCCRACKEN.....	84.4	88.8		10,000	6,635
OLDHAM.....	84.4		100.4	10,040	7,229
WARREN.....	84.4	80.2		10,000	6,635
LOUISIANA					
BATON ROUGE CITY/EAST BATON					
ROUGE PARISH					
EAST BATON ROUGE.....	103.3	103.3	103.7	10,370	7,466
CALCASIEU/JEFF CONSORTIUM					
CALCASIEU.....	101.4	104.1	104.1	10,410	7,495
JEFFERSON PARISH					
JEFFERSON.....	97.1	97.1	98.0	10,000	7,056
LAFAYETTE PARISH					
LAFAYETTE.....	98.0	98.0	98.0	10,000	7,056
NEW ORLEANS CITY/ORLEANS					
PARISH					
ORLEANS.....	98.9	98.9	98.0	10,000	7,121
OUACHITA PARISH					
OUACHITA.....	91.6	91.6	91.6	10,000	6,635
RAPIDES PARISH					
RAPIDES.....	78.1	78.1	78.1	10,000	6,635
SHREVEPORT CITY					
CADDO.....	90.4	90.4	89.2	10,000	6,635
BALANCE OF LOUISIANA					
ACADIA.....	93.8	71.7		10,000	6,754
ASCENSION.....	93.8		103.7	10,370	7,466
BOSSIER.....	93.8	80.6	89.2	10,000	6,754
CADDO.....	93.8	90.4	89.2	10,000	6,754
GRANT.....	93.8		78.1	10,000	6,754
LAFOURCHE.....	93.8	93.1		10,000	6,754
IBERIA.....	93.8	92.7		10,000	6,754
LIVINGSTON.....	93.8		103.7	10,370	7,466
ST. BERNARD.....	93.8	108.6	98.0	10,860	7,819
ST. LANDRY.....	93.8	76.2		10,000	6,754
ST. MARY.....	93.8	112.3		11,230	8,086
ST. TAMMANY.....	93.8	73.7	98.0	10,000	7,056
TANGIPAHOLA.....	93.8	67.2		10,000	6,754
TERREBONNE.....	93.8	107.8		10,780	7,762
WEBSTER.....	93.8		89.2	10,000	6,754
WEST BATON ROUGE.....	93.8		103.7	10,370	7,466
MAINE					
CUMBERLAND COUNTY					
CUMBERLAND.....	84.2	84.2	85.1	10,000	6,635
KENNEBEC COUNTY					
KENNEBEC.....	83.6	83.6		10,000	6,635
PENOBSCOT CONSORTIUM					
PENOBSCOT.....	82.4	84.6		10,000	6,635
YORK COUNTY					
YORK.....	70.2	70.2		10,000	6,635
CETA BALANCE OF MAINE					
ANDROSCOGGIN.....	75.9	71.9	71.9	10,000	6,635
AROSTOOK.....	75.9	76.8		10,000	6,635
SAGadahoc.....	75.9		85.1	10,000	6,635
MARYLAND					
BALTIMORE CONSORTIUM					
ANNE ARUNDEL.....	100.3	92.5	100.3	10,030	7,222
BALTIMORE.....	100.3	101.7	100.3	10,170	7,322
CARROLL.....	100.3	82.9	100.3	10,030	7,222
HARFORD.....	100.3	93.7	100.3	10,030	7,222
HOWARD.....	100.3	100.2	100.3	10,030	7,222
BALTIMORE - INDEPENDENT CITY					
MONTGOMERY COUNTY					
MONTGOMERY.....	108.7	108.7	118.4	11,840	8,525
PRINCE GEORGES COUNTY					
PRINCE GEORGES.....	97.8	97.8	118.4	11,840	8,525
WESTERN MARYLAND CONSORTIUM					
ALLEGANY.....	92.3	96.2		10,000	6,926
FREDERICK.....	92.3	86.3		10,000	6,646
WASHINGTON.....	92.3	97.0		10,000	6,984
BALANCE OF MARYLAND					
CECIL.....	77.7	80.8	113.9	11,390	8,201
CHARLES.....	77.7	92.1	118.4	11,840	8,525
ST. MARYS.....	77.7	95.0		10,000	6,840
WICOMICO.....	77.7	77.0		10,000	6,635

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	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MASSACHUSETTS					
BOSTON CITY					
SUFFOLK	108.4	108.4	99.7	10,840	7,805
BROCKTON CONSORTIUM					
BRISTOL	82.3	79.1	79.1	10,000	6,635
NORFOLK	82.3	93.3	99.7	10,000	7,178
PLYMOUTH	82.3	80.2	99.7	10,000	7,178
CAMBRIDGE CONSORTIUM					
MIDDLESEX	103.7	103.7	99.7	10,370	7,466
HAMPDEN COUNTY (SPRINGFIELD) CONSORTIUM					
HAMPDEN	89.7	89.7	88.9	10,000	6,635
LOWELL CONSORTIUM					
MIDDLESEX	103.7	103.7	99.7	10,370	7,466
NEW BEDFORD CONSORTIUM					
BRISTOL	79.2	79.1	79.1	10,000	6,635
PLYMOUTH	79.2	80.2	99.7	10,000	7,178
WORCESTER CONSORTIUM					
WORCESTER	90.4	90.4	90.4	10,000	6,635
FALL RIVER CONSORTIUM					
BRISTOL	79.1	79.1	79.1	10,000	6,635
CETA BALANCE OF MASSACHUSETTS					
BARNSTABLE	93.4	71.3		10,000	6,725
BERKSHIRE	93.4	91.7	91.7	10,000	6,725
BRISTOL	93.4	79.1	79.1	10,000	6,725
ESSEX	93.4	88.6	99.7	10,000	7,178
FRANKLIN	93.4	84.3		10,000	6,725
HAMPSHIRE	93.4	85.5	88.9	10,000	6,725
MIDDLESEX	93.4	103.7	99.7	10,370	7,466
NORFOLK	93.4	93.3	99.7	10,000	7,178
PLYMOUTH	93.4	80.2	99.7	10,000	7,178
SUFFOLK	93.4	108.4	99.7	10,840	7,805
WORCESTER	93.4	90.4	90.4	10,000	6,725
MICHIGAN					
ANN ARBOR CITY					
WASHTENAW	118.1	118.1	118.1	11,810	8,503
BAL OF WASHTENAW CO. LESS ANN ARBOR CITY					
WASHTENAW	118.1	118.1	118.1	11,810	8,503
BAY COUNTY					
BAY	108.1	108.1	108.1	10,810	7,783
BERRIEN COUNTY					
BERRIEN	100.6	100.6		10,060	7,243
CALHOUN COUNTY					
CALHOUN	111.1	111.1	109.3	11,110	7,999
DEARBORN CITY					
WAYNE	134.2	134.2	129.4	12,000	9,662
DETROIT CITY					
WAYNE	134.2	134.2	129.4	12,000	9,662
FLINT/GENESSEE CONSORTIUM					
GENESSEE	135.8	143.2	138.8	12,000	10,310
LAPEER	135.8	90.6	129.4	12,000	9,778
SHIAWASSEE	135.8	90.6	138.8	12,000	9,994
JACKSON CONSORTIUM					
JACKSON	105.6	110.0	110.0	11,000	7,920
LENAWEE	105.6	102.1		10,560	7,603
KALAMAZOO COUNTY					
KALAMAZOO	107.3	107.3	104.6	10,730	7,726
KENT CONSORTIUM					
ALLEGAN	99.2	87.0		10,000	7,142
IONIA	99.2		112.1	11,210	8,071
KENT	99.2	101.5	99.7	10,150	7,308
LANSING CONSORTIUM					
CLINTON	113.7	90.6	112.1	11,370	8,186
EATON	113.7	89.5	112.1	11,370	8,186
INGHAM	113.7	116.7	112.1	11,670	8,402
LIVONIA CITY					
WAYNE	134.2	134.2	129.4	12,000	9,662
BAL OF MACOMB COUNTY, CO. LESS CITY OF WARREN					
MACOMB	132.5	132.5	129.4	12,000	9,540
MONROE COUNTY					
MONROE	113.1	113.1	110.7	11,310	8,143
MUSKEGON CONSORTIUM					
MUSKEGON	102.0	104.0	102.0	10,400	7,488
OCEANA	102.0		102.0	10,200	7,344
OAKLAND COUNTY					
OAKLAND	120.7	120.7	129.4	12,000	9,317
OTTAWA COUNTY					
OTTAWA	93.0	93.0	99.7	10,000	7,178
SAGINAW COUNTY					
SAGINAW	128.2	128.2	128.2	12,000	9,230
ST. CLAIR COUNTY					
ST. CLAIR	99.8	99.8	129.4	12,000	9,317
WARREN CITY					
MACOMB	132.5	132.5	129.4	12,000	9,540
BAL OF WAYNE CO LESS DETROIT, DEARBORN AND LIVONIA					
WAYNE	134.2	134.2	129.4	12,000	9,662
BALANCE OF MICHIGAN					
BARRY	90.5		109.3	10,930	7,870
ISABELLA	90.5	89.5		10,000	6,635
LIVINGSTON	90.5	87.9	129.4	12,000	9,317

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MICHIGAN					
BALANCE OF MICHIGAN					
MARQUETTE.....	90.5	92.6		10,000	6,667
MIDLAND.....	90.5	140.1		12,000	10,087
ST. JOSEPH.....	90.5	93.8		10,000	6,754
TUSCOLA.....	90.5	89.3		10,000	6,635
VAN BUREN.....	90.5	86.8	104.6	10,460	7,531
MINNESOTA					
DAKOTA COUNTY					
DAKOTA.....	91.1	91.1	101.3	10,130	7,294
DULUTH CITY					
ST. LOUIS.....	94.5	94.5	92.8	10,000	6,804
BAL OF HENNEPIN CO LESS CITY OF MINNEAPOLIS					
HENNEPIN.....	102.6	102.6	101.3	10,260	7,387
MINNEAPOLIS CITY					
HENNEPIN.....	102.6	102.6	101.3	10,260	7,387
BAL OF RAMSEY COUNTY, CO. LESS ST. PAUL CITY					
RAMSEY.....	106.6	106.6	101.3	10,660	7,675
REGION III CONSORTIUM					
ST. LOUIS.....	94.3	94.5	92.8	10,000	6,804
RURAL MINNESOTA CEP					
CLAY.....	68.3		88.2	10,000	6,635
ST. PAUL CITY					
RAMSEY.....	106.6	106.6	101.3	10,660	7,675
QUAD COUNTIES CONSORTIUM					
ANDOKA.....	92.1	92.8	101.3	10,130	7,294
CARVER.....	92.1		101.3	10,130	7,294
SCOTT.....	92.1		101.3	10,130	7,294
WASHINGTON.....	92.1	94.6	101.3	10,130	7,294
BALANCE OF MINNESOTA					
BLUE EARTH.....	77.5	78.4		10,000	6,635
CHISAGO.....	77.5		101.3	10,130	7,294
OLMSTED.....	77.5	99.9	99.9	10,000	7,193
POLK.....	77.5		79.0	10,000	6,635
SHERBURNE.....	77.5		76.2	10,000	6,635
STEARNS.....	77.5	76.3	76.2	10,000	6,635
WRIGHT.....	77.5	67.5	101.3	10,130	7,294
MISSISSIPPI					
JACKSON CONSORTIUM					
HINDS.....	88.5	89.7	88.5	10,000	6,635
RANKIN.....	88.5	79.6	88.5	10,000	6,635
HARRISON COUNTY					
HARRISON.....	76.1	76.1	79.6	10,000	6,635
BALANCE OF MISSISSIPPI					
DE SOTO.....	76.6	78.3	93.4	10,000	6,725
FORREST.....	76.6	79.1		10,000	6,635
HANCOCK.....	76.6		79.6	10,000	6,635
JACKSON.....	76.6	98.1	98.1	10,000	7,063
JONES.....	76.6	81.3		10,000	6,635
LAUDERDALE.....	76.6	79.1		10,000	6,635
LEE.....	76.6	76.3		10,000	6,635
LOWNDES.....	76.6	77.4		10,000	6,635
STONE.....	76.6		79.6	10,000	6,635
WASHINGTON.....	76.6	78.3		10,000	6,635
MISSOURI					
INDEPENDENCE CITY					
JACKSON.....	104.4	104.4	104.1	10,440	7,517
BAL OF JACKSON CO LESS CITIES OF INDEPENDENCE & KANSAS(PART)					
JACKSON.....	104.4	104.4	104.1	10,440	7,517
JEFFERSON/FRANKLIN CONSORTIUM					
FRANKLIN.....	82.1	80.0	106.4	10,640	7,661
JEFFERSON.....	82.1	84.7	106.4	10,640	7,661
KANSAS CITY CONSORTIUM					
CASS.....	104.9		104.1	10,490	7,553
CLAY.....	104.9	104.9	104.1	10,490	7,553
JACKSON.....	104.9	104.4	104.1	10,490	7,553
PLATTE.....	104.9		104.1	10,490	7,553
RAY.....	104.9		104.1	10,490	7,553
SPRINGFIELD CITY					
GREENE.....	84.2	84.2	83.6	10,000	6,635
ST. CHARLES COUNTY					
ST. CHARLES.....	87.7	87.7	106.4	10,640	7,661
ST. LOUIS CITY					
ST. LOUIS IND. CITY.....	111.8	111.8	106.4	11,180	8,050
ST. LOUIS COUNTY					
ST. LOUIS.....	106.3	106.3	106.4	10,640	7,661
BALANCE OF MISSOURI					
ANDREW.....	74.5		87.4	10,000	6,635
BOONE.....	74.5	86.5	86.5	10,000	6,635
BUCHANAN.....	74.5	88.2	87.4	10,000	6,635
CAPE GIRARDEAU.....	74.5	83.5		10,000	6,635
CHRISTIAN.....	74.5		83.6	10,000	6,635
JASPER.....	74.5	81.2		10,000	6,635

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MISSOURI					
BALANCE OF MISSOURI					
COLE.....	74.5	79.9		10,000	6,635
GREENE.....	74.5	84.2	83.6	10,000	6,635
MONTANA					
BALANCE OF MONTANA					
CASCADE.....	83.7	89.3	89.3	10,000	6,635
MISSOULA.....	83.7	90.0		10,000	6,635
YELLOWSTONE.....	83.7	90.8	90.8	10,000	6,635
BUTTE RURAL CEP	93.3			10,000	6,718
NEBRASKA					
LINCOLN CITY					
LANCASTER.....	80.9	80.9	80.9	10,000	6,635
OMAHA CONSORTIUM (NEBRASKA PART, OMAHA SMSA)					
DOUGLAS.....	95.3	96.0	94.1	10,000	6,912
SARPY.....	95.3	81.4	94.1	10,000	6,862
BALANCE OF NEBRASKA					
DAKOTA.....	76.7		90.1	10,000	6,635
LANCASTER.....	76.7	80.9	80.9	10,000	6,635
NEVADA					
LAS VEGAS CSRT. (CLARK CH.)					
CLARK.....	99.1	99.1	99.1	10,000	7,135
WASHOE COUNTY					
WASHOE.....	97.2	97.2	97.2	10,000	6,998
BALANCE OF NEVADA					
.....	93.3			10,000	6,718
NEW HAMPSHIRE					
HILLSBOROUGH COUNTY					
HILLSBOROUGH.....	86.4	86.4	86.4	10,000	6,635
ROCKINGHAM/STRAFFORD CONSORTIUM					
ROCKINGHAM.....	78.0	78.1	99.7	10,000	7,178
STRAFFORD.....	78.0	77.7		10,000	6,635
BALANCE OF NEW HAMPSHIRE					
CHESHIRE.....	77.7	80.1		10,000	6,635
GRAFTON.....	77.7	76.3		10,000	6,635
MERRIMACK.....	77.7	80.2		10,000	6,635
NEW JERSEY					
ATLANTIC COUNTY					
ATLANTIC.....	83.3	83.3	83.3	10,000	6,635
BERGEN COUNTY					
BERGEN.....	109.3	109.3	118.3	11,830	8,518
BURLINGTON COUNTY					
BURLINGTON.....	95.9	95.9	105.4	10,540	7,589
CAMDEN CITY					
CAMDEN.....	100.8	100.8	105.4	10,540	7,589
BAL OF CAMDEN COUNTY, CO. LESS CAMDEN CITY					
CAMDEN.....	100.8	100.8	105.4	10,540	7,589
CUMBERLAND COUNTY					
CUMBERLAND.....	94.6	94.6	94.6	10,000	6,811
ELIZABETH CITY					
UNION.....	120.7	120.7	115.7	12,000	8,690
BAL OF ESSEX COUNTY, CO. LESS CITY OF NEWARK					
ESSEX.....	113.1	113.1	115.7	11,570	8,330
GLOUCESTER COUNTY					
GLOUCESTER.....	100.6	100.6	105.4	10,540	7,589
HUDSON COUNTY CONSORTIUM					
HUDSON.....	108.0	108.0	108.0	10,800	7,776
BAL OF MERCER COUNTY, CO. LESS TRENTON CITY					
MERCER.....	105.5	105.5	105.5	10,550	7,596

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	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MIDDLESEX COUNTY					
MIDDLESEX.....	113.3	113.3	113.3	11,330	8,158
MONMOUTH COUNTY					
MONMOUTH.....	94.5	94.5	94.5	10,000	6,804
MORRIS COUNTY					
MORRIS.....	113.7	113.7	115.7	11,570	8,330
NEWARK CITY					
ESSEX.....	113.1	113.1	115.7	11,570	8,330
OCEAN COUNTY					
OCEAN.....	82.0	82.0		10,000	6,635
BAL. OF PASSAIC CO., CO. LESS					
PATERSON CITY					
PATERSON.....	102.2	102.2	102.2	10,220	7,358
PATERSON CITY					
PASSAIC.....	102.2	102.2	102.2	10,220	7,358
SOMERSET COUNTY					
SOMERSET.....	115.6	115.6	115.7	11,570	8,330
TRENTON CITY					
MERCER.....	105.5	105.5	105.5	10,550	7,596
BAL OF UNION COUNTY, CO. LESS					
ELIZABETH CITY					
UNION.....	120.7	120.7	115.7	12,000	8,690
BALANCE OF NEW JERSEY					
CAPE MAY.....	96.1	71.3		10,000	6,919
HUNTERDON.....	96.1	91.7		10,000	6,919
SALEM.....	96.1	132.5	113.9	12,000	9,540
SUSSEX.....	96.1	76.5		10,000	6,919
WARREN.....	96.1	100.3	99.9	10,030	7,222
NEW MEXICO					
ALBUQUERQUE CONSORTIUM					
(BERNALILLO COUNTY)					
BERNALILLO.....	90.7	90.7	90.3	10,000	6,635
BALANCE OF NEW MEXICO					
DONA ANA.....	87.3	89.7		10,000	6,635
LEA.....	87.3	100.3		10,030	7,222
MCKINLEY.....	87.3	103.9		10,390	7,481
SANDOVAL.....	87.3		90.3	10,000	6,635
SAN JUAN.....	87.3	103.6		10,360	7,459
SANTA FE.....	87.3	75.3		10,000	6,635
VALENCIA.....	87.3	93.1		10,000	6,703
NEW YORK					
ALBANY CITY					
ALBANY.....	101.2	101.2	101.1	10,120	7,286
BALANCE OF ALBANY COUNTY,					
COUNTY LESS ALBANY CITY					
ALBANY.....	101.2	101.2	101.1	10,120	7,286
BROOME COUNTY					
BROOME.....	97.5	97.5	99.3	10,000	7,150
BUFFALO CITY					
ERIE.....	102.1	102.1	103.3	10,330	7,438
CHAUTAUQUA CONSORTIUM					
ALLEGANY.....	87.6	92.3		10,000	6,646
CATTARAUGUS.....	87.6	84.5		10,000	6,635
CHAUTAUQUA.....	87.6	88.2		10,000	6,635
CHEMUNG COUNTY					
CHEMUNG.....	91.8	91.8	91.8	10,000	6,635
DUTCHESS COUNTY					
DUTCHESS.....	111.8	111.8	111.8	11,180	8,050
ERIE CONSORTIUM					
ERIE.....	102.1	102.1	103.3	10,330	7,438
ROCHESTER CITY					
MONROE.....	117.8	117.8	112.0	11,780	8,482
BAL OF MONROE CO., CO. LESS					
ROCHESTER CITY					
MONROE.....	117.8	117.8	112.0	11,780	8,482
NASSAU CONSORTIUM					
NASSAU.....	101.7	101.7	98.6	10,170	7,322
HEMPSTEAD TOWN - LONG BEACH					
CITY CONSORTIUM					
NASSAU.....	101.7	101.7	98.6	10,170	7,322
NEW YORK CITY					
.....	120.7			12,000	8,690
NIAGARA COUNTY					
NIAGARA.....	109.3	109.3	103.3	10,930	7,870
ONEIDA COUNTY					
ONEIDA.....	91.1	91.1	90.6	10,000	6,635
BAL OF ONONDAGA COUNTY, CO.					
LESS SYRACUSE CITY					
ONONDAGA.....	103.4	103.4	103.1	10,340	7,445
ORANGE COUNTY					
ORANGE.....	87.4	87.4		10,000	6,635
OSWEGO COUNTY					
OSWEGO.....	110.5	110.5	103.1	11,050	7,956
RENSSELAER COUNTY					
RENSSELAER.....	88.4	88.4	101.1	10,110	7,279
ROCKLAND COUNTY					
ROCKLAND.....	93.2	93.2	118.3	11,830	8,518
SARATOGA COUNTY					
SARATOGA.....	94.5	94.5	101.1	10,110	7,279
SCHENECTADY COUNTY					
SCHENECTADY.....	115.6	115.6	101.1	11,560	8,323
STEBEN COUNTY					
STEBEN.....	109.3	109.3		10,930	7,870
ST. LAWRENCE COUNTY					
ST. LAWRENCE.....	100.1	100.1		10,010	7,207
SUFFOLK CONSORTIUM (SUFFOLK					
COUNTY)					
SUFFOLK.....	93.8	93.8	98.6	10,000	7,099
SYRACUSE CITY					
ONONDAGA.....	103.4	103.4	103.1	10,340	7,445

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	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ULSTER COUNTY					
ULSTER.....	93.3	93.3		10,000	6,718
WESTCHESTER CONSORTIUM					
PUTNAM.....	109.7	82.1	118.3	11,830	8,518
WESTCHESTER.....	109.7	110.8	118.3	11,830	8,518
YONKERS CITY					
WESTCHESTER.....	110.8	110.8	118.3	11,830	8,518
BALANCE OF NEW YORK					
CAYUGA.....	84.8	84.8		10,000	6,635
CLINTON.....	84.8	86.9		10,000	6,635
COLUMBIA.....	84.8	78.5		10,000	6,635
FULTON.....	84.8	75.6		10,000	6,635
GENESEE.....	84.8	92.4		10,000	6,635
HERKIMER.....	84.8	88.1	90.6	10,000	6,635
JEFFERSON.....	84.8	86.5		10,000	6,635
LIVINGSTON.....	84.8	87.7	112.0	11,200	8,064
MADISON.....	84.8	80.4	103.1	10,310	7,423
MONTGOMERY.....	84.8	79.1	101.1	10,110	7,279
ONTARIO.....	84.8	80.5	112.0	11,200	8,064
ORLEANS.....	84.8		112.0	11,200	8,064
OTSEGO.....	84.8	77.6		10,000	6,635
SULLIVAN.....	84.8	68.6		10,000	6,635
TIOGA.....	84.8		99.3	10,000	7,150
TOMPKINS.....	84.8	88.3		10,000	6,635
WARREN.....	84.8	83.0		10,000	6,635
WASHINGTON.....	84.8	97.3		10,000	7,006
WAYNE.....	84.8	87.5	112.0	11,200	8,064
NORTH CAROLINA					
ALAMANCE COUNTY					
ALAMANCE.....	75.1	75.1	75.1	10,000	6,635
BUNCOMBE COUNTY					
BUNCOMBE.....	81.2	81.2	80.7	10,000	6,635
CHARLOTTE CITY					
MECKLENBURG.....	97.5	97.5	92.5	10,000	7,020
CUMBERLAND COUNTY					
CUMBERLAND.....	78.8	78.8	78.8	10,000	6,635
DAVIDSON COUNTY					
DAVIDSON.....	75.1	75.1	90.6	10,000	6,635
DURHAM CITY					
DURHAM.....	97.7	97.7	90.5	10,000	7,034
GASTON COUNTY					
GASTON.....	81.3	81.3	92.5	10,000	6,660
GREENSBORO CONSORTIUM					
(GUILFORD COUNTY)					
GUILFORD.....	90.4	90.4	90.6	10,000	6,635
ONSLOW COUNTY					
ONSLOW.....	71.1	71.1		10,000	6,635
RALEIGH CONSORTIUM					
JOHNSTON.....	79.7	66.6		10,000	6,635
WAKE.....	79.7	86.4	90.5	10,000	6,635
BAL OF WAKE COUNTY, CO. LESS					
CITY OF RALEIGH					
WAKE.....	86.4	86.4	90.5	10,000	6,635
WINSTON SALEM CONSORTIUM					
(FORSYTH COUNTY)					
FORSYTH.....	102.5	102.5	90.6	10,250	7,380
ROBESON COUNTY					
ROBESON.....	65.8	65.8		10,000	6,635
BALANCE OF NORTH CAROLINA					
BRUNSWICK.....	76.6		86.2	10,000	6,977
CABARRUS.....	76.6	71.5		10,000	6,635
BURKE.....	76.6	76.4		10,000	6,635
CALDWELL.....	76.6	78.6		10,000	6,635
CATAWBA.....	76.6	78.2		10,000	6,635
CLEVELAND.....	76.6	81.0		10,000	6,635
COLUMBUS.....	76.6	73.7		10,000	6,635
CRAVEN.....	76.6	87.9		10,000	6,635
CURRITUCK.....	76.6		87.5	10,000	6,635
DURHAM.....	76.6	97.7	90.5	10,000	7,034
EDGECOMBE.....	76.6	77.0		10,000	6,635
HALIFAX.....	76.6	71.5		10,000	6,635
HARNETT.....	76.6	67.7		10,000	6,635
HENDERSON.....	76.6	78.7		10,000	6,635
IREDELL.....	76.6	72.4		10,000	6,635
LENOIR.....	76.6	80.7		10,000	6,635
MADISON.....	76.6		80.7	10,000	6,635
MECKLENBURG.....	76.6	97.5	92.5	10,000	7,020
NASH.....	76.6	75.1		10,000	6,635
NEW HANOVER.....	76.6	83.9	86.2	10,000	6,635
ORANGE.....	76.6	88.9	90.5	10,000	6,635
PITT.....	76.6	74.9		10,000	6,635
RANDOLPH.....	76.6	73.1	90.6	10,000	6,635
ROCKINGHAM.....	76.6	76.7		10,000	6,635
ROWAN.....	76.6	79.3		10,000	6,635
RUTHERFORD.....	76.6	74.6		10,000	6,635
STOKES.....	76.6		90.6	10,000	6,635
SURRY.....	76.6	66.8		10,000	6,635
UNION.....	76.6	74.1	92.5	10,000	6,660
WAYNE.....	76.6	72.5		10,000	6,635
WILKES.....	76.6	72.6		10,000	6,635
WILSON.....	76.6	79.7		10,000	6,635
YADKIN.....	76.6		90.6	10,000	6,635
NORTH DAKOTA					
NORTH DAKOTA STATEWIDE					
CONSORTIUM					
BURLEIGH.....	83.7	89.7		10,000	6,635
CASS.....	83.7	92.6	88.2	10,000	6,667

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	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NORTH DAKOTA STATEWIDE CONSORTIUM					
GRAND FORKS.....	83.7	84.2	79.0	10,000	6,635
WARD.....	83.7	81.4		10,000	6,635
OHIO					
AKRON CONSORTIUM					
MEDINA.....	107.9	85.8	113.6	11,360	8,179
SUMMIT.....	107.9	110.4	108.0	11,040	7,949
ALLEN COUNTY					
ALLEN.....	104.4	104.4	98.7	10,440	7,517
ASHTABULA COUNTY					
ASHTABULA.....	94.4	94.4		10,000	6,797
BUTLER COUNTY					
BUTLER.....	115.0	115.0	115.0	11,500	8,280
CANTON CONSORTIUM					
STARK.....	103.1	104.9	104.3	10,490	7,553
WAYNE.....	103.1	95.5		10,310	7,423
CINCINNATI CITY					
HAMILTON.....	109.3	109.3	105.2	10,930	7,870
CLARK COUNTY					
CLARK.....	97.6	97.6	95.1	10,000	7,027
CLERMONT/WARREN CONSORTIUM					
CLERMONT.....	85.2	90.1	105.2	10,520	7,574
WARREN.....	85.2	80.2	105.2	10,520	7,574
CLEVELAND CONSORTIUM					
CUYAHOGA.....	115.5	116.0	113.6	11,600	8,352
GEAUGA.....	115.5	91.5	113.6	11,550	8,316
COLUMBUS CONSORTIUM (FRANKLIN CO.)					
FRANKLIN.....	102.1	102.1	100.5	10,210	7,351
DAYTON CITY					
MONTGOMERY.....	115.5	115.5	110.8	11,550	8,316
GREENE COUNTY					
GREENE.....	91.7	91.7	110.8	11,080	7,978
BAL OF HAMILTON, CO LESS CINCINNATI CITY					
HAMILTON.....	109.3	109.3	105.2	10,930	7,870
LAKE COUNTY					
LAKE.....	102.1	102.1	113.6	11,360	8,179
LICKING/DEL CONSORTIUM					
DELAWARE.....	95.8	87.8	100.5	10,050	7,236
LICKING.....	95.8	99.1		10,000	7,135
LORAIN COUNTY					
LORAIN.....	117.3	117.3	117.3	11,730	8,446
MONTGOMERY-PREBLE CONSORTIUM					
MONTGOMERY.....	114.1	115.5	110.8	11,550	8,316
PREBLE.....	114.1		110.8	11,410	8,215
NORTH EAST OHIO MANPOWER CONSORTIUM					
COLUMBIANA.....	109.4	88.4		10,940	7,877
MAHONING.....	109.4	103.8	112.4	11,240	8,093
TRUMBULL.....	109.4	122.2	112.4	12,000	8,798
PORTAGE CO					
PORTAGE.....	91.6	91.6	108.0	10,800	7,776
RICHLAND/MORROW CSRT					
RICHLAND.....	103.6	105.1	105.1	10,510	7,567
SCIOTO COUNTY					
SCIOTO.....	88.2	88.2		10,000	6,635
TOLEDO CONSORTIUM					
LUCAS.....	112.2	113.0	110.7	11,300	8,136
WOOD.....	112.2	107.1	110.7	11,220	8,078
BALANCE OF OHIO					
ATHENS.....	94.7	86.0		10,000	6,818
AUGLAIZE.....	94.7		98.7	10,000	7,106
BELMONT.....	94.7	98.1	99.8	10,000	7,186
CARROLL.....	94.7		104.3	10,430	7,510
CHAMPAIGN.....	94.7		95.1	10,000	6,847
DARKE.....	94.7	81.6		10,000	6,818
ERIE.....	94.7	104.4		10,440	7,517
FAIRFIELD.....	94.7	90.0	100.5	10,050	7,236
FULTON.....	94.7		110.7	11,070	7,970
HANCOCK.....	94.7	102.0		10,200	7,344
HURON.....	94.7	92.4		10,000	6,818
JEFFERSON.....	94.7	112.4	124.4	12,000	8,957
LAWRENCE.....	94.7	93.4	100.6	10,060	7,243
MADISON.....	94.7		100.5	10,050	7,236
MARION.....	94.7	101.3		10,130	7,294
MIAMI.....	94.7	91.2	110.8	11,080	7,978
MUSKINGUM.....	94.7	88.0		10,000	6,818
OTTAWA.....	94.7		110.7	11,070	7,970
PICKAWAY.....	94.7		100.5	10,050	7,236
PUTNAM.....	94.7		98.7	10,000	7,106
ROSS.....	94.7	100.8		10,080	7,258
SANDUSKY.....	94.7	98.8		10,000	7,114
SENECA.....	94.7	106.0		10,600	7,632
TUSCARAWAS.....	94.7	91.7		10,000	6,818
VAN WERT.....	94.7		98.7	10,000	7,106
WASHINGTON.....	94.7	94.1	95.9	10,000	6,905
OKLAHOMA					
BAL. OF CLEVELAND CO. LESS OKLAHOMA CITY (PART)					
CLEVELAND.....	73.0	73.0	94.9	10,000	6,833
COMANCHE COUNTY					
COMANCHE.....	75.9	75.9	75.9	10,000	6,635
OKLAHOMA CITY CONSORTIUM					
CANADIAN.....	96.7		94.9	10,000	6,962
CLEVELAND.....	96.7	73.0	94.9	10,000	6,962
MC CLAIN.....	96.7		94.9	10,000	6,962
OKLAHOMA.....	96.7	98.1	94.9	10,000	7,063

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OKLAHOMA COUNTY, CO. LESS CITY OF OKLAHOMA (PART)					
OKLAHOMA.....	98.1	98.1	94.9	10,000	7,063
TULSA CONSORTIUM					
CREEK.....	103.6	82.8	102.1	10,360	7,459
OSAGE.....	103.6		102.1	10,360	7,459
TULSA.....	103.6	104.9	102.1	10,490	7,553
BALANCE OF OKLAHOMA					
GARFIELD.....	82.3	89.2		10,000	6,635
KAY.....	82.3	97.4		10,000	7,013
LE FLORE.....	82.3		81.6	10,000	6,635
MC CLAIN.....	82.3		94.9	10,000	6,833
MAYES.....	82.3		102.1	10,210	7,351
MUSKOGEE.....	82.3	90.4		10,000	6,635
PAYNE.....	82.3	68.5		10,000	6,635
POTTAWATOMIE.....	82.3	75.1	94.9	10,000	6,833
ROGERS.....	82.3		102.1	10,210	7,351
SEQUOYAH.....	82.3		81.6	10,000	6,635
WAGONER.....	82.3		102.1	10,210	7,351
OREGON					
BAL OF CLACKAMAS CO. LESS PORTLAND CITY (PART)					
CLACKAMAS.....	98.8	98.8	105.0	10,500	7,560
JACKSON/JOSEPHINE CSRT.					
JACKSON.....	93.8	94.8		10,000	6,826
LANE COUNTY					
LANE.....	98.4	98.4	98.4	10,000	7,085
MID-WILLAMETTE VALLEY CONSORTIUM					
MARION.....	93.0	93.5	93.1	10,000	6,732
POLK.....	93.0		93.1	10,000	6,703
MULTNOMAH/WASHINGTON CONSORTIUM					
MULTNOMAH.....	103.8	107.3	105.0	10,730	7,726
WASHINGTON.....	103.8	98.8	105.0	10,500	7,560
PORTLAND CITY					
CLACKAMAS.....	107.3	98.8	105.0	10,730	7,726
MULTNOMAH.....	107.3	107.3	105.0	10,730	7,726
BALANCE OF OREGON					
BENTON.....	94.8	97.6		10,000	7,027
COOS.....	94.8	102.4		10,240	7,373
DOUGLAS.....	94.8	102.9		10,290	7,409
JOSEPHINE.....	94.8	87.5		10,000	6,826
KLAMATH.....	94.8	95.8		10,000	6,898
LINN.....	94.8	106.3		10,630	7,654
UMATILLA.....	94.8	83.9		10,000	6,826
PENNSYLVANIA					
BAL OF ALLEGHENY COUNTY, CO. LESS PITTSBURGH CITY					
ALLEGHENY.....	112.9	112.9	111.9	11,290	8,129
BEAVER COUNTY					
BEAVER.....	122.8	122.8	111.9	12,000	8,842
BERKS COUNTY					
BERKS.....	94.0	94.0	94.0	10,000	6,768
BUCKS COUNTY					
BUCKS.....	97.7	97.7	105.4	10,540	7,589
CENTRE COUNTY					
CENTRE.....	87.9	87.9		10,000	6,635
CHESTER COUNTY					
CHESTER.....	103.0	103.0	105.4	10,540	7,589
DELAWARE COUNTY					
DELAWARE.....	103.7	103.7	105.4	10,540	7,589
ERIE CITY					
ERIE.....	97.7	97.7	97.7	10,000	7,034
BAL OF ERIE COUNTY, CO. LESS ERIE CITY					
ERIE.....	97.7	97.7	97.7	10,000	7,034
FAYETTE COUNTY					
FAYETTE.....	87.3	87.3		10,000	6,635
FRANKLIN COUNTY					
FRANKLIN.....	90.1	90.1		10,000	6,635
BAL OF LACKAWANNA COUNTY, CO. LESS SCRANTON CITY					
LACKAWANNA.....	81.7	81.7	83.7	10,000	6,635
LANCASTER CONSORTIUM					
LANCASTER.....	90.4	90.5	90.5	10,000	6,635
LEBANON.....	90.4	89.8		10,000	6,635
LAWRENCE COUNTY					
LAWRENCE.....	93.0	93.0		10,000	6,696
LEHIGH VALLEY CONSORTIUM					
LEHIGH.....	101.7	99.4	99.9	10,170	7,322
NORTHAMPTON.....	101.7	105.1	99.9	10,510	7,567
LUZERNE COUNTY					
LUZERNE.....	84.6	84.6	83.7	10,000	6,635
LYCOMING CONSORTIUM					
LYCOMING.....	90.2	90.0	90.0	10,000	6,635
MERCER CONSORTIUM					
CRAWFORD.....	98.2	86.0		10,000	7,070

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MERCER CONSORTIUM					
MERCER.....	98.2	103.5		10,350	7,452
VENANGO.....	98.2	104.0		10,400	7,488
MONTGOMERY COUNTY					
MONTGOMERY.....	107.0	107.0	105.4	10,700	7,704
NORTHUMBERLAND COUNTY					
NORTHUMBERLAND.....	86.0	86.0		10,000	6,635
PHILADELPHIA CITY/COUNTY					
PHILADELPHIA.....	109.1	109.1	105.4	10,910	7,855
PITTSBURGH CITY					
ALLEGHENY.....	112.9	112.9	111.9	11,290	8,129
SCHUYLKILL CONSORTIUM					
CARBON.....	76.2	73.7	99.9	10,000	7,193
SCHUYLKILL.....	76.2	77.0		10,000	6,635
SCRANTON CITY					
LACKAWANNA.....	81.7	81.7	83.7	10,000	6,635
SOUTHERN ALLEGANY CONSORTIUM					
BLAIR.....	93.1	84.6	84.6	10,000	6,703
CAMBRIA.....	93.1	104.6	101.5	10,460	7,531
SOMERSET.....	93.1	91.4	101.5	10,150	7,308
SUSQUEHANNA CONSORTIUM					
CUMBERLAND.....	98.3	94.0	98.3	10,000	7,078
DAUPHIN.....	98.3	101.8	98.3	10,180	7,330
PERRY.....	98.3		98.3	10,000	7,078
TRI-COUNTY CONSORTIUM (BUTLER CONSORTIUM)					
ARMSTRONG.....	103.5	98.1		10,350	7,452
BUTLER.....	103.5	105.9		10,590	7,625
INDIANA.....	103.5	103.5		10,350	7,452
WASHINGTON COUNTY					
WASHINGTON.....	107.4	107.4	111.9	11,190	8,057
WESTMORELAND COUNTY					
WESTMORELAND.....	101.1	101.1	111.9	11,190	8,057
YORK COUNTY					
YORK.....	95.1	95.1	92.2	10,000	6,847
BALANCE OF PENNSYLVANIA					
ADAMS.....	86.5	71.8	92.2	10,000	6,635
BRADFORD.....	86.5	89.0		10,000	6,635
CLEARFIELD.....	86.5	89.2		10,000	6,635
COLUMBIA.....	86.5	82.0		10,000	6,635
MCKEAN.....	86.5	87.0		10,000	6,635
MONROE.....	86.5	85.8	83.7	10,000	6,635
SUSQUEHANNA.....	86.5		99.3	10,000	7,150
RHODE ISLAND					
PROVIDENCE CITY					
PROVIDENCE.....	84.3	84.3	83.0	10,000	6,635
BALANCE OF RHODE ISLAND					
BRISTOL.....	82.0		83.0	10,000	6,635
KENT.....	82.0	78.0	83.0	10,000	6,635
NEWPORT.....	82.0	74.4		10,000	6,635
PROVIDENCE.....	82.0	84.3	83.0	10,000	6,635
WASHINGTON.....	82.0	81.6	83.0	10,000	6,635
SOUTH CAROLINA					
SOUTH CAROLINA STATEWIDE CONSORTIUM					
AIKEN.....	82.9	96.2	91.1	10,000	6,926
ANDERSON.....	82.9	80.5		10,000	6,635
BEAUFORT.....	82.9	71.4		10,000	6,635
BERKELEY.....	82.9	95.6	88.2	10,000	6,883
CHARLESTON.....	82.9	88.2	88.2	10,000	6,635
DARLINGTON.....	82.9	88.6		10,000	6,635
DORCHESTER.....	82.9		88.2	10,000	6,635
FLORENCE.....	82.9	80.2		10,000	6,635
GREENVILLE.....	82.9	89.0	86.9	10,000	6,635
GREENWOOD.....	82.9	81.9		10,000	6,635
HORRY.....	82.9	61.6		10,000	6,635
LAURENS.....	82.9	78.6		10,000	6,635
LEXINGTON.....	82.9	83.6	84.6	10,000	6,635
ORANGEBURG.....	82.9	74.3		10,000	6,635
PICKENS.....	82.9	77.4	86.9	10,000	6,635
RICHLAND.....	82.9	84.9	84.6	10,000	6,635
SPARTANBURG.....	82.9	86.8	86.9	10,000	6,635
SUMTER.....	82.9	71.8		10,000	6,635
YORK.....	82.9	84.4		10,000	6,635
SOUTH DAKOTA					
SOUTH DAKOTA STATEWIDE CONSORTIUM					
MINNEHAHA.....	77.5	88.3	88.3	10,000	6,635
PENNINGTON.....	77.5	79.1		10,000	6,635

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TENNESSEE					
CHATTANOOGA CITY					
HAMILTON.....	97.9	97.9	94.1	10,000	7,049
BAL OF HAMILTON COUNTY, CO. LESS CHATTANOOGA CITY					
HAMILTON.....	97.9	97.9	94.1	10,000	7,049
KNOXVILLE CONSORTIUM (KNOX COUNTY)					
KNOX.....	85.5	85.5	95.1	10,000	6,847
MEMPHIS CONSORTIUM (SHELBY COUNTY)					
SHELBY.....	94.9	94.9	93.4	10,000	6,833
NASHVILLE/DAVIDSON COUNTY (DAVIDSON COUNTY)					
DAVIDSON.....	91.7	91.7	88.4	10,000	6,635
SULLIVAN COUNTY					
SULLIVAN.....	100.8	100.8	89.5	10,080	7,258
BALANCE OF TENNESSEE					
ANDERSON.....	79.0	123.4	95.1	12,000	8,885
BLOUNT.....	79.0	105.3	95.1	10,530	7,582
BRADLEY.....	79.0	72.4		10,000	6,635
CARTER.....	79.0		89.5	10,000	6,635
CHEATHAM.....	79.0		88.4	10,000	6,635
DICKSON.....	79.0		88.4	10,000	6,635
GREENE.....	79.0	70.0		10,000	6,635
HAWKINS.....	79.0		89.5	10,000	6,635
MADISON.....	79.0	87.1		10,000	6,635
MARION.....	79.0		94.1	10,000	6,775
MONTGOMERY.....	79.0	77.9	77.9	10,000	6,635
ROBERTSON.....	79.0		88.4	10,000	6,635
RUTHERFORD.....	79.0	81.4	88.4	10,000	6,635
SEQUATCHIE.....	79.0		94.1	10,000	6,635
SUMNER.....	79.0	80.2	88.4	10,000	6,775
TIPTON.....	79.0		93.4	10,000	6,635
UNICOI.....	79.0		89.5	10,000	6,725
UNION.....	79.0		95.1	10,000	6,635
WASHINGTON.....	79.0	77.1	89.5	10,000	6,847
WILLIAMSON.....	79.0		88.4	10,000	6,635
WILSON.....	79.0		88.4	10,000	6,635
TEXAS					
ALAMO CONSORTIUM					
BEXAR.....	84.5	86.9	85.9	10,000	6,635
COMAL.....	84.5		85.9	10,000	6,635
ALAMO CONSORTIUM					
GUADALUPE.....	84.5		85.9	10,000	6,635
GULF COAST AREA MANPOWER CONSORTIUM					
BRAZORIA.....	101.7	122.0	115.1	12,000	8,784
FORT BEND.....	101.7	108.8	115.1	11,510	8,287
LIBERTY.....	101.7		115.1	11,510	8,287
MONTGOMERY.....	101.7	85.6	115.1	11,510	8,287
WALLER.....	101.7		115.1	11,510	8,287
CAMERON COUNTY					
CAMERON.....	71.1	71.1	71.1	10,000	6,635
CAPITAL AREA MANPOWER CONSORTIUM					
HAYS.....	82.9		85.1	10,000	6,635
TRAVIS.....	82.9	86.4	85.1	10,000	6,635
WILLIAMSON.....	82.9	69.5		10,000	6,635
CENTRAL TEXAS MANPOWER CONSORTIUM					
BELL.....	78.7	78.5	77.2	10,000	6,635
CORYELL.....	78.7		77.2	10,000	6,635

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
COASTAL BEND MANPOWER CSRT					
NUECES.....	91.7	95.3	95.1	10,000	6,862
SAN PATRICIO.....	91.7	92.9	95.1	10,000	6,847
DALLAS CITY					
DALLAS.....	105.5	105.5	101.0	10,550	7,596
DALLAS COUNTY CONSORTIUM					
DALLAS.....	105.5	105.5	101.0	10,550	7,596
EL PASO CONSORTIUM (EL PASO COUNTY)					
EL PASO.....	79.3	79.3	79.3	10,000	6,635
FT. WORTH CONSORTIUM					
TARRANT.....	97.7	97.7	101.0	10,100	7,272
GALVESTON COUNTY					
GALVESTON.....	106.0	106.0	106.0	10,600	7,632
BALANCE OF HARRIS CO LESS PASADENA CSRT AND HOUSTON CITY					
HARRIS.....	115.8	115.8	115.1	11,580	8,338
HIDALGO COUNTY CONSORTIUM					
HIDALGO.....	68.3	68.6	68.6	10,000	6,635
HOUSTON CITY					
HARRIS.....	115.8	115.8	115.1	11,580	8,338
GREATER PASADENA CONSORTIUM					
HARRIS.....	115.8	115.8	115.1	11,580	8,338
NORTH TEXAS STATE PLANNING REGIONAL CONSORTIUM					
CLAY.....	80.1		83.1	10,000	6,635
NORTH TEXAS STATE PLANNING REGIONAL CONSORTIUM					
WICHITA.....	80.1	83.3	83.1	10,000	6,635
PERMIAN BASIN CONSORTIUM					
ECTOR.....	102.4	106.0	104.0	10,400	7,488
MIDLAND.....	102.4	110.4	110.4	11,040	7,949
REGION XI CONSORTIUM					
MC LENNAN.....	78.4	81.2	81.2	10,000	6,635
S.E. TEXAS COMPREHENSIVE MANPOWER CONSORTIUM					
HARDIN.....	115.0		115.0	11,500	8,280
JEFFERSON.....	115.0	115.7	115.0	11,570	8,330
ORANGE.....	115.0	119.5	115.0	11,950	8,604
BAL OF TARRANT CO LESS FT WORTH CSRT AND GRAND PRAIRIE(PART)					
TARRANT.....	97.7	97.7	101.0	10,100	7,272
SOUTH PLAINS ASSOCIATION OF GOVERNMENTS					
LUBBOCK.....	80.4	80.6	80.6	10,000	6,635
TEXARKANA CONSORTIUM (ARKANSAS-TEXAS)					
LITTLE RIVER.....	87.6		87.6	10,000	6,635
MILLER.....	87.6		87.6	10,000	6,635
BOWIE.....	87.6	90.8	87.6	10,000	6,635
TEXAS PANHANDLE EMPLOYMENT AND TRAINING ALLIANCE CONSORTIUM					
POTTER.....	91.7	91.9	89.7	10,000	6,635
RANDALL.....	91.7	77.3	89.7	10,000	6,635
WEBB COUNTY					
WEBB.....	68.0	68.0	68.0	10,000	6,635
WEST CENTRAL TEXAS CSRT					
CALLAHAN.....	78.3		80.3	10,000	6,635
JONES.....	78.3		80.3	10,000	6,635
TAYLOR.....	78.3	81.0	80.3	10,000	6,635
EAST TEXAS MANPOWER CONSORTIUM					
GREGG.....	86.0	90.9	93.1	10,000	6,703
HARRISON.....	86.0		93.1	10,000	6,703
SMITH.....	86.0	90.4	90.4	10,000	6,635
BALANCE OF TEXAS					
ANGELINA.....	80.6	88.9		10,000	6,635
BRAZOS.....	80.6	76.2	76.2	10,000	6,635
COLLIN.....	80.6	81.0	101.0	10,100	7,272
DENTON.....	80.6	73.2	101.0	10,100	7,272

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
BALANCE OF TEXAS					
ELLIS.....	80.6	80.2	101.0	10,100	7,272
GRAYSON.....	80.6	82.9	82.9	10,000	6,635
HOOD.....	80.6		101.0	10,100	7,272
JOHNSON.....	80.6	71.5	101.0	10,100	7,272
KAUFMAN.....	80.6		101.0	10,100	7,272
PARKER.....	80.6		101.0	10,100	7,272
ROCKWALL.....	80.6		101.0	10,100	7,272
TOM GREEN.....	80.6	77.9	77.9	10,000	6,635
VICTORIA.....	80.6	91.9		10,000	6,635
WISE.....	80.6		101.0	10,100	7,272
UTAH					
UTAH STATEWIDE CONSORTIUM					
DAVIS.....	92.6	105.8	94.5	10,580	7,618
SALT LAKE.....	92.6	93.9	94.5	10,000	6,804
TOWLE.....	92.6		94.5	10,000	6,804
UTAH.....	92.6	90.8	90.8	10,000	6,667
WEBER.....	92.6	82.0	94.5	10,000	6,804
VERMONT					
VERMONT STATEWIDE CONSORTIUM					
CHITTENDEN.....	82.7	96.1		10,000	6,919
RUTLAND.....	82.7	78.8		10,000	6,635
VIRGINIA					
ALEXANDRIA CITY					
ALEXANDRIA.....	100.3	100.3	118.4	11,840	8,525
ARLINGTON COUNTY					
ARLINGTON.....	134.2	134.2	118.4	12,000	9,662
FAIRFAX-LOUDOUN CONSORTIUM					
FAIRFAX.....	101.5	103.4	118.4	11,840	8,525
LOUDOUN.....	101.5	93.9	118.4	11,840	8,525
FAIRFAX CITY.....	101.5		118.4	11,840	8,525
FALLS CHURCH.....	101.5		118.4	11,840	8,525
HENRICO COUNTY CONSORTIUM					
CHESTERFIELD.....	94.1	107.4	95.1	10,740	7,733
HANOVER.....	94.1	79.3	95.1	10,000	6,847
HENRICO.....	94.1	90.2	95.1	10,000	6,847
PENNSYLVANIA CONSORTIUM					
JAMES CITY.....	93.2		92.9	10,600	6,710
YORK.....	93.2		92.9	10,000	6,710
HAMPTON.....	93.2	93.4	92.9	10,000	6,725
NEWPORT NEWS.....	93.2	97.0	92.9	10,000	6,984
WILLIAMSBURG.....	93.2		92.9	10,000	6,710
PRINCE WILLIAM COUNTY CONSORTIUM					
PRINCE WILLIAM.....	97.2	82.9	118.4	11,840	8,525
MANASSAS CITY.....	97.2		118.4	11,840	8,525
MANASSAS PARK CITY.....	97.2		118.4	11,840	8,525
RAPIDS CONSORTIUM					
CHARLES CITY.....	95.5		95.1	10,000	6,876
GOODLAND.....	95.5		95.1	10,000	6,876
NEW KENT.....	95.5		95.1	10,000	6,876
POWHATAN.....	95.5		95.1	10,000	6,876
RICHMOND.....	95.5	95.9	95.1	10,000	6,905
ROANOKE CONSORTIUM					
BOTETOURT.....	87.7		87.3	10,000	6,635
CRAIG.....	87.7		87.3	10,000	6,635
ROANOKE.....	87.7	86.9	87.3	10,000	6,635
ROANOKE CITY.....	87.7	83.7	87.3	10,000	6,635
SALEM.....	87.7		87.3	10,000	6,635
STAFF CONSORTIUM					
CHESAPEAKE.....	87.8	83.4	87.5	10,000	6,635

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
STAMA CONSORTIUM					
NORFOLK.....	87.8	91.8	87.5	10,000	6,635
PORTSMOUTH.....	87.8	97.0	87.5	10,000	6,984
SUFFOLK.....	87.8		87.5	10,000	6,635
VIRGINIA BEACH.....	87.8	70.6	87.5	10,000	6,635
BALANCE OF VIRGINIA					
ALBERMARLE.....	82.4	92.2		10,000	6,635
AMHERST.....	82.4		87.7	10,000	6,635
APPOMATTOX.....	82.4		87.7	10,000	6,635
AUGUSTA.....	82.4	94.8		10,000	6,826
CAMPBELL.....	82.4		87.7	10,000	6,635
DINWIDDIE.....	82.4		92.9	10,000	6,689
GLOUCESTER.....	82.4		92.9	10,000	6,689
HENRY.....	82.4	88.9		10,000	6,635
MONTGOMERY.....	82.4	85.9		10,000	6,635
PITTSYLVANIA.....	82.4	90.9		10,000	6,635
PRINCE GEORGE.....	82.4	110.6	92.9	11,060	7,963
ROCKINGHAM.....	82.4	71.7		10,000	6,635
SCOTT.....	82.4		89.5	10,000	6,635
WASHINGTON.....	82.4		89.5	10,000	6,635
BRISTOL.....	82.4		92.9	10,000	6,689
COLONIAL HEIGHTS.....	82.4		92.9	10,000	6,689
HOPEWELL.....	82.4		87.7	10,000	6,635
LYNCHBURG.....	82.4	87.4	92.9	10,000	6,689
PETERSBURG.....	82.4				
WASHINGTON					
CLARK COUNTY					
CLARK.....	106.0	106.0	105.0	10,600	7,632
KING/SNOHOMISH CONSORTIUM					
KING.....	113.6	114.6	113.6	11,460	8,251
SNOHOMISH.....	113.6	106.2	113.6	11,360	8,179
KITSAP COUNTY					
KITSAP.....	117.0	117.0		11,700	8,424
BAL OF PIERCE COUNTY, CO. LESS					
TACOMA CITY					
PIERCE.....	101.0	101.0	101.0	10,100	7,272
SPOKANE CSRT. (SPOKANE CN.)					
SPOKANE.....	96.9	96.9	96.9	10,000	6,977
TACOMA CITY					
PIERCE.....	101.0	101.0	101.0	10,100	7,272
YAKIMA COUNTY					
YAKIMA.....	88.9	88.9	88.9	10,000	6,635
BALANCE OF WASHINGTON					
BENTON.....	103.3	129.8	121.5	12,000	9,346
COWLITZ.....	103.3	121.7		12,000	8,762

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
BALANCE OF WASHINGTON					
FRANKLIN.....	103.3		121.5	12,000	8,748
GRAYS HARBOR.....	103.3	108.0		10,800	7,776
LEWIS.....	103.3	100.2		10,330	7,438
SKAGIT.....	103.3	98.8		10,330	7,438
THRUSTON.....	103.3	105.3		10,530	7,582
WHATCOM.....	103.3	99.1		10,330	7,438
WEST VIRGINIA					
WEST VIRGINIA STATEWIDE CONSORTIUM					
BROOKE.....	102.7		124.4	12,000	8,957
CABELL.....	102.7	95.4	100.6	10,270	7,394
FAYETTE.....	102.7	100.4		10,270	7,394
HAMCOCK.....	102.7		124.4	12,000	8,957
HARRISON.....	102.7	96.1		10,270	7,394
KANAWHA.....	102.7	110.0	110.3	11,030	7,942
MC DOWELL.....	102.7	125.7		12,000	9,050
MARION.....	102.7	99.9		10,270	7,394
MARSHALL.....	102.7		99.8	10,270	7,394
MERCER.....	102.7	92.1		10,270	7,394
MONONGALIA.....	102.7	94.9		10,270	7,394
OHIO.....	102.7	88.5	99.8	10,270	7,394
PUTNAM.....	102.7		110.3	10,270	7,394
RALEIGH.....	102.7	102.2		11,030	7,942
WAYNE.....	102.7		100.6	10,270	7,394
WIRT.....	102.7		95.9	10,270	7,394
WOOD.....	102.7	97.1	95.9	10,270	7,394
WISCONSIN					
MADISON/DANE CONSORTIUM (DANE CO.)					
DANE.....	95.7	95.7	95.7	10,000	6,890
MARATHON COUNTY.....	94.9	94.9		10,000	6,833
MILWAUKEE COUNTY.....	107.7	107.7	105.8	10,770	7,754
DOWGLAS.....	75.4		92.8	10,000	6,682
OUTAGAMIE COUNTY.....	96.6	96.6	98.1	10,000	7,063
ROCK COUNTY.....	102.0	102.0		10,200	7,344
TRICO CETA.....	100.0	102.5	102.5	10,250	7,380
KENOSHA.....	100.0	106.0	106.0	10,600	7,632
RACINE.....	100.0	76.3		10,000	7,200
WALWORTH.....	100.0				
WINNEFOND CONSORTIUM					
FOND DU LAC.....	95.4	86.2		10,000	6,869
WINNEBAGO.....	95.4	100.6	98.1	10,000	7,258
WOM CONSORTIUM					
OZAUKEE.....	99.0	95.4	105.8	10,580	7,618
WASHINGTON.....	99.0	87.0	105.8	10,580	7,618
WAUKESHA.....	99.0	103.0	105.8	10,580	7,618
BALANCE OF WISCONSIN					
BROWN.....	83.9	98.0	98.0	10,000	7,056
CALUMET.....	83.9		98.1	10,000	7,063
CHIPPENAW.....	83.9		89.1	10,000	6,635
DODGE.....	83.9	89.4		10,000	6,635
EAU CLAIRE.....	83.9	92.9	89.1	10,000	6,689
GRANT.....	83.9	68.7		10,000	6,635
JEFFERSON.....	83.9	87.2		10,000	6,635
LA CROSSE.....	83.9	86.7	86.7	10,000	6,635
MANITOWOC.....	83.9	85.4		10,000	6,635
PORTAGE.....	83.9	86.1		10,000	6,635
ST. CROIX.....	83.9		101.3	10,130	7,294
SHEBOYGAN.....	83.9	93.1		10,000	6,703
WOOD.....	83.9	98.2		10,000	7,070

1977 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$11,425 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
BALANCE OF WISCONSIN					
GRANT.....	83.9	68.7		10,000	6,635
JEFFERSON.....	83.9	87.2		10,000	6,635
LA CROSSE.....	83.9	86.7	86.7	10,000	6,635
MANITOWOC.....	83.9	85.4		10,000	6,635
PORTAGE.....	83.9	86.1		10,000	6,635
ST. CROIX.....	83.9		101.3	10,130	7,294
SHEBOYGAN.....	83.9	93.1		10,000	6,703
WOOD.....	83.9	98.2		10,000	7,070
WYOMING					
WYOMING STATEWIDE CONSORTIUM					
LARAMIE.....	99.7	83.8		10,000	7,178
NATRONA.....	99.7	111.6		11,160	8,035
PUERTO RICO					
BAYAMON MUNICIPIO.....	64.5			10,000	6,635
CAGUAS MUNICIPIO.....	64.5			10,000	6,635
CAROLINA MUNICIPIO.....	64.5			10,000	6,635
MAYAGUEZ MUNICIPIO.....	64.5			10,000	6,635
PONCE MUNICIPIO.....	64.5			10,000	6,635
SAN JUAN CONSORTIUM.....	64.5			10,000	6,635
BALANCE OF PUERTO RICO.....	64.5			10,000	6,635
VIRGIN ISLANDS.....				10,000	6,635
GUAM.....				10,000	6,635
SAMOA.....				10,000	6,635
TRUST TERRITORIES OF THE PACIFIC ISLANDS.....				10,000	6,635
NORTHERN MARIANNAS.....				10,000	6,635

Signed this 2 day of ^{May}~~April~~ 1979
at Washington, D.C.

Certified to be a true copy
of the original document.

Melania J. Green

Ray Marshall
Ray Marshall
Secretary of Labor

Reader Aids

Federal Register

Vol. 44, No. 90

Tuesday, May 8, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

- 202-783-3238 Subscription orders (GPO)
- 202-275-3054 Subscription problems (GPO)
- "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
- 202-523-5022 Washington, D.C.
- 312-663-0884 Chicago, Ill.
- 213-688-6694 Los Angeles, Calif.
- 202-523-3187 Scheduling of documents for publication
- 523-5240 Photo copies of documents appearing in the Federal Register
- 523-5237 Corrections
- 523-5215 Public Inspection Desk
- 523-5227 Finding Aids
- 523-5235 Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

- 523-3419
- 523-3517
- 523-5227 Finding Aids

Presidential Documents:

- 523-5233 Executive Orders and Proclamations
- 523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S.
- 5282 Statutes at Large, and Index
- 275-3030 Slip Law Orders (GPO)

Other Publications and Services:

- 523-5239 TTY for the Deaf
- 523-5230 U.S. Government Manual
- 523-3408 Automation
- 523-4534 Special Projects

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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, 1978.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	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.

Rules Going Into Effect Today

ENERGY DEPARTMENT

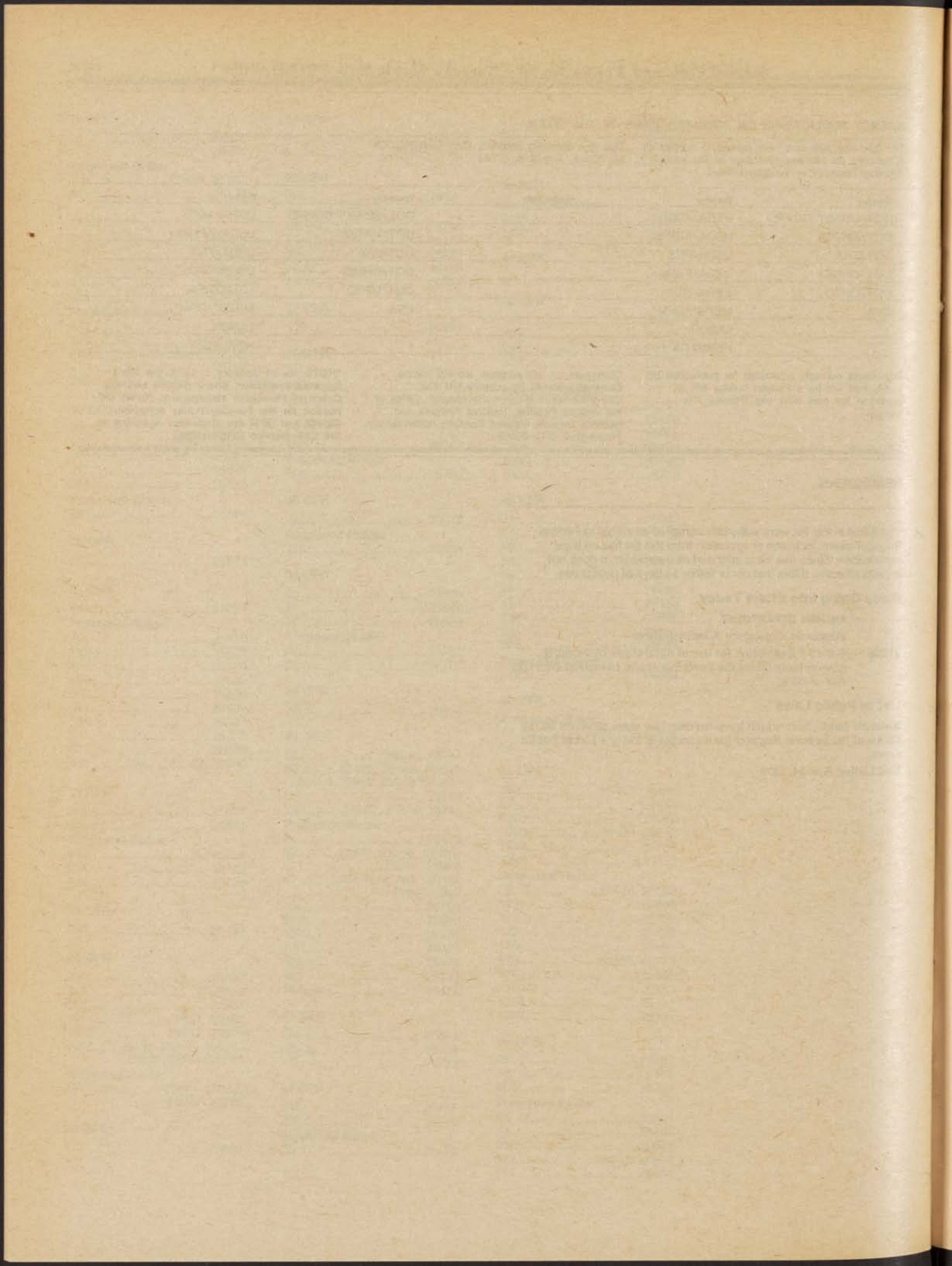
Economic Regulatory Administration—

- 21230 4-9-79 / Exemption for use of natural gas by existing powerplants under the Powerplant and Industrial Fuel Use Act of 1978

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing Apr. 24, 1979



CODE OF ETHICS

CHAPTER 1. PURPOSE AND SCOPE

Section	Description
1.1	1.1.1 Purpose of the Code of Ethics
1.2	1.2.1 Scope of the Code of Ethics
1.3	1.3.1 Application of the Code of Ethics
1.4	1.4.1 Enforcement of the Code of Ethics
1.5	1.5.1 Penalties for Violations
1.6	1.6.1 Review and Revision of the Code of Ethics
1.7	1.7.1 Training and Education
1.8	1.8.1 Monitoring and Reporting
1.9	1.9.1 Confidentiality
1.10	1.10.1 Dispute Resolution
1.11	1.11.1 Final Provisions

This Code of Ethics is intended to provide a framework for the ethical behavior of all employees of the organization. It is not intended to be a substitute for the law or other applicable regulations.

Section	Description
2.1	2.1.1 Integrity
2.2	2.2.1 Honesty
2.3	2.3.1 Fairness
2.4	2.4.1 Respect
2.5	2.5.1 Responsibility
2.6	2.6.1 Accountability

The organization is committed to the highest standards of ethical conduct. All employees are expected to adhere to the principles outlined in this Code of Ethics. Violations of the Code of Ethics may result in disciplinary action, up to and including termination.

This Code of Ethics is effective as of the date of its adoption and shall remain in effect until it is revised or replaced.

Approved by the Board of Directors on [Date]
[Signature]
President

Approved by the Board of Directors on [Date]
[Signature]
Secretary

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1978)

Quantity	Volume	Price	Amount
_____	Title 47—Telecommunication (Parts 0 to 19)	\$5.50	\$ _____
_____	Title 47—Telecommunication (Parts 20-69)	5.75	_____
_____	Title 47—Telecommunication (Parts 70 to 79)	5.25	_____
_____	Title 49—Transportation (Parts 1 to 99)	3.25	_____
_____	Title 49—Transportation (Parts 1000-1199)	5.00	_____
_____	Title 49—Transportation (Parts 1300 to End)	4.50	_____
_____	Title 50—Wildlife and Fisheries	5.75	_____
		Total Order	\$ _____

[A Cumulative checklist of CFR issuances for 1979 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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