AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

8-21-79
Vol. 44 No. 163
Pages 48949-49234

federal register

Tuesday
August 21, 1979

Highlights

48949 **Oil Decontrol** Executive order

48955 **Food and Nutrition Programs** USDA/FNS adopts rules on distribution and utilization of State administrative expense funds

48975 **Small Business Energy Loans** SBA proposes rules to clarify when loans would be approved under certain programs; comments by 9-20-79

49166 **Housing** HUD/FHC establishes general prototype costs for one-to-four family dwelling units for each market area of the country; effective 8-21-79 (Part II)

49188 **Air Carriers** CAB establishes program for gradual elimination of domestic operating certificate restrictions excluding those applicable to intra-Alaska and intra-Hawaii markets; effective 8-21-79 (Part III of this issue)

49037 **Steel Mill Products** Treasury/Sec'y announces trigger prices for the fourth quarter of 1979

48971 **State or Local Fair Employment Practices Agencies** EEOC amends regulations on designation of certain agencies to authorize handling of employment discrimination charges within jurisdictions; effective 6-26-79

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202–523–5240

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48987 **State or Local Fair Employment Practices Agencies** EEOC proposes revising procedural regulations governing designation as deferral agencies; comments by 10–22–79

49010 **Personnel Boards, Merit boards, and Civil Service Systems** EEOC states policy reasons for recognition as 706 agencies

49087 **Veterans Home Loan Program** VA proposes policies and procedures governing participation of appraisers and compliance inspectors; comments by 9–20–79

49090 **Veterans Exposed to Ionizing Radiation** VA issues program guide to be used in development and disposition of claims

49222 **Air Pollution Control** EPA identifies major source categories for which performance standards for new stationary sources are to be promulgated; effective 8–21–79 (Part V of this issue)

48967 **Food Additives** HEW/FDA provides for use of styrene-maleic anhydride copolymer, amidated, ammonium sodium salt in paper and paperboard intended for food-contact use; effective 8–21–79; objections by 9–20–79

48964 **Color Additives** HEW/FDA amends temporary tolerances for certain provisionally listed additives used in ingested cosmetics and drugs; effective 11–19–79; objections by 9–20–79

48979, 48983 **Drugs For Human or Animal Use** HEW/FDA proposes rules regarding separation of functions in withdrawal proceedings involving imminent hazard determinations and establishes imminent hazard criteria and procedure; comments by 10–22–79 (2 documents)

48968 **Drugs for Human Use** HEW/FDA changes requirements for requesting certification of insulin products; effective 9–20–79

48959 **Meat Inspection** USDA/FSQS amends regulations regarding nitrates and nitrites in food products and labeling and selling of foods no longer preserved with such chemicals; effective 9–20–79

49116 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Executive Order 12153 of August 17, 1979

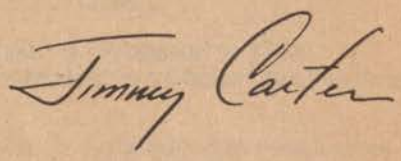
Decontrol of Heavy Oil

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), and notwithstanding the delegations to the Secretary of Energy in Executive Order No. 11790, as amended by Executive Order No. 12038, it is hereby ordered as follows:

1–101. Effective August 17, 1979, prices charged in the first sale of heavy crude oil are exempted from price controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended. For purposes of this section, the term "heavy crude oil" means all crude oil produced from a property, but only if, during the last month prior to July 1979 in which crude oil was produced and sold from that property, such crude oil had a weighted average gravity of 16.0° API or less, corrected to 60° Fahrenheit.

1–102. The Secretary of Energy, or his delegate, shall expeditiously conduct a public inquiry as to what other types of heavy crude oil, if any, should be exempted from price controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended, in order to maintain or increase production of such crude oil. Upon completion of that inquiry, the Secretary shall make a recommendation to the President as to what other types of heavy crude oil, if any, should be exempt from price controls.

1–103. The Secretary of Energy may pursuant to Executive Order 11790, as amended by Executive Order 12038, adopt such regulations as he deems necessary to implement this Order.



THE WHITE HOUSE,
August 17, 1979.

[FR Doc. 79–25980
Filed 8–17–79; 3:32 pm]
Billing code 3195–01–M

Rules and Regulations

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 151, 300, 302, 315, 330, 351, 352, 353, 531, 550, 731, 733, 754, and 930

Deletion of Procedural Regulations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This document deletes from the Office's regulations the procedures for investigating and prosecuting alleged improper political activity and procedures for governing employee appeals which are obsolete as a result of the reorganization and issuance of Merit Systems Protection Board regulations.

EFFECTIVE DATE: August 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Part	Name	Telephone
151,733	Thomas F. Moyer	(202) 632-2992
300, 302, 315, 330, 351, 352, 353, 731.	Morton I. Horvitz	(202) 632-6817
531, 550	James N. Woodruff	(202) 632-6553
754	Wilma Lehman	(202) 632-5623
930	Joseph A. Norris	(202) 632-4638

SUPPLEMENTARY INFORMATION: Reorganization Plan No. 2 of 1978 (43 FR 36067) abolished the Civil Service Commission and transferred its functions to the Office of Personnel Management and the Merit Systems Protection Board.

Among those functions transferred from the Commission to the Board are: (1) the authority to investigate and prosecute alleged improper political activity; (2) the authority to decide employee appeals; and (3) the authority to issue regulations on these matters. Interim regulations were published by the Board on January 19, 1979 (44 FR 3946). Final regulations governing appeals were published on June 29, 1979 (44 FR 38342 et seq.).

The following are corrections to Chapter 1, 5 CFR, Parts 151, 300, 302, 315, 330, 351, 352, 353, 531, 550, 731, 733, 754, and 930, resulting from the implementation of Reorganization Plan No. 2 of 1978 and the Civil Service Reform Act of 1978 (Pub. L. 95–454). Part 772 of the Office's regulations was deleted at 44 FR 46249, published on August 7, 1979.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

Accordingly, 5 CFR chapter 1 is amended as follows:

§§ 151.131–151.138 [Deleted]

(1) In Part 151, §§ 151.131, 151.132, 151.133, 151.134, 151.135, 151.136, 151.137 and 151.138 are deleted.

PART 300— EMPLOYMENT (GENERAL)

(2) In § 300.104, paragraphs (a)(2) and (3) are deleted, and §§ 300.104(a)(1), 104(b) and 104(c)(2) are revised to read as follows:

§ 300.104 Appeals, grievances and complaints.

(a) *Employment practices.* A candidate who believes that an employment practice which was applied to him or her by the Office of Personnel Management violates a basic requirement in section 300.103 is entitled to appeal to the Merit Systems Protection Board under the provisions of its regulations.

(b) *Examination ratings.* A candidate may file an appeal with the Office from his examination rating or the rejection of his application, except that, where the Office has delegated examining authority to an agency, the candidate should appeal directly to that agency. The appeal shall be filed and processed in accordance with instructions in chapter 337 of the Federal Personnel Manual.

(c) * * *

(2) Except as provided in paragraph (c)(1) of this section, an employee may file a grievance with an agency when he or she believes that an employment practice which was applied to him or her and which is administered or required by the agency violates a basic requirement in § 300.103. The grievance shall be filed and processed under the agency grievance system established in accordance with Part 771 of this chapter, or a negotiated grievance system.

* * * * *

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

§§ 302.502 and 302.503 [Deleted]

(3) Subpart E of Part 302 is amended by deleting §§ 302.502 and 302.503 and revising § 302.501 to read as follows:

§ 302.501 Entitlement.

An individual who is covered by 5 U.S.C. 8101(1) and is entitled to priority consideration under this Part (see § 302.103) may appeal a violation of his/her restoration rights to the Merit Systems Protection Board under the provisions of the Board's regulations by presenting factual information that he or she was denied restoration rights because of the employment of another person.

* * * * *

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

(4) Subpart H of the table of contents at the beginning of Part 315 is amended to read as follows:

Subpart H—Probation on Initial Appointment to a Competitive Position

Sec.
315.801 Probationary period; when required.
315.802 Length of probationary period.
315.803 Agency action during probationary period (general).
315.804 Termination of probationers for unsatisfactory performance or conduct.
315.805 Termination of probationers for conditions arising before appointment.
315.806 Appeal rights to the Merit Systems Protection Board.

§ 315.807 [Deleted]

(5) Subpart H of Part 315 is amended by deleting §§ 315.807, 315.806(b)(1) and 315.806(e); and by revising §§ 315.806(b)(2) and 315.806(d) to read as follows:

§ 315.806 Appeal rights to the Merit Systems Protection Board.

* * * * *

(b) *On discrimination.* An employee may appeal under this subparagraph a termination not required by statute which he or she alleges was based on

partisan political reasons or marital status.

* * * * *

(d) An employee may appeal to the Board under this section a termination which the employee alleges was based on discrimination because of race, color, religion, sex, or national origin; or age, provided that at the time of the alleged discriminatory action the employee was at least 40 years of age; or physical handicap, only if such discrimination is raised in addition to one of the issues stated in paragraphs (b) or (c) of this section.

* * * * *

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

(6) Subpart B of the table of contents at the beginning of Part 330 is amended to read as follows:

Subpart B—Appointment From Reemployment Priority List

Sec.
330.201 Priority in filling vacancies.
330.202 Reemployment priority list appeals.

§§ 330.203 and 330.204 [Deleted]

(7) Subpart B of Part 330 is amended by deleting §§ 330.203 and 330.204 and revising § 330.202 to read as follows:

§ 330.202 Reemployment priority list appeals.

An employee or former employee who thinks his or her reemployment priority rights under this subpart have been violated is entitled to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations by presenting factual information that he or she was denied restoration rights because of the employment of another person.

* * * * *

PART 351—REDUCTION IN FORCE

(8) Subpart I of the table of contents at the beginning of Part 351 is amended to read as follows:

Subpart I—Appeals and Corrective Action

Sec.
351.901 Appeal.
351.902 Correction by agency.
* * * * *

(9) Subpart H of Part 351 is amended by revising §§ 351.802 and 351.807 as follows:

§ 351.802 Content of notice.

Except as provided in § 351.803, the notice required by § 351.801 shall state specifically the action to be taken and its effective date; the employee's competitive area, competitive level, subgroup, and service date; the place where the employee may inspect the regulations and records pertinent to this case; the reasons for retaining a lower-standing employee in the same competitive level under § 351.607; the reasons for retaining a lower-standing employee in the same competitive level for more than 30 days under § 351.608; and the employee's right to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of section 1201.21 of this title.

§ 351.807 Status during notice period.

When possible, the agency shall retain the employee on active duty during the notice period, but it may place him/her on annual leave with or without his/her consent, on leave without pay with his/her consent, or in a nonpay status without his/her consent when in an emergency the agency lacks work or funds for all or part of the notice period.

* * * * *

(9a) Subpart I of Part 351 is amended by deleting §§ 351.902 and 351.901(b) through (d) and is further amended by revising § 351.901 and redesignating § 351.903 as § 351.902 to read as follows:

§ 351.901 Appeal.

An employee who has been affected by a reduction in force action and who believes this part has not been correctly applied may appeal to the Merit Systems Protection Board under the provisions of the Board's regulations.

§ 351.902 Correction by agency. [Redesignated from § 351.903]

* * * * *

§ 351.903 [Redesignated as § 351.902]

PART 352—REEMPLOYMENT RIGHTS

§§ 352.313, 352.508, 352.607, 352.707 [Amended]

(10) Part 352 is amended by deleting §§ 352.313 (d)–(f), 352.508 (b)–(e), 352.607 (b) and (c), and 352.707 (b) and (c). Part 352 is also amended by revising §§ 352.209; 352.313 (a), (b) and (c); 352.508(a) (1), (2) and (3); 352.607; and 352.707(a) (1), (2), and (3) to read as follows:

§ 352.209 Employee appeals to the Merit Systems Protection Board.

When an agency denies reemployment to a person claiming reemployment rights under this subpart, the agency shall inform him or her of that denial by a written notice. In the same notice, the agency shall inform him/her of his/her right to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title.

* * * * *

§ 352.313 Failure to reemploy and right of appeal.

(a) When an agency fails to reemploy an employee within 30 days of his/her application, it shall notify him/her in writing of the reasons and of his/her right to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title.

(b) If the agency fails to reach and issue a decision to the employee within 30 days from his/her application for reemployment, the employee is entitled to appeal the failure of the agency to the Merit Systems Protection Board under the provisions of the Board's regulations.

(c) An appeal alleging that the agency has failed to comply with any of the other provisions of sections 3343 and 3581–3584 of title 5, United States Code, or of this Part may be submitted to the Merit Systems Protection Board under the provisions of the Board's regulations.

* * * * *

§ 352.508 Appeals to the Merit Systems Protection Board.

(a) If an agency determines that an employee who has applied for reinstatement is not eligible for reinstatement, it shall notify the employee as promptly as possible of its decision, of the basis therefor, and of the employee's appeal rights under this subpart. The employee is entitled to appeal the decision to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title.

(b) If an agency fails to reinstate an employee within the time limits specified in § 352.507, the employee is entitled to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations.

(c) If an employee considers that his reinstatement is not in accordance with the act and this subpart, he or she is entitled to appeal to the Merit Systems

Protection Board under the provisions of the Board's regulations.

* * * * *

§ 352.607 Appeals to the Merit Systems Protection Board.

If an employee considers that he/she has been improperly reemployed or has been improperly denied reemployment to which the employee considers he/she is entitled under this subpart, the employee may appeal to the Merit Systems Protection Board under the provisions of the Board's regulations.

* * * * *

§ 352.707 Employee appeals to the Merit Systems Protection Board.

(a) If an agency denies reemployment to a person claiming reemployment rights under this subpart, the agency shall inform the individual of that denial and of the reasons therefor by a written notice. In the same notice, the agency shall inform the employee of the right to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title.

(b) If an employee considers reemployment to be not in accordance with this subpart, the employee is entitled to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations.

(c) Refusal of a tribe to hire a Federal employee is not appealable to the Merit Systems Protection Board.

* * * * *

PART 353—RESTORATION TO DUTY

(11) Subpart D of the table of contents at the beginning of Part 353 is amended to read as follows:

Subpart D—Appeals

Sec.
353.401 Appeals.
* * * * *

§ 353.402–353.405 [Deleted]

(12) Part 353 is amended by deleting §§ 353.402, 353.403, 353.404, and 353.405. This Part is also amended by revising §§ 353.308 (a) and (b), 353.401(a)(1) (i)–(iv), and 353.401(b); and redesignating § 353.401(a)(1)(v) as § 353.401(c) to read as follows:

* * * * *

§ 353.308 Notice of right of appeal.

(a) When an agency refuses to restore, or determines that it is not feasible to restore an employee under the provisions of law and this Part, it shall notify the employee in writing of the reasons for its decision and of his or her right to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title and shall forward a copy of the notice to the Board.

(b) When an agency restores an employee it shall notify the employee that he or she is being restored in accordance with the requirements of § 353.303. The agency shall also inform the employee that he or she is entitled to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title.

* * * * *

§ 353.401 Appeals.

(a) * * *

(1) * * *

(i) *Failure of restoration.* If, after proper notification by the employee of his/her desire to exercise his/her restoration rights, the agency concerned fails to restore the employee within the time limits specified by law and in this Part, the employee may appeal to the Board under the provisions of the Board's regulations.

(ii) *Not feasible to restore.* If the agency concerned decides that it is not feasible to restore an employee, he or she may appeal this decision to the Board under the provisions of the Board's regulations.

(iii) *Refusal of restoration.* If the agency concerned refuses to restore an employee, the employee may appeal to the Board under the provisions of the Board's regulations.

(iv) *Improper restoration.* If an employee considers that he or she has been improperly restored, the employee may appeal to the Board under the provisions of the Board's regulations.

(b) Other employees. An emloyee of another branch who is entitled by law to appeal to the Merit Systems Protection Board may do so under the provisions of the Board's regulations.

(c) *Former agency abolished.* If the Executive branch or District of Columbia agency in which an employee was employed when he or she left for military duty or was injured is abolished and its functions are not transferred to another agency, the employee is entitled to request that the Office find him or her employment.

* * * * *

PART 531—PAY UNDER THE GENERAL SCHEDULE

(13) Part 531 is amended by deleting §§ 531.407(e) (2)–(4) and by revising §§ 531.407 (d)(3) and (e) to read as follows:

§ 531.407 Work of an acceptable level of competence.

* * * * *

(d) * * *

(3) When the decision on the employee's request for reconsideration sustains the original negative determination, the notice of decision shall inform the employee of his or her right to appeal that decision to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of section 1201.21 of this title.

* * * * *

(e) *Appeal to the Merit Systems Protection Board.* An employee may appeal to the Merit Systems Protection Board under the provisions of the Board's regulations the decision by his or her agency sustaining the negative determination.

* * * * *

(14) Subpart E of Part 531 is amended by revising § 531.517 to read as follows:

§ 531.517 Appeals to the Merit Systems Protection Board.[1]

(a) *General.* An employee who is reduced in grade or pay, or reassigned during his or her salary retention period, may appeal to the Merit Systems Protection Board from a decision of the agency that (1) he or she is not entitled to salary retention, or (2) will terminate or adversely affect the salary retention he or she is currently receiving. This right of appeal does not in any way restrict an employee's entitlement to appeal to the Board under another part of this chapter or under statute.

(b) *Agency notification to employee.* When an employee is reduced in grade or pay, or reassigned during a salary retention period, the agency shall inform him or her in writing whether or not he or she is entitled to salary retention, or whether the salary retention he or she is currently receiving will be terminated or adversely affected. When an agency decides that (1) an employee is not

[1] The provisions of this section apply only to: (1) determinations of entitlement under 5 U.S.C. 5337; and (2) agency decisions to terminate or adversely affect the retained rate received under 5 U.S.C. 5337. 5 U.S.C. 5337 was repealed by the Civil Service Reform Act of 1978 (Pub. L. 95–454) effective on the first day of the first pay period beginning on or after January 11, 1979. For information concerning entitlement to pay retention in actions which occurred after the effective date of the CSRA, see Part 536 of this chapter.

entitled to salary retention, or (2) the salary retention an employee is currently receiving will be terminated, the agency shall inform him or her in writing of his or her right to appeal to the Board under the provisions of the Board's regulations. The agency shall comply with the provisions of section 1201.21 of this title.

* * * * *

PART 550—PAY ADMINISTRATION (GENERAL)

(15) In part 550, §§ 550.803 (c) and (d) are revised to read as follows:

§ 550.803 Determining entitlement.

* * * * *

(c) The requirement for a "timely appeal" referred to in section 5596 of title 5, United States Code, is met when an employee or personal representative initiates a claim to the Comptroller General for settlement of his or her claim against the Government, or an appeal or grievance under an appeal or grievance system including appeal procedures included in a collective bargaining agreement, and that claim is accepted as timely filed by the Comptroller General, or that appeal or grievance is accepted as timely filed by the Government authority administering the appeal or grievance system, or is found to be timely filed by an appropriate authority, e.g., an arbitrator, or a court having jurisdiction.

(d) The "appropriate authority" referred to in section 5596 of title 5, United States Code, is (1) a court having jurisdiction; (2) the Comptroller General; (3) the Office of Personnel Management; (4) a grievance board established by section 692 of the Foreign Service Act of 1946; (5) the head of the employing agency or an agency official to whom corrective action authority is delegated; (6) an arbitrator or the Federal Labor Relations Authority in decisions under chapter 71 of title 5, United States Code; (7) the Merit Systems Protection Board, including the Special Counsel; or (8) the Equal Employment Opportunity Commission.

* * * * *

PART 731—SUITABILITY

(16) Subpart D of the table of contents at the beginning of Part 731 is amended to read as follows:

Subpart D—Appeal to the Merit Systems Protection Board

Sec.
731.401 Right to appeal.

§ 731.401 [Amended]
§ 731.402 [Deleted]

(17) Part 731 is amended by deleting §§ 731.401(c) and 731.402. Part 731 is also amended by revising §§ 731.302(d) and 731.401 to read as follows:

§ 731.302 Actions against employees by the Office.

* * * * *

(d) When the Office instructs an agency to remove an appointee under this Part it shall notify the agency and the appointee of its decision in writing, giving reasons for the decision, and informing the agency and the appointee of the right to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The Office shall comply with the provisions of section 1201.21 of this title.

* * * * *

§ 731.401 Right to appeal.

(a) Any applicant or eligible who is disqualified from examination or appointment by the Office for any reason named in § 731.202 may appeal to the Merit Systems Protection Board under the Board's regulations.

(b) An appointee who is disqualified by the Office for any reason named in § 731.202 or his or her employing agency may appeal to the Board under the Board's regulations.

* * * * *

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

(18) The table of contents of Part 733 is amended to read as follows:

Subpart A—The Competitive Service

General Provisions

Sec.
733.101 Definitions.

Permissible Activities

733.111 Permissible activities.

Prohibited Activities

733.121 Use of official authority; prohibition.
733.122 Political management and political campaigning; prohibitions.
733.123 Prohibited activity; exception of certain employees.
733.124 Political management and political campaigning; exception of certain elections.

Subpart B—The Excepted Service

733.201 Jurisdiction.

Subpart C—The U.S. Postal Service

733.301 Jurisdiction.

* * * * *

§§ 733.131–733.137, §§ 733.202–733.302 and 733.402 [Deleted]
§ 733.401 [Redesignated as § 733.301]

(19) Part 733 is amended by deleting §§ 733.131 through 733.137, 733.202 through 733.302, and 733.402; by redesignating § 733.401 as 733.301; and by revising §§ 733.124(b) and 733.401 to read as follows:

§ 733.124 Political management and political campaigning; exception of certain elections.

* * * * *

(b) For the purpose of paragraph (a)(2) of this section, the Office may designate a municipality or political subdivision in Maryland or Virginia in the immediate vicinity of the District of Columbia or a municipality in which the majority of voters are employed by the Government of the United States, when the Office determines that, because of special or unusual circumstances, it is in the domestic interest of employees to participate in local elections. Information as to the documentation required to support a request for designation is furnished by the Office on request. The following municipalities and political subdivisions have been designated, effective on the date specified:

* * * * *

Subpart C—The U.S. Postal Service

§ 733.301 Jurisdiction.

Sections 733.101 (c), (d), (e), and (f) through 733.124 apply to an employee of the U.S. Postal Service.

* * * * *

PART 754—ADVERSE ACTIONS BY THE COMMISSION

(20) Part 754 is amended by revising §§ 754.104 and 754.105 to read as follows:

§ 754.104 Decision.

The Associate Director shall notify the employee and the agency of his or her decision and inform the employee of his or her appeal rights. The decision shall be in writing, be dated, and inform the employee of the reasons for the decision. The Office shall comply with the provisions of § 1201.21 of this title.

§ 754.105 Appeal rights.

(a) An employee may appeal an adverse decision of the Associate Director to the Merit Systems Protection Board under the provisions of the Board's regulations.

(b) An employee who appeals under this section is entitled to be retained in an active duty status until action on his/

her appeal is completed under Part 1201 of this title.

* * * * *

PART 772—APPEALS TO THE COMMISSION [DELETED]

(21) Part 772 was deleted in its entirety by document 44 FR 46249 published on August 7, 1979.

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

§§ 930.221–930.234 [Deleted]

(22) Subpart B of Part 930 is amended by deleting §§ 930.221, 930.222, 930.223, 930.224, 930.225, 930.226, 930.227, 930.228, 930.229, 930.230, 930.231, 930.232, 930.233, and 930.234. This subpart is also amended by revising §§ 930.202(f) and 930.214 to read as follows:

§ 930.202 Definitions.

* * * * *

(f) "Removal" means an involuntary change in the status of an administrative law judge, including discharge, suspension, reduction in grade, reduction in pay, and a furlough of 30 days or less from the position of administrative law judge and demotion, reassignment, and promotion to a position other than that of administrative law judge.

* * * * *

§ 930.214 Separation.

(a) *Removal.* An agency may remove an administrative law judge only for good cause, established and determined by the Merit Systems Protection Board on the record and after opportunity for hearing before the Board as provided in §§ 1201.131 through 1201.136 of this title.

(b) *Status during removal proceedings.* In exceptional cases when there are circumstances by reason of which the retention of an administrative law judge in his/her position, pending adjudication of the existence of good cause for his/her removal, would be detrimental to the interests of the Government, the agency shall either assign the administrative law judge to duties in which these conditions would not exist, or place him/her on annual leave for the period that will be covered by the annual leave to his/her credit. An agency may take action under this paragraph only with the prior approval of the Board.

* * * * *

(5 U.S.C. 7701 et seq.)

[FR Doc. 79-25887 Filed 8-20-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 235

[Amdt. 2]

State Administrative Expense Funds; Final Rule

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation is issued to (1) finalize the rulemaking process initiated by interim State administrative expense (SAE) fund regulations promulgated on August 22, 1978 (43 FR 37170) and (2) implement in final regulatory form certain nondiscretionary provisions of Pub. L. 95–627 which was enacted on November 10, 1978. The Department intends that this rulemaking serve as the authority for and the guidelines under which SAE funds will be distributed and utilized.

DATES: Effective upon signature.

FOR FURTHER INFORMATION, CONTACT: Margaret O'K. Glavin, Director, School Programs Division, USDA, FNS, Washington, D.C. 20250, (202)447–8130.

SUPPLEMENTARY INFORMATION: Pub. L. 95–166, enacted November 10, 1977, brought about a number of changes in the structure of the SAE funding process. They included a change in the allocation formula, the availability of start-up assistance for State agencies assuming program administration, a carryover provision covering funds allocated in fiscal year 1978, authorization for the use of SAE funds in the administration of the Food Distribution Program, a State-level maintenance of effort requirement and mandatory annual submission by State agencies of a plan for the use of SAE funds.

All of the preceding provisions were incorporated into the above-referenced interim rulemaking. They were issued on an interim basis because it was determined that they were nondiscretionary in nature and that the child nutrition programs would be best served if they were in effect prior to the 1978–79 school year. However, a public comment period, extending through October 6, 1978, was provided for.

Public Comments

A total of five (5) comments on the interim regulations were received, all from State Departments of Education. The following describes the substance of the comments and the FNS reaction to them.

Use of "Discretionary" Funds—Two commenters suggested that the establishment of a basic SAE payment to each State of one-percent of the funds expended during the second previous year was inconsistent with the intent of Pub. L. 95–166 (i.e., that payments up to one and one-half percent could and should be provided for). FNS believes that the one-percent payment was intended to be the minimum State entitlement (except where a State would earn less than $75,000 or the amount it earned in fiscal year 1977) and that it has a discretionary authority to provide additional funding to States within appropriated amounts based on the needs of State agencies. This is reinforced by the fact that the Appropriations Act for fiscal year 1979, the first year under this formula, provided for an amount equal to one percent ($21 million), with an additional amount ($4 million) for dealing with State-level problems in the administration of child nutrition programs.

With regard to these discretionary funds, the preamble to the interim regulations states, in part, that "the Department has determined that this issue (i.e., the use of the funds above the one percent level) would be appropriately addressed in a proposed format (regulation) in order that the public's comments may be taken into consideration * * * " In the interval, increasing concern has been raised about alleged problems related to program administration. The amount of concern has caused FNS to devise a plan for determining the extent of and dealing with such problems. As mentioned above, $4 million has been appropriated for such activity. Regulations dealing with the plan are currently being developed by FNS.

Amounts of SAE Allocated—Two comments reflected the concern that, since the allocation formulae are based on program size in the second preceding fiscal year, the SAE allocation to a State agency which assumed administration of a program in the interval would not include funds for that program. Similarly, a State agency which relinquished administration, would receive an allocation based, in part, on a program which it is no longer administering. FNS believes that the intention was to tie the allocations to (1) whether or not a given program, in whole or in part, is currently being administered by the State agency and (2) the amount of program funds expended in a program in the applicable year, regardless of which agency was administering it. This position is

reflected in the language of this final regulation.

Negotiated Start-up Assistance—The interim regulation provides that, when a State agency assumes administration of a program or programs in nonprofit private schools and child care institutions from FNS an appropriate adjustment in the form of start-up cost assistance from $10,000 to $100,000 will be paid by FNS to the State agency. One commenter asked that clarification be provided as to whether or not this would be a one year payment or would be repeated during the second year of administration. Since this is "start-up assistance", it is a one-year payment, provided to a State agency to assist in meeting administrative expenses inherent in assuming program administration. During the first year, and in each subsequent year, SAE funds, as provided for in the applicable formulae, will also be made available.

In the same area, a second commenter suggested that the provision requiring payment of the start-up cost assistance "not later than the succeeding fiscal year" could cause a delay in such payment far beyond the time by which it was needed. FNS agrees that these funds are most appropriately payable at the earliest possible time, certainly during the first full year of the State agency's administration of a program, and that the referenced language, extracted from Pub. L. 95–166, serves only as a final deadline for such payments.

Use of SAE in the Food Distribution Program—One commenter stated that the interim regulation appeared to be too restrictive in describing the uses for which SAE funds may be used in the Food Distribution Program. FNS did not intend that the use of these funds be as limited as a literal reading of the interim regulations might suggest and has changed this paragraph in the final regulations to make the costs allowable under the commodity program consistent with those in effect for the other programs. The use of SAE funds is, of course, limited to the administration of the Food Distribution Program in schools and institutions which participate in the child nutrition programs.

SAE and State Planning—Several comments pointed out the fact that some State agencies must know with some certainty the amounts of money which will be available to them under SAE. This is related to the fact that in some States, agency budgets must be approved by legislatures, and to amend such budgets during the year, based on anticipated receipt of additional funds, can be a difficult process. FNS understands this problem but feels that the one-percent formula for schools and the Child Care Food Program (CCFP) formula (the combined total of which represents nearly 80 percent of available SAE funds) gives the States a firm basis upon which to plan. As suggested previously, the funds remaining after the required allocations will be made available to States based on an assessment of individual State needs. In taking any such action, FNS will do whatever it can to accommodate the situations in which State agencies find themselves.

FNSRO Approval of State Administrative Expenses—The interim regulation includes a provision for FNSRO approval of amounts of SAE funds for "general administrative expenses * * * including travel and related expenses." Since the approval of SAE expenditures is part of the overall Regional Office approval of the State's Plan of Child Nutrition Operations, the specific reference to FNSRO approval discussed above has been removed from this final regulation so as not to suggest the need for an approval process in addition to that established for State plans.

Final Regulations

As stated previously, Pub. L. 95–627 made several changes in the allocation and use of SAE funds. These changes, which are incorporated in these final regulations, are discussed below. They are issued in final regulatory form in order to implement statutory mandates. For this reason, they are being issued without the benefit of public comment. Furthermore, since they are mandatory, FNS would not be able to alter them based on unfavorable public comment.

Allocation Formula—Section 7 of Pub. L. 95–627 sets out specific formulae for allocation of SAE funds for school feeding programs (i.e., the National School Lunch, School Breakfast, Special Milk and Food Service Equipment Assistance Programs) and the Child Care Food Program. In addition, as provided for in Pub. L. 95–166, SAE funds may be used in the administration of the Food Distribution Program.

The school program allocation to each State will be one percent of the school program funds expended within the State during the second preceding year. States which would earn less than $100,000 under this formula will receive a minimum grant of $100,000, or the amount of SAE funds which the State was allocated in the fiscal year 1978, if that amount is more than $100,000. As suggested above, States will be allocated SAE funds based on the school feeding programs they are administering during the year that the funds are allocable, not those they administered two years ago, and the expenditures to which the formula is applied are the total expenditures in the State on a program-by-program basis. Thus, for example, a State agency which assumed administration of private schools from FNS in fiscal year 1978 would, in fiscal year 1979, be allocated, in part, SAE funds on the basis of one percent of applicable program funds paid by FNSRO to private schools in 1977.

Prior to Pub. L. 95–627, SAE funds for the Child Care Food Program were included in the one percent school program allocation. Now a separate formula for Child Care Food Program SAE funds is provided for and is to be applied in a manner similar to that for the school programs. However, in the case of Child Care Food Program SAE funds, there is no minimum allocation and the law permits FNS the discretionary authority to increase or decrease the allocation to a State, depending on the current size of the program within the State. Thus, as example, if the Child Care Food Program in a State has grown substantially over the prior two year period, FNS may increase the SAE allocation to that State if it determines that the level allocable under the formula is inadequate to administer the larger program.

Under Pub. L. 95–627, FNS has the authority to allocate the remaining funds to States in amounts determined necessary for the effective administration of the programs (the law provides for an annual overall SAE appropriation of one and one-half percent of school program and CCFP program funds expended during the second preceding fiscal year). FNS is developing a plan for implementing this provision which will be issued in proposed rulemaking.

Fund Transfers, Limitations and Recordkeeping—Section 7(a)(5) of Pub. L. 95–627 requires funds be used for the costs related to administering the program for which each allocation is made. It also provides that States have the authority to transfer SAE funds among the amounts allocated for school feeding programs, the CCFP and the Summer Food Service Program for Children (a separate SAE allocation is provided for the administration of summer programs under Section 13 of the National School Lunch Act, as amended, and 7 CFR Part 225). The amounts of the transfers are limited to ten percent of any one fund allocation.

In addition, prior to the enactment of Pub. L. 95–627 and the initiation of separate fund allocations, State agencies were required to keep records on total SAE expenditures which were in conformance with the information required in their State plans. Since the law now contains requirements that SAE funds be spent in specific programs and that transfers be limited to ten percent, States would be responsible for the use of SAE funds in light of the separate program fund allocations. These regulations contain the ten percent limitation on transfers.

FNS is concerned that the immediate implementation of the transfer limitation provision could be disruptive and create a hardship for some States. In some cases, it would force them to reorder priorities established in State Plans or withdraw fiscal commitments to one or more programs, thus eliminating administrative services. Therefore, FNS will be providing detailed guidance to States to enable them to implement this provision with as little disruption in the administration of the programs as possible.

In addition, the Department has proposed legislation which would remove this transfer limitation and allow the use of SAE funds for all programs rather than only programs designated in allocations. A bill containing this provision has already been reported out of the House Committee on Education and Labor and is pending in the Senate. It now seems extremely likely that this program will be enacted by the Congress, and that the 10 percent limitation will be removed from the law.

Fund Reallocation—Pub. L. 95–166 requires that for fiscal years 1979 and 1980, each State agency must submit a plan for disbursement of SAE funds and that, based on an evaluation of the information provided and other information available to FNS such as that found in State Plans, the results of audits and management evaluations, etc., FNS will recall and reallocate funds which will not be used by the State to which they were allocated. These regulations require that State agencies provide the necessary information by March 1 and again by June 1. The information will be similar to that developed by the State agency for inclusion in its State Plan of Child Nutrition Operations.

Prior to the enactment of Pub. L. 95–166, FNS surveyed State agencies during the third quarter of each fiscal year in an attempt to ascertain whether the amounts of SAE funds provided were adequate to meet the needs of the individual States. To the extent possible, excess funds were recalled from States and made available where need existed. Under the allocation formula in existence at that time, this procedure was satisfactory. Section 14 of Pub. L. 95–166, however, formalized the requirement for recall and reallocation; these regulations implement the requirement. FNS envisions this requirement as nothing more than a submission of data which will indicate the relationship between that needed by a State and that available to it under the allocation formulae. The March and June submission dates have been chosen to make the process as timely as possible and at the same time provide the maximum amount of flexibility.

Start-up Assistance—Based on a provision contained in Section 14 of Pub. L. 95–166, interim regulations established a start-up assistance rate for State agencies which assume program administration of at least $10,000, but not more than $100,000. These final regulations retain the start-up assistance rate but add a provision for recovering an appropriate amount of SAE in States which terminate program administration. In most cases, such a recovery would occur when administration is surrendered during a fiscal year. It is not intended to be a punitive action but rather is based on the assumption that the State's administrative burden has been lessened.

FNS State-level Administration—Section 7 of Pub. L. 95–627 and these regulations allow for the use by FNS of SAE funds in those States in which it administers the child nutrition programs.

Availability of Funds—While this regulation establishes guaranteed formulae and other provisions for allocation of SAE funds, the availability of SAE funds is dependent upon appropriations of such funds by Congress.

Additional Provisions—Several sections in the interim regulations have not been changed and are included in the final regulation.

Accordingly, 7 CFR Part 235 is amended to read as follows:

1. Section 235.1, paragraphs 235.2 (b), (k), (l), and (p–1) and paragraph 235.3(a) are issued in final form as they appeared in the interim regulations as follows:

§ 235.1 General purpose and scope.

This part announces the policies and prescribes the regulations necessary to carry out the provisions of section 7 of the Child Nutrition Act of 1966, as amended. It prescribes the methods for making payments of funds to State agencies for use for administrative expenses incurred in supervising and giving technical assistance in connection with activities undertaken by them under the National School Lunch Program (7 CFR Part 210), the Special Milk Program (7 CFR Part 215), the School Breakfast Program (7 CFR Part 220), the Child Care Food Program (7 CFR Part 226), and the Food Service Equipment Assistance Program (7 CFR Part 230).

§ 235.2 Definitions.

* * * * *

(b) "CCSPD" means the Child Care and Summer Programs Division of the Food and Nutrition Service of the U.S. Department of Agriculture.

* * * * *

(k) [Reserved].

(l) "OIG" means the Office of the Inspector General of the Department.

* * * * *

(p–1) "SPD" means the School Programs Division of the Food and Nutrition Service of the U.S. Department of Agriculture.

* * * * *

§ 235.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the program for payment to States of State administrative expense funds covered by this part. Within FNS, SPD shall be responsible for administration of the program.

* * * * *

2. Section 235.4 is amended to read as follows:

§ 235.4 Allocation of funds to States.

(a) For the fiscal year ending September 30, 1979, and for each succeeding fiscal year, FNS shall allocate to each State agency an amount equal to one percent of the funds expended within the State under sections 4 and 11 of the National School Lunch Act, as amended, and sections 3, 4 and 5 of the Child Nutrition Act of 1966, as amended, during the second preceding fiscal year: *Provided, however,* That the amount of the allocation to any State shall not be less than the greater of $100,000 or the amount allocated to the State in the fiscal year ending September 30, 1978.

(b) For the fiscal year ending September 30, 1979, and for each succeeding fiscal year, FNS shall, in addition, allocate to each State agency an amount equal to the sum of (1) twenty percent of the first $50,000, (2)

ten percent of the next $100,000, (3) five percent of the next $250,000, and (4) two and one-half percent of any remaining funds expended within the State under section 17 of the National School Lunch Act, as amended, during the second preceding fiscal year. FNS may adjust the amount of any such allocation in accordance with changes in the size of the Child Care Food Program in a State.

(c) Funds allocated under paragraphs (a) and (b) of this section and 7 CFR Part 225 shall be used by the State agency for administrative costs incurred by it in connection with the programs governed by Parts 210, 215, 220, 225, 226, and 230 of this title. In addition, funds allocated under paragraphs (a) and (b) of this section may used for the Food Distribution Program, as provided for in § 235.6(c). Funds shall be used by the State agency for the program(s) for which allocated, except that the State agency may transfer up to ten percent of the funds allocated for any program(s) to other eligible programs.

(d) As part of its State Plan of Child Nutrition Operations, required by § 210.4a of this title, each State agency shall submit a plan for the use of State administrative expense funds in the school nutrition programs and in the Child Care Food Program, including a staff formula for State personnel, system level supervisory personnel and operating personnel, and school level personnel.

(e) For the fiscal year ending September 30, 1979, and each succeeding fiscal year, each State agency shall, by March 1 and June 1, submit to FNS data on the use of State administrative expense funds provided under this part for the fiscal year in which the plan is submitted. Based on a review of the data, FNS may recall and reallocate such State administrative expense funds which it determines cannot or will not be expended by the State agency to which they were allocated. Funds reallocated under this provision shall be disbursed on the basis of State agency needs. Notwithstanding the above, each State shall release to FNS any Federal funds made available to it under this part which are unexpended or unobligated at the end of each fiscal year. Release of funds by the State agency shall be made as soon as practicable, but in any event not later than 30 days following demand by FNSRO, and shall be reflected in a related adjustment on the State agency's letter of credit.

(f) For any State agency which agrees to assume responsibility for the administration of food service programs in nonprofit private schools or child care institutions that were previously administered by FNS, an appropriate adjustment in the administrative funds paid under this part to the State shall be made by FNS not later than the succeeding fiscal year. Such an adjustment shall consist of an amount of start-up cost assistance, negotiated with the State agency, of no less than $10,000 and not exceeding $100,000, per State.

(g) For any State agency which terminates its administration of any food service program for which State administrative expense funds are provided under this part, a reduction in the amount of such funds, negotiated with the State agency, shall be made by FNS.

(h) FNS shall have available to it the applicable amounts provided for in paragraphs (a) and (b) of this section, and Part 225 of this title, when it is responsible for the administration of a program or programs within a State.

3. Section 235.5 is amended to read as follows:

§ 235.5 Payments to States.

State administrative expense funds allocated to any State shall be made available by means of letters of credit issued by FNS in favor of the State agency. Funds shall not be made available before approval of the State Plan of Child Nutrition Operations provided for under 7 CFR 210.4a and 7 CFR 226.7.

4. In § 235.6, paragraphs (b) and (f) are issued in final form as they appeared in interim regulations and paragraphs (a) and (c) are revised to read as follows:

§ 235.6 Use of funds.

(a) State administrative expense funds paid to any State may be used by State agencies to pay salaries, including employee benefits and travel expenses for administrative and supervisory personnel, for support services, for office equipment, and for staff development, particularly for monitoring and training of food service personnel at the local level in areas such as food purchasing and merchandizing. Such funds shall be used to employ additional personnel, as approved in the applicable State plan to supervise, improve management, and give technical assistance to school food authorities and to institutions in their initiation, expansion, and conduct of any programs for which the funds are made available. State agencies may also use these funds for their general administrative expenses in connection with any such programs, including travel and related expenses. Additional personnel or part-time personnel hired are expected to meet professional qualifications and to be paid at salary scales of positions of comparable difficulty and responsibility under the State agency. Personnel may be used on a staff year equivalent basis, thus permitting new personnel and existing staff to be cross-utilized for most effective and economical operation under existing and new programs.

(b) State administrative expense funds shall be used consistent with the cost principles and constraints on allowable and unallowable costs and indirect cost rates as prescribed in Federal Management Circular 74–4 (32 CFR Part 255).

(c) State administrative expense funds may be used to assist in the administration of the Food Distribution Program when such program is administered within the State agency and may also be used to pay administrative expenses of a distributing agency, when such agency is other than the State agency. Expenditures of State administrative expense funds in the Food Distribution Program shall be consistent with the guidelines set forth in paragraph (a) of this section.

* * * * *

(f) [Reserved].

* * * * *

5. In § 235.7 the first sentence of paragraph (a) is amended by substituting the following three sentences to read as follows:

§ 235.7 Records and reports.

(a) Each State agency shall keep records on the expenditure of State administrative expense funds provided under this part and Part 225 of this title. Such records shall conform with the applicable State plan for use of State administrative expense funds. The State agency shall make such records available, upon a reasonable request, to FNS, OIG, or the U.S. Comptroller General and shall maintain current accounting records of State administrative expense funds which shall adequately identify fund authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. * * *

6. In § 235.11, paragraph (a) is amended to read as follows:

§ 325.11 Other provisions.

(a) *State funds.* Expenditures of funds from State sources in any fiscal year for the administration of the National School Lunch Program, School Breakfast Program, Special Milk Program, Child Care Food Program, and Food Service Equipment Assistance Program shall not be less than that expended or obligated

in fiscal year 1977. Failure of a State to maintain this level of funding shall result in the total withdrawal of SAE funds.

(Sec. 14, Pub. L. 95-166, 91 Stat. 1338 (42 U.S.C. 1776); Sec. 7, Pub. L. 95-627, 92 Stat. 3621 (42 U.S.C. 1776))

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available at the Office of the Director, School Programs Division, USDA-FNS, Washington, D.C. 20250 during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday).

Note.—The reporting and/or recording keeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program No. 10.560, National Archives Reference Services.)

Dated: August 16, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-25857 Filed 8-20-79; 8:45 am]

BILLING CODE 3410-30-M

Food Safety and Quality Service

9 CFR Parts 317, 318, 319

Nitrates and Nitrites

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Federal meat inspection regulations to permit meat food products traditionally preserved with nitrates and/or nitrites to be prepared without nitrates or nitrites and be labeled and sold under the same name as that preserved with nitrates and/or nitrites, except that the term "Uncured" must precede such name and be part of the product name. Certain cautionary information would also be required to be included on the labeling of such products. Further, this document amends the regulations to prohibit the use of nitrates or nitrites in baby, junior, and toddler meat food products. These amendments are necessary to inform consumers of the nature of such products prepared without nitrates or nitrites, to insure that such products prepared without nitrates or nitrites are safely handled, and to reflect the findings that nitrates and nitrites serve no useful purpose in baby, junior, and toddler meat food products.

EFFECTIVE DATE: September 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Irwin Fried, Acting Director, Meat and Poultry Standards and Labeling Division, Compliance, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 1978, in response to petitions by consumer groups and manufacturers, a document was published in the **Federal Register** (43 FR 18193-18195) proposing to permit the preparation and sale of meat food products under traditional names, such as bacon, corned beef, and frankfurters, even though such products, which have been traditionally cured with nitrite and/or nitrate, would be prepared without nitrite and/or nitrate or with reduced levels of nitrite and/or nitrate. The document also proposed to require certain cautionary information on the labeling of such products. Further, the document proposed to prohibit the use of nitrates or nitrites in baby, junior, and toddler foods.

Comments

Most of the 365 comments received were from individual consumers, industries, and organizations. The majority of the comments involved labeling of the products, health concerns, and handling practices. Comments postmarked after the June 28, 1978, closing date were not considered.

The proposal provided that any product having a common or usual name, descriptive name, or standard name and permitted or required to be prepared with nitrates or nitrites, or both, may be prepared without nitrates or nitrites and labeled with such name if prepared with some added substance or substances, and found by the Administrator to have a similar flavor and consistency to such product preserved with nitrates or nitrites, or both.

Some commenters indicated that the name for products cured with nitrates or nitrites should be distinguishable from the name of such products prepared without nitrates or nitrites in order to avoid confusion between product names. The proposal distinguished these products which were not otherwise preserved by requiring the qualifying statement "No Nitrate or Nitrite Added" (in addition to the statement "Not Preserved, Must Be Refrigerated Below 40° F. At All Times") adjacent to the product name for those products prepared without nitrates or nitrites and not preserved. The final rule requires all such products prepared without nitrates or nitrites to bear the qualifying statement "No Nitrate or Nitrite Added" in order to help inform consumers that these substances are absent from such products traditionally prepared with nitrates or nitrites. In addition, the Administrator has determined, based on the comments, that the use of nitrates and nitrites is of such importance in products preserved by these substances, that products prepared without such substances should have different names from those prepared with nitrates or nitrites in order to more clearly distinguish such products. Under these circumstances, it has been determined that such products prepared without nitrates or nitrites may bear the traditional name, but that the traditional name must be preceded by the term "Uncured."

The term "Uncured" in the labeling of a meat food product is commonly understood to mean that the product does not contain nitrates or nitrites, and that the product was not preserved with salt. Therefore although salt cured products were within the scope of that section of the proposal relating to the product name, they are not subject to this "Uncured" labeling requirement of the final rule. Accordingly, products cured with salt and prepared without nitrates or nitrites may bear common or usual names, descriptive names, or standard names, as appropriate.

The term "Uncured" would be required to be in the same size and style of lettering as the product name since it would be part of the product name.

It was also proposed to require such products prepared without nitrates or nitrites, to bear adjacent to the product name in letters of easily readable style at least one-half the size of the product name, the statement "Not Preserved, Must Be Refrigerated Below 40° F. At All Times" (in addition to the statement "No Nitrate or Nitrite Added") unless such products were preserved by one of the specified methods.

Many commenters, including 13 of the 14 members of the House Committee on Agriculture, expressed concern whether such labeling provisions would be adequate to protect against botulism with respect to those unpreserved products. In this connection, some commenters questioned whether products would always be handled in accordance with the warnings on the labeling and be kept below 40° F.

Some commenters indicated that abuses could occur because of improperly operating home refrigerators;

careless food handlers; refrigerator breakdowns in storage facilities, transportation vehicles and retail stores; and food taken on picnics, to work, and to school.

A few commenters indicated that 40° F. was inadequate protection for such products prepared without nitrates or nitrites, and that the product should be kept frozen. On the other hand, a few commenters indicated the present practice of freezing "no nitrite added" products is unnecessary.

The Administrator has carefully considered these comments. He is aware that products requiring such special handling such as pork sausage, bratwurst and bockwurst have presented no apparent health hazards even though prepared without nitrates or nitrites and marketed unfrozen. He concludes that consumers have demonstrated a knowledge of the handling practices necessary for any of such products prepared without nitrates or nitrites and that the prescribed labeling for such products, i.e., "Not Preserved-Keep Refrigerated Below 40° F. At All Times," will adequately inform the consumer of how to maintain such products in a wholesome condition until consumed.

Some commenters opposed the provisions relating to labeling products "Keep Refrigerated Below 40° F. At All Times" on the basis that the 40° F. requirement is too stringent because many refrigeration units used in stores and homes do not maintain a temperature of 40° F. or below. One comment indicated that stipulating that products should be "kept at 40° F." will increase costs 15 to 25 percent. The Administrator has determined that the "below 40° F." requirement should be retained as proposed. This temperature appears to be the normal operating temperature of most refrigerating units and even with the known variability of such units products would be maintained in a wholesome condition during normal and usual shelf life.

It was also proposed that such products prepared without nitrates or nitrites be required to have similar flavor and consistency to those products preserved with nitrates or nitrites in order to be eligible for this special labeling. The purpose of these requirements was to be able to offer to consumers such products prepared without nitrates and nitrites with similar characteristics to those products preserved by nitrates or nitrites. In accordance with this purpose, the final rule also requires such products prepared without nitrates or nitrites to be similar in size and general appearance to such products prepared with nitrates or nitrites.

It was also proposed that such products prepared without nitrates or nitrites be required to be prepared with "some added substance or substances." This reference to "some added substance or substances" was included as part of the criteria relating to whether such products would be similar in flavor or consistency. The important concept is that the product prepared without nitrates or nitrites be similar in flavor and consistency regardless of whether it contains "some added substance or substances." Accordingly, the reference to "some added substance or substances" has been deleted.

It was proposed to ban the use of nitrates or nitrites in baby, junior, and toddler foods. A small number of comments expressed support for a ban on the use of nitrates and nitrites in these foods. There were no comments in opposition to such a ban. The Administrator has decided to adopt the proposal to ban the use of nitrates and nitrites in these foods. Such a step is warranted since there is no need for nitrates and nitrites in these products for preservative purposes because they are thermally processed in hermetically sealed containers at temperatures and for time periods sufficient to destroy spoilage and food poisoning bacteria, including *Clostridium botulinum*. In addition, it appears that babies, infants, and toddlers are less tolerant of nitrates and nitrites than adults. Further, nitrates and nitrites serve no useful purpose in baby, junior, and toddler meat food products.

The proposal contained provisions relating to products prepared with low levels of nitrates or nitrites. It was proposed that products prepared with less than 1320 ppm nitrates or 120 ppm nitrites (or less than 80 ppm nitrite coupled with additional requirements for fermented semi-dry sausage) be required to be labeled "Not Fully Preserved, Must Be Refrigerated Below 40° F. At All Times," unless preserved by one of the specified methods. Question has been raised as to whether, regardless of additional cautionary language, consumers might misuse such products not otherwise preserved, based on a false assurance that the listing of nitrates or nitrites in the ingredients statement would be understood to represent that products could be handled under the same circumstances acceptable for products fully preserved by nitrates or nitrites. Further, with respect to the use of nitrates or nitrites in products at levels less than adequate for preservation, questions have been raised as to whether additional requirements should be implemented concerning the purposes for which these substances should be permitted to be used. These questions have not been fully resolved. Accordingly, provisions relating to low levels of nitrates and nitrites are not included in the final rule. However, consideration is being given concerning further rulemaking with respect to these matters.

Many of the comments expressed support for reducing the levels of nitrates and nitrites in meat food products or banning the use of these substances in all meat food products. Many other comments argued that nitrates and nitrites should not be banned generally from meat food products. It was proposed to ban nitrates and nitrites in baby, junior, and toddler foods but the subject of a ban on the use of these substances in meat food products generally was not included in the proposal. Studies evaluating the safety and efficacy of nitrates and nitrites are currently underway or under consideration. Actions dealing with their use or disuse on a general basis will be the subject of other proceedings.

Other comments expressed concerns that in themselves are substantive but are not pertinent to the provisions of the proposal. Accordingly, these issues were not considered in connection with determinations relating to the final rule contained in this document. These comments included statements concerning the need for the Government to provide clean air and water; the proposition that Government is regulating too extensively, should reduce payrolls, and stay out of the private sector's business; the economic consequences of removing bacon and other meat food products from the market; the use of salt (which is assumed to be sodium chloride) generally in products; the use of substitutes for nitrates and nitrites such as ascorbic acid or citric acid in meat food products; and cautionary statements on the labels of products containing nitrites.

One commenter indicated that shelf-life dates should be required on packages of products subject to this rulemaking proceeding. This is a general concept that relates to all meat food products and not just to the limited number of products affected by this rulemaking proceeding. The Administrator does view shelf-life dates as helpful labeling information and believes more processors should utilize shelf-life dates on a voluntary basis. Regulations concerning such voluntary dating are contained in § 317.8(b)(32) of

the Federal meat inspection regulations (9 CFR 317.8(b)(32)). Mandatory provisions relating to shelf-life dates were not part of the proposal, but are under separate consideration by the Department and could be the subject of a future rulemaking proceeding.

A few commenters questioned why the recommendations of the Expert Panel on Nitrites and Nitrosamines were not more closely adhered to. The Expert Panel's recommendations did not directly relate to the production and labeling of uncured products. Its primary recommendations related to a reduction in permitted levels of nitrite and nitrate in various products and to the need for further study concerning the use of nitrates and nitrites in products. These issues are currently being considered by the Department.

On July 18, 1979, the National Advisory Committee on Meat and Poultry Inspection was consulted regarding these regulations. Members of the Committee expressed comments both in support of the proposal and in opposition to it. The Committee members did not raise issues outside the scope of the written comments as discussed above, but their views were also considered in the preparation of this final rule.

Editorial changes were made to clarify the language of §§ 317.17(b) and 319.2 and to amend the chart in § 318.7(c)(4) to specify the nitrates and nitrites are not permitted to be added to baby, junior, and toddler meat food products.

On the basis of the foregoing, the Federal meat inspection regulations (9 CFR Parts 317, 318 and 319) are amended as set forth below.

1. The table of contents for Part 317 of the regulations is amended to reflect the heading change for § 317.17 as set forth below; and § 317.17 is amended by changing the section heading, by designating the present text as paragraph (a), and by adding new paragraphs (b) and (c) as follows:

§ 317.17 Interpretation and statement of labeling policy for cured products special labeling requirements concerning nitrate and nitrite.

(a) * * *

(b) Any product, such as bacon and pepperoni, which is required to be labeled by a common or usual name or descriptive name in accordance with § 317.2(c)(1) and to which nitrate or nitrite is permitted or required to be added may be prepared without nitrate or nitrite and labeled with such common or usual name or descriptive name when immediately preceded with the term "Uncured" as part of the product name in the same size and style of lettering as the product name, provided that the product is found by the Administrator to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate or nitrite, or both.

(c)(1) Products described in paragraph (b) of this section or § 319.2 of this subchapter, which contain no nitrate or nitrite shall bear the statement "No Nitrate or Nitrite Added." This statement shall be adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name.

(2) Products described in paragraph (b) of this section and § 319.2 of this subchapter shall bear, adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name, the statement "Not Preserved—Keep Refrigerated Below 40° F. At All Times" unless they have been thermally processed to F_o 3 or more; they have been fermented or pickled to pH of 4.6 or less; or they have been dried to a water activity of 0.92 or less.

(3) Products described in paragraph (b) of this section and § 319.2 of this subchapter shall not be subject to the labeling requirements of paragraphs (b) and (c) of this section if they contain an amount of salt sufficient to achieve a brine concentration of 10 percent or more.

§ 318.7 [Amended]

2. The first reference to the term "Cured products" in the "Products" column with respect to "Curing agents" in the chart in § 318.7(c)(4) is amended to read "Cured products other than bacon. Nitrates may not be used in baby, junior, and toddler foods." The second reference to the term "Cured products" in the column is amended to read "Cured products. Nitrates may not be used in baby, junior, or toddler foods."

3. The table of contents for Subpart A of Part 319 of the regulations is amended by adding "§ 319.2 Products and nitrates and nitrites," and a new § 319.2 is added to read:

§ 319.2 Products and nitrates and nitrites.

Any product, such as frankfurters and corned beef, for which there is a standard in this part and to which nitrate or nitrite is permitted or required to be added, may be prepared without nitrate or nitrite and labeled with such standard name when immediately preceded with the term "Uncured" in the same size and style of lettering as the rest of such standard name: *Provided,* That the product is found by the Administrator to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate and nitrite: *And provided further,* That labeling for such product complies with the provisions of § 317.17(c) of this subchapter.

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 42 FR 35625, 35626, 35631)

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been designated "significant." An approved Final Impact Statement is available from Mr. Irwin Fried, Acting Director, Meat and Poultry Standards and Labeling Division, Compliance, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., on August 15, 1979.

Donald L. Houston,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 79-25824 Filed 8-20-79; 8:45 am]

BILLING CODE 3410-DM-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Regulation OR-155, Amdt. 88; Docket 34291]

Delegations and Review of Action Under Delegation; Nonhearing Matters

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

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1139, issued simultaneously, the CAB is delegating authority to the Director of its Bureau of Domestic Aviation to issue revised certificates in accordance with certificate changes made by 14 CFR Part 203.

DATES: Effective: August 15, 1979. Adopted: August 15, 1979.

FOR FURTHER INFORMATION CONTACT: Roy Pulsifer, Associate Director, Licensing Programs and Policy Development, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5448.

The Board amends 14 CFR Part 385 by adding new paragraph (rr) to read:

§ 385.13 Delegation to the Director, Bureau of Domestic Aviation.

* * * * *

(rr) To issue revised certificates of authority to air carriers showing new authority granted by removal of operating restrictions under Part 203 of this chapter.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-25811 Filed 8-20-79; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9068]

Prohibited Trade Practices, and Affirmative Corrective Actions; MacLeod Mobile Homes, Inc., et al.

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 Riverhead, N.Y. mobile homes dealer and its affiliates to cease entering into, or enforcing any arrangement or rule which restricts the availability of mobile home sites to only those parties who purchase, lease or rent mobile homes, accessories and services from MacLeod Mobile Homes, Inc. or other designated sources.

DATES: Complaint issued Dec. 19, 1975. Decision issued July 25, 1979.[1]

FOR FURTHER INFORMATION CONTACT: Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Wednesday, March 8, 1978, there was published in the **Federal Register**, 43 FR 9495, a proposed consent agreement with analysis In the Matter of MacLeod Mobile Homes, Inc., a corporation, and Pashisha, Inc., a corporation, and Myron T. MacLeod, individually and as an officer of said corporations, and John J. Couch, individually and as an officer of said corporations, 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.

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

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 Part 13, are as follows: Subpart-Coercing and Intimidating: § 13.350 Customers or prospective customers; § 13.355 Customers or prospective customers of competitors. Subpart-Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.410 To eliminate competition in conspirators' goods; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart-Cutting Off Access To Customers or Market: § 13.540 Forcing goods; § 13.605 Withholding supplies or goods from competitors' customers. Subpart-Cutting Off Supplies or Service: § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise.

(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.)

James A. Tobin,

Secretary.

[FR Doc. 79-25774 Filed 8-20-79; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-2946]

Prohibited Trade Practices, and Affirmative Corrective Actions; Norris Industries, Inc.

AGENCY: Federal Trade Commission.

ACTION: Modification of order to cease and desist.

SUMMARY: This order modifies the cease and desist order issued on December 27, 1978, by revising Paragraph "2." of Part II of the original order to require affirmative disclosures and include definitions of "clear and conspicuous" for purposes of print, radio, and television advertising.

DATES: Decision issued Dec. 27, 1978. Modifying order issued July 12, 1979.[1]

[1] Copies of the Modifying Order filed with the original document.

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523-3727.

SUPPLEMENTARY INFORMATION: In the Matter of Norris Industries, Inc. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, appearing at 44 FR 6380, remains unchanged.

(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)

The order modifying order to cease and desist is as follows:

Order Modifying Order To Cease And Desist

The Commission on April 25, 1979, issued its Order to Show Cause why this proceeding should not be reopened and its Order of December 27, 1978, modified.

Respondents filed an Answer on May 31, 1979, setting forth objections to the Order to Show Cause, and proposing certain amendments. Commission staff interposed no objections and recommended that the Respondents' amendments be incorporated into the Order.

Now, therefore, it is hereby ordered, That the aforesaid Order to Cease and Desist be, and it hereby is, modified in accordance with the Order to Show Cause and the Respondent's Answer, without necessity of further action by the Commission, as follows:

Order

Part I

It is ordered, That Norris Industries, Inc., (hereinafter referred to as the Respondent), its successors and assigns, either jointly or individually, and its officers, representatives, and agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, distribution or sale of dishwashers in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any dishwasher manufactured or sold by Respondent can sterilize or destroy all microorganisms on utensils placed in the dishwater.

2. Representing, directly or by implication, that the stainless steel parts in any dishwasher manufactured or sold by Respondent are rustproof or will not rust under normal household conditions.

3. Representing, directly or by implication, that the disposo-drain in

any dishwasher manufactured or sold by Respondent will remove all soft food waste from the dishwasher.

4. Representing, directly or by implication, that any dishwasher manufactured or sold by Respondent can completely clean dishes, cookware, and other utensils placed in the dishwasher, without prior scraping, scouring, or rinsing.

5. Representing, directly or by implication, that any dishwasher manufactured or sold by Respondent can be randomly loaded or that there are no special instructions to follow when loading.

Part II

It is further ordered, That Respondent, its successors and assigns, either jointly or individually, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, distribution of sale of major home appliances in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. (a) Making any statements or representations, directly or by implication, concerning the performance of such products unless at the time that the statements or representations are made Respondent possesses and relies on a reasonable basis for such statements or representations, which shall consist of a competent and reliable scientific test, as defined in Paragraph One (b) hereafter.

(b) For purposes of this order a "competent and reliable scientific test" is one in which one or more persons with education, knowledge, and experience in the field conduct a test and evaluate its results in an objective manner using testing, evaluation, and analysis procedures generally accepted in the profession and which best insure valid and reliable results. Moreover, the test results must either accurately predict, or be correlated with, the results that a consumer ordinarily would obtain using the product under normal household conditions.

2. Failing to make a "clear and conspicuous disclosure" that product features, depicted or described in advertising for a product, apply only to the model being advertised or, if applicable, only to certain models. Such disclosure shall identify the model(s) by number(s) (and name(s) if applicable) to which the product features do or, at the Respondent's option, do not apply. This disclosure shall not be required where the advertisement clearly and conspicuously identifies the model by number (and model name if applicable) to which the product features being advertised apply.

For purposes of this provision:

Television Advertising—clear and conspicuous shall be as set forth in the FTC's Statement of Enforcement Policy of October 21, 1970;

Radio Advertising—the disclosure shall be clear and conspicuous and shall be made with no other sounds including music;

Print Advertising—clear and conspicuous shall mean that the disclosure of the model number and name, if applicable, shall be in no less a type size than that used to describe the product features and shall be in immediate conjunction with the description of the product features.[1]

3. Making any statements or representations, directly or by implication, in connection with the advertisement of any such product, which are inconsistent in any material respect with any statements or representations contained, directly or by implication, in post purchase material(s) supplied to the purchaser of such products.

4. For purposes of this Order the term "major home appliances" means the following appliances presently manufactured or sold by the Respondent: automatic dishwashers; garbage disposers; trash compactors; and microwave ovens.

Part III

It is further ordered, That Respondent, its successors and assigns, either jointly or individually, and its officers, representatives, and agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, distribution or sale of "major home appliances" in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Documentation in support of and on which Respondent relied in making any claim included in advertising, sales promotional material, or post purchase materials, disseminated by respondent or by any division or subdivision of respondent, or by any advertising agency engaged for such purpose by respondent or by any such division or subsidiary, concerning the performance characteristics of any of Respondent's major home appliances;

(b) Documentation which contradicts, qualifies or calls into serious question any claim included in advertising, sales promotional material or post purchase materials disseminated by respondent or by any division or subdivision of respondent, or by any advertising agency engaged for such purpose by respondent or by any such division or subsidiary, concerning the performance characteristics of any of Respondent's major home appliances.

Such documentation shall be retained by Respondent for a period of three years from the date such advertising, sales promotional or post purchase materials were last disseminated.

Part IV

It is further ordered, That Respondent notify the Commission at least 30 days prior to the effective date of any proposed change in the corporate Respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the Respondent shall forthwith distribute a copy of this Order to each of its officers, agents, representatives or employees of the Respondent's Thermador/Waste King division who are engaged in the preparation, placement, or review of advertisements for the "major home appliances" defined in this order.

It is further ordered, That the Respondent shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

By the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 79-25772 Filed 8-20-79; 8:45 am]

BILLING CODE 6750-01-M

[1] The provisions of this Order in respect to print advertising will be implemented per the following schedule: (1) Reproducible advertising for use by distributors and retail dealers—when stock in existence on June 1, 1979, is exhausted but in any event no later than January 1, 1980; (2) Advertising for placement by Respondent—promptly upon the effective date of this modification to the final Order; (3) Brochures—when stock in existence on June 1, 1979, is exhausted but in any event no later than January 1, 1980, except, Respondent's brochure identified as Exhibit 22 in the Compliance Report dated as of April 12, 1979—promptly upon the effective date of this modification to the final Order.

16 CFR Part 13

[Docket No. 9116]

Prohibited Trade Practices, and Affirmative Corrective Actions; Rhinechem Corporation, et al.

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: This order dismisses the August 23, 1978 complaint issued against Allegheny Ludlum Industries, Inc. and its subsidiary, Chemetron Corporation, a producer of organic pigments, for alleged violations of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The complaint was dismissed on grounds that changed circumstances which have occurred since issuance of the complaint have provided the Commission with adequate assurances that the challenged matter will not reoccur, and additional relief will not be necessary.

DATES: Complaint issued Aug. 23, 1978. Dismissal order issued July 11, 1979.[1]

FOR FURTHER INFORMATION CONTACT: Glenn M. Fellman, Attorney, Chicago Regional Office, 3R, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353–4423.

SUPPLEMENTARY INFORMATION: In the Matter of Rhinechem Corporation, a wholly owned subsidiary of Bayer A.G., a corporation, and Allegheny Ludlum Industries, Inc., a corporation, and Chemetron Corporation, a wholly owned subsidiary of Allegheny Ludlum Industries, Inc., a corporation.

(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)

The Dismissal Order is as follows:

Final Order

The Administrative Law Judge filed an Initial Decision in this matter on May 30, 1979, dismissing the complaint against respondents Allegheny Ludlum Industries, Inc. and Chemetron Corporation on the ground that changed circumstances which have occurred since issuance of the complaint have provided the Commission with adequate assurances that the matter which was challenged in the complaint will not reoccur and no additional relief is necessary. No appeal from the Initial Decision was filed.

The Commission having now determined that the matter should not be placed on its own docket for review, and that the Initial Decision should become effective as provided in § 3.51(a) of the Commission's rules of practice,

It is ordered, That the Initial Decision and Order contained therein shall become effective on July 12, 1979.

By the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 79-25773 Filed 8-20-79; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint, Initial Decision and Final Order are filed with the original document.

16 CFR Part 13

[Docket No. C-2971]

Fedders Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The Federal Trade Commission has issued a modifying order amending the final consent order issued In the Matter of Fedders Corporation June 14, 1979, appearing in the **Federal Register** issue of July 24, 1979, 44 FR 43263. This modification is in response to a petition filed by Fedders Corporation to modify the order and granted by the Commission.

DATE: Decision issued June 14, 1979. Modifying Order issued August 8, 1979.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PE, Robert S. Blacher, Washington, D.C. 20580. (202) 724–1507.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission has issued an order modifying the consent order issued June 14, 1979, in the Matter of Fedders Corporation. The modification does not affect the codification under 16 CFR Part 13 appearing at 44 FR 43264. The text of the modifying order is set forth below:

Order

Respondent's petition to modify the consent order is granted. The order is hereby modified as follows:

Add the following paragraph after the first paragraph of Section III:

Provided however, Respondent is not required to place both of the "recall advertisements" set forth in Appendices (F) and (G) of this Order, if it places one advertisement in each of the periodicals listed in Appendix (E) of this Order which advertisement refers to both Fedders and Climatrol, contains language identical to that in the "recall advertisements" set forth in Appendices (F) and (G), except that reference is made to both Fedders and Climatrol heat pumps, and meets all other requirements set forth in Section III, and Appendices (E), (F) and (G) of the Order.

By direction of the Commission dated August 8, 1979.

(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).)

James A. Tobin,

Acting Secretary.

[FR Doc. 79-25854 Filed 8-20-79; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the modifying order filed with the original document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 79N-0194]

21 CFR Part 81

General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs, and Cosmetics; Temporary Tolerances

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the temporary tolerances for certain provisionally listed color additives that are used in ingested cosmetics and drugs. The revisions in the temporary tolerances are based on toxicological and usage data showing that the current temporary tolerances for certain colors should be reduced. The agency is also revising the regulations to clarify the specific types of drug and cosmetic products covered by the temporary tolerances.

DATES: Effective November 19, 1979; objections by September 20, 1979.

ADDRESS: Written objections to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerald L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 12, 1960 (25 FR 9759), as amended August 16, 1961 (26 FR 7578), and December 30, 1970 (35 FR 19749), FDA established temporary tolerances under § 81.25 (21 CFR 81.25 (formerly § 8.503 (21 CFR 8.503), before recodification published in the **Federal Register** of March 22, 1977 (42 FR 15553))) for the use of certain color additives in lipsticks, ingested drugs,

and other products subject to ingestion, such as mouthwashes and dentifrices.

The original temporary tolerance levels for certain color additives were based on preliminary usage information and preliminary toxicological data from tests performed in the 1950's. Later, color additive petitions were submitted that contained data concerning the use of each of the colors, as well as data from chronic feeding studies with each of the colors. Additional data were also obtained from teratology and multigeneration reproduction studies conducted with the colors listed under temporary tolerances, as required by a regulation published in the Federal Register of September 11, 1971 (36 FR 18336) (amended June 12, 1973 (38 FR 15472)). These three sources of data provide a more substantive base for determining appropriate levels of use for the colors requiring temporary tolerances.

Temporary tolerances are being provided for certain color additives while they are provisionally listed. The conditions of provisional listing outlined in § 81.27 (21 CFR 81.27) require new chronic toxicity studies, which are currently underway, for all of these colors. The closing date for provisional listing of all of these color additives is January 31, 1981, at which time permanent, rather than temporary, levels of use will be determined for the colors that are "permanently" listed.

The Cosmetic, Toiletry and Fragrance Association (CTFA), petitioner or copetitioner for the color additives listed in the regulations set forth below, has requested revisions of the temporary tolerances that would: (1) include both lipstick and drug tolerances for related colors; (2) clarify the allowances for mouthwashes and dentrifrices; and (3) change the levels of the temporary tolerances to those suggested in the respective petitions, which are generally lower than the levels in § 81.25. The current revision coincides with nearly all of the petitioner's requests.

For ingested drugs, the levels are being reduced for D&C Red Nos. 8, 19, and 37. For lipstick use, the levels are being reduced for D&C Orange No. 17 and D&C Red Nos. 8, 9, 19, 33, and 36. D&C Red No. 36 was added to the temporary tolerances in 1970 at a level of 3 percent pure dye by weight of the liptick. Through a later publication error in the 1973 edition of the Code of Federal Regulations (CFR), § 81.25(a) now gives the level at 6 percent. This level is being corrected to 3 percent.

For D&C Red No. 33, the petition requests a level of usage in ingested drugs of 5.5 milligrams (mg) in a daily dose. This is greater than the 0.75 mg currently provided by § 81.25. At the higher level, however, the simultaneous use of cosmetics and drugs containing this color might result in levels of daily usage that exceed the levels that can be supported by available safety data. The manufacturers' survey in the petition did not show any usage at higher levels. Because these are intended to be temporary tolerances until further toxicity data are submitted and evaluated, it would be inappropriate to increase the permitted level of use before all the data are considered and a final action is taken. Accordingly, the temporary tolerance for D&C Red No. 33 is retained at its current level for ingested drugs.

For D&C Orange No. 5, the petition requests no limitation other than good manufacturing practice for lipstick use. Currently, § 81.25 provides a tolerance of 0.75 mg. Again, it would not be appropriate to remove a restriction before complete information is available for final action; therefore, the tolerance is being retained at its current level for lipsticks. However, the revision permits the use of D&C Orange No. 5 in mouthwashes and dentifrices in amounts consistent with good manufacturing practice. The petition does not request drug use for D&C Orange No. 5 other than for mouthwashes and dentrifrices, and no ingested drug tolerance is being provided.

For D&C Yellow No. 10, the petition requests its use in ingested drugs and cosmetics with levels of 20 mg in a daily dose of a drug and 1 percent by weight of lipstick or lip cosmetic. The agency agrees that this color should be added to the temporary tolerances and that the data require limitations on the amount of color that may be ingested. However, the safety data on hand support a level of only 10 mg per drug, which is the level now given.

CTFA notes that D&C Red No. 9 was omitted from the list of temporary tolerances for drugs, although a closely related color, D&C Red No. 8, was on the drug list and both were listed for lipstick use. Similarly, D&C Red No. 37 (related to D&C Red No. 19) was omitted from the lipstick list. CTFA requests uniform inclusion of these colors on both lists and the placement of D&C Orange No. 17 on the drug list. The available toxicological data support these inclusions, and the temporary tolerances are revised accordingly.

A previous limitation on the total amount of the colors in a lipstick is changed to limit the combinations of related colors. CTFA also requests the use of the colors in § 81.25 in cosmetic mouthwashes and dentifrices. A separate paragraph is included in the regulations to clarify this area of usage. For some of the colors, simultaneous use of both cosmetics and drugs containing the same color might give a daily intake approaching the maximum acceptable intake. Thus, temporary tolerances are stated for these colors in mouthwashes and dentifrices.

Six colors previously mentioned in this section are no longer listed. D&C Red Nos. 10, 11, 12, and 13 were prohibited from use on December 13, 1977 (42 FR 62475), and their temporary tolerances were revoked at that time. D&C Yellow Nos. 7 and 8 were permanently listed for external use on November 19, 1976 (41 FR 51003, 51004) and are thus deleted from this section.

On the basis of available toxicological data from multigeneration reproduction studies, tests of teratological potential, and chronic feeding studies, and also on the basis of suggested levels of usage contained in color additive petitions, FDA finds that the temporary tolerances for certain color additives should be revised as set forth below. This revision is considered necessary at this time in view of the extension to January 31, 1981, of the closing date for those colors named. The effective date of the regulations set forth below is delayed 90 days to permit any formulation changes of drugs or cosmetics that may be required by these revisions.

Certificates for the color additives listed in § 81.25 will be limited, on the effective date of these revisions, by the conditions stated in revised § 81.25 detailed below.

Manufacturers of new drugs and new animal drugs (including certifiable antibiotics for animal use) that contain D&C Orange No. 5, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 19, D&C Red No. 33, D&C Red No. 36, D&C Red No. 37, or D&C Yellow No. 10 may delete the color additive, decrease the amount of color additive, or substitute a different color additive in accordance with the provisions of § 314.8 (d)(3) and (e) (21 CFR 314.8 (d)(3) and (e)) or § 514.8 (d)(3) and (e) (21 CFR 514.8 (d)(3) and (e)), as appropriate. The applicant shall submit data providing the new composition and showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug, or that the assay and control procedures have been revised to make them adequate. The applicant shall also submit data available to establish the stability of the revised formulation or, if the data are too limited to support a

conclusion that the drug will retain its declared potency for a reasonable marketing period, a commitment to test the stability of marketed batches at reasonable intervals, to submit the data as they become available, and to recall from the market any batch found to fall outside the approved specifications for the drug.

The agency has carefully considered the environmental effects of this action and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the environmental impact analysis report and the environmental assessment are on file with the Hearing Clerk, FDA (address above).

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203(d)(1)(C), 74 Stat. 405 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 81 is amended as follows:

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives,* the table in paragraph (b) is amended by adding to the entry for D&C Yellow No. 10 the restriction "Sec. 81.25."

§ 81.10 [Amended]

2. In § 81.10 *Termination of provisional listings of color additives,* by deleting and reserving paragraph (b).

3. By revising § 81.25 to read as follows:

§ 81.25 Temporary tolerances.

The available data for certain provisionally listed color additives indicate that their usage must be restricted to levels consistent with the toxicological data available for each of the colors listed in this section. The usage levels proposed in the petitions for these color additives have also been considered in establishing temporary tolerances. On the basis of the available toxicological data, the Food and Drug Administration has concluded that it is consistent with the protection of the public health to allow the continued use of these provisionally listed color additives under the conditions set forth in this section pending the completion and evaluation of the further toxicology studies required by § 81.27. A final determination of the status of these colors, including appropriate usage levels, must await completion and evaluation of the required further toxicology studies. The color additives named in this section may be used in externally applied drugs and cosmetics in amounts consistent with good manufacturing practice.

(a)(1) The color additives named in this paragraph may be used in lipsticks and other cosmetics intended to be applied to the lips, in the amount specified in this paragraph. These temporary tolerances are expressed as percent pure dye by weight of each lipstick or other lip cosmetic.

Color additive:	Percent
D&C Orange No. 5	6.0
D&C Orange No. 17	5.0
D&C Red No. 8	3.0
D&C Red No. 9	3.0
D&C Red No. 19	1.3
D&C Red No. 33	3.0
D&C Red No. 36	3.0
D&C Red No. 37	1.3
D&C Yellow No. 10	1.0

(2) Combinations of the color additives named in paragraph (a)(1) of this section may be used in a lipstick or other lip cosmetic, provided the individual temporary tolerance is not exceeded, except that the combined total of D&C Red Nos. 8 and 9 may not exceed 3.0 percent, and the combined total of D&C Red Nos. 19 and 37 may not exceed 1.3 percent.

(b)(1) Mouthwashes and dentifrices, whether drugs or cosmetics, may contain the following color additives in the amounts specified (the term "mouthwashes" includes breath fresheners):

(i) D&C Orange No. 5, D&C Red No. 33, D&C Red No. 36, and D&C Yellow No. 10 may be used in amounts consistent with good manufacturing practice.

(ii) D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 19, or D&C Red No. 37 individually may be used in a dentifrice at not more than 0.002 percent of the pure dye by weight of the dentifrice or, in a mouthwash, at not more than 0.005 percent of the pure dye by weight of the mouthwash.

(2) Combinations of the color additives named in paragraph (b)(1) of this section may be used, provided the individual temporary tolerance is not exceeded, except that the combined total of D&C Red Nos. 8 and 9 or the combined total of D&C Red Nos. 19 and 37 may not exceed 0.002 percent in a dentifrice or 0.005 percent in a mouthwash, measured as the pure dyes by weight of the product.

(c)(1) The color additives named in this paragraph may be used in drugs subject to ingestion, other than mouthwashes and dentifrices, in the amounts specified in this paragraph. These temporary tolerances are expressed as milligrams of the pure dye in the amount of the product that is reasonably expected to be ingested in one day.

Color additive:	*Amount per day (mg)*
D&C Orange No. 17	0.2
D&C Red No. 8	0.1
D&C Red No. 9	0.1
D&C Red No. 19	0.25
D&C Red No. 33	0.75
D&C Red No. 36	1.7
D&C Red No. 37	0.25
D&C Yellow No. 10	10.0

(2) Combinations of the color additives named in paragraph (c)(1) of this section may be used in a product, provided the individual temporary tolerance is not exceeded, except that the combined total of D&C Red Nos. 8 and 9 may not exceed 0.1 milligram per day, and the combined total of D&C Red Nos. 19 and 37 may not exceed 0.25 milligram per day.

4. By revising § 81.32 to read as follows:

§ 81.32 Limitation of certificates.

Certificates issued for the color additives listed in § 81.25 and for all mixtures containing these color additives are limited to the conditions stated in § 81.25. The use of these color additives in drugs and cosmetics in any other manner will result in adulteration. Each of these color additives shall bear a label statement of the tolerance and use limitations applicable to it.

Notice and public procedure are not necessary prerequisites to the promulgation of this regulation because section 203(d)(2) of Pub. L. 86–618 so provides. Any person who will be adversely affected by the foregoing regulation may at any time on or before September 20, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a

hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Note.—In accordance with Executive Order 12044, the economic effects of this rule have been carefully analyzed and it has been determined that the action does not involve major economic consequences as defined by that order. A copy of the Regulatory Analysis Assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Effective date. This regulation shall be effective November 19, 1979.

(Sec. 203(d)(1)(C), 74 Stat. 405 (21 U.S.C. 376 note).)

Dated: August 14, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 25803 Filed 8-20-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 176

[Docket No. 78F-0431]

Styrene-Maleic Anhydride Copolymer, Amidated, Ammonium Sodium Salt

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to provide for the safe use of styrene-maleic anhydride copolymer, amidated, ammonium sodium salt, as a surface size on paper and paperboard intended for food-contact use. This action is being taken in response to a petition filed by American Cyanamid Co.

DATES: Effective August 21, 1979; objections by September 20, 1979.

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

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of February 23, 1979 (44 FR 10789) announced that a food additive petition (FAP 6B3232) was filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of maleic anhydride polymer with styrene, reaction product with ammonia and sodium hydroxide, as a surface size on paper and paperboard.

The agency has evaluated data in the petition and other relevant material and concludes that § 176.170 should be amended as set forth below. The amendment reflects the agency's conclusion that the chemical name "styrene-maleic anhydride copolymer, amidated, ammonium sodium salt" is preferable to the name given in the filing notice because is more adequately describes the food additive and is consistent with the name of the regulated food additive "styrene-maleic anhydride copolymer, sodium salt."

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 176.170 is amended in paragraph (a)(5) by alphabetically inserting a new item in the list of substances as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * * * * * *	
Styrene-maleic anhydride copolymer, amidated, ammonium sodium salt; having, in a 25 percent by weight aqueous solution at pH 8.8, a minimum viscosity of 600 centipoises at 25° C as determined by Brookfield model LVT viscometer using a No. 3 spindle at 60 r.p.m. (or equivalent method).	For use only as a surface size at a level not to exceed 1 percent by weight of paper or paperboard substrate.
* * * * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 20, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date.—This regulation shall become effective August 21, 1979.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: August 8, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-25805 Filed 8-20-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 429

[Docket No. 78N-0025]

Drugs Composed Wholly or Partly of Insulin Requirements for Requesting Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the insulin certification regulations to make the submission of samples and test results for certain types of insulin products unnecessary under certain conditions. This action is taken to eliminate unnecessary testing and reduce the number of samples required to be submitted with requests for certification of these insulin products.

EFFECTIVE DATE: September 20, 1979.

FOR FURTHER INFORMATION CONTACT: Ed Farha, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 31, 1978 (43 FR 13585), FDA proposed to amend § 429.40 (21 CFR 429.40) of the insulin certification regulations to eliminate the requirement for submitting samples and test results of trial mixtures or trial dilutions of certain insulin products. The requirement would be omitted when a sample of a trial mixture or trial dilution of one of these products, prepared from the same materials and containing 40, 80, or 100 U.S.P. units of insulin per milliliter (mL), had been previously approved by the agency. This proposed revision was in response to a petition submitted by an insulin manufacturer. Although the petition requested that the revisions apply to samples and test results of trial mixtures or trial dilutions of all insulin products, the March 31, 1978 proposal was made applicable only to insulin injection, protamine zinc insulin suspension, globin insulin injection, and isophane insulin suspension products.

Interested persons were allowed 60 days in which to submit written comments on the proposal. The only comment received came from the manufacturer who submitted the petition which led to the proposed amendment.

The comment objected to the continued requirement of testing each concentration (40, 80, or 100 U.S.P. units per mL) of a trial mixture of insulin zinc suspension, insulin zinc suspension prompt, and insulin zinc suspension extended to obtain approval of subsequent batches of the same concentration. The comment argued that the 100 unit per mL trial mixture of any of these insulin products can accurately represent any other concentration of subsequent batches. In support of this position, the comment pointed out that out of 650 batches of these products submitted for certification within the past 6 years by the commentor, no trial mixtures had been rejected due to improper formulation of crystals.

As stated in the preamble to the proposal, due to the precipitation and crystallization process used in manufacturing these three insulin zinc suspension products, agency testing experience with them has demonstrated that the trial mixture can represent the finished product accurately only if it is of the same concentration as the final batch. Although the comment mentioned the firm's record of not having any of these insulin zinc suspension products rejected due to the improper formulation of crystals. FDA believes there are still manufacturing problems generally associated with these products. Further, because this final rule will apply to all firms currently submitting these three insulin zinc suspension products and to all firms which may request certification of these products in the future, one firm's record of the number of trial mixtures rejected cannot be a controlling factor. Therefore, the final rule requires the trial mixtures of each concentration of insulin zinc suspension, insulin zinc suspension prompt, and insulin zinc suspension extended to continue to be tested.

The comment also suggested that certain changes be made in the United States Pharmacopeia (U.S.P.) to make it compatible with the final rule. The changes listed in the comment relate to the Insulin Assay on page 611 of the U.S.P. XIX.

The suggested changes were forwarded to the U.S.P. for its consideration. U.S.P.'s response, which has been placed on file in the office of FDA's Hearing Clerk, advised the agency that there was no incompatibility between U.S.P. requirements and the proposed regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 506, 701(a), 55 Stat. 851, 52 Stat. 1055 (21 U.S.C. 356, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Drugs (21 CFR 5.73), Part 429 is amended in § 429.40 by revising paragraphs (d) (2), (3), (5), (7), and (g)(1) to read as follows:

§ 429.40 Requests for certification; samples; storage; approvals preliminary to certification.

* * * * *

(d) * * *

(2) If the batch is to be insulin injection, a trial dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin injection, except that it may contain approximately 40, 80, or 100 units of insulin per milliliter in a quantity containing approximately 5,000 U.S.P. units of insulin.

(3) If the batch is to be protamine zinc insulin suspension, a trial mixture which is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 10,000 U.S.P. units of insulin.

* * * * *

(5) If the batch is to be globin zinc insulin injection, a trial mixture made from the master lot or mixture referred to in paragraph (d)(1) of this section, globin, zinc chloride, hydrochloric acid, glycerin, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 10,000 U.S.P. units of insulin.

* * * * *

(7) If the batch is to be isophane insulin suspension, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 10,000 U.S.P. units of insulin.

* * * * *

(g)(1) No sample referred to in paragraph (d) (1) to (3), inclusive, of this section, and no result referred to in paragraph (c) (1) to (8), inclusive of this section, is required if such sample or result has been submitted in connection with a previous request for certification. Except for paragraph (d) (9), (10), and (e)(9), the samples referred to in paragraph (d) of this section and the results referred to in paragraph (e) of this section for insulin injection, protamine zinc insulin suspension, globin zinc insulin injection, or isophane insulin suspension are not required if

the Commissioner has previously approved a trial mixture containing 40, 80, or 100 units of insulin per milliliter or trial dilution containing approximately 40, 80, or 100 units of insulin per milliliter and the mixture or dilution was prepared from the same materials and in the same manner, except for adjustment of pH of the buffer solution.

* * * * *

Effective date. This regulation is effective September 20, 1979.

Dated: August 14, 1979.

Jerome A. Halperin,

Acting Director, Bureau of Drugs.

[FR Doc. 79-25802 Filed 8-20-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 510

[Docket No. 79N-0189]

New Animal Drugs; Drug Listing No./ Drug Labeler Code; Designation of Sponsor Number

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to provide for a change of designation of the sponsor number from drug listing number to drug labeler code. This change concerns only the descriptive term designating the sponsor number and does not affect any specific sponsor or approval.

EFFECTIVE DATE: August 21, 1979.

FOR FURTHER INFORMATION CONTACT: Robert S. Brigham, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: Section 512(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(i)) provides that when a new animal drug application (NADA) is approved, the name and address of the applicant and the conditions of use of the new animal drug be published in the **Federal Register.** The **Federal Register** publication provides, among other things, for a regulation codifying each approved NADA and identifying the applicant (sponsor). To avoid repeating a firm's complete name and address in each regulation, the agency identifies each firm by the drug labeler code, which is indexed alphabetically by firm name and numerically by code number in § 510.600 (21 CFR 510.600). The current regulations erroneously refer to this number as the drug listing number. Accordingly, this document changes the term "drug listing number" to read "drug labeler code."

Under the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner finds that notice, public procedure, and delayed effective date are unnecessary. The action taken concerns change in descriptive term designation only and does not alter the requirements of the regulations.

Therefore, 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), Part 510 is amended in § 510.600 by revising the section heading, paragraphs (b) and (c) introductory text, and the column headings in paragraph (c) (1) and (2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(b) In this section each name and address is identified by a numerical drug labeler code. The labeler codes identify the sponsors of the new animal drug applications associated with the regulations published pursuant to section 512(i) of the act. The codes appear in the appropriate regulations and serve as a reference to the names and addresses listed in this section. The drug labeler code is established pursuant to section 510 of the act.

(c) The names, addresses, and drug labeler codes of sponsors of approved new animal drug applications are as follows:

(1) * * *

Firm name and address	*Drug Labeler Code*
* * *	*

(2) * * *

Drug Labeler Code	*Firm name and address*
* * *	*

In accordance with Executive Order 12044, the economic effects of this action have been carefully analyzed, and it has been determined that the action does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Effective Date: August 21, 1979.

(Sec. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)))

Dated: August 13, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-25804 Filed 8-20-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 524

[Docket No. 79N-0222]

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Neomycin Sulfate, Hydrocortisone Acetate, Tetracaine Hydrochloride Ear Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations for neomycin sulfate, hydrocortisone acetate, tetracaine hydrochloride ear ointment to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data. These conditions of use were classified as probably effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain efficacy data, approval may require submission of bioequivalence or similar data. An earlier **Federal Register** publication has reflected this product's compliance with the conclusions of the review.

EFFECTIVE DATE: August 21, 1979.

FOR FURTHER INFORMATION CONTACT: Donald A. Gable, Bureau of Veterinary Medicine (HFV-100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of August 22, 1970 (35 FR 13490). In that document, the Academy concluded, and the Food and Drug Administration (FDA) concurred, that the product was probably effective for the treatment of certain ear conditions in domestic animals.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

The Upjohn Co., Kalamazoo, MI 49001, responded to the notice by submitting a supplemental NADA (10–524V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the ointment on dogs and cats. The supplemental application was approved by regulation issued in the Federal Register of October 17, 1972 (37 FR 21905). The regulation reflecting this approval (21 CFR 135a.31, recodified 21 CFR 524.1484d) did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data required for approval by § 514.111(a)(5)(vi) of the animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.1484d by adding after paragraph (c) (1), (2) and (3) the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

§ 524.1484d Neomycin sulfate, hydrocortisone acetate, tetracaine hydrochloride ear ointment.

* * * * *

(c) *Conditions of use* (1) * * *[1]

(2) * * *[1]

(3) * * *[1]

Effective date. This regulation shall be effective August 21, 1979.

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

Dated: August 13, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79–25604 Filed 8–20–79; 8:45 am]

BILLING CODE 4110–03–M

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

21 CFR Part 524

[Docket No. 79N–0223]

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Neomycin Sulfate, Prednisolone Acetate, Tetracaine Hydrochloride Eardrops

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations for neomycin sulfate, prednisolone acetate, tetracaine hydrochloride eardrops to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data. These conditions of use were classified as probably effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain efficacy data, approval may require submission of bioequivalence or similar data. An earlier Federal Register publication has reflected this product's compliance with the conclusions of the review.

EFFECTIVE DATE: August 21, 1979.

FOR FURTHER INFORMATION CONTACT: Donald A. Gable, Bureau of Veterinary Medicine (HFV–100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the Federal Register of July 22, 1970 (35 FR 11713). In that document, the Academy concluded, and the Food and Drug Administration (FDA) concurred, that the product was probably effective for the treatment of certain ear conditions in domestic animals.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

The Upjohn Co., Kalamazoo, MI 49001, responded to the notice by submitting a supplemental NADA (11–703V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product for the treatment of certain ear conditions in dogs and cats. The supplemental application was approved by regulation issued in the Federal Register of October 28, 1972 (37 FR 23110). The regulation reflecting this approval (21 CFR 135a.32, recodified 21 CFR 524.1484f) did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data required for approval by § 514.111(a)(5)(vi) of the animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524, § 524.1484f, is amended by adding after paragraph (c) (1), (2) and (3) the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

§ 524.1484f Neomycin sulfate, prednisolone acetate, tetracaine hydrochloride eardrops.

* * * * *

(c) *Conditions of use.* (1) * * *[1]

(2) * * *[1]

(3) * * *[1]

Effective date. This regulation shall be effective August 21, 1979.

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

Dated: August 13, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79–25601 Filed 8–20–79; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 524

[Docket No. 79N–0221]

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Prednisolone Acetate, Sodium Sulfacetamide, Neomycin Ointment

AGENCY: Food and Drug Administration.

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

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations for prednisolone acetate, sodium sulfacetamide, neomycin ointment to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data. These conditions of use were classified as effective following a National Academy of Sciences/National Research Council (NAS/NCR), Drug Efficacy Study Group evaluation of the product. In lieu of certain efficacy data, approval may require submission of bioequivalence or similar data. An earlier **Federal Register** publication has reflected this product's compliance with the conclusions of the review.

EFFECTIVE DATE: August 21, 1979.

FOR FURTHER INFORMATION CONTACT: Donald A. Gable, Bureau of Veterinary Medicine (HFV–100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of August 25, 1970 (35 FR 13543). In that document, the Academy concluded, and the Food and Drug Administration (FDA) concurred, that the product was probably effective as an eye and ear ointment. The Academy stated the claim for "deep penetration" must be withdrawn to earn this rating and they recommended that the label carry the steroid warning indicating that the product is contraindicated in the initial treatment of corneal ulcers.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Schering Corporation, 86 Orange Street, Bloomfield, NJ 07003, responded to the notice by submitting a supplemental NADA (10–471V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the ointment for the treatment of dogs and cats. The supplemental application was approved by regulation issued in the **Federal Register** of September 13, 1972 (37 FR 18530). The regulation reflecting this approval (21 CFR 135a.27, recodified 21 CFR 524.1881a) did not specify those conditions of use that were NAS/NRC approved.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.1881a by adding after paragraph (c) (1), (2), (3), and (4) the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

§ 524.1881a Prednisolone acetate, sodium sulfacetamide, neomycin ointment.

* * * * *

(c) *Conditions of use.* (1) * * * [1]
(2) * * * [1]
(3) * * * [1]
(4) * * * [1]

Effective date: This regulation shall be effective August 21, 1979.

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

Dated: August 13, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79–25603 Filed 8–20–79; 8:45 am]

BILLING CODE 4110–03–M

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations; 706 Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on designation of certain State and local fair employment practices agencies so that they may handle employment discrimination charges within their jurisdiction, filed with the Commission.

EFFECTIVE DATE: June 26, 1979.

FOR FURTHER INFORMATION CONTACT: Dorothy D. Howze, telephone 202–634–6040, Equal Employment Opportunity Commission (State and Local), 2401 E Street, N.W., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Publication of this amendment to section 1601.74(a) effectuates the designation of the following as a 706 Agency:

Colorado State Personnel Board [1]

Notice of proposed designation was published in the February 28, 1979 issue of the **Federal Register**, (44 FR 11240), with notice that written comments must have been filed with the Commission on or before March 15, 1979. The Commission received 31 negative comments from persons and organizations. It was the opinion of the Commission that the objections to designation of this agency were directed more toward a personnel board investigating itself than the legal standing of a personnel board to operate under the 706(c) authority of Title VII of the Civil Rights Act of 1964, as amended.

A statement of policy regarding the reasons for recognizing as 706 agencies some state or local personnel boards, merit boards or civil service commissions, is published elsewhere in today's edition of the **Federal Register.**

With the addition of the above mentioned agency, § 1601.74 (a) and (b) are amended and published as follows:

1601.74 Designated and notice agencies.

(a) The designated 706 Agencies are:

Alaska Commission for Human Rights
Alexandria (Va.) Human Rights Office
Allentown (Pa.) Human Relations Commission
Anchorage (Alaska) Equal Rights Commission
Arizona Civil Rights Division
Augusta/Richmond County (Ga.) Human Relations Commission
Austin (Tex.) Human Relations Commission
Baltimore (Md.) Community Relations Commission
Bloomington (Ind.) Human Rights Commission
Broward County (Fla.) Human Relations Division

[1] The Colorado State Personnel Board has been designated as a 706 Agency for only those charges which relate to appointments, promotions, and other personnel actions that take place in the state personnel system. In addition, it has been designated as a 706 Agency for all of the above mentioned charges except charges which allege a violation of Section 704(a) of Title VII. For this type of charge it shall be deemed a "Notice Agency" pursuant to 29 CFR 1601.71(3).

California Fair Employment Practices Commission
Charleston (W. Va.) Human Rights Commission
Colorado Civil Rights Commission
Colorado State Personnel Board [1]
Commonwealth of Puerto Rico Department of Labor
Connecticut Commission on Human Rights and Opportunities
Corpus Christi (Tx.) Human Relations Commission
Dade County (Fla.) Fair Housing and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago (Ind.) Human Relations Commission
Evansville (Ind.) Human Relations Commission
Fairfax County (Va.) Human Rights Commission
Florida Commission on Human Relations
Fort Wayne (In.) Metropolitan Human Relations Commission
Fort Worth (Tx.) Human Relations Commission
Gary (In.) Human Relations Commission
Georgia Office of Fair Employment Practices
Howard County (Md.) Human Rights Commission
Hawaii Department of Labor and Industrial Relations
Idaho Commission on Human Rights
Illinois Fair Employment Practices Commission
Indiana Civil Rights Commission
Iowa Commission on Civil Rights
Jacksonville (Fla.) Community Relations Commission
Kansas Commission on Human Rights
Kentucky Commission on Human Rights
Lexington-Fayette (Ky.) Urban County Human Rights Commission
Lincoln (Neb.) Commission on Human Rights
Madison (Wi.) Equal Opportunities Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination
Michigan Civil Rights Commission
Minneapolis (Mn.) Department of Civil Rights
Minnesota Department of Human Rights
Missouri Commission on Human Rights
Montana Commission for Human Rights
Montgomery County (Md.) Human Relations Commission
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New Jersey Division on Civil Rights, Department of Law and Public Safety
New Mexico Human Rights Commission
New York City (N.Y.) Commission on Human Rights
New York State Division on Human Rights
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Ne.) Human Relations Department
Oregon Bureau of Labor
Orlando (Fla.) Human Relations Department
Pennsylvania Human Relations Commission
Philadelphia (Pa.) Commission on Human Relations
Pittsburgh (Pa.) Commission on Human Relations
Prince George's County (Md.) Human Relations Commission
Rhode Island Commission for Human Rights
Rockville (Md.) Human Rights Commission
St. Paul (Mn.) Department of Human Rights
St. Petersburg (Fla.) Office of Human Relations
Seattle (Wa.) Human Rights Commission
Sioux Falls (S.D.) Human Relations Commission
South Bend (In.) Human Rights Commission
South Carolina Human Affairs Commission
South Dakota Division of Human Rights
Springfield (Oh.) Human Relations Department
Tacoma (Wa.) Human Rights Commission
Tennessee Commission for Human Development
Utah Industrial Commission
Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington Human Rights Commission
West Virginia Human Rights Commission
Wheeling (W.Va.) Human Rights Commission
Wichita (Ka.) Commission on Civil Rights
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
Wyoming Fair Employment Practices Commission

(b) The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources
North Dakota Commission on Labor
Ohio Director of Industrial Relations
Raleigh (NC) Human Resources Department, Civil Rights Unit

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e–12(a)))

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

For the Commission:

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 79-25742 Filed 8-20-79; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF LABOR

41 CFR Part 29-70

Public Contracts and Property Management; Federal Standards for Federally Funded Grants and Agreements; Correction.

AGENCY: Department of Labor.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to Department of Labor grant and agreement regulations published at 44 FR 42920, July 20, 1979.

EFFECTIVE DATE: August 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. H. B. Patrick, Acting Director, Office of Grants, Procurement and ADP Management Policy, OASAM, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523–9174.

SUPPLEMENTARY INFORMATION: In FR Doc. 79–22541 appearing at page 42920 *et. seq.* in the issue of July 20, 1979, the following were incorrectly printed and should be changed to read as follows:

1. In the discussion of major comments, on page 42922, in the second column, under the heading, *Provisions, Recipient Contracts and Subcontracts*, the reference at the end of the third paragraph, printed as "§ 29–70.216–8(b)(5)", should read "§ 29–70.216–8(d)(5)".

2. On page 42924, in the first column, in the fourth line under the heading, *Authority*, the reference printed as "11101" should be changed to read "1101".

3. On page 42925, in the first column, the first word of paragraph (g)(3), printed as "the", should be changed to read "The".

4. On page 42928, in the third column, under the definition of "Nonprofit organization," the last word of the third from last line, printed as "government", should be changed to read "governments".

5. On page 42931, in the first column, the last word of line seven of § 29–70.200(a)(1), printed as "state", should be changed to read "State".

6. On page 42931, in the first column, the section reference at the end of § 29–70.200(a)(2), printed as § 29–70.202b, should be changed by inserting a quotation mark before the reference to read, "§ 29–70.202b".

7. On page 42932, in the third column, the next to last word of the second line of the text of § 29–70.202b–3, printed as "Programs", should be changed to read "programs".

8. On page 42935, in the third column, the caption of § 29–70.207–2(e), printed as *"Advance Payments."*, should be changed to read *"Advance payments."*.

9. On page 42937, in the third column, the second word of the title of SF 271 at line fourteen of § 29–70.208–2(c), printed as *"report"*, should be changed to read *"Report"*.

10. On page 42939, in column two, at the end of line four of § 29–70.210–2(b)(2), captioned *Treasury check*, the reference, printed as "§ 29–70.210(b)(1)", should be changed to read "§ 29–70.210–2(b)(1)".

11. On page 42942, in the first column, in line three of the text of § 29–70.214–

4(a)(1), the word "preapplications" should be changed to read "preapplication".

12. On page 42942, in the second column, the third word in the caption of § 29–70.214–4(c), printed as *"federal"*, should be changed to read *"Federal"*.

13. On page 42942, in the second column, the title of SF 424 at the beginning of the fifth line of § 29–70.214a, printed as "federal assistance", should be changed to read, "FEDERAL ASSISTANCE".

14. On page 42942, in the third column, the second word on line three of § 29–70.214a(a)(5), printed as "acitivity," should be changed to read, "activity.".

15. On page 42944, in the first column, the word on line three of § 29–70.214a(b)(5), printed as "state", should be changed to read "State".

16. On page 42944, in the first column, the word on line four of § 29–70.214a(b)(11), printed as "government", means United States Government and should be changed to read "Government".

17. On page 42945, in the first column, the first word on line two of § 29–70.214a(b)(22), printed as "Anit-Kickback", should be changed to read "Anti-Kickback".

18. On page 42945, in the third column, the last word on line two of § 29–70.215–2(c), printed as "purpose", should be changed to read "purposes".

19. On page 42945, in the third column, line five of the text of § 29–70.215–2(c), printed to begin "from grant officer", should be changed to read "from the grant officer".

20. On page 42949, in the first column, the first word on line three of § 29–70.216–4(a)(1), printed as "supplies", should be changed to read "suppliers".

21. On page 42949, in the third column, the first word on line three of § 29–70.216–5(b)(2)(iii), printed as "perferential", should be changed to read "preferential".

22. On page 42950, in the second column, the first word on line two of § 29–70.216–6(f)(1)(vi), printed as "recieved", should be changed to read "received".

23. On page 42951, in the third column, the first word on line one of paragraph (b)(4) of the *Clean Air and Water* provision in § 29–70.216–8(c), printed as "the", should be changed to read "The".

24. On page 42952, in the first column, the third word on the next to last line of § 29–70.216–8(c)(3), printed as "trainess", should be changed to read "trainees".

25. On page 42954, in the second column, wording on lines fourteen and fifteen of the fourth paragraph of § 29–70.216–8(d)(5), printed as "recipient of subrecipient", should be changed to read "recipient or subrecipient".

26. On page 42954, in the third column, the first word on line thirteen of § 29–70.216a–1(b), printed as "resonableness", should be changed to read "reasonableness".

27. On page 42954, in the third column, the last word on next to the last line of § 29–70.216a–1(b), printed as "costs", should be changed to read "cost".

Signed at Washington, D.C. this 14th day of August, 1979.

R. L. Davis,

Deputy Assistant Secretary for Administration and Management.

[FR Doc. 79–25863 Filed 8–20–79; 8:45 am]

BILLING CODE 4510–23–M

Proposed Rules

Federal Register
Vol. 44, No. 163
Tuesday, August 21, 1979

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

Importation of Animals; Revision of Certain Requirements

AGENCY: Animal and Plant Health Inspection Services, USDA.

ACTION: Proposed rule.

SUMMARY: The purposes of these proposed amendments are to revise certain requirements pertaining to the importation of horses and other animals. The circumstances which created the need for actions reflected in these amendments area; (1) the need to revise the requirements for the return of animals of United States origin and certain of their offspring born outside of the United States, following their exhibition in Canada; and (2) to provide for the exemption of offspring of certain Canadian mares from certain test requirements. The intended effect of these proposed amendments is to remove unnecessar barriers to the importation of horses and other animals into the Untied States and to modify certain requirements contained in the current regulations.

DATE: Comments on or before October 22, 1979.

ADDRESSES: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, MD 20782, (301) 436–8170.

SUPPLEMENTARY INFORAMTION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C 553, that pursuant to the provisions of Section 2 of the Act of February 22, 1903, as amended and Sections 3,4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134b, 134c, and 134f, respectively), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

Section 92.25(b) of the regulations presently contains provisions under which exhibition animals from the United States may go into Canada for exhibition and return to the United States without additional Candaian health or test certification. However, paragraph (b) of that section has two subparagraphs (1 and 2) which distinguish between the exhibition animals and the requirements for return to the United States. Specifically, § 92.25(b)(1) pertains to animals, including poultry, from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized expositions in Canada. Section 92.25(b)(2) concerns ruminants, swine, horses, poultry from the United States used for rodeo, circus or stage exhibitions in Canada. The conditions for such animals to return to the United States without additional Canadian health or test certification are identical except that Section 92.25(b)(1) animals must not have been in Canada for more than 30 days and must return to the United States within 10 days of the close of the exhibition, and Section 92.25(b)(2) animals must not have been out of the United States for a period exceeding 3 months.

The proposed regulations would combine paragraphs (b)(1) and (2) so that all animals attending a public exhibition in Canada would be eligible to return to the United States under prescribed conditions without additional Canadian health or test certification, if such animals had not been out of the United States for more than 90 days. The administrative officials of the Animal and Plant Health Inspection Service (APHIS) believe that there is no significant difference between exhibitions referred to in paragraph (b)(1) and those in (b)(2) and that the longer time period established in (b)(2) has proven to be adequate to prevent the entry of communicable diseases of livestock or poultry by animals returning to the United States under such subparagraph. Such time period also appears to be a reasonable time to permit the owners of the animals to exhibit their animals in Canada without having undue risk of introducing communicable disease into the United States. Further, the Canadian disease control requirements for the movement and participation of animals in rodeos, circuses and other publicly recognized exhibitions are similar to those of the United States. Animals appearing in such exhibitions must meet Canadian health requirements and be certified free of communicable disease. Therefore, it is believed that United States animals returning from Canada that have attended such exhibitions are less likely to have been exposed to communicable disease than similar animals which have been in Canada on farms or places other than publicly recognized exhibitions. Consequently, the Department is proposing to combine paragraph (b) (1) and (2) so that the animals from the United States, attending publicly recognized exhibitions in Canada may return to the United States without Canadian health or test certificates under prescribed conditions, if such animals have not been out of the United States for a period exceeding 90 days from the date of exportation from the United States.

Two additional changes to § 92.25(b) are also contemplated, namely:

1. The official United States health certificate for a returning horse must show that an official test for equine infectious anemia (EIA) with negative results was conducted within 90 days of the date of re-entry into the United States. This would be required because the Department believes that for U.S. horses originally certified for export by the Department EIA test results would be valid for such period. As test results become older the Department believes that they become less reliable, and further retesting would probably be necessary.

2. Offspring of horses returning to the United States from Canada which were born subsequent to the official test dates specified on the dam's official United States health certificate would also be able to enter the United States without additional Canadian health or test certificates. This is being proposed because if the dam tested negative to official tests, the offspring should be negative as well.

The proposed regulations would also revise § 92.24(a) to provide that foals of Canadian mares born after such mares were negative to a test for EIA

administered within 60 days immediately prior to exportation to the United States would be exempt from the test requirement for EIA. This is being proposed because in all likelihood, if the mare tested negative for EIA prior to foaling, the foal should also be negative.

Additionally, in order to avoid confusiong between exhibition animals returning to the United States as provided in § 92.25(b) of the regulations, and horses of United States origin which have entered Canada for periods of not more than 72 hours and are returning to the United States as provided in § 92.24(b) of the regulations, § 92.25(b) would be revised to clearly indicate that the provisions of § 92.24(b) would still be in effect. There are less restrictions for horses returning to the United States from Canada after an absence of less than 72 hours than horses which have been in Canada for a greater period of time because the threat to introduce communicable disease should be significantly less because of the horses' short absence from the United States.

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. In § 92.24, that portion of paragraph (a) after the second semicolon and before the first proviso would be amended to read:

§ 92.24 Horses from Canada.

(a) * * * *Except,* that animals accompanying their dams which were foaled after their dam was so tested negative need not be so tested; and shall otherwise be handled as provided in § 92.17: * * *

* * * * *

2. In § 92.25, paragraph (b) would be amended to read:

§ 92.25 Special provisions.

* * * * *

(b) *Exhibition animals.* Except as provided for horses in § 92.24(b), animals, including poultry, from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized expositions in Canada, including racing, rodeo, circus, or stage exhibitions in Canada, and have not been in that country for more than 90 days are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the United States health certificate, issued and endorsed in accordance with the export regulations contained in Part 91 of this chapter for entry into Canada. *Provided,* that in the case of horses for exhibition, including race horses, the certificates shall certify that negative results were obtained from tests for equine infectious anemia which were conducted within 10 days of the date the horses were offered for entry into Canada and such horses are returned to the United States not more than 90 days after the test was conducted and, *provided further* that all the animals offered for re-entry upon examination by the veterinary inspector at the U.S. port of entry, are found by the inspector to be free of communicable diseases and exposure thereto and are determined to be the identical animals covered by said certificates or are the natural increase of such animals born after official test dates certified on the dam's health certificate, or that in the case of poultry, they otherwise qualify for entry into Canada under the Canadian regulations.

* * * * *

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 817, 6505 Belcrest Road, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue of the **Federal Register.**

Note.—This proposed rulemaking has been reviewed under the USDA criteria established to implement E.O. 12044, "Improving Government Regulations." While this action has not been designated "significant" under those criteria, an approved Draft Impact Analysis Statement has been prepared and is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. 301–436–8695.

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

M. T. Goff,

Deputy Administrator, Veterinary Services

[FR Doc. 79-25753 Filed 8-20-79; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 130]

Small Business Energy Loans; Proposed Rule

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: SBA is proposing to revise § 130.8, which states that energy loans will be made under Section 7(1) regardless of whether they might have qualified under Section 7(a) of the Small Business Act, 15 U.S.C. 636. This revision would clarify when energy loans may be approved under other loan programs.

COMMENTS BY: September 20, 1979.

ADDRESSES: Comments, in duplicate, should be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Everly Cherry, Chief, Special Projects Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, (202) 653–6696.

SUPPLEMENTARY INFORMATION: Part 130 was promulgated to implement Pub. L. 95–315, 92 STAT. 377, approved July 4, 1978, which required the SBA to provide appropriate regulations for the Small Business Energy Loan Program, 44 FR 1369. SBA has determined that § 130.8 ought to be revised. As currently stated in § 130.8, the last sentence could be interpreted to prevent an applicant from obtaining an energy loan under another loan program if for some reason the applicants were found ineligible, or if funds were not available, under section 7(1). Also, it would be legally and administratively improper if a higher loan category (e.g., a deferred-guaranty loan) is available to the applicant under another program, to approve a lower category loan (immediate participation or direct) under section 7(1). The revised section would clarify that assistance under other loan programs would be available at an equal loan category level.

Comment is especially invited on whether energy loan applicants should continue to be processed first as section 7(1) applications, or whether assistance under other loan programs should be examined first and section 7(1) assistance reserved for those applicants which could not be assisted under other programs. Reasons for processing first under section 7(1) include: it immediately provides the benefits of the

broader credit evaluation provided in section 130.7; direct funds under section 7(1) are often more immediately available to the energy loan recipient; and it facilitates the collection of more comprehensive and meaningful information that must be reported annually by SBA to the President and Congress pursuant to section 6 of Pub. L. 95–315. The argument in favor of first processing energy loan applications under other loan programs is that it would preserve the funds and assistance under section 7(1) for those applicants which cannot meet the qualifications, particularly the credit criteria, under other loan programs.

In consideration of the foregoing, it is proposed to amend § 130.8 as follows:

§ 130.8 Other financing.

No loan shall be made under this program unless the financial assistance is not otherwise available on reasonable terms from non-Federal sources. The initial processing of an energy loan will be under Section 7(1) of the Small Business Act. If a loan is approved, Section 7(1) guaranty (deferred) participation funds will be utilized. If a Section 7(1) guaranty participation is unavailable for any reason, a guaranty participation may be approved under another loan program for which the applicant is qualified. If no guaranty participation loan is available, or if applicant does not qualify for a guaranty participation under another program, the applicant may be considered for an immediate participation under Section 7(1). If a Section 7(1) immediate participation is unavailable, consideration for an immediate participation may be made under another program for which applicant is eligible. A direct Section 7(1) loan, or direct loan under another section if direct Section 7(1) loan funds are exhausted, will be granted only if no immediate participations are available under any program or if applicant does not qualify for an immediate participation under other programs. The requirements of § 120.2(a)(1) and (2) except § 120.2(a)(2)(iv), relating to documentation of efforts to find other financing, shall apply to loans under this program.

(Catalog of Federal Domestic Assistance Programs No. 59.028 Energy Loan Program.)

Dated: August 13, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79–25771 Filed 8–20–79; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF COMMERCE

Office of the Secretary

[13 CFR Ch. V]

[15 CFR Chs. I–IV, VIII, IX, XII]

[32A CFR Ch. VI]

[37 CFR Ch. I]

[45 CFR Ch. XX]

[46 CFR Ch. II]

[50 CFR Chs. II and VI]

Semiannual Agenda of Regulations Schedule

AGENCY: U.S. Department of Commerce.

ACTION: Schedule for publication of semiannual agenda of regulations.

SUMMARY: The Department's semiannual agenda of regulations, required by Executive Order 12044, "Improving Government Regulations," will be published in the **Federal Register** on or before September 14, 1979, instead of August 15, as originally scheduled.

The publication dates for the Department's agendas in calendar year 1980 are being changed to coincide with the publication schedule of the Regulatory Council's Calendar of Regulations. The prospective dates for the publication of the Department's agendas are May 15, 1980, and November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Robert T. Miki, (202) 377–2482.

C. L. Haslam,

Acting Secretary of Commerce.

[FR Doc. 79–25786 Filed 8–20–79; 8:45 am]

BILLING CODE 3510–17–M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 791 0119]

Bayer AG, et al.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a diversified chemical company, located in Leverkusen, Germany, and its two American subsidiaries to divest within one year to a Commission-approved buyer, all United States assets gained through their acquisition of Miles Laboratories, Inc. Additionally, for specified time periods, the firms would be barred from acquiring, without prior Commission approval, any concern engaged in the manufacture, distribution or sale in the United States of allergenic extracts or chemically treated diagnostic reagent strips used for in vitro quantitative urinalysis.

DATE: Comments must be received on or before October 22, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

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

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 791 0119]

Bayer AG et al.

Agreement Containing Consent Order

In the matter of Bayer AG, a corporation, Rhinechem Corporation, a corporation, and Miles Laboratories, Inc. (formerly Rhinechem Laboratories, Inc.), a corporation.

The Federal Trade Commission having initiated an investigation of the acquisition of Miles Laboratories, Inc., a corporation, by Rhinechem Laboratories, Inc. (now known as Miles Laboratories, Inc.), a wholly owned subsidiary corporation of Rhinechem Corporation, which in turn is an indirect wholly owned subsidiary corporation of Bayer AG, a corporation, and it now appearing that Miles Laboratories, Inc., Rhinechem Corporation and Bayer AG, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order with respect to the acquisition being investigated,

It is hereby agreed by and between Bayer AG, Rhinechem Corporation and

Miles Laboratories, Inc., by their duly authorized officers and attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Bayer AG (Bayer) is a corporation organized and existing under and by virtue of the laws of the Federal Republic of Germany, with its principal office and place of business located at 5090 Leverkusen, Federal Republic of Germany.

2. Proposed respondent Rhinechem Corporation (Rhinechem) is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 425 Park Avenue, New York, New York 10022. Rhinechem is a wholly owned subsidiary corporation of Bayer International Finance N.V., which in turn is a wholly owned subsidiary corporation of proposed respondent Bayer.

3. Proposed respondent Miles Laboratories, Inc. (Miles Labs) is a corporation existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 1127 Myrtle Street, Elkhart, Indiana 46514. Miles Labs was organized originally under the name of Rhinechem Laboratories, Inc. for the purpose of acquiring Miles Laboratories, Inc. On February 8, 1979, the acquired company Miles Laboratories, Inc. merged into its nominal acquirer Rhinechem Laboratories, Inc., and the successor corporation has been named Miles Laboratories, Inc. Miles Labs is a wholly owned subsidiary corporation of proposed respondent Rhinechem.

4. Miles Laboratories, Inc. (Miles) was a corporation organized and existing under and by virtue of the laws of the State of Indiana, with its principal office and place of business located at 1127 Myrtle Street, Elkhart, Indiana 46514.

5. Proposed respondents Rhinechem and Miles Labs admit all the jurisdictional facts set forth in the draft of complaint here attached. Proposed respondent Bayer admits the jurisdictional facts set forth in the draft of complaint here attached only for purposes of this agreement and the enforcement of the order.

6. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

7. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

8. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

9. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to each of the proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the terms of the order or this agreement may be used to vary or contradict the terms of the order.

10. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this order, the following definition shall apply:

"Allergenic Extracts" are biological products that are administered to man primarily for the diagnosis or treatment of allergies.

I

It is ordered, That, subject to the prior approval of the Federal Trade Commission, respondents, through their officers, directors, employees, subsidiaries, affiliates, divisions, successors and assigns, whether direct or indirect, shall within one (1) year from the date on which this order becomes final divest absolutely and in good faith all United States assets (other than items which cannot be moved without substantial injury to the premises), of whatever description acquired by respondents as a result of their acquisition of Miles Laboratories, Inc. (Miles), as well as subsequent additions and improvements thereto, and primarily utilized by Miles in the manufacture, distribution or sale in the United States of Allergenic Extracts. Such assets shall include equipment, machinery, raw material reserves, inventory, a list of customers, product trade names, product trademarks, patents, assignable licenses (non-assignable licenses shall be relinquished), manufacturing specifications and procedures, market research materials, sales training materials, research and development projects (including licenses, license applications and Notices of Claimed Investigational Exemption for a New Drug (IND's)), and such other property of whatever description relating primarily to Miles Allergenic Extracts. Such divestiture shall be made to a third party which represents that it intends to use such assets in the manufacture, distribution or sale of Allergenic Extracts in the United States.

It is further ordered, That, upon the written request of the acquirer of the divested property, respondents shall, for no longer than three (3) years from the date of the agreement with a third party to transfer the assets referred to in Paragraph I, furnish such technical, market and quality control information of Miles and make available such personnel and technical assistance as may be necessary to enable such acquirer to manufacture and market those Allergenic Extracts manufactured

in the United States by Miles at the time of its acquisition by respondents.

III

It is further ordered, That, pending the divestiture required by this order, respondents shall not cause, and shall use their best efforts to prevent, any diminution of the value of the Miles Allergenic Extracts products or assets.

IV

It is further ordered, That, pursuant to the requirements of Paragraph I above, none of the Miles Allergenic Extracts assets shall be divested directly or indirectly to anyone who is, at the time of divestiture, an officer, director, employee or agent of, or under the control, direction or influence of, respondents or any of respondents' subsidiaries or affiliated corporations, whether direct or indirect, or who owns or controls more than one (1) percent of the outstanding shares of the capital stock of any respondent.

V

It is further ordered, That, for a period of ten (10) years from the date this order becomes final, no respondent, its subsidiaries, affiliates, divisions, successors or assigns, shall, without the prior approval of the Federal Trade Commission, directly or indirectly acquire any stock, share capital, or equity interest in any concern, corporate or noncorporate, engaged in, or the assets of such concern relating to, the manufacture, distribution or sale in the United States of Allergenic Extracts: *Provided, however,* That the foregoing provision shall not prohibit, with respect to Allergenic Extracts, (1) the taking by respondents from such concerns of non-exclusive licenses that contain no restrictions with respect to limiting other market entrants, and (2) purchases in the ordinary course of business which do not result in the elimination of a competitor.

VI

It is further ordered, That, for a period of five (5) years from the date this order becomes final, no respondent, its subsidiaries, affiliates, divisions, successors or assigns, shall, without the prior approval of the Federal Trade Commission, directly or indirectly acquire any stock, share capital or equity interest in any concern, corporate or noncorporate, engaged in, or the assets of such concern relating to, the manufacture, distribution or sale in the United States of chemically treated diagnostic reagent strips used for in vitro quantitative urinalysis: *Provided, however,* That the foregoing provision shall not prohibit, with respect to such strips, (1) the taking by respondents from such concerns of non-exclusive licenses that contain no restrictions with respect to limiting other market entrants, and (2) purchases in the ordinary course of business which do not result in the elimination of a competitor.

VII

It is further ordered, That respondents shall, within sixty (60) days after the date of service of this order, and every sixty (60) days thereafter until respondents have fully complied with the divestiture provision of this order, and annually thereafter, on the anniversary date of service of this order, for the duration of this order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which each or every respondent intends to comply, is complying or has complied with this order. Until divestiture is accomplished, all compliance reports shall include, among other things that are from time to time required, a summary of contracts or negotiations with anyone for the disposition of the assets specified in Paragraph I of this order, the identity of all such persons and copies of all written communications between such persons and any respondent.

VIII

It is further ordered, That respondents notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries of any other change in the corporation, which may affect compliance obligations arising out of the order.

Bayer AG, et al.

[File No. 791 0119]

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Bayer AG, Rhinechem Corporation and Miles Laboratories, Inc. (formerly Rhinechem Laboratories, Inc.).

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Allegations of the Complaint

As of January 5, 1978, respondents acquired, through tender offer, over 90% of the outstanding common shares of Miles Laboratories, Inc. (Miles) for approximately $250 million. On February 8, 1979, Miles was merged into its nominal acquirer Rhinechem Laboratories, Inc. and the successor company was named Miles Laboratories, Inc.

The Federal Trade Commission alleged in its complaint that this acquisition violates Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act in that it lessens or eliminates competition and tends to create a monopoly in the manufacture and sale of allergenic extracts in the United States.

The Federal Trade Commission alleges that the acquisition violates Section 7 and Section 5 by (a) eliminating actual and potential competition between respondents and Miles in the manufacture and sale of allergenic extracts, (b) eliminating a substantial, independent competitive factor in the manufacture and sale of allergenic extracts, (c) entrenching respondents' leading position in the manufacture and sale of allergenic extracts, (d) maintaining or increasing the concentration in the manufacture and sale of allergenic extracts, and reducing the possibility of deconcentration, (e) substantially increasing the existing barriers to entry, (f) encouraging additional acquisitions and mergers in the industry, (g) depriving independent manufacturers and sellers of allergenic extracts of a fair opportunity to compete with the combined resources and market position of respondents and Miles, and (h) depriving members of the consuming public of the benefits of free and unrestricted competition in the manufacture and sale of allergenic extracts.

The Terms of the Proposed Consent Order

Paragraph I of the proposed order requires respondents to divest, subject to prior Commission approval and within one (1) year from the date the order becomes final, all United States assets (other than items which cannot be moved without substantial injury to the premises) that were primarily utilized by Miles in the manufacture,

distribution or sale in the United States of allergenic extracts. The assets include equipment, machinery, raw material, inventory, a list of customers, product trade names and trademarks, patents, licenses, manufacturing specifications and procedures, market research materials, sales training materials and research and development projects.

Paragraph II of the proposed order requires respondents to assist the acquirer, at the acquirer's request and for no longer than three (3) years, by providing Miles' technical, market and quality control information and by making available personnel and technical assistance to enable the acquirer to manufacture and market the allergenic extracts that Miles manufactured at the time of its acquisition by respondents.

Paragraphs III and IV are standard provisions. Paragraph III prohibits respondents from causing, and requires respondents to prevent, any diminution of the value of the Miles allergenic extract assets or products. Paragraph IV prohibits the divestiture of the assets to anyone who is, at the time of the divestiture, an officer, director, employee or agent of, or under contract, direction or influence of respondents or who owns or controls more than one percent of the outstanding shares of any respondent.

Paragraph V prohibits respondents for 10 years from acquiring, without prior Commission approval, any stock, share capital or equity interest in any concern engaged in, or the assets of any concern relating to, the manufacture, distribution or sale in the United States of allergenic extracts. However, respondents may enter into non-exclusive licensing arrangements and may make purchases in the ordinary course of business with respect to allergenic extracts without prior Commission approval.

Paragraph VI prohibits respondents for 5 years from acquiring, without prior Commission approval, any stock, share capital or equity interest in any concern engaged in, or the assets of any concern relating to, the manufacture, distribution or sale in the United States of diagnostic reagent strips used for urinalysis. However, respondents may enter into non-exclusive licensing arrangements and may make purchases in the ordinary course of business with respect to this product market without prior Commission approval.

Paragraphs VII and VIII are standard provisions. Paragraph VII sets forth the standard compliance obligations of a company under a Commission consent order. Paragraph VIII requires notice to be given to the Commission of any change in the corporate structure of any respondent.

The divestiture of the assets described in Paragraph I furthers competition in the United States allergenic extracts market by restoring an independent competitor that would otherwise be eliminated. The acquisition bans in Paragraphs V and VI protect future competition in those markets without the expenditure of significant Commission resources.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

James A. Tobin,

Acting Secretary.

[FR Doc. 79-25853 Filed 8-20-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 2]

[Docket No. 79N-0305]

Imminent Hazard Criteria and Procedure; Proposed Rule

AGENCY: Department of Health, Education, and Welfare.

ACTION: Proposed rule.

SUMMARY: The Secretary of Health, Education, and Welfare is proposing rules to establish the criteria and procedure for determining whether the approval of certain human and animal drugs should be immediately suspended under the "imminent hazard" provisions of the Federal Food, Drug, and Cosmetic Act. The Food and Drug Administration has published elsewhere in this issue of the **Federal Register** a proposed rule concerning separation of functions in withdrawal proceedings involving a product for which an imminent hazard determination must be made.

DATES: Comments by October 22, 1979. The effective date of the final rule based on this proposal is proposed to be 30 days after date of its publication.

ADDRESSES: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Margaret Gilhooley, Office of the General Counsel, Food and Drug Division (GCF-1), Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1345.

SUPPLEMENTARY INFORMATION:

The Statutory Framework

The Secretary of Health, Education, and Welfare, and by delegation, the Commissioner of Food and Drugs, are responsible for the administration of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq; 21 CFR 5.1). The provisions of the act require that all "new drugs," "new animal drugs," and "animal feed bearing or containing a new animal drug" be subject to an application "approved" by the Secretary before they are shipped in interstate commerce (21 U.S.C. 355(a), 360b(a)(1) and 360b(a)(2)). To obtain approval for an application, the applicant must establish that the product is safe and effective for its intended use, and that it meets other statutory requirements.

The burden of establishing safety and efficacy of these products remains at all times on the applicant. Whenever information warrants the conclusion that an approved new drug, new animal drug, or animal feed bearing or containing a new animal drug is unsafe or ineffective, the Secretary, acting through the Food and Drug Administration (FDA), is required to remove the product from the market. The act establishes two procedures for removing an approved product from the market: "withdrawal" and "suspension" (21 U.S.C. 355e, 360b(e)(1) and 360b(m)(4)(A)).

(1) *Procedures for Withdrawal of Approval.* The act requires FDA to withdraw approval of the application for a product if information shows that the product is unsafe or ineffective. The administrative procedure for withdrawing approval of a product includes notice to the applicant of an opportunity for hearing, and administrative determination of whether a hearing is justified, the conduct of a full evidentiary public hearing before a presiding officer, or the preparation of an order denying a hearing, and a decision by the Commissioner based on the administrative record.

This procedure usually requires at least 6 months, and sometimes much longer. A drug may remain on the market for years while withdrawal proceedings are under way.

(2) *Procedures for Suspension of Approval.* The elaborate procedural protections against improvident withdrawals emphasize the importance of the immediate suspension provision available under the act. This summary procedure permits the Secretary to act

promptly to suspend approval of an application temporarily, and thereby remove the product from the market. A new drug may be suspended if it represents an "imminent hazard to the public health" (21 U.S.C. 355(e)). A new animal drug or animal feed bearing or containing a new animal drug may be suspended if it presents an "imminent hazard to the health of man of the animals for which * * * intended" (21 U.S.C. 360b(e)(1), 360b(m)(4)(A)). Once having suspended approval, the Secretary must provide the applicant with an opportunity for an expedited hearing on whether the application should be withdrawn and the product permanently removed from the market. This authority to suspend approval is placed by law in the Secretary, or in the absence of the Secretary, on the officer acting as Secretary, and may not be delegated.

The summary suspension procedure provides a critical procedural tool to carry out the obligation of this Department and of FDA to protect the public health and safety. Rapid action may be necessary if scientific data raise serious new questions concerning the safety of an approved product. If new evidence or further and more careful analysis of existing evidence indicates that a life-threatening or other serious risk is present, the summary suspension procedure allows the Secretary to end this serious risk promptly. The summary procedure does not eliminate the need to conduct a full administrative proceeding to determine whether the drug should be permanently removed from the market.

Development of Criteria

Because the "Imminent hazard" provisions of the act are the only statutory mechanism permitting immediate suspension of approval, the criteria and procedure for making imminent hazard determinations are highly important to those seeking suspension, those holding applications for the products, those using the products, and others affected.

There are at present no regulations issued by the Secretary stating the criteria for making imminent hazard determinations. Until there is sufficient information to articulate general rules, the Secretary may proceed, as has been done, to develop the standards for decision on a case-by-case basis. As the Supreme Court stated in *Securities & Exchange Comm'n* v. *Chenery Corp.*, 332 U.S. 194, 203 (1947), "* * * the choice made between proceeding by general rule or by individual, ad hoc litigation is one that lies primarily in the informed discretion of the administrative agency." The recent imminent hazard determinations made by the Secretary described below have provided a base of experience that has permitted the identification of general standards that can be used in future proceedings of this type. Accordingly, the Secretary believes it is appropriate at this time to establish the criteria and procedures for imminent hazard determinations in regulations, and to provide the public an opportunity for comment on the proposed rule.

At present, FDA has a regulation (21 CFR 2.5) that states the considerations that guide FDA in making recommendations to the Secretary concerning imminent hazard determinations. This FDA regulation was issued in 1971, before the recent developments that permitted a full examination by the Secretary of the criteria for the ultimate decision. The FDA regulation does not govern the actions of the Secretary, but the regulation has been taken into account in developing the Secretary's criteria. The Secretary's criteria and the FDA regulations differ in language, but they are not at "substantial variance," as stated by the court upon judicial review in *Forsham* v. *Califano*, 442 F. Supp. 203, 208 (D.D.C. 1977), appeal from denial of preliminary injunction dismissed as moot No. 77-2072 (D.C. Cir. April 10, 1979); dismissed as moot No. 77-1478 (D.D.C. July 23, 1979). FDA is proposing to withdraw the regulation, in a document published elsewhere in this issue of the **Federal Register**, because it is unnecessary and potentially confusing to have separate criteria for FDA's recommendations to the Secretary and for the Secretary's decision.

The Secretary invoked an imminent hazard provision for the first time on July 25, 1977, by suspending approval of the new drug applications for phenformin, a drug indicated for use in diabetes. A petition for invocation of this suspension power with respect to propoxyphene, an analgesic found in Darvon and other drugs, recently has been denied. These decisions are on display in the office of the FDA Hearing Clerk. In these proceedings, the Secretary identified the factors to be considered in making imminent hazard determinations. These factors are the basis of the criteria proposed in this document.

The Secretary's decision in the phenformin matter gave the following explanation of the legislative history of the imminent hazard provision of the act governing new drugs and recent judicial interpretations of comparable provisions applicable to suspension of approval of pesticides.

[A] Legislative History of the Suspension Provision

* * * * *

The legislative history of the suspension provision is comparatively sparse. The provision was proposed by President Kennedy in a letter to Senator Eastland on August 3, 1962, very shortly before the 1962 Amendments were enacted. The proposal was a response to an inadequacy in the existing law—and in the proposed legislation already under consideration—to empower the Secretary to remove a drug from the market rapidly if necessary to protect the public health. 108 Cong. Rec. 16303 (Aug. 23, 1962).

The Senate report attempts to set out generally the circumstances when the suspension authority should be utilized: [Suspension is appropriate] when the evidence before the Secretary shows that a drug is so unsafe as to create a public health situation which must be corrected immediately, and cannot be permitted to continue while a hearing is being held. The committee contemplates that this power would be exercised only in the exceptional case of an emergency, which does not permit the Secretary to correct it by other means. S. Rep. No. 1744, Pt. 2, 87th Cong., 2d Sess., p. 7 (1962).

Senator Eastland, the Chairman of the Senate Committee that considered the bill, elaborated on this discussion in describing the bill on the Senate floor:

The committee believes that this authority, which could have grave effects upon a manufacturer and upon the confidence of the public in a drug which might later be found appropriate for continued availability to physicians, should only be exercised under the most extreme conditions and with the utmost care. For that reason, it is provided that it may be exercised only by the Secretary or the Acting Secretary. I feel that it would be desirable, wherever possible, for the Secretary, before taking action, not only to confer with the manufacturer, but also to consult a committee of experts appointed by the National Research Council. It should not be forgotten also that there may be other remedies available to the Secretary to cope with the situation instead of using the potentially lethal weapon of immediate suspension. 108 Cong. Rec. 16304-5 (August 23, 1962).

The only discussion of the provision in the House Report [H. Rept. No. 2524, 87th Cong., 2d Sess., 8-9 (1962)] also urges the Department to permit the manufacturers an opportunity to argue against suspension before the Secretary acts.

The standard that emerges most clearly from this legislative history is the declaration in the Senate Report that the Secretary should act "when the evidence before the Secretary shows that a drug is so unsafe as to create a public health situation which must be corrected immediately and cannot be permitted to continue while a hearing is being held." Such a standard plainly contemplates that the suspension power should be used

whenever delay in removing a drug from the market would significantly jeopardize the public health.

* * * * *

In my judgment, the legislative history suggests that Congress intended:

(1) that the summary suspension procedure be employed "when the evidence before the Secretary shows that a drug is so unsafe as to create a public health situation which must be corrected immediately and cannot be permitted to continue while a hearing is being held";

(2) that this procedure be used only when the public health situation to be corrected is serious; and

(3) that the Secretary's actions reflect the nature of the hazard and the extent of the proceedings that have occurred prior to his action.

[B] Relevant Judicial Precedents

In determining the appropriate standards to govern suspension of new drug applications under the Act, the recent case law interpreting an almost identical summary suspension procedure in the statute regulating pesticides provides some important guideposts.

(1) *Standard for Invoking Summary Suspension.* The United States Court of Appeals for the District of Columbia Circuit has approved a broad standard for invoking the summary suspension provision—specifically adopted from the Food, Drug, and Cosmetic Act—in the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136d(d) (FIFRA). See *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency,* 465 F. 2d 528 (D.C. Cir. 1972); *Environmental Defense Fund* v. *Environmental Protection Agency,* 510 F. 2d 1292 (D.C. Cir. 1979); *Environmental Protection Agency,* 548 F. 2d 998 (D.C. Cir. 1976) [cert. denied 431 U.S. 925 (1977)].

These decisions caution against any interpretation of the phrase "imminent hazard to the public health" that would restrict the suspension procedure to "crisis" situations. Rather, the Court of Appeals has held that summary suspension is appropriate in any circumstance where there was a "substantial likelihood that serious harm will be experienced during the year or two required in any realistic projection of the administrative process." 465 F. 2d, at 540; 510 F. 2d, at 1297; and 548 F.2d, at 1005.

In those cases, the Court held that long-term damage to health and to environment threatened by continued use of pesticides justified the use of the summary suspension power, both because the harm threatened was serious and because it was irreversible. The Court specifically approved EPA's determination that the suspension authority should be exercised on the basis of an analysis of the "magnitude of the anticipated harm, and the likelihood that it will occur." 465 F.2d, at 534. The court, in short, held that the nature of the hazard that would justify suspension should not be limited to a sudden or overwhelming threat. Indeed, the pesticides involved in the three cases in which the EPA administrator's suspension of pesticide registrations were upheld had been in use for some time and threatened long-term environmental contamination. At the same time, the Court made clear that, in determining whether a pesticide posed an imminent hazard to health, the agency was empowered to consider the benefits of its use and the risks from its immediate removal from the market.

While the assessment of the factors involved (the nature of the risks, the nature of the benefits, the likelihood of harm) will clearly be different in the case of drugs intended for human consumption, the analysis of the appropriate legal standards for applying the summary suspension procedures in the FIFRA cases are directly relevant to interpretations of the same provision in the Food, Drug, and Cosmetic Act. Order of the Secretary Suspending Approval, New Drug Application for Phenformin, pp. 27–33 (July 25, 1977) (Footnote omitted).

Secretary's Criteria

On the basis of this review of the legislative history and relevant court decisions, the phenformin decision stated the factors to be considered for suspensions. The criteria proposed in this rulemaking proceeding are essentially the same as the criteria stated in the phenformin decision. Editorial revisions have been made to reflect the broader applicability of the proposed criteria to new animal drugs and animal feed bearing or containing new animal drugs, as well as to all new drugs for human use.

The criteria take into account the severity and likelihood of harm that could be caused during the completion of the withdrawal proceeding, the risk that might be occasioned by immediate withdrawal of the product from the market, the likelihood the product will be withdrawn after completion of the withdrawal proceeding, and the availability of other approaches to protect the public health. As the discussion in the phenformin proceeding quoted above makes clear, an imminent hazard can be found not only on the basis of harm that will actually occur during the completion of the withdrawal proceeding but also on the basis of harm with long-term effects that may be initiated during that period, the final anticipated injury from which occurs later. This interpretation is consistent with decisions, under the imminent hazard provisions of FIFRA, in which certain pesticides were found to be imminent hazards because of long-term carcinogenic risks (*Evironmental Defense Fund* v. *EPA,* 510 F.2d 1292 (D.C. Cir. 1975) (aldrin/dieldrin); *Environmental Defense Fund* v. *EPA,* 548 F.2d 998 (D.C. Cir. 1976), cert. denied 431 U.S. 925 (1977) (heptachlor/chlordane)).

The criteria articulated in the phenformin proceeding have been upheld as acceptable upon judicial review in *Forsham* v. *Califano, supra.* In the only other judicial decision interpreting an imminent hazard provision under the act, the court rejected a charge that the Secretary was delinquent in not invoking the suspension power in that case and stated that "invocation of this emergency power is a matter which is peculiarly one of judgment" (*American Public Health Ass'n* v. *Veneman,* 349 F. Supp. 1311, 1316 (D. D.C. 1972)).

Applicability

The criteria for imminent hazard determinations for new drugs for human use are also applicable to determinations concerning new animal drugs and animal feed bearing or containing new animal drugs. The act gives the Secretary authority to suspend approval for these products when a product presents an "imminent hazard to the health of man or of the animals for which * * * intended" (21 U.S.C. 360b(e)(1), 360b(m)(4)(A)). This standard takes account of the effect on animals, as well as humans, but in all other respects it is the same as the standard of an "imminent hazard to the public health" that governs suspension of new drugs for human use (21 U.S.C. 355(e)). The legislative history of the animal drug amendments indicates that the imminent hazard provision was intended to be the same as that governing new drugs (Hearing on H.R. 3639 before the Subcommittee on Public Health and Welfare of the Health Committee on Interstate and Foreign Commerce, 90th Cong., 1st Sess. 43 (1967); H. Rept. No. 875, 90th Cong., 1st Sess. 5 (1967); H. Rept. No. 2168, 89th Cong., 2d Sess. (1966)).

Procedures

The statutory provisions governing imminent hazard do not prescribe the procedures to be used by the Secretary in reaching the decision, but do require that there be prompt notice of the decision to the applicant and an opportunity for an expedited hearing on the withdrawal determination. The proposed rule, and the FDA proposal published elsewhere in this issue of the **Federal Register,** provide that FDA shall provide notice of the decision promptly and an opportunity for a hearing on an expedited basis on the withdrawal of a product determined by the Secretary to be an imminent hazard.

In addition, the proposed rule states the procedures the Secretary uses in reaching the imminent hazard

determination. The proposed procedures contain provisions on the initiation of an imminent hazard proceeding, including the manner of filing a citizen's petition. The procedures provide for an evaluation by FDA of a citizen's petition requesting an imminent hazard determination. The Commissioner and the staff of FDA will also be available to advise the Secretary, upon request, in connection with every imminent hazard determination under the act. In accordance with the congressional intent discussed above, notice that a proceeding has been initiated will be provided to the appropriate applicant. Notice will also be given, when feasible, to other persons, known to FDA, who are interested in the proceeding. The Secretary will also provide an opportunity for interested persons to submit arguments for consideration in reaching his or her decision. If the Secretary finds it necessary, the Secretary may issue his or her decision without waiting for these submissions. As a matter of discretion, the Secretary may provide for meetings or provide for a public hearing by FDA concerning the imminent hazard determination. The Secretary will issue a written decision.

The proposal provides for a suspension order that allows a period of continued distribution of a product to permit a safe and orderly transition to alternative products or forms of therapy. A suspension order of this type was issued in the phenformin matter and was upheld as valid in *Forsham* v. *Califano, supra.*

The Secretary has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505(e), 512, and 701(a), 52 Stat. 1055, 76 Stat. 782 as amended, 82 Stat. 343–351 (21 U.S.C. 355(e), 360b, and 371(a))), it is proposed that Subchapter A be amended in Part 2 by adding § 2.1 to read as follows:

§ 2.1 Secretary's determination of imminent hazard.

(a) *Factors to be considered.* In determining whether an imminent hazard to health exists that requires suspension of approval of an application for a new drug, new animal drug, or animal feed bearing or containing a new animal drug, the Secretary, or in the absence of the Secretary, the officer acting as Secretary, will consider—

(1) The likelihood that, after the customary administrative process is completed, the product will be withdrawn from the market;

(2) The severity of the harm that could be caused by the product during the completion of customary administrative proceedings to withdraw the product from the market;

(3) The likelihood that the product will cause such harm while the administrative process is being completed;

(4) The risk to the health of humans or animals currently taking the product that might be occasioned by the immediate removal of the product from the market, taking into account the availability of alternatives to the product and the steps necessary for affected persons to adjust to these other alternatives; and

(5) The availability of other approaches to protect the public health.

(b) *Procedures for initiating an imminent hazard determination.* (1) The Secretary will consider whether an imminent hazard to health is posed by a new drug, new animal drug, or animal feed bearing or containing a new animal drug when any of the following occurs:

(i) The Secretary initiates such a determination.

(ii) The Commissioner of Food and Drugs requests the Secretary to make such a determination.

(iii) A citizen files a petition pursuant to paragraph (b)(2) of this section requesting such a determination.

(2) A citizen's petition to the Secretary requesting suspension of approval of an application for a new drug, new animal drug, or animal feed bearing or containing a new animal drug due to the existence of an imminent hazard to health shall—

(i) Be addressed to the Secretary;

(ii) Identify the product that the petitioner contends presents an imminent hazard to health;

(iii) State clearly the harm from use of the product in question that the petitioner believes presents an imminent hazard to health;

(iv) State in detail how each of the factors described in paragraph (a) of this section applies to the product in question;

(v) Include all data and information upon which the petitioner relies and representative data and information known to the petitioner that are unfavorable to the petition;

(vi) Include the following statement: "The undersigned certifies that, to the best of my knowledge and belief, this petition includes all data and information on which the petition relies, and that it includes representative data and information known to the petitioner that are unfavorable to the petition";

(vii) Be signed by an individual and include that individual's mailing address and telephone number;

(viii) Be submitted to the Hearing Clerk of the Food and Drug Administration in the manner stated in § 10.20 of this chapter, except that five copies of the petition (rather than the four copies required by § 10.20) shall be submitted.

(3) In the event that a petitioner believes that an emergency exists that precludes the submission of a full petition pursuant to this section and § 10.20 of this chapter, the petitioner may request a waiver of any provision of those sections by a letter addressed to the Secretary and submitted with the petition. The Secretary will grant a waiver only in unusual circumstances.

(4) The Hearing Clerk shall file, stamp with the date of filing, and assign a docket number to any petition that appears to meet the requirements of paragraph (b)(2) of this section and the requirements of § 10.20 of this chapter. All subsequent submissions relating to the matter shall refer to the docket number and shall be filed in the administrative file. The Hearing Clerk may file together and give the same docket number to identical, similar, or related petitions. The Hearing Clerk shall promptly notify the petitioner in writing of the filing and docket number of a petition.

(5) The Hearing Clerk shall transmit, by the fastest means feasible, one copy of the petition to the office of the Secretary.

(6) The Hearing Clerk shall place the petition, together with supporting information, on public display. Any interested person may submit to the Hearing Clerk written comments on any filed petition. Those comments will become part of the administrative record.

(c) *Procedures for decision.* (1) FDA will evaluate all petitions for imminent hazard determinations and will report its evaluation to the Secretary.

(2) FDA will notify each person holding an approved application for the product and, if feasible, any other person known to FDA to have an interest in the proceeding, and will solict their views.

(3) The Secretary will, in reaching a decision, consider information and written arguments presented by any interested person.

(4) The Secretary may, as a matter of discretion, meet with any interested person to discuss the issues raised by a

decision under this section. Any meeting with any person outside the Department which involves more than a brief description of the matter shall be summarized in a written memorandum which shall become part of the administrative record.

(5) The Secretary may, as a matter of discretion, direct that a public hearing to gather information on an imminent hazard question be held by FDA under Part 15 of this chapter.

(6) The Secretary will issue a written statement announcing the decision whether or not to suspend the approval of a product under an imminent hazard provision. The secretary will include in that written decision references to the information upon which the Secretary relies.

(7) The administrative record for an imminent hazard decision includes any request from the Commissioner under paragraph (b)(1) of this section, any citizen's petition filed under paragraph (b)(2) of this section, the report of the FDA evaluation submitted under paragraph (c)(1) of this section, any memorandum of meeting under paragraph (c)(4) of this section, the record of any hearing held under paragraph (c)(5) of this section, the decision issued under paragraph (c)(6) of this section, and all other documents and information submitted by petitioners and by persons commenting upon the proceeding. Each document or piece of information that is to be disclosed to the public will be placed on display in the office of the Hearing Clerk, Food and Drug Adminstiration. Any infromation that is not available for public disclosure under Part 20 of this chapter will be placed in the office of the Hearing Clerk, Food and Drug Administration, but will be marked "Confidential."

(8) The Secretary may, when an emergency exists, immediately suspend the approval of an application pursuant to an imminent hazard provision without awaiting the submission of information and views under paragraph (c)(3) of this section by affected persons.

(9) The Food and Drug Administration shall give prompt notice to the applicant of any determination by the Secretary that a product presents an imminent hazard and afford an opportunity for hearing on an expedited basis on the withdrawal of the product, as provided in §§ 314.115 and 514.115 of this chapter.

(d) *Suspension order.* If the Secretary suspends approval of a new drug, new animal drug, or animal feed bearing or containing a new animal drug, the Secretary, as a matter of discretion, may provide for a period of continued distribution of the product in order to permit a safe and orderly transition of patients or animals to alternative products or forms of therapy, or for other good reason.

Interested persons may, on or before October 22, 1979, submit to FDA written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the FDA Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Note.—In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: August 2, 1979.

Joseph A. Califano, Jr.,

Secretary.

[FR Doc. 79-25814 Filed 8-20-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Parts 2, 5, 10, 314, and 514]

[Docket No. 79N-0306]

Imminent Hazard Determinations; Separation of Functions

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing rules to govern separation of functions in withdrawal proceedings involving products for which an imminent hazard determination by the Secretary of Health, Education, and Welfare must be made. In addition, FDA proposes to revoke its criteria for making recommendations to the Secretary concerning imminent hazard determinations. The Secretary has published elsewhere in this issue of the **Federal Register** a proposed rule stating the criteria for imminent hazard determinations.

DATES: Comments by October 22, 1979. The effective date of the final rule based on this proposal is proposed to be 30 days after its date of publication.

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

FOR FURTHER INFORMATION CONTACT: Margaret Gilhooley, Office of the General Counsel, Food and Drug Division (GCF-1), Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1345.

SUPPLEMENTARY INFORMATION: The Secretary of Health, Education, and Welfare has published elsewhere in this issue of the **Federal Register** a proposed rule establishing the criteria and procedures for determinations by the Secretary that a new drug, new animal drug, or animal feed bearing or containing a new animal drug presents an "imminent hazard" that requires suspension of approval of the marketing application under the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.). Under the Secretary's proposal, FDA is to make a report to the Secretary concerning its evaluation of any petition requesting an imminent hazard determination, and FDA is to be available to provide advice to the Secretary on any determination. The rules proposed in this document state the separation of function requirements that FDA intends to observe in pending withdrawal proceedings concerning products that are the subject of imminent hazard determinations by the Secretary. Under proposed § 10.55(g) (21 CFR 10.55(g)), the Commissioner of Food and Drugs may consult with the responsible Bureau in formulating a report and advice to the Secretary on an imminent hazard determination. When the Commissioner has consulted with the responsible Bureau off the record, the Deputy Commissioner would be designated to make the final decision for the agency in any associated withdrawal proceeding in progress concerning the same product. If the Deputy Commissioner is not available, the Associate Commissioner for Health Affairs would make the agency decision. This procedure would ensure that the final decision in the withdrawal proceeding is made by an official who has not communicated outside the record about the same product with the agency participants in the withdrawal proceedings.

Under the act, new drugs, new animal drugs, and animal feeds bearing or containing a new animal drug can be removed from the market in two ways: by withdrawal following an opportunity for an administrative hearing, or by a suspension effective without a prior opportunity for hearing in the case of those products found by the Secretary to present an imminent hazard (21 U.S.C. 355(e), 360b(e)(1), 360b(m)(4)(A)). The

authority to conduct withdrawal proceedings has been delegated to the Commissioner (21 CFR 5.1); the authority to make imminent hazard determinations is placed by statute in the Secretary and cannot be delegated (21 U.S.C. 355(e), 360b(e)(1), and 360b(m)(4)(A)).

The FDA withdrawal proceedings are subject to separation of function rules established by statute (5 U.S.C. 554) and by FDA regulation (21 CFR 10.55). The regulation precludes communications concerning the withdrawal proceeding between the Bureau responsible for the proceeding and the representatives of the Commissioner's office who are to make the final decision for the agency. No separation of function requirements apply to imminent hazard determinations by the Secretary.

Under the Secretary's proposal, FDA is to provide an evaluation of each citizen's petition seeking an imminent hazard determination and to be available to provide advice to the Secretary on the determination. This evaluation and advice to the Secretary will generally be made for FDA by the Commissioner and the Bureau responsible for regulating the product. Due to the need for prompt action on imminent hazard determinations, and the importance of the decision both to the general public and the manufacturers and users of the product, it is essential that the FDA report to the Secretary be made on the most informed basis possible. The Bureau responsible for the regulation of the product will ordinarily have the greatest familiarity with the history of the product and expertise on the evaluation of the issues involved in the imminent hazard determination. Consequently, the Commissioner needs to be able to consult with the Bureau, to the extent necessary, in formulating FDA's report and advice to the Secretary. The proposed rules will permit the Commissioner to consult fully with the Bureau on the agency's report and advice to the Secretary on every imminent hazard determination, including determinations affecting products involved in pending withdrawal proceedings that are subject to separation of function rules.

The need to make an imminent hazard determination can arise at any time, either upon the initiative of the Secretary, a request by the Commissioner, or the petition of any interested person. If an imminent hazard proceeding commences when a withdrawal proceeding is not in progress, separation of function rules do not apply. Thus, the Commissioner can consult freely with the Bureau in formulating a report to the Secretary and make the final decision for FDA in any withdrawal proceeding concerning the product. However, if a withdrawal proceeding has already begun, communications between the Commissioner and the responsible Bureau about the imminent hazard determination give rise to more concern. The imminent hazard determination is likely to encompass issues that correspond to those involved in the withdrawal proceeding. Indeed, one of the factors proposed by the Secretary to be considered in the imminent hazard determination is the likelihood that the application will be withdrawn at the end of the admininstrative proceeding.

The separation of functions requirements in the Administrative Procedure Act (APA) (5 U.S.C. 554(d)) do not preclude the Commissioner from making the decision in the withdrawal proceeding even though the Commissioner has consulted with the Bureau during the proceeding about an imminent hazard determination concerning the same product. Under comparable procedures governing pesticides, the imminent hazard determination and withdrawal have been considerd "separate proceedings * * * made under different legal standards" (*Environmental Defense Fund* v. *EPA*, 510 F. 2d 1292, 1305 (D.C. Cir. 1975)). The court also found that "to the extent that [the proceedings] are related," the prosecuting staff in a formal proceeding may consult with the agency head about the need to initiate a new proceeding. (Ibid.) The court noted that the APA (5 U.S.C. 554(d)) "only prohibits participation or advice in the 'decision, recommended decision or agency review' " (510 F. 2d, at 1305, n. 45; see *Environmental Defense Fund* v. *EPA*, 548 F. 2d 998, 1006 n. 20 (D.C. Cir. 1976), cert. denied 431 U.S. 925 (1977)).

Nonetheless, FDA is concerned with any possible perception of unfairness if the Commissioner makes the final decision in the withdrawal proceeding after having consulted with the Bureau outside the public record during the proceeding about an imminent hazard determination for the same product. The Bureau is a party to the withdrawal proceeding, and consultations off the record during the proceeding about the same product, even though for a distinct purpose, may be perceived as allowing the Bureau to make arguments about the withdrawal proceeding that the other party cannot meet, and as having an exceptional potential to influence the final decision in the withdrawal proceeding. The withdrawal proceeding is intended to allow affected persons a full opportunity to dispute the basis for the decision to initiate the withdrawal. The initial and final decisions in the withdrawal proceeding are made by officials who act as adjudicators, and in that capacity, they thoroughly review the agency action based on the complete record developed by the parties. The Commissioner believes it desirable, to the extent possible, to minimize the risk of nonrecord communications between the final adjudicator and one of the parties that could bear upon a withdrawal proceeding in progress and to remove the perception that these communications may occur.

Furthermore, FDA also believes it is feasible to adopt an alternative procedure that will eliminate the basis for this concern. Under the proposed procedure, in these circumstances, the Commissioner will designate the Deputy Commissioner, or if not available, the Associate Commissioner for Health Affairs, to make the agency decision in the withdrawal proceeding. The Commissioner will not communicate with this official about the withdrawal proceeding or about the imminent hazard determination. Thus, under the proposal, the final agency decision in a withdrawal proceeding in progress when an imminent hazard proceeding arises will be made by an official who has not consulted in private with the Bureau about the product in either proceeding. This proposed procedure is similar to the procedure in 21 CFR 10.55(b)(2)(i), under which special designations can be made of persons in the Bureau to advise the Commissioner's office on matters subject to separation of functions.

The members of FDA and the Office of General Counsel who advise the Deputy Commissioner with respect to the final decision in the withdrawal proceeding will be subject to similar limitations on communications from the Bureau and the Commissioner about the imminent hazard determination.

The proposed rule would apply to any withdrawal proceeding to which separation of functions have become applicable if the Commissioner decides to consult off the record with the Bureau on the imminent hazard matter. Thus, the rule precluding the Commissioner from making the final decision in the withdrawal proceeding would not be applicable if the Commissioner obtains comments from the Bureau solely through a written submission included in the record of the withdrawal proceeding or through the Bureau's participation as witness or counsel in a public proceeding, such as a public

hearing before the Commissioner on the imminent hazard determination. In these circumstances, there is no need to preclude the Commissioner from making the final decision, because any communications from the Bureau about the imminent hazard determination will be a matter of public record in the withdrawal proceeding and can be evaluated in that proceeding for its bearing on it. In addition, the Commissioner will not automatically be precluded from making the final decision in the withdrawal proceeding upon the filing of a citizen's petition seeking an imminent hazard determination, but, instead, would be precluded only when the additional determination is made that the Commissioner needs to make a nonrecord communication with the Bureau in order to advise the Secretary.

In proceedings concerning withdrawal of applications for new animal drugs and animal feeds bearing or containing a new animal drug, separation of functions applies, under the present regulations (21 CFR 10.55, 514.200), only when a notice of hearing has been issued. As stated in the **Federal Register** of December 19, 1978 (43 FR 59095), in practice, FDA has observed separation of functions for proposed actions concerning these applications at the same point at which separation of functions applies in withdrawal proceedings for new drug applications, i.e., publication of the notice of opportunity for hearing. FDA intends to observe the proposed rules for separation of functions concerning products subject to imminent hazard determinations at the same point in withdrawal proceedings concerning new animal drugs and animal feed as it does for new drugs.

The agency recognizes that this proposal provides a novel solution to an unusual and difficult problem, and one that may rarely occur. If the proposed procedure proves unsatisfactory or lacking in feasibility in practice, the agency will reexamine these separation of function rules, and any alternative means to satisfy the concerns discussed above.

At present, FDA has a regulation (21 CFR 2.5) that states the considerations that guide the agency in making recommendations to the Secretary concerning imminent hazard determinations. This regulation was issued in 1971, before the recent developments that permitted a fuller examination by the Secretary of the criteria for the ultimate decision. The FDA regulation does not govern the actions of the Secretary, but the regulation has been taken into account in developing the Secretary's criteria. The Secretary's criteria and the FDA regulation differ in language but they are not at substantial variance, as stated by the court upon judicial review in *Forsham* v. *Califano*, 442 F. Supp. 203, 208, (D. D.C. 1977), appeal from denial of preliminary injunction dismissed as moot, No. 77-2072 (D.C. Cir. Dec. 6, 1977); dismissed as moot, No. 77-1478 (D. D.C. July 23, 1979). The FDA regualtion is being withdrawn because it is unnecessary and potentially confusing to have criteria for FDA's recommendations to the Secretary separate from the criteria for the Secretary's decision.

This proposal would also make conforming changes in §§ 314.115 and 514.115 (21 CFR 314.115 and 514.115) with respect to withdrawal of applications, and include an express provision that the Commissioner shall give prompt notice and an opportunity for hearing on an expedited basis on the withdrawal of approval of any of these products found to present an imminent hazard by the Secretary.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505(e), 512, and 701(a), 52 Stat. 1055, 76 Stat. 782 as amended, 82 Stat. 343-351 (21 U.S.C. 355(e), 360b, and 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

§ 2.5 [Revoked]

1. By revoking § 2.5 *Imminent hazard to the public health.*

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

2. By adding new § 5.85, to read as follows:

§ 5.85 Imminent hazard determinations and withdrawal proceedings.

The Associate Commissioner for Health Affairs is authorized when designated by the Commissioner in accordance with § 10.55(g) of this chapter to make the final decision under § 12.130 of this chapter following a formal evidentiary public hearing for the withdrawal of approval of an application for a new drug, new animal drug, or animal feed bearing or containing a new animal drug for which an imminent hazard determination must be made.

PART 10—ADMINISTRATIVE PRACTICES AND PROCEDURES

3. By adding a new paragraph (g) to § 10.55 to read as follows:

§ 10.55 Separation of functions; ex parte communications.

* * * * *

(g) Where the pendency of a formal evidentiary public hearing on the withdrawal of approval of an application for a new drug, new animal drug, or animal feed bearing or containing a new animal drug requires separation of functions under paragraph (b) or (c) of this section between the Commissioner's office and the Bureau responsible for a product for which an imminent hazard decision must be made, the Commissioner may consult the responsible Bureau in order to advise and make a report to the Secretary under § 2.1 about an imminent hazard determination. When the Commissioner requests the Bureau to consult with the Commissioner on the imminent hazard determination, other than as witness or counsel in a public proceeding or in a written submission included in the record of the withdrawal proceeding, the following procedures will be observed:

(1) The Deputy Commissioner under authority delegated in § 5.20(b) will be designated to make the final decision under § 12.130 and exercise the Commissioner's functions in the withdrawal proceeding, and a copy of the designation will be included in the record. If the Deputy Commissioner is not available, the Associate Commissioner for Health Affairs under authority delegated in § 5.85 will be designated to perform these functions subject to the same requirements that would apply to the Deputy Commissioner under this paragraph.

(2) Separation of functions will continue between the Deputy Commissioner and the Bureau with respect to the withdrawal proceeding.

(3) The Commissioner will not communicate with the Deputy Commissioner concerning the withdrawal proceeding.

(4) The Deputy Commissioner and members of FDA and the Office of General Counsel who advise and participate with the Deputy Commissioner in the final decision and the exercise of the Commissioner's

function in the withdrawal proceeding shall have no communications with the Commissioner or Bureau concerning the imminent hazard determination other than as witness or counsel in a public proceeding or in a written submission included in the record of the withdrawal proceeding.

PART 314—NEW DRUG APPLICATIONS

4. By revising § 314.115(a) and (d) to read as follows:

§ 314.115

WITHDRAWAL OF APPROVAL OF AN APPLICATION.

* * * * *

(a) The Secretary has suspended the approval of such application on a finding that there is an imminent hazard to the public health under the criteria and procedure in § 2.1 of this chapter; or

* * * * *

(d) After any summary suspension on a finding of an imminent hazard to the public health, the Commissioner shall provide prompt notice of the action and an opportunity for hearing on the withdrawal of approval under this section on an expedited basis.

PART 514—NEW ANIMAL DRUG APPLICATIONS

5. By revising § 514.115(a) to read as follows:

§ 514.115

WITHDRAWAL OF APPROVAL OF APPLICATIONS.

(a) The Secretary may suspend approval of an application approved under section 512(c) or (m)(2) of the act if the Secretary finds, under section 512(e)(1) or (m)(4)(A) of the act and the criteria and procedure in § 2.1 of this chapter that there is an imminent hazard to the health of man or of the animals for which the animal drug or animal feed is intended. The Commissioner shall provide the applicant prompt notice of the action and afford the applicant the opportunity for an expedited hearing on the withdrawal of approval of the application.

* * * * *

Interested persons may, on or before October 22, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: August 10, 1979.

Sherwin Gardner,

Acting Commissioner of Food and Drugs.

[FR Doc. 79–25813 Filed 8–20–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 74]

[Docket No. 79N–0043]

Lakes of Color Additives; Intent To List; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of Comment Period.

SUMMARY: The agency extends the comment period on its notice of intent to propose regulations concerning lakes of color additives. This action is taken in response to a request for extension of the comment period.

DATE: Comments and information by November 19, 1979.

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

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, 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: In the **Federal Register** of June 22, 1979 (44 FR 36411), the Food and Drug Administration announced its intention to propose regulations concerning lakes of color additives. Interested persons were requested to submit comments and information by August 21, 1979.

On August 8, 1979, a letter was received from the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), Washington, DC, requesting an additional 90 days, to November 19, 1979, to allow sufficient time to prepare comments to this notice of intent.

The agency believes that the extension of the comment period on this notice is appropriate, and that the additional time should be extended to all interested persons.

Therefore, the comment period for the notice of intent to propose regulations concerning lakes of color additives is extended to November 19, 1979.

Interested persons may, on or before November 19, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments and information (preferably four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the subject notice of intent. Received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–25775 Filed 8–16–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR PART 172]

[Docket No. 79N–0017]

Sodium Stearoyl-2-Lactylate; Proposed Revision of Food Additive Provisions; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) extends the comment period on the proposal to revise the food additive provisions for sodium stearoyl-2-lactylate. Durkee Foods, Division of SCM Corp. has requested a 90-day extension of time to complete a study on the use levels of the additive.

DATE: Written comments by September 17, 1979.

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

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, 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: In the **Federal Register** of April 20, 1979 (44 FR 23539), FDA proposed to revise § 172.846 *Sodium stearoyl-2-lactylate* (21 CFR 172.846) by providing for additional uses and functions, establishing tolerances for currently regulated uses, revising the name of the additive, and by

incorporating the specifications prescribed for the additive in the "Food Chemicals Codex." FDA took these actions after evaluating the available information in two petitions from a manufacturer and in light of current data and information on the additive. Interested persons were requested to submit their comments on the proposal on or before June 19, 1979.

FDA received a letter from Durkee Foods, Division of SCM Corp. The firm requested a 90-day extension of the comment period to complete a study on the use levels of sodium stearoyl-2-lactylate as an emulsifier or stabilizer in liquid and solid edible fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee. Section 172.46 currently provides for the use of the additive as an emulsifier in liquid and solid edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee with no prescribed tolerance.

FDA determined that the requested extension is warranted and is therefore extending the comment period for an additional 90 days.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the comment period on the April 20, 1979 proposal to revise the provisions for sodium stearoyl-2-lactylate is extended to close of business September 17, 1979.

Interested persons may, on or before September 17, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 14, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–25605 Filed 8–20–79; 8:45 am]

BILLING CODE 4110–03–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission is publishing its proposed revisions to its procedural regulations for notice and comment by the public. The procedural regulations § 1601.70 and § 1601.71 currently provide that the Commission shall designate 706 deferral agencies only when notified of their qualifications under section 706(c) of Title VII and after meeting the strict requirements outlined in § 1601.70. The Commission is amending its procedural regulations to provide for the deferral of charges of all agencies that meet the less stringent requirements of the revised § 1601.70.

DATES: Comments on the proposed regulations must be received within 60 days of the date of the publication of this notice. The Commission proposes to consider the submissions for a period of at least ten days and thereafter to adopt final regulations.

ADDRESSES: Interested persons are invited to submit written comments regarding the proposed revisions to Marie Wilson, Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. Copies of the comments submitted by the public will be available for review at the Social Sciences Library, Room 2003, EEOC, 2401 E Street, N.W., Washington, D.C. 20506, between the hours of 9:30 A.M. and 5:00 P.M.

FOR FURTHER INFORMATION CONTACT: Constance L. Dupre, Associate General Counsel, EEOC, 2401 E Steet, N.W., Washington, D.C. 20506, Telephone (202) 634–6595.

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission published its procedural regulations on September 22, 1977, as amended October 14, 1977 (42 F.R. 55388). Sections 1601.71 set forth the procedures by which the Commission designates a State or local fair employment practice agency as a deferral agency under Section 706(c) of Title VII. The regulations currently provide that only those agencies which notify the Commission of their qualifications under section 706(c) of Title VII and section 1601.70 and request designation as a "706 agency" will be eligible for such designation. The regulations also require the establishment of an agency to process charges filed under the State fair employment practice law.

However, due to the *en banc* decision of the U.S. Court of Appeals for the Fifth Circuit in the case of *White* v. *Dallas Independent School District*, 581 F.2d 556 (5th Cir. 1978), the Commission has voted to revise Commission regulations § 1601.70 and § 1601.71 to conform with that decision.

The *White* decision held that all charges against employers must be deferred in jurisdictions where there are provisions for the enforcement of laws prohibiting discrimination in employment. Enforcement may include criminal penalties for violations. Also, because of the White decision, the performance and decertification standards of § 1601.72 are no longer applicable and therefore, § 1601.72 is revoked and reserved.

Revised § 1601.70 continues to request certain materials and information from an agency for designation as a 706 agency. However, § 1601.70 is amended to allow for the deferral of charges to a qualified agency or authority even though the agency authority has made no request for 706 designation.

Revised § 1601.70 is also amended to allow for the deferral of charges to a newly established State or local authority or an already existing State or local authority empowered to address employment practices found to be unlawful. Revised § 1601.71 is amended to conform with the changes made to § 1601.70. In addition, based on the *White* decision, there is no requirement for publishing in the **Federal Register** for notice and comment the Commission's designation of a 706 agency; therefore, revised § 1601.71 includes no provision for notice and comment. The proposed regulation authorizes the State and Local Division, Office of Field Services, in consultation with the Legal Counsel Division, Office of General Counsel, to ascertain that an agency qualifies under § 706(c) of Title VII and § 1601.70 and to publish notification in the **Federal Register** as an amendment to § 1601.74. The proposed revised regulations appear below.

Signed at Washington, DC. this 26th day of July, 1979.

For The Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

In 29 CFR Part 1601, §§ 1601.70 and 1601.71 are revised to read as follows:

§ 1601.70 706 Agency qualifications.

(a) State and local fair employment practice agencies or authorities which qualify under section 706(c) of Title VII and this section shall be designated as "706 Agencies." The qualifications for designation under section 706(c) are as follows:

(1) That the State or political subdivision has a fair employment practice law which makes unlawful employment practices based upon race, color, religion, sex or national origin; and

(2) That the State or political subdivision has either established a state or local authority or authorized an existing state or local authority that is empowered, with respect to employment practices found to be unlawful, to do one of three things: to grant relief from the practice; to seek relief from the practice; or to institute criminal proceedings with respect to the practice.

(b) Any State or local agency or authority seeking 706 designation should submit a written request to the Director, State and Local Division, Office of Field Services. However, if the Commission is aware that an agency or authority meets the above criteria for 706 designation, the Commission may defer charges to such agency or authority even though no request for 706 designation has been made.

(c) A request for 706 designation should include a copy of the agency's fair employment practices law and any rules, regulations and guidelines of general interpretation issued pursuant thereto. Submission of such data will allow the Commission to ascertain which employment practices are made unlawful and which bases are covered by the State or local entity. Agencies or authorities are requested, but not required, to provide the following helpful information:

(1) A chart of the organization of the agency or authority responsible for administering and enforcing said law.

(2) The amount of funds made available to or allocated by the agency or authority of fair employment purposes.

(3) The identity and telephone number of the agency (authority) representative whom the Commission may contact with reference to any legal or other questins that may arise regarding designation.

(4) A detailed statement as to how the agency or authority meets the qualifications of subsection (a) (1) and (2) of § 1601.70.

(d) Where both State and local 706 Agencies exist, the Commission reserves the right to defer to the State 706 Agency only. However, if the Commission determines that it would best serve the purposes of the Act, it may defer to either or both State and local 706 Agencies.

§ 1601.71 706 Agency notification.

(1) When the State and Local Division, Office of Field Services (OFS) determines that an agency meets the criteria outlined in § 706(c) of Title VII and § 1601.70, it shall so notify the agency by letter and shall notify the public by publication in the **Federal Register** of an amendment to 1601.74.

(2) Where the State and Local Division, OFS, determines that a State or Local agency or authority does not come within the definition of a 706 Agency for purposes of a particular basis of discrimination or where the agency or authority applies for designation as a Notice Agency, the State and Local Division, OFS, shall notify that agency or authority of the filing of charges for which the agency is not a 706 Agency. For such purposes that State or local agency will be deemed a Notice Agency.

§§ 1601.72 and 1601.73 [Reserved]

2. In 29 CFR part 1601, sections 1601.72 and 1601.73 are revoked and reserved.

[FR Doc. 79-25743 Filed 8-20-79; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1301-1]

Approval and Promulgation of Implementation Plans; Tennessee: Proposed 1979 Plan Revisions

AGENCY: U.S. Environmental Protection Agency, Region IV.

ACTION: Correction to proposed rule.

SUMMARY: In FR Doc. 79-22828 appearing at page 43306 in the **Federal Register** of July 24, 1979, make the following correction. Under *Proposed Action*, replace the last sentence of the paragraph with the following sentence: "It is proposed to conditionally approve the Memphis CO plan."

EFFECTIVE DATE: August 21, 1979.

FOR FURTHER INFORMATION CONTACT: Archie Lee of the Air Programs Branch, EPA Region IV in Atlanta (404/881-2864).

(Section 110, 172 of the Clean Air Act (42 U.S.C. 7410, 7502))

Dated: August 8, 1979.

John C. White,

Regional Administrator.

[FR Doc. 79-25855 Filed 8-20-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[CC Docket No. 79-105; FCC 79-263]

Accounting for Station Connections, Optional Payment Plan, Revenues, and Related Capital Costs, Customer Provided Equipment and Sale of Terminal Equipment

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY; The Federal Communications Commission is proposing amendments to the present uniform system of accounts to provide accounting procedures for, (1) expensing station connection costs, (2) the sale of terminal equipment and the repair of customer provided terminal equipment, and (3) capital recovery of terminals offered under optional payment plan tariffs. This notice is issued to implement a Commission decision that the present accounting system should be modified so as to place the burden of all costs associated with station connections on the causative ratepayer as opposed to the present system which places the burden on present and future ratepayers.

DATES: Comments must be received before October 9, 1979, and Reply comments must be received before November 12, 1979.

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

FOR FURTHER INFORMATION CONTACT: Sanford Margolin, Accounting Branch, Accounting and Audits Division, Common Carrier Bureau, (202) 632-3863.

Adopted: August 10, 1979.

Released: August 14, 1979.

In the matter of Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment, CC Docket No. 79-105, RM-3017.

1. On November 16, 1977, the American Telephone and Telegraph

Company and the associated Bell System operating companies, (AT&T) filed a petition for rulemaking (RM 3017) requesting amendment of the uniform system of accounts to provide for expensing certain station connection costs currently capitalized in account 232, "Station Connections." AT&T's petition results from the Commission's Phase II Final Decision and Order in Docket No. 19129, 64 FCC 2d 1 (1977) (Phase II Order), wherein it held that the present accounting system should be modified so as to place the burden of all costs associated with station connections on the causative ratepayer as opposed to the present system which places the burden on present and future ratepayers. To accomplish this, AT&T was ordered to submit a proposal to change the accounting for station connections.

The station connection activities involved are: 1. Assignment, testing, and plant clerical. 2. Travel time of the craftsperson to and from the customer's location. 3. Motor vehicle and tool use. 4. Apparatus handling (unpacking, connecting, etc.). 5. Inside wiring to all stations. 6. Drop wire, and protector. 7. Other (*e.g.*, engineering, contractor charges).

AT&T's proposal only provided for the partial expensing (charged to the current accounting year instead of being deferred or capitalized over a longer period) for certain of the costs involved in an initial installation of telecommunications service at a location, currently capitalized to account 232. The costs to be expnesed which are mentioned above are those associated with reconnections, reinstallations and extensions, as well as a number of miscellaneous costs in connection with initial main installations. They are considered by AT&T as not reusable by subsequent customers at a location, and include such activities as assignment, testing, and apparatus handling. The costs to be changed from capitalization to expense would be phased-in over a four year period. The costs to the initial installation of the drop wire, protector and inside wiring to the main station in the AT&T proposal [1] would continue to be capitalized to account 232. Further, the total embedded investment in account 232 would be separated into two parts. The first would include past costs of the type which would continue to be capitalized. These amounts (and corresponding additions to accounts 232 with respect to initial main installations) would be depreciated over the expected life of the plant.[2] The second part would include embedded costs (plus corresponding additions prior to change in treatment during the phase-in period) of the type to be expensed under the plan. These amounts would be amortized in equal amounts over a ten-year period. A more detailed discussion of the accounting proposed by AT&T is contained in appendix A of its petition.

2. The rationale behind AT&T's proposal is that the first installation of a main station at a location adds an availability for a customer to access the network. This installation is of value not only to the new subscriber at that location but also to all other subscribers since the value of their service depends on the number of subscribers who can call or be called. On the other hand, in AT&T's view, a reconnection, reinstallation or extension does not represent additional availability of access to the network (even though a reconnection or reinstallation does increase the number of customers on the network); whatever costs are incurred in providing it may, therefore, be more closely associated with the causative subscriber. Extensions represent even more of the individualized wants of subscribers, for which cost-causative pricing will be responsive. For the above reason, AT&T's proposal distinguishes between capitalized main costs and expensed supplemental costs. It is AT&T's position that in the sense of a continuing, revenue-generating availability to provide telephone service, the drop wire, protector and inside wiring for the main station on individual line service cannot be distinguished from the pair of wires leading through multiple customers at the location, servicing them, in turn, as they change. A clear and pragmatic line can be drawn, it is claimed, between the costs of installing main telecommunications service for the first time at a location, and the other costs now included in account 232.

3. In our Phase II Order, which concurred with the Presiding Judge's Initial Decision (paras. 135–139, and 705–722, respectively), the principle was established that the causative ratepayer should bear the full burden of the costs of station connections. That principle was held to be consistent with other policies that have been recently adopted (para. 137). Additionally, we found in rejecting the primary instrument concept petition that there is no valid basis for distingushing between main stations and other extensions. In fact, the comments of the New York Public Service Commission which were directed towards AT&T's petition stated that adequate access to the network can be attained at a junction point other than at a main station. Therefore, to be compatible with our previous policies, we must reject AT&T's proposal and substitute our own proposed amendment to the present account Rules and Regulations.

4. In our Notice of Proposed Rulemaking issued in Docket CC 78–196 (paragraph 59), we invited general comments on the need for new or amended accounting rules because of the changed operating environment resulting from the equipment registration program. In this proceeding, we are proposing accounting rule changes to provide for several such items and request specific comment thereon. In commenting in this proceeding, interested parties may reference their comments prepared for submittal in Docket CC 78–196 so that they may be considered in addition to any additional comments submitted on our specific proposals. We note our findings in Docket 78–36 wherein we rejected the telephone industry's primary instrument concept and stressed the importance of allowing telephone customers the option to select terminal equipment and repair service which they think most beneficial. Therefore, we believe our final rules will have to be expanded to

[1] We understand that main stations are synonomous with main telephones recognized by the telephone industry as telephones connected by individual or party line circuits directly to a central office switchboard or toll board. Only one telephone for each central office line is classified as main, subsidiary telephones connected to the same line are classified as extension. In key systems served exclusively by central office lines, the telephones up to the number of lines are classified as main, telephones in excess of the number of lines are classified as extension. A call director connected to an individual or party line circuit is classified as a main telephone.

[2] AT&T requests in its petition that Equal Life Group (ELG) depreciation procedures proposed in Docket 20188 also be made applicable to additions to account 232 when such procedures are made applicable to accounts 231, "Station apparatus," and 234 "Large private branch exchanges," or upon approval of the accounting changes requested in its petition, whichever occurs later. AT&T also indicates that adopton of its proposed accounting would lead to significant changes in the life characteristics of station connections remaining in account 232 and requests prompt approval upon application of individual companies of revised depreciation rates for account 232. Neither of these requests shall be addressed in this proceeding. Docket 20188 is the appropriate proceeding to address the application of ELG depreciation to additions to the station connections account. The individual company depreciation rate prescription procedures would be the suitable vehicles in which to address any changes in the life characteristics of the investment that will remain in account 232 on a company-by-company basis. In addition, the proposed starting reserve balance, implied to be zero, will also have to be addressed at that time. We do address herein the issue of depreciation rates for station apparatus provided under optional payment plans (two-tier pricing).

provide appropriate accounting for the several optional station connection offerings that will be available to telephone company customers, including the sale of inside wiring, a practice already authorized by the New York Commission and favored by the Utah Commission in its comments to AT&T's petition.

5. We propose expensing the entire cost of station connections, which would include the drop and block wire, underground service wire, protector, and all inside wiring presently recorded in account 232. These costs would now be charged to expense account 605, "Repair of station equipment." This accounting change should permit the telephone carriers to recover from the causative ratepayer, the full burden of the costs of station connections, rather than recovering their costs from the general body of ratepayers, as is presently done. Changes to the applicable sections of Part 31 to accomplish this accounting are set forth in the Appendix.

6. Comments are invited on how to account for the several optional station connection offerings including the sale of either the entire connection, or only the inside wiring. How should we differentiate between the sale of in-place connections versus the sale of new installations? We also invite comments on:

(1) Whether the change in accounting should be phased in over a determinate period, or become effective with the final rulemaking.

(2) Should station connection activity be recorded in separate subaccounts of account 605, for residence, business, etc. and by type of service, i.e., main extension, vertical type of equipment, etc.

(3) What methods and/or treatment would be appropriate to dispose of the present balance in account 232, and the related theoretical depreciation reserve, if any?

If time periods are suggested for a phase-in period and the disposition of present embedded investment, a full showing of the impact upon revenue requirements should be submitted. If new accounts or sections are suggested, the proper definition, contents, and required changes to other affected sections of Part 31, should be included with the response.

7. We are also inviting specific comments on the appropriateness of the currently prescribed accounting for the costs of replacing aerial drop wire with buried or underground drop wire where service discontinuance is not involved. At present, and as continued in this Notice, these costs are required to be charged to expense account 605. In the case of extensive replacements a company may request permission to defer these costs in account 138, "Extraordinary maintenance and retirements," with subsequent amortization to account 605 over some reasonable future period. At the time these requirements were established, the Commission called attention to this accounting anomaly and indicated that it might well be that the replacement of an entire station connection assembly should be treated as a plant retirement and an installation of a new unit of plant. However, because of the infrequency of an entire station connection being replaced under such circumstances and the advantage of simplicity in the reporting of plant work and changes, expense accounting for these replacements was adopted. We are aware that several state commissions have allowed, on a case-by-case basis, the capitalization of station connections installed in conversion from aerial to buried plant and at least one state commission has formally recognized the need for capitalization of replacements of the drop portion of station connections by amending its prescribed system of accounts accordingly. Therefore, we invite comments on whether expense accounting for changing drop and block wires should continue to be prescribed or whether provision should be made for capitalization and retirement accounting only under certain conditions. Comments should address the frequency of these occurrences in relation to the additional reporting of plant and work changes required for capitalization and retirement accounting versus expense accounting. In other words, has today's situation changed sufficiently from that upon which the Commission based its adoption of expense accounting to warrant a change in our accounting requirements? Parties that think a change is warranted should submit suggested revised language to Part 31 and should comment on the conditions under which capitalization and retirement accounting should be allowed.

8. As stated earlier, we are also proposing to amend Part 31 to provide appropriate accounting for several areas relating to terminal equipment offerings. Among these is the accounting to be performed for two-tier and other customer optional payment plan revenues and related capital costs. Two-tier and other optional payment plan tariffs offered for the provision of PBX and other terminal equipment services provide for one level of rates to apply during an initial period with a lower level to apply after the initial period. The rates reflected in this tariff structure provide for the recovery of substantially all of the capital costs of the asset during the initial period of higher rates and are required to be recorded as revenue under Part 31. Because the period of capital recovery is less than the useful life of the asset during the early stages of the installation life, but depreciation thereon under Part 31 is recorded for some time beyond this initial period, a mismatch of revenue and expense occurs. In order that the accounting performed for these transactions accurately reflects the economic consequences of these tariffs, we are proposing amendments to Part 31 to: (1) Remove the investment in terminal equipment used in the provision of offerings covered by two-tier and other optional payment plan tariffs from the existing depreciation categories; (2) require this investment to be maintained separately; and (3) require that depreciation of this investment be recorded in line with actual capital recovery. Appropriate changes to the applicable sections of Part 31 to accomplish this accounting are set forth in the Appendix. Specific comments are invited on the accounting procedures required to safeguard against additional recovery of investment in this equipment from the general body of ratepayers in those instances where an item, the cost of which has been fully recovered, is used again in the provision of service. Because the actual recovery period is a matter of tariff, different PBX's installed at different dates may have different recovery periods if the tariffs have changed. Therefore, PBX's and other equipment offered under 2 part tariffs should be subject to unit plan amortization with individually kept reserves (since the matching of revenues and expense will be different for each amortization period, requiring many classes of plant, each with its own reserve). The initial amount of the reserve for plant in service will be determined by adding the debits and credits of the existing group plan, as if it were a unit plan, and transferring that amount from the group reserve to the unit reserve.

9. In 1978, telephone companies subject to Part 31 and required to report to this Commission were instructed to follow the current provisions of § 31.605(a) of Part 31 in accounting for the replacement of telephone company provided stations (TPE) with customer provided stations (CPE) when the station connections serving the CPE

continue to generate revenue, i.e., service discontinuance is not involved. Thereunder, account 605 would be charged for the costs of activities involved in removing the TPE, installing jacks, and related travel costs. Further, since this accounting would not result in retirements of station connections when the TPE is removed, the total number of station connections (TPE plus CPE) had to be considered in developing retirement unit costs for account 232. In our instructions to the companies, we noted that these matters would be addressed in a rulemaking proceeding, and that among the areas that must be reviewed is the disparate treatment of costs and revenues under currently applicable local tariffs in those instances where jacks are installed as part of the replacement effort as compared with those instances where jacks are already installed and a visit is made to remove the TPE only. In the first instance, an attempt is being made to match revenues and costs and to charge the causative ratepayer for these costs. However, in the second instance, the cost of the visit is spread to all ratepayers and not specifically to the cost causing customer. Under our present proposal, we no longer need to develop retirement unit costs for account 232, nor do we have the problem of disparate treatment of costs-revenues since the cost of the visit will no longer be distributed amongst all ratepayers. But, we invite specific comments on the accounting treatment to be prescribed for the visit to remove the TPE only in the instance when jacks are already installed.

10. Lastly, we are proposing amendments to Part 31 to address the sale of telephone sets and inside wire and the provision of repair service on customer provided equipment. The present provisions of Part 31 provide for cradle-to-grave accounting for telephone sets included in account 231, "Station apparatus." This means that equipment is included in this account from the date of purchase until its final disposition. Effectively, movement out of and back into service during its life is ignored for purposes of plant investment accounting. Section 31.171(b) of Part 31 treats proceeds from the sale of telephone equipment sold without traffic as salvage, therefore, no gains or losses are recognized in the income accounts. Section 31.2–25(g), however, treats gains or losses on items of plant sold with traffic as extraordinary income. Sales of telephone sets could involve any of three situations: (1) Sets in place at customers' premises; (2) reconditioned sets; and (3) new sets. Present accounting rules do not provide a means to view the separate financial impact of realized gains or losses if telephone companies decide to sell station apparatus. In formulating our proposal, we are mindful of our decision in Docket 19129 wherein we ruled that all gains or losses realized from property sold from or previously included in a rate base account shall accrue to the ratepayers, and our decision regarding the primary instrument concept wherein we stated that the provision of terminals is not required to be a common carrier service. Accordingly, we are proposing that sales of new telephone sets, decorator housings, new station connections, and the provision of repair service on customer provided equipment shall be accounted for as non-telephone operations. It is proposed that separate subaccounts of account 122, "Material and supplies," be established to record the cost of merchandise held for sale or for use in repair service on customer provided equipment. In addition, we are expanding account 316, "Miscellaneous income," so that revenues and expenses associated with these operations will be separately accounted for. For sets, connections or inside wiring sold in place we are establishing separate subaccounts of accounts 675, "Other expenses," and 526, "Other operating revenues," to record the effects of these transactions as telephone operations. We solicit specific comments relating to the costing procedures to be used to ensure that both the direct and overhead costs of equipment sold, as well as, repair charges, are borne by the causative ratepayer. We are especially concerned that: (1) No costs properly associable with the sales or repair operations shall be borne by subscribers who continue to lease their equipment; and (2) sales operations costs not directly assignable to either telephone or non-telephone operations are equitably apportioned between them. We also solicit comments on the appropriate accounting to follow for the sale of reconditioned telephone sets. We propose that for used telephones, drop and block wire and protector and inside wiring the average cost per telephone or per jack be subtracted from plant; average depreciation reserve per telephone (calculated by adding debits and credits year by year) be substracted from reserve; and the net amount so calculated be used as the cost.

11. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective not less than six months after the issuance of a final order with respect to this docket, as required by Section 220(g) of the Communications Act of 1934, as amended, 47 U.S.C. 220(g). As a practical matter and in order to avoid making substantive changes in accounting during the year, it is planned that any rule amendments adopted would be made effective as of January 1 of the first full calendar year beginning not less than six months after the issuance of a final order in this docket with the option that those telephone companies which desire to do so may place any amendments which may be adopted in this proceeding into effect retroactively to January 1 of the year in which the final order is issued.

12. This Notice of Proposed Rulemaking is issued under authority contained in Sections 4(i), 4(j), and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 220.

13. In accordance with applicable procedures set forth in 47 CFR 1.415, interested persons may file comments on or before October 9, 1979 and reply comments on or before November 12, 1979.

14. In accordance with the provisions of § 1.419 of the Commission's rules, 47 CFR 1.419, an original and 5 copies of all statements or briefs shall be furnished to the Commission. Responses filed in this proceeding will be available for public inspection during regular business hours in the Commission's Broadcast and Dockets Reference Room.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. In the Table of Contents, under Telephone Plant accounts, delete § § 31.232 Station Connections.

Telephone Plant Accounts

* * * * *

31. 232 Station connections. [Deleted]

§§ 31.01–3, 31.02–80 and 31.02–81 [Amended]

2. Add at the end of §§ 31.01–3(n), 31.02–80(a) and 31.02–81(a) the words (Note exception in § 31.02–82(b) for plant used in the provision of PBX and other terminal equipment services under optional payment plan tariffs).

§ 31.01–3 [Amended]

3. Delete from paragraph(s) of § 31.01–3 the words "station connections". Paragraph(s), as amended, will read:

* * * * *

(s) "Minor items," as applied to depreciable telephone plant, means any part or element of such plant, other than station apparatus, which is not designated as a retirement unit in section § 31.8.

* * * * *

4. Delete from paragraph (ee) of § 31.01–3 the colon, item (1) following the colon, and the designation "(2)". Delete also the words "value" and "for other telephone plant" at the end of the paragraph. Paragraph (ee), as amended, will read:

* * * * *

(ee) "Service value" means the difference between the original cost and the net salvage as defined in paragraph (u) of this section.

* * * * *

5. Delete the last two sentences of paragraph (c) § 31.02–80, and substitute the words "(See account 605 for the accounting for costs incurred in the disconnection and removal of station apparatus.)" Paragraph (c), as amended, will read:

§ 31.02–80 Computation of depreciation rates.

(c) The company shall keep such records of property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service-life indications by mortality, turnover, or other appropriate methods, and also such records as will reflect the percentage of salvage value, or net salvage value, as appropriate, for property retired from each class of depreciable telephone plant. (See account 605 for the accounting for costs incurred in the disconnection and removal of station apparatus.)

6. In § 31.02–82, designate the present paragraph as (a), add a new paragraph (b), and delete the item "Station connections" in the list of classes of depreciable plant in paragraph (a). Make the existing note "Note A" and add a new "Note B". Section 31.02–82 as amended, will read:

§ 31.02–82 Classes of depreciable telephone plant.

(a) The classes of depreciable telephone plant and the accounts covering such plant are as follows:

Buildings (account 212).
Central office equipment (account 221).
Station apparatus (account 231).
Large private branch exchanges (account 234).
Pole lines (account 241).
Aerial cable (account 242:1).
Underground cable (account 242:2).
Buried cable (account 242:3).
Submarine cable (account 242:4).
Aerial wire (account 243).
Underground conduit (account 244).
Furniture and office equipment (account 261).
Vehicles and other work equipment (account 264).

(b) The investment in plant used in the provision of PBX and other terminal equipment services under optional payment plan tariffs shall be recorded in separate subaccounts of the accounts listed in paragraph (a) of this section for each unit of such plant installed. Depreciation of this investment shall be recorded in line with actual capital recovery by utilizing separate subaccounts of accounts 608, "Depreciation," and 171, "Depreciation reserve."

Note A.—When depreciable plant carried in account 276, "Telephone plant acquired," is distributed to the appropriate plant accounts, adjusting entries shall be made covering the depreciation charges applicable to such plant for the period during which it was carried in account 276.

Note B.—Plant held in separate subaccounts pursuant to paragraph (b) above will be subject to special unit plan depreciation in which the depreciable life will be considered to be the same as the capital recovery period. Initial amounts in the depreciation reserve for such plant will be computed using the actual full embedded cost of the particular retirement units and applying to the plant, for each year it has been in service, the depreciation rate appropriate to that class of plant in that year. Such amounts will then be transferred from the overall general plant asset and reserve accounts (231, 234 and 171) to the special subaccounts for these accounts for plant offered under optional payment plans. Such plant will also be omitted from all longevity studies for the classes of plant in question. It is expressly intended that the depreciable life of each unit of plant be that of the capital recovery period of the particular optional payment plan under which it is offered, which may vary from unit to unit according to the length of the recovery period in tariffs in force in particular years, and, at the time of the imposition of this rule, the number of years remaining in the optional payment period of the plant transferred from group to unit plant depreciation.

7. Delete from paragraph (a) of § 31.100:2 the words "station connections". Paragraph (a), as amended, will read:

§ 31.100:2 Telephone plant under construction.

(a) This account shall include the original cost of construction of telephone plant, other than station apparatus, that is not completed ready for service. It shall include interest during construction, as provided for in paragraph (d) of this section, taxes during construction, and all other elements of cost of such construction work. (Note also §§ 31.2–20 to 31.2–22 and and account 231).

* * * * *

8*. Amend § 31.122 as follows:

Add a new paragraph (b) and redesignate present paragraphs (b), (c), and (d) as (c), (d), and (e). Paragraph (b) will read:

§ 31.122 Material and supplies.

(b) This account shall also include the cost of terminal station equipment held for resale and the cost of material and supplies held for use in the provision of repair service on customer provided equipment. These costs shall be maintained in separate subaccounts and shall include applicable transportation charges, sales and use taxes, cash and other purchase discounts. Inventory shortages and overages shall be charged and credited, respectively to account 316.

* * * * *

Note D to § 31.122 [Amended]

9. Add the words (See paragraph (b) of this section for specific requirements for terminal station equipment held for resale and material and supplies held for use in the provision of repair service on customer provided equipment) at the end of Note D.

10. Delete from paragraph (b) of § 31.138, the words, "inside wires, and drop and block wires," and the words, "or wires" from paragraph (c). Paragraphs (b) as amended, will read:

§ 31.138 Extraordinary maintenance and retirements.

* * * * *

(b) This account shall include also the cost of extensive replacements of station apparatus, in accordance with the provisions of § 31.6–64. (Note also account 605).

(c) Charges provided in paragraphs (a) and (b) of this section shall be included in this account only after permission of this Commission has been obtained. The company's application to this Commission for such permission shall give full particulars concerning the property retired or of the extensive replacements of apparatus, the amounts chargeable to operating expenses, and the period over which in its judgement the amount of such charges should be distributed.

11. Delete from paragraph (b) of § 31.171 the words "station connections." Paragraph (b), as amended, will read:

§ 31.171 Depreciation reserved

* * * * *

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the original cost of the property retired plus the cost of removal and shall be credited with the salvage value and insurance recovered, if any. (With respect to entries relating to station apparatus, see account 231). This account shall also be credited with amounts chargeable to account 138, "Extraordinary maintenance and retirements," as provided in § 31.02–83, and with amounts charged to account 609, "Extraordinary retirements," as provided in paragraph (b) thereof. (Note also § 31.2–25.)

* * * * *

§ 31.2–20 [Amended]

12. Add at the end of paragraph (a) of § 31.2–20 the words "(See accounts 316 and 605 for the cost of installing or connecting station apparatus and station wiring and cabling, drop and block wires and of underground service wires"). Paragraph (a), as amended, will read:

(a) The telephone plant accounts (201 to 231 and 234 to 277, inclusive) are designed to show the original cost of the company's telephone plant which ordinarily has a service life of more than 1 year, including such plant whether used by the company or others in telephone service; also the original cost of franchises, patents, leaseholds and other interests in land. They shall also include the general expenses of organization of the accounting company. (See accounts 316 and 605 for the cost of installing or connecting station apparatus and station wiring and cabling, drop and block wires and of underground service wires.)

* * * * *

§ 31.2–20 [Amended]

13. Amend the reference in paragraph (b) of § 31.2–20 to include paragraph (1) in addition to paragraph (2) of § 31.5–50 (b). Paragraph (b), as amended, will read:

* * * * *

(b) The telephone plant accounts shall not include the cost or other value of telephone plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of telephone plant shall be credited to the accounts charged with the cost of such construction. Amounts of initial non-recurring charges based on the cost of plant or equipment furnished in rendering service to a customer, other than as provided in § 31.5–50 (b) (1) and (2), shall be credited to the accounts charged with the cost of the plant or equipment. Amounts of initial charges based on the estimated cost of removal of such plant or equipment shall be credited to account 171, "Depreciation reserve." Amounts received for construction which are ultimately to be repaid wholly or in part, shall be credited to account 174; when final determination has been made as to the amount to be returned, any unrefunded amounts shall be credited to the accounts charged with the cost of such construction. Amounts received for the construction of plant, the ownership of which rests with or will revert to others, shall be credited to the accounts charged with the cost of such construction.

* * * * *

14. In paragraph (a) of § 31.2–25, delete the words, "account 232" in the parenthetical exception. The first sentence of paragraph (a), as amended, will read:

§ 31.2–25 Retirement units.

(a) To the end that the telephone plant accounts (note §§ 31.2–20 and 31.2–21) shall at all times disclose the original cost of all property in service, the original cost of retired property, whether replaced or not (except as provided in paragraph (b)(2) of this section and in account 231), shall be credited to the account or accounts in this classification to which such cost was charged.

* * * * *

15. In Paragraph (b)(2) of § 31.2–25 delete the words "station connections". The first sentence of paragraph (b)(2), as amended will read:

* * * * *

(b) * * *

(2) Minor items: This group includes any part or element of plant, other than station apparatus which is not designated as a retirement unit.

* * * * *

16. In paragraph (b)(3) of § 31.2–25 delete the parenthetical note at the end. Paragraph (b)(3), as amended, will read:

* * * * *

(b)* * *

(3) Station apparatus: The accounting to be performed upon the disposition of station apparatus shall be as provided in account 231.

(4) [Deleted]

* * * * *

17. Delete paragraph (b)(4) of § 31.2–25.

18. In paragraph (e) of § 31.2–25, delete the words "station connections". Paragraph (e), as amended, will read:

* * * * *

(e) Determination of the cost of property to be retired: The cost of telephone plant retired shall be the amount at which such property is included in the telephone plant accounts. When it is impracticable to determine the cost of each item due to the relatively large number or small cost of such items, the average cost of all the items covered by an appropriate subdivision of the account shall be used in determining the cost to be assigned to such items when retired: *Provided*, That the method used in determining average cost gives due regard to the quantity, size and kind of items, the area in which they were installed and their classification in other respects, as called for by the rules of the Commission regarding continuing property records and by the system of continuing property records accepted by the Commission specifically for use of the accounting company. This method of average cost may be applied in retirement of such items as telephones, poles, wire, cable, cable terminals, conduit, small private branch exchanges, and booths. Any company may use average cost of property installed in a year or band of years. It should be understood however, that the use of average costs shall not relieve the company of the requirement for maintaining its continuing property records in such manner as to show, where practicable, dates of installation and removal so as to provide these data for purposes of mortality studies.

* * * * *

19. Amend § 31.231 as follows:

Add the words, "except for items purchased for resale," following the word "thereto", in paragraph (a). Paragraph (a), as amended, will read:

§ 31.231 Station apparatus.

(a) This account shall include the original cost of station apparatus, including small private branch exchanges and booths, installed either for customers' or the company's use. This account shall also include the cost of materials in stock which are normally used as station apparatus or additions thereto, except for items purchased for resale, as distinguished from items normally used for repair purposes. Items included in this account which are normally used as station apparatus shall remain herein until finally disposed of or until used in such manner as to be includible in other accounts.

* * * * *

Delete Note A and substitute the following:

Note A.—The cost of installing and connecting station apparatus shall be charged to account 605, "Repairs of station equipment", if for telephone company ownership, or to account 316, "Miscellaneous income," if for customer ownership.

Add a new Note F to read:

Note F.—Items provided under optional payment plan tariffs will be subject to unit plan depreciation and a separate subaccount must be maintained for them, using actual (not average) embedded costs.

§ 31.232 [Deleted]

20. Delete § 31.232.

§ 31.234 [Amended]

21. In § 31.234 add a new Note D to read:

Note D.—Items provided under optional payment plan tariffs will be subject to unit plan depreciation and a separate subaccount must be maintained for them, using actual embedded costs.

§ 31.242.1 [Note A Amended]

22. Delete from Note A of § 31.242.1 the words "which are included in account 232", and "which are included in account 232 or account 234, as appropriate". At the end of Note A, add the words "(See accounts 234, 316, and 605). Note A, as amended, will read:

Note A.—House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations or the cables for subscribers private branch exchange switchboards. (See accounts 234, 316, and 605).

§ 31.242:2 [Note B Amended]

23. At the end of Note B of § 31.242:2 add the words "account 316 or account 605 as provided for in §§ 31.316 and 31.605". Note B, as amended, will read:

Note B.—The cost of small cables used in station installations or as drop wires shall be charged to account 316 or account 605 as provided for in §§ 31.316, and 31.605.

§ 31.242:2 [Note D Amended]

24. Delete from Note D of § 31.242:2 the words "which are included in account 232", and "which are included in account 232 or account 234, as appropriate". At the end of Note D, add the words "(See accounts 234, 316 and 605.)" Note D, as amended will read:

Note D.—House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations or the cables for subscribers' private branch exchange switchboards. (See accounts 234, 316 and 605.)

§ 31.243 [Amended]

25. Delete the Note of § 31.243 and substitute the following:

Note.—The cost of drop and block wires shall be included in account 605.

§ 31.244 [Note B Amended]

25a. Delete from Note B of § 31.244 the words "shall be included in account 232", and substitute "shall be charged to account 605 as provided for in § 31.605, if for telephone company ownership, and to account 316, as provided in § 31.316 if for customer ownership." Note B, as amended, will read:

Note B.—The cost of pipes or other protective covering for underground drop and block wires or service connections shall be charged to account 605 as provided for in section 31.605 if for telephone company ownership, and to account 316 as provided in § 31.316 if for customer ownership.

26. Section 31.316 is revised to read as follows:

§ 31.316 Miscellaneous income.

(a) This account shall include in separate subaccounts revenues from and the cost of and expenses (direct and indirect) associated with the sale of new terminal telephone equipment initially includible in account 122, "Materials and supplies." It shall also include in separate subaccounts revenues and expenses associated with the provision of repair service on customer provided equipment.

(b) This account shall also include in separate subaccounts revenues from and the cost of and expenses (direct and indirect) associated with the sale of subscribers inside wiring and cabling which were constructed for customer ownership and were not in revenue service at the time of the transfer of ownership to the customer.

(c) This account shall also include all other items not provided for elsewhere, properly creditable to income.

Items

(Note § 31.01–8)

Fees collected in connection with the exchange of coupon bonds for registered bonds.

Profits from the telephone operations of other companies realized by the company under contracts.

Profits realized from custom work performed for others not incident to the company's telephone operations.

Profits realized on the sale of temporary cash investments.

§ 31.5–50 [Amended]

27. At the end of paragraph (b) (1) of § 31.5–50, add the words "(Note § 31.2–20 (b).)" The paragraph, as amended, will read:

* * * * *

(b) * * *

(1) Amounts charged for connection, restoration and termination of service, and for inside moves, outside moves, instrument changes, and similar service requirements. (Note § 31.2–20 (b).)

* * * * *

28. Delete from paragraph (b) (2) of § 31.5–50 the account number "232". The paragraph, as amended, will read:

(b) * * *

(2) Amounts of initial nonrecurring charges for plant or equipment, furnished in rendering service to a customer, includible in accounts 231 and 234, except initial charges based on the cost of specially assembled private branch exchanges includible in account 234. (Note § 31.2–20 (b).)

29. In § 31.526 a new paragraph (b) is added and the present paragraph is designated (a). Paragraph (b) reads as follows:

§ 31.526 Other operating revenues.

* * * * *

(b) This account shall also include in a separate subaccount revenues received from the sale of terminal telephone equipment sold in-place and for the sale of station wire and cable, the cost of which had been charged to account 605, "Repairs of station equipment," and had been previously included in telephone plant in service (see also account 316).

30. In § 31.6–61, add paragraph (c). Section 31.6–61, as amended, will read:

§ 31.6–61 Cost of repairs.

(a) The cost of repairs chargeable to the various operating expense and clearing accounts includes: Inspecting, testing, and reporting on the condition of telephone plant to determine the need for repairs, replacements, rearrangements and changes; testing for, locating and clearing trouble; routing work (note also paragraph (b) of this section) to prevent trouble, such as pulling up slack, tightening guys and raking guy stubs, trimming trees, straightening poles and crossarms, and cleaning and adjusting equipment; replacing minor items of telephone plant (note also § 31.2–25); rearranging and changing the location of property not retired; repairing material for reuse; restoring the condition of property damaged by (paragraph (b) of this section); training employees for maintenance work; inspecting and testing after repairs have been made; and an equitable proportion of the cost of local plant administration, general plant supervision and engineering.

(b) The cost of repairs does not include the cost of replacing items of property designated as "retirement units." (Note also § 31.2–25.)

(c) The cost of repairs includes certain costs of station installations, and the costs of installing, connecting, disconnecting, and removing station apparatus. (See accounts 316 and 605.)

31. Delete from § 31.6–64 the words "inside wires or drop block wires," following the word "apparatus." Section 31.6–64, as amended, will read:

§ 31.6–64 Extensive replacements.

When it becomes necessary to replace the majority of station apparatus, in any given central office district, together with any number of such items in contiguous districts, the cost of the replacements chargeable to account 605, "Repairs of station equipment", if so authorized by this Commission upon application to it, shall be charged to account 138, "Extraordinary maintenance and retirements", and cleared to account 605 over the period specified in the authority.

§ 31.603 [Amended]

32. Amend paragraph (a) of § 31.603 as follows:

Delete the term "repairmen" (in two places) and substitute the phrase "people who are doing repair work".

After the words "location of trouble" replace the semicolon with a period, and capitalize "Dispatching".

After the words "condition of the plant" delete the remainder of this paragraph and insert "will be charged to this account if done on telephone company owned lines and equipment, and will be charged to account 316 if done on customer owned lines and equipment.

Add a last sentence to paragraph (a), so that, as amended, it will read:

(a) This account shall include the costs incurred by forces located in central offices and engaged in the work of receiving and recording reports of trouble from subscribers and others and; testing from test desks to determine the nature and location of trouble. Dispatching from test desks people who are doing repair work; testing from test desks with people who are doing repair work during the course of their work or upon its completion and making other tests from test desks to determine the condition of the plant will be charged to this account if done on telephone company owned lines or equipment, and will be charged to account 316 if done on customer owned lines or equipment. This account shall also include all service order testing from test desks if the telephone company will own the equipment ordered; the service order testing for those orders or portions of orders that will be customer owned will be charged to account 316.

* * * * *

§ 31.604 [Note B Amended]

33. Amend Note B of § 31.604 as follows:

After the word "test-board" delete the word "men" and substitute the word "personnel".

After the words "such as testing with" delete the terms "station repairmen, cablemen" and substitute the term "cable personnel".

Add two sentences to Note B, so that, as amended, it will read:

Note B.—The pay and expenses of test-board personnel and other employees in central offices engaged in testing circuits in connection with the maintenance of plant, such as testing with cable personnel, etc., shall be charged to account 603. Similar costs in connection with construction projects shall be included in the telephone plant accounts appropriate for the class of plant tested. Similar costs in connection with service orders shall be charged to account 603. Similar costs in connection with testing or service orders for customer owned equipment shall be charged to account 316.

34. Amend § 31.605 as follows: Delete paragraphs (a) and (b).

Add new paragraphs (a), (b), (c) and (d) so that § 31.605, as amended, will read.

§ 31.605 Repairs to station equipment.

(a) This account shall include the cost of installing or connecting items of station apparatus and the cost of inside wiring and cabling, drop and block wires, and of underground service wires. It shall also include the cost of reconnecting customers' lines at customers' premises.

(b) This account shall include the cost of repairing station apparatus, inside wiring and cabling, drop and block wires, underground service wires, and large private branch exchanges. It shall also include the cost of replacing station apparatus (excluding the cost of material other than repair parts) and the cost of replacing inside wiring and cabling, drop and block wires, and underground service wires.

(c) This account shall include the cost of disconnecting or removing station apparatus, inside wiring and cabling, drop and block wires, and underground service wires, if company owned.

(d) This account shall include also amortization of costs of extensive replacements of station apparatus, inside wires, drop and block wires, and underground service wires, which, under conditions provided in § 31.6–64, have been included in account 138, "Extraordinary maintenance and retirements".

§ 31.605 [Amended]

35. Amend the Items list following § 31.605 as follows:

Delete from the second item the words "and drop and block wires", and substitute the words, "drop and block wires and underground service wires".

Delete the parenthetical note at the end of the fourth item. Add two sentences at the end of the fourth item to say "If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, Repairs of central office equipment."

Delete from the sixth item the words "Inside moves (moves or relocations on the same premises or at the same address)" and substitute the words "Move or relocations". Delete the words "(See also Note A to this account.)".

Delete from the ninth item the words "not incident to station connections".

Add to the list thirteen new items (which after placing the list in final arrangement appear as items 1 through 8, 12, 14, 20, 21 and 22, so that the Items list under § 31.605, as amended, will read:

Items

(Note § 31.01–8)

The wires (or small cables) from the station apparatus to the point of connection with the general overhead or underground system or to the junction boxes where the house cable or other cable terminates. This includes circuits carried by means of wire or small cables, wire plant in cases where connection in made to a general wire system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system.

The wires (or small cables) used to connect station apparatus in the same building, such as main stations and extension stations, and stations of intercommunicating systems.

The wires (or small cables) used to connect private branch exchange switchboards or their distributing frames (or equivalent distributing panels) with terminal stations in the same building.

The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frames (or equivalent distributing panels) to switchboards.

The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent or outside cables or wires.

Connecting blocks, jacks, ground wires, ground rods, station protectors, clamps, cleats, nails, screws and other material used

in the installation of station apparatus and inside wiring and cabling.

Labor and other costs incurred in connection with station apparatus and wiring installations or additions thereto.

Brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the installation of drop and block wires, and underground service wires; trimming trees and other costs incurred in the installation of such wires; pipes or other protective covering used for underground drop and block wires or service connections; and permits and privileges for installation.

Changing inside, drop and block wires, and underground service wires.

Changing type of telephone, such as from nondial to dial or from one color to another.

Cleaning station apparatus and large private branch exchange equipment.

Connecting or installing station apparatus.

Disconnecting customers' lines at customers' premises. If the disconnection is made in a central office, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Disconnecting or removing station apparatus. House service for public telephones.

Inspecting, testing, and reporting on condition of equipment to determine the need for repairs and replacements. (See also account 603.)

Material normally used as repair parts for stations apparatus. Moves or relocations of items of station apparatus. Number plate changes.

Plant assignment and related clerical work (e.g., assigning plant facilities, service order dispatch, service order final completion, and assignment record administrative work).

Reconnecting customers' lines at customers' premises. If the reconnection is made in a central office, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Removing inside wiring and cabling, drop and block wires, and underground service wires.

Removing sediment from and cleaning batteries.

Repainting and other repairs of booths, except those owned by others.

Repairing used station equipment for reuse.

Replacing defective station apparatus.

Replacing dry-cell batteries.

Replacing minor items of large private branch exchanges, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (note also section 31.2–25.)

Replacing one small private branch exchange by another.

Routine work to prevent trouble, such as trimming trees to protect existing drop and block wires.

Supply expense applicable to station apparatus being reused.

Testing for, locating and clearing trouble in station apparatus and large private branch exchanges. (See also account 603.)

§ 31.605 [Notes Amended]

36. Amend the notes to § 31.605 as follows: Delete Note A.

In Note B, following the words "large private branch exchanges", delete the remainder of the sentence and substitute the words "and for installing or connecting station inside wiring and cabling, drop and block wires, underground service wires, and station apparatus shall be accounted for as prescribed in § 31.5–50 (b)". Change the designation "Note B" to "Note C".

Add two new notes, designated "Note A" and "Note B", so that the notes to § 31.605, as amended, will read:

Note A.—Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242:1, "Aerial cable."

Note B.—The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire and cable accounts.

Note C.—Amounts charged customers for moves and changes of station apparatus and large private branch exchanges and for installing or connecting station inside wiring and cabling, drop and block wires, underground service wires and station apparatus shall be accounted for as prescribed in § 31.5–50(b).

37. In § 31.675 a new paragraph (b) is added and the present paragraph is designated as (a). Paragraph (b) reads as follows:

§ 31.675 Other expenses

* * * * *

(b) This account shall also include the net book value of terminal telephone equipment and any formerly (prior to . . .) capitalized portion of station wire and cable sold in-place. A separate subaccount shall be maintained for these accounts.

* * * * *

§ 31.8 [Amended]

38. In § 31.8, delete the title and the parenthetical reference "(See § 31.2–25, 31.232, and 31.605").

Appendix A [Amended]

39. In Appendix A, delete from item (h) in the Answer to Case 6–R–2 the words "station connections". This item to be identified as a substantially complete telephone system, as amended, will read:

(h) All the central office equipment, station apparatus, large private branch exchanges, furniture and office equipment, or vehicles and other work equipment situated in or utilized in a single exchange area, central office area, or other extensive area, without additional classes of associated plant.

40. In Appendix A, delete from the last parenthetical expression in the Answer to Case 9–R–1 the words "See account 232, 'Station connections' " and substitute the words "see account 605, 'Repairs of station equipment' ".

41. Delete from paragraphs 4(a) and 5 of Appendix B the words "station connections". Paragraphs 4 and 5 of Appendix B, as amended, will read:

4. Average costs. (a) In the development of average costs for plant consisting of a large number of similar units, such as telephones, poles, wire, cable, cable terminals, conduit, small private branch exchanges, and booths, units of similar size and type within each specified accounting area and plant account may be grouped without regard to year of construction. Each such average cost shall be set forth in the continuing property record or in records, supplemental thereto and in support thereof.

(b) The averaging of costs permitted under the provisions of the foregoing paragraph is restricted to the averaging of costs incurred within an accounting area as defined in paragraph 1 (a). The provisions of paragraph 4(a) shall not be interpreted as permitting the inclusion within such average cost of the cost of units involved in any unusual or special types of construction. The units involved in such unusual or special types of construction shall be recorded at actual cost by locations.

(c) When classes of plant are subdivided between exchange and toll, the bases of the average costs shall be confined to items priced in the respective subdivisions.

5. Identification of property-record units. There shall be shown in the continuing property record or in records supplemental thereto and in support thereof, a complete description of the property-record units in such detail as to identify plainly such units. The description (except for classes of plant for which it is impracticable, such as station apparatus) shall include the identification of the work order under which constructed, the year of installation (unless not determinable at reasonable expense with respect to past acquisitions or installations), the specific location of the property within each accounting area in such manner that it can be readily spot-checked for proof of physical existence, the accounting company's number or designation, and any other description used in connection with the determination of the original cost. Descriptions of units of similar size and type shall follow prescribed groupings.

[FR Doc. 79–25833 Filed 8–20–79; 8:45 am]

BILLING CODE 6712–01–M

[47 CFR Part 76]

[CT Docket No. 79-193; RM-3115; >FCC 79-484]

Proposing To Add Florence, Alabama, to the Huntsville-Decatur Television Market

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking in Cable Television Docket.

SUMMARY: It is proposed to amend the Commission's cable television rules to include Florence, Alabama, as a designated city in the Huntsville-Decatur, Alabama, television market. This change is found to be consistent with the criteria used in the initial creation of the list of major television markets for purposes of the cable television rules.

DATES: Comments must be received on or before October 15, 1979, and reply comments on or before November 14, 1979.

ADDRESSES: Comments should be sent to: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William Johnson, Cable Television Bureau (202) 632-6468.

SUPPLEMENTARY INFORMATION:
Adopted: August 1, 1979.
Released: August 16, 1979.

By the Commission: Commissioner Lee absent.

In the matter of amendment to § 76.51 of the Commission's rules and regulations, CT-Docket No. 79-193, RM-3115.

1. Television Muscle Shoals, Inc. ("TMS"), licensee of Station WOWL-TV (NBC, channel 15), Florence, Alabama, has requested that the Commission revise its list of top 100 television markets utilized in the cable television rules, to add the city of Florence, Alabama to the hyphenated market now designated as Huntsville-Decatur, Alabama (#96). TMS had originally filed its request as a petition for special relief pursuant to § 76.7 of the Commission's rules. Objections to that petition were filed by Teleprompter Southeast, Inc. and Decatur TeleCable Corp., both operators of cable systems located within this television market. When TMS replied to these objections, it became clear that what TMS sought was in fact a change in § 76.51(a)(96) of the rules, rather than special relief. TMS's pleading was thus converted to a petition for rule making, and all pleadings in the special relief proceeding have been considered in the present context. Additionally, an informal comment in support of this petition was filed by Athens TV Cable of Alabama, Inc.

2. The pleadings of Teleprompter Southeast, Inc., operator of a cable television system at Huntsville, Alabama, and Decatur TeleCable Corporation, operator of a cable television system at Decatur and Morgan County, suggest that the signal of WOWL-TV may not be readily available for carriage in these communities, that the station has not presented programming directed to the needs and interests of these communities, and that another signal would have to be dropped or the systems redesigned in order to accommodate the signal. They, therefore, oppose the change requested.

3. This change, if made, would have four principal results: (1) It would entitle stations in Florence to carriage on cable television systems throughout the Huntsville-Decatur-Florence market as that term is defined in the Commission's cable television rules, (2) it would reduce the area in which Florence stations are entitled to network program non-duplication from 55 miles to 35 miles, (3) it would entitle stations in Florence to syndicated program exclusivity on cable television systems, and (4) it would permit cable systems within what is now the Florence market to carry two distant independent station signals in accordance with the top 100 market rules instead of the one distant independent allowed by the smaller market rules.

4. The Commission originally based its major market list on the American Research Bureau's (ARB) 1970 primetime households ranking, although it made minor adjustments to this list not relevant here. Para. 75, *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143, 171-172 (1972). It is therefore significant that ARB's 1970 market rankings refer to the "Huntsville-Decatur-Florence" market. In fact, ARB appears never to have utilized a "Huntsville-Decatur" market designation; before ARB combined these markets (in 1966), they were considered separate television markets. This case therefore is readily distinguishable from those instances in which ARB changed its market rankings after our major market list was established; in those circumstances, the Commission stated that it would not revise its list, since a need for stability was perceived in this area. *Id.* The absence of Florence from this list therefore appears to be the result of inadvertent error.

5. In the past the Commission has characterized a hyphenated market as an area with more than one major population center supporting all stations in the cities within the market area. Para. 5 *Report and Order in Docket 19990*, FCC 74-638, 47 FCC 2d 752, 753 (1974). The problem here seems to be that the area around Florence clearly provides support for the Huntsville stations [1] which have significant audience in Florence and the surrounding counties. The reverse is not necessarily true—that Huntsville area residents view the Florence station. Thus, the designation of what is the proper "market" for purpose of the cable television rules is necessarly something of a compromise. In addition, since the cable rules determine the carriage rights on cable systems the rules create as well as reflect what the market will actually be like. In our view the Florence area seems to be part of the market on which Huntsville stations rely for advertising support and reciprocally the Commission's rules shoud not cut-off the Florence station from advertiser support in the Huntsville area.

6. In general the change proposed would be of benefit to cable subscribers by increasing access to broadcast programming and it does not appear that there would be any adverse impact on the television service provided by local stations to the area. Accordingly, we believe the proposal warrants consideration through the rulemaking process. We do recongnize the problems raised by the Huntsville and Decatur cable systems concerning insufficient channel capacity and problems with reception of WOWL-TV. It may be that this situation will warrant special consideration if the market structure is changed so that the rules allow carriage but do not mandate it. Specifeid comments on this issue is requested. This does not, however, change the fact that the market structure proposed by Television Muscle Shoals appear,to be in line with hat used when the list was originally prepared and that the change can aid cable subscribers on other systems and create a more rational market structure. We are therefore issuing the rule change proposal as

[1] Another confusing factor here is the inclusion of Decatur on the market list in the cable television rules. Section 76.51. Although Huntsville stations may identify with Decatur, no station is licensed to that city and accordingly it has no specified 35-mile zone under the cable rules and should not have been made a part of the market. Thus, for purposes of the cable rules the market should either be the Huntsville market or the Huntsville-Florence market but not Huntsville-Decatur. Compare *Order* FCC 74-1126, 49 FCC 74-1126, 49 CFF 2d 198 (1974) deleting Jacksonville from the Springfield-Decatur-Champaign, Illinois market.

requested. If the change is adopted the new market would become, in accordance with footnote 1 above, the Huntsville-Florence market.

7. In a rulemaking proceeding now pending *(Notice of Proposed Rule Making in Dockets 20988 and 21284,* FCC 79–243, FCC 2d (May 7, 1979)) some of the rules here involved are being re-evaluated and rule changes could be made as a result of this proceeding that would alter in some respects the consequences of the change requested by Television Muscle Shoals, Inc. Nevertheless, it seem to us that the change proposed here is likely to have consequence as long as the Commission continues to regulate any aspect of cable television signal carriage and that we should therefore proceed with this proposal.

8. Accordingly, we propose to amend § 7651(a)(96) of the rules to include Florence, Alabama within this major television market. Authority for the rule amendment proposed herein is contained in Sections in 2, 3, 4(i) and (j), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended. All interested parties are invited to file written comments in this proceeding on or before October 15, 1979, and reply comments on or before November 14, 1979. All submissions by parties to this must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in the rule making proceeding may do so by submitting one copy of the comments, without regard to form, provided only that the Docket Number is specified in the heading. Responses will be available for public inspection during regular business hours in the Commission's dockets Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M St., NW.).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79–25882 Filed 8–20–79; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 44, No. 163
Tuesday, August 21, 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

Office of the Secretary

1980 Wheat, Barley, Oats and Rye Programs; Determinations Regarding the Proclamation of 1980-Crop National Program Acreage, Set-Aside Level and Other Program Provisions for Wheat, Barley, Oats and Rye

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Notice of Determination of 1980-Crop National Program Acreage, Set-Aside Level and Other Program Provisions for Wheat, Barley, Oats and Rye.

SUMMARY: This notice is for the purpose of proclaiming a national program acreage, no set-aside and other program provisions for the 1980 crop of wheat in accordance with applicable sections of the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act"). Provisions of the Act require that a determination of national program acreage and set-aside requirements be made for wheat not later than August 15 prior to the year in which the crop is harvested.

EFFECTIVE DATE: August 15, 1979.

ADDRESSES: Production Adjustment Division, ASCS-USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Bruce R. Weber (ASCS) (202) 447–6688.

SUPPLEMENTARY INFORMATION: A notice that the Secretary was preparing to make determinations with respect to the 1980 wheat, barley, oats and rye program was published in the Federal Register on June 5, 1979 (44 FR 32257) in accordance with 5 U.S.C. 553 and provided for a 60-day comment period. The comment period was subsequently shortened to allow the Secretary to announce the 1980 program provisions at an earlier date (See 44 FR 39566, dated July 6, 1979). Comments were received from over 130 entities in 24 States. The breakdown of comments received were 87 farmers, three State and county farm organizations, 22 State and county ASC Committees, one State government agency, one State Agribusiness, four national farm organizations, seven national agribusinesses and six Members of Congress. The majority of the comments involved five issues: (1) set-aside, (2) announcement of barley and oats program along with wheat, (3) target price levels, (4) loan levels, and (5) special wheat acreage grazing and hay program. A majority of the comments favored set-aside for the 1980-crop of wheat. The general level of set-aside suggested was between 5 and 15 percent, with suggestions as high as 35 percent. All comments made favored an early announcement of the barley and oats program. Suggested target levels ranged from a low of $3.50 per bushel to parity for wheat and $2.88 per bushel to parity for barley. Comments on loan levels ranged from $2.75 per bushel to parity for wheat; $2.20 per bushel to parity on barley and $1.75 per bushel for oats. A large majority of the comments made concerning the special wheat acreage grazing and hay program favored continuation of the program with a minimum payment guarantee. All comments received were duly considered by the Secretary. Accordingly the Secretary has made the following program decisions pertaining to the 1980-crops of wheat.

Notice of Determinations

1. 1980-Crop Barley, Oats and Rye

Although comments received unanimously favored announcement of the 1980-crop barley and oats program provisions along with wheat, it is hereby determined that a decision on the various program provisions pertaining to the 1980-crops of barley, oats and rye will be delayed until further information becomes available on the 1979 feed grains crop and utilization prospects. Section 105A(f)(1) of the Act provides that when a determination is to be made as to whether set-aside is needed for the 1980 crops of feed grains, such determination is to be based on the total feed grains complex rather than on the individual commodities. Accordingly, it has been determined that until more complete 1979–80 supply and demand data becomes available for the 1979 feed grains crop (principally corn), a final 1980-crop program decision cannot be made.

2. National Program Acreage for 1980–Crop Wheat

It is hereby proclaimed that the preliminary national program acreage for the 1980 crop of wheat shall be 70.0 million acres. The national program acreage is based on the following data:

(a) Estimated domestic consumption 1980–81 (million bushels)	884.0
(b) Plus estimated exports, 1980–81 (million bushels)	1,250.0
(c) Minus estimated imports, 1980–81(million bushels)	−2.0
(d) Plus adjustment to increase stocks to desired level (million bushels) [1]	+157.0
(e) Divided by estimated national weighted average farm program yield (bushels/acre)	32.7
(f) Equals: Preliminary 1980 national program acreage (million acres)	70.0

[1] The 157 million bushel adjustment for increased stocks was determined appropriate to bring the 1980–81 carryover more in line with a desired carryover level. 1979–80 carryover wheat stocks are estimated to be around 860 million bushels. The announced level of the national program acreage would likely result in a 1980–81 carryover of wheat at close to 1.0 billion bushels.

The Secretary may revise the national program acreage as proclaimed for the purpose of determining the allocation factor if he determines it is necessary based on latest information. The national allocation factor will be determined in the fall of 1980.

3. No set-Aside for 1980-Crop Wheat

Section 107A (f)(1) of the Act provides that the Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of wheat will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices to meet a national emergency. In accordance with those criteria, it is hereby determined and proclaimed that no set-aside of cropland will be required for the 1980-crop of wheat. No set-aside will likely result in an 8 to 11 percent increase in planted acreage for 1980 and a modest increase in carryover stocks. Producers are encouraged to follow good farming practices in planting their 1980 crop of wheat. In 1978, world wheat production at 438 million metric tons (a record) was up 56 million tons (15%) from the previous year. Although trade remained strong, world ending stocks increased by 23 million tons. This stock increase

occurred outside of the United States. As a result of the 1979 set-aside program and near record exports, ending stocks declined nearly 7 million tons from the previous year. The 1979/80 world wheat production is forecast at 406 million tons, down more than 30 million tons (7%) from 1978–79. Global utilization is projected at 417 million tons. Trade is forecast to increase nearly 10 percent due largely to increased imports by the Soviet Union, but also to larger imports by some countries in Eastern and Western Europe where crops; will likely be down from last year. As a result, world ending stocks for the 1979–80 season are forecast to be drawn down by 11 million tons (based on July 16 Foreign Agriculture Circular-Grains) and would represent less than 24 percent of utilization, next to the smallest in the past 4 years and nearly equal to that for 1971–72. Projected U.S. ending stocks (based on July 13, Agricultual Supply and Demand Estimates) at 23.4 million tons will likely decline by 2 million tons or more and would be the lowest since 1975–76.

The Southern Hemisphere wheat crop will not be harvested until December. The advent of unfavorable weather in that part of the world could seriously tighten current year world wheat supplies and exacerbate the 1979 and 1980 wheat supply-demand situation.

Given this outlook, it was determined that no set-aside was needed for the 1980 crop of wheat. The chances are just too great for wide swings in production and prices in the event of bad weather. Other measures such as the continuation and expansion, if needed, of the farmer-owned reserve program will be used in designing a 1980–81 supply management program aimed at providing remunerative prices to producers and will assure the U.S. consumer and our foreign customers of a reliable and adequate supply of wheat.

4. 1980 Land Diversion

It is hereby determined that in accordance with the no "set-aside" decision, no land diversion program will be implemented for the 1980 crop of wheat.

5. Voluntary Reduction from 1979 Planting for 1980-Crop Wheat

It is hereby determined and proclaimed that producers who plant no more wheat for 1980 harvest than was planted and considered planted for harvest in 1979 shall be guaranteed target price protection on the normal production from the entire acreage.

In applying the voluntary reduction for 1980, the 1979 wheat acreage shall be:

The 1979 wheat acreage planted for harvest. Such acreage shall be increased by any approved prevented planted acreage plus any special wheat grazing and hay acreage in addition to the larger of:

(a) The total set-aside for 1979 or

(b) The acreage reduced from the previous year but not to exceed the recommended 1979 voluntary reduction.

6. 1980 Established "TARGET" Price for Wheat

Based on the formula required by law, the 1980 established "target" price for wheat is expected to be between $2.95 and $3.20 per bushel. Based on preliminary costs of production data, the 1980 target price is indicated to be $3.07 per bushel. However, this level is subject to change depending upon final 1979-crop costs of production and the final 1979 wheat yield per planted acre. It is anticipated that the final 1980 target price will be announced not later than March 15, 1980.

7. 1980 Loan and Purchase Level

It is hereby determined than the 1980-crop wheat loan and purchase level shall be $2.50 per bushel, 15 cents higher that the 1979-crop level. It has been determined that this level will maintain the competitive relationship of wheat to other grains in domestic and export markets.

8. Special Wheat Acreage Grazing and Hay Program

It is hereby determined that in accord with the no set-aside decision, the Special Wheat Acreage Grazing and Hay Program will not be implemented at this time for the 1980-crop of wheat. However, if later information becomes available that indicates a need for this program it will be implemented.

Note.—This final determination has been reviewed under the USDA criteria established to implement Executive Order 12044 "Improving Government Regulations" and has been classified "significant." An approved Final Impact Statement will be available from Bruce R. Weber, (ASCS) (202) 447–6688.

Note.—ASCS has determined an environmental assessment will not be necessary since it has been determined that there will be no set-aside for the 1980 crop of wheat.

Bob Bergland,

Secretary

August 15, 1979.

[FR Doc. 79–25788 Filed 8–20–79; 8:45 am]

BILLING CODE 3410–05–M

CIVIL AERONAUTICS BOARD

[Docs. 33361 and 32460]

Former Large Irregular Air Service Investigation; Application of Imperial Airlines, Inc.; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1968, as amended, that a hearing in the above-entitled proceeding will be held on November 6, 1979, at 9:30 a.m. (local time), in Hearing Room 1003 B, Universal North Building, 1875 Connecticut Avenue NW., 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., August 15, 1979.

Marvin H. Morse,

Administrative Law Judge.

[FR Doc. 79–25810 Filed 8–20–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 32851; Agreement C.A.B. 1175, as amended Order 79–8–82]

International Air Transport Association

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of August 1979.

On August 6, 1979, the International Air Transport Association (IATA) filed a motion requesting that the filing date for original testimony in this proceeding be extended until at least 60 days after: (a) The release of the Board's transcripts of the July 23–31, intergovernmental meetings; (b) the conclusion of diplomatic consultations related to this proceeding; or (c) the public announcement of the identity of the witnesses whom the Board has invited to participate in the legislative hearing, depending on which happens last. IATA also requested that reply testimony be due at least 60 days after the original testimony.[1]

[1] On July 12, 1979, the Department of Justice filed a motion requesting that the deadline for filing original testimony be extended from August 1 until September 5, 1979. Although that motion was discussed at our meeting on July 12, it was not mentioned in Order 79–7–76, served July 13, which extended the filing date for original testimony from August 1 to August 20. Justice argued that the filing date for original testimony should follow governmental consultations so that information from the consultations could form a part of the

Footnotes continued on next page

Replies were filed by Air Canada, British Airways, Alitalia, Varig, S.A., Aer Lingus, and Lufthansa.

IATA's request that the procedural dates in this docket be further extended is denied. As IATA correctly noted in its pleading, the views of foreign governments are one of the many important factors that we intend to consider in reaching a final decision. However, as we indicated at our Board meeting on July 12, the extension granted in Order 79–7–76 was not calculated to allow parties to discuss the results of the intergovernmental consultations in their original testimony, but was directed instead to the need expressed by many parties for additional time to make final witness selections and begin preparation of original testimony. It appears at this time that the transcripts of the consultations will be available this week, so that analysis and discussion of their contents by the parties will be possible in reply testimony, at the legislative hearing, and in final briefs to the Board.[2]

In the course of the consultations, several governments made proposals to the United States delegation. The Department of State agreed to consider the proposals and provide the response of the United States government at a later date. IATA has requested a delay in the proceedings until after that response has been given.

As IATA certainly realizes, the proposals were directed by the foreign governments to the government of the United States, not the Board. The positions taken with respect to those proposals by the various organs of the government that are parties to this proceeding will no doubt become part of the record. There is, however, no reason why the procedure we have previously established should be delayed until those positions are clarified.

Both in Order 78–6–78 and Order 79–5–113 we set out the issues that we believed to be important to the resolution of this case. In the latter order we invited the parties to submit evidence on those issues through written testimony and witnesses at the legislative hearing. The previous filings in this docket convinced us that the testimony of the parties would not necessarily represent a full range of opinion on the issues, and we, therefore, decided to invite a number of witnesses who might be expected to "flesh out" the record. We did not, by our invitations, attempt to insure that all possible views would be presented. The parties have positions on the issues and we expect that they will present them. Furthermore, by our selection of witnesses we did not undertake to "present a case." All witnesses were requested to submit their personal views; none was asked to defend or justify a specified position.

There is no merit to IATA's argument that its preparation is hampered by ignorance of the identity of those we have asked to participate. All parties have been on notice since May that they would have an opportunity to present an affirmative case. If any party wishes to respond to a position taken, or argument made, by one of the witnesses we have invited, it will have that opportunity both in reply testimony and at the legislative hearing.

Although we will not delay the proceedings further, we are prepared to provide the names of the witnesses we have invited to submit testimony and appear at the legislative hearing. Appendix A lists those witnesses and their addresses. They have been added to the updated service list in Appendix B and should receive copies of the testimony filed by the parties.

In Appendix D of Order 79–5–113 we listed suggested topics that parties might wish to address in their testimony and at the oral hearing. Topic 5 of that appendix posed these questions: "Will any countries or group of countries be more seriously affected than others by CAB disapproval or withdrawal of immunity from Traffic Conferences? Is different treatment justified? Feasible?" During the consultation held in Bogota, Brussels, and Nairobi, various governmental parties suggested that IATA Traffic Conferences might be more necessary or desirable in certain parts of the world than in others, and that our final decision should recognize such differences. Because of the interest displayed at the governmental level in the possibility of regional solutions, we wish parties to focus on the question of whether certain regions of the world have a special need for the collective rate-setting offered by IATA.

Accordingly, 1. We deny the motions of the Departments of Justice and Transportation IATA that we further extend the date for filing original testimony or otherwise change the procedural schedule of this proceeding; and

2. We have set forth in Appendix A a list of the persons whom we have invited to participate in this proceeding, and in Appendix B an updated service list.

This Order shall be served on all parties who have previously filed in this docket and shall be published in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[3]

Secretary.

O'Melia, Member, Dissenting:

I move to dismiss the *IATA Review* case.

A delegation made up of representatives from CAB and the Departments of State, Justice and Transportation has now returned from visits about our withdrawal of approval of IATA with delegations of foreign governments at Bogota, Brussels and Nairobi. No one but Chile, I understand, supported the Board's proposal to withdraw our decades-long approval of the IATA ratesetting mechanism. The foreign governments indicated a preference for the stability of a system in which fares are first proposed and discussed among the carriers and then referred to governments if agreement is not achieved. Some governments dispute as a matter of principle the anti-trust, anti-price-setting attitudes inherent in our original show cause order (Order 78–6–78). Others are concerned about the viability of their national carriers in a no-IATA environment in competition with the giant U.S. carriers. Many are worried about the disruption and chaos and overall annoyance that would follow withdrawal of our approval of IATA.

In summary, all the world governments who participated in this series of talks but Chile, apparently, opposed our proposed action. They pointed out that new rules permit each carrier member to decide whether or not it will participate in rate conference agreements. A carrier may decide against participation yet still retain the benefits of agreement on the so-called "facilitation" issues of doing business. The foreign governments felt these new rules should be given a fair chance to work. I agree. An organism as long-standing and as widely accepted as

Footnotes continued from last page

original testimony. On August 14, 1979, the Department of Transportation filed a motion, supported by the Departments of Justice and State, for a 30 day extension of the date for filing original testimony. The motions of Justice and Transportation are similar to IATA's, and this Order will therefore treat all three motions.

Due to the proximity of the filing date for original testimony, we are issuing this Order prior to the receipt of all replies to IATA's motion. To do otherwise would leave all parties in unjustified uncertainty as to whether or not they are still required to file their testimony on August 20.

[2] Copies of the transcripts can be obtained from Alpha Reporting Services, 201 I Street, S.W., Washington, D.C., 20024. Telephone inquiries should be directed to Phyllis Edwards (202) 737–2214.

[3] All Members concurred except Member O'Melia who filed the attached dissenting statement.

IATA deserves a decent test of its reformed procedures.

The Board has made it clear that its primary concern is about the rate-setting aspects of IATA—not the myriad agreements on other subjects that make an international airline system work efficiently. If carriers can participate in rate agreements or not as they individually see fit, we should allow the dynamics of the new, agree or not, environment develop as it will without riding rough-shod over the experiment before it gets started.

My call for dismissal of this case does not rest on the solid opposition of the governments we have been visiting with on the issue. I base it rather on the fact that IATA is no longer an effective influence on U.S. rates and fares. Most major U.S. flag carriers have withdrawn from participation in the rate-setting conferences of IATA. Only National, soon to disappear from the carrier rolls, and Tiger continue their active participation in trans-oceanic rate setting. In the Western Hemisphere, American and Eastern, for the moment at least, continue as members in the Caribbean/Mexico rate agreements, but we have independent, competitive carriers setting the fare levels as a matter of routine in many of those markets. In only a couple of obscure geographical areas of the world is there an IATA fare or rate agreement in effect! Why should we be concerned about such an ineffective rate setter?

An argument may be made that when the present right-thinking Members/staff of the Board are gone, the hydra-headed rate-setting beast will rise up again and ravage the pocketbooks of world travellers and shippers. But there will no longer be anti-trust immunity after 1985. Section 414 authority goes to the Department of Justice. Can anyone reasonably expect it to permit any more international rate-setting agreements than we have? Even before that, if Senator Cannon's proposed international aviation bill passes, rate-setting agreements are in for serious trouble.

Moreover every one of our new route awards in the last year or so, those already in effect across the Atlantic and Pacific and those still pending in major route cases, each one is another nail in IATA's coffin. So is every new intergovernmental agreement to a mutual suspension or country of origin rate article. IATA's increasing inability to cope with this new competition tells me that the majority's battle against rate-setting agreements is won. Clearly that is so in U.S.-Europe markets and it is increasingly so in U.S.-Asia markets with the new liberal rate articles agreed upon with several major and strategic countries. IATA may still seem to be strong in South America but that merely reflects government policy there. But the majority's battle is not won in South America by destroying IATA: it is won by negotiating more favorable bilateral agreements as we have consistently been doing throughout the world in the last year os so. Considering the adamant stance of the South American countries at Bogota, it would appear to me that a more competitive environment could be better achieved by firm but friendly persuasion than by denouncing IATA over their strong objections.

Thus why ruin everyone's Fall arguing about IATA? Why drag the professors from the shady groves of academe to the bloody CAB arena? Why upset all the foreign governments and their carriers over an issue that cannot survive more than a year or two. It is a dying issue. There is no hope for survival. Let us forget about it and, as a headache, it will pass away.

If some do not see IATA's future influence on U.S. rates and fares as waning or if there is a hesitation that IATA might rise again phoenix-like from the ashes, I say we should rely on our historic pattern of intervening in and disapproving any IATA agreement we do not like and then, when we are gone, leave the matter to the Department of Justice. Implementation of our other more important policies of competitive licensing in international markets, our innovative new bilateral rate approaches will be jeopardized if we continue to infuriate foreign governments by pressing for the guillotine for IATA. With an ineffective IATA rate influence at present, we should be devoting our efforts to implementing more important Administration policy goals. (My agreement to every facet of those goals, or not, is irrelevant to my argument. I am saying that fighting about IATA is no longer worth the candle and, in fact, is a retard on our achievement of more important Administration policies.) We diminish our chances for success on our licensing/rate goals if we poison our approaches to foreign governments with the IATA issue.

* * * * *

I would grant IATA's modest request for brief delays in the procedures for processing this case for the reasons it cites.

Richard J. O'Melia.

Appendix A

Secor D. Browne, Secor D. Browne & Associates, Inc., Suite 602, 1200 18th Street, NW., Washington, D.C. 20036.
Dr. Richard E. Caves, 24 Agassiz Street, Cambridge, MA, 02140.
Professor Alan C. Day, Department of Economics, London School of Economics, Houghton Street, London WC2, England.
R. Tenney Johnson, Esq., Sullivan & Beauregard, Suite 925, South Building, 1800 M Street, NW., Washington, D.C. 20036.
Professor Thomas E. Kauper, University of Michigan Law School, Ann Arbor, MI 48104.
Sir Frederick Laker, c/o Laker Airways, Gatwick Airport, Horley, Surrey, England.
Dr. James C. Miller III, American Enterpirse Institute, Suite 701, 1150 17th Street, NW., Washington, D.C. 20036.
ACAP, Box 19029, Washington, D.C. 20036.
Air New Zealand, 510 West 6th Street, Suite 1000, Los Angeles, CA 90014.
James R. Atwood, Deputy Assistant Secretary for Transportation Affairs, Department of State, Washington, D.C. 20520.
Edwin O. Bailey, Esq., Kirkland & Ellis, 1776 K Street, NW., Washington D.C. 20006.
Leonard N. Bebchick, Esq., Martin, Whitfield, Smith & Bebchick 1701 Pennsylvania Avenue, NW., Washington D.C. 20006.
Robert M. Beckman, Esq., 1001 Connecticut Avenue, NW., Suite 235, Washingtion, D.C. 20036.
Paul Bessel, Esq., Director, Aviation Affairs, American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, NY 10022.
Mr. Oscar Bosshart, Swissair Transport Company, Ltd., (Swissair), Hanger 15, J. F. K. International Airport, New York, NY 11430.
Mr. J. Dan Brock, Vice President—International, National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, FL 33159.

Appendix B

Mr. W. R. Brown, Director, Agency & Industry Relations World Wide Travel Department, American Automobile Association, Inc., 8111 Gatehouse Road, Falls Church, VA 22047.
Mr. Secor Browne, Secor D. Browne & Associates, Inc., Suite 602, 1200 18th Street, NW., Washington, D.C. 20036.
Mr. William M. Caldwell, Vice President, Marketing, The Flying Tiger Line, Inc., 7401 World Way West, International Airport, Los Angeles, CA 90009.
G. Nathan Calkins, Esq., Galland, Kharasch, Calkins & Short, 1054 Thirty-First Street, NW., Washington, D.C. 20007.
Dr. Richard E. Caves, 24 Agassiz Street, Cambridge, MA 02140.
Mr. C. S. Cervantes, Philippine Airlines, Inc., Legal Officer/Personnel Director 212 Stockton Street, San Francisco, CA 94108.
Mr. George Chan, Singapore Airlines, Ltd., Regional Director, The Americas, 510 West 6th Street, Suite 406, Los Angeles, CA 90014.

William C. Clark, Esq., Barrett, Smith, Shapiro, Simon and Armstrong, 26 Broadway, New York, NY 10004.
Mr. Terence Colli, Canadian Embassy, 1746 Massachusetts Avenue, NW, Washington, DC 20036.
Mr. Raymond Cope, International Air Transport Association, 26 Chemin de Joinville, P.O. Box 160, 1216 Cointrin, Geneva, Switzerland.
Alan A. D'Ambrosio, Esq., Herzfeld & Rubin, P.C., 40 Wall Street, New York, NY 10005.
Professor Alan C. Day, Department of Economics, London School of Economics, Houghton Street, London WC2, England.
Alfred J. Eichenlaub, Esq., Ginsburg, Feldman and Bress, 1700 Pennsylvania Avenue, NW, Washington, DC 20006
L. John Eichner, Esq., Simat, Helliesen and Eichner, 708 Third Avenue, New York, NY 10017.
Dr. B. Espenkoetter, Lufthansa German Airlines, Administrative Manager for North & Central America, 1640 Hempstead Turnpike, East Meadow, L.I., NY 11554.
Fritz Freiburghaus, Director, FIATA Airfreight Institute, P.O. Box 177, CH–8026, Zurich, Switzerland.
Mr. Otto Gersbach, Managing Director, Balair AG, Airport Basel-Mulhouse, P.O. Box 173, 4002 Basel, Switzerland.
Albert F. Grisard, Esq., 1014 Washington Building, 1435 G Street, NW, Washington, DC 20005.
Louis P. Haffer, Esq., Happer and Alterman, 1730 Rhode Island Avenue, NW, Washington, DC 20036.
Mr. Knut Hammerskjold, International Air Transport Assoc., 26 Chemin de Joinville, P.O. Box 160, 1216 Cointrin, Geneva, Switzerland.
Mr. Roland J. Hawkins, Vice President and General Manager, North and Central American Division, Air France, 1350 Avenue of the Americas, New York, NY 10019.
Joseph H. Hermosillo, Trial Attorney, Office of Assistant General Counsel for Litigation, Department of Transportation, Washington, DC 20590 (2).
Jerome F. Huisentruit, Esq., Assistant General Counsel, Air Transport Association of America, 1709 New York Avenue, NW, Washington, DC 20006.
Mr. Kiichi Ito, Agent, Japan Air Lines Company, Ltd., 655 Fifth Avenue, New York, NY 10022.
Paul C. Jasinski, Esq., Trans World Airlines, Inc., 605 Third Avenue, New York, NY 10016.
R. Tenney Johnson, Esq., Sullivan & Beauregard, Suite 925, South Building, 1800 M Street, NW, Washington, DC 20028.
Mr. Dieter W. Kappacher, Condor Flugdienst GmbH, General Sales Manager, 701 Lee Street, Suite 550, Des Plaines, IL 60016.
Professor Thomas E. Kauper, University of Michigan Law School, Ann Arbor MI 48104.
Mr. A. J. P. Kusters, President and General Manager, Caraibische Lucht Transport Maatschappij NV, P.O. Box 286, Curacao, Netherlands Antilles.
Sir Frederick Laker, c/o Laker Airways, Gatwick Airport, Horley, Surrey, England.
Mr. Geoffrey Lipman, International Air Transport Association, 26 Chemin de Joinville, P.O. Box 160, 1216 Cointrin, Geneva, Switzerland.
David B. Lytle, Esq., Hogan & Hartson, 815 Connecticut Avenue, NW, Washington, DC 20036.
Mr. Peter F. Mahta, Regional Director, USA & Canada, Air India, 345 Park Avenue, New York, NY 10022.
Bruce McDonald, Esq., Kirkland and Ellis, 1776 K Street, NW, Washington, DC 20006.
Robert N. Meiser, Esq., 1300 Connecticut Avenue, NW, Suite 307, Washington, DC 20036.
Allan I. Mendelsohn, Esq., Glassie, Pewett, Beebe & Shanks, 1737 H Street, NW, Washington, DC 20006.
Dr. James C. Miller III, American Enterprise Institute, Suite 701, 1150 17th Street, NW, Washington, DC 20036.
Mr. Brian Molnar, Agent, International Jet Air, Ltd., Calgary International Airport, P.O. Box 3180, Stn. B. Calgary, Alberta, Canada.
William A. Nelson, Esq., Ballard, Beasley and Nelson, 505 Commerce Building, 1700 K Street, NW, Washington, DC 20006.
Mr. Oisin O'Siochrn, Planning and Marketing Manager, Aer Lingus, 122 East 42nd Street, New York, NY 10017.
Robert D. Papkin, Esq., Squire, Sanders and Dempsey, 21 Dupont Circle, NW, Washington, DC 20036 (7).
Frederick V. Perry, Manager of Legal Affairs, International Division, AEROMEXICO, 8400 NW, 52nd Street, Suite 100, Miami, FL 33166.
Mr. S. A. Porter, Agent for Service, Olympic Airways, 1000 Connecticut Avenue, NW, Suite 403, Washington, DC 20036.
Mr. G. N. Pratt, Solicitor, Law Branch, Air Canada, 1 Place Ville-Marie, Montreal, P.Q., Canada H3B 3P7.
Bert W. Rein, Esq., Kirkland & Ellis, 1776 K Street, NW, Washington, DC 20006.
Mrs. Collette Rivoal, Air France, 1 Square Max Hymans, 75741 Paris CEDEX 15, France.
Jerry W. Ryan, Esq., 1100 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036.
Mr. Reynold J. Schwab, Swissair Transport Company, Ltd., (Swissair), General Manager, 608 Fifth Avenue, New York, NY 10020.
John W. Simpson, Esq., Koteen & Burt, 1150 Connecticut Avenue, NW, Washington, DC 20036.
Marshall S. Sinick, Esq., Fisher, Gelband & Sinick, P.C., 2020 K Street, NW, Suite 440, Washington, DC 20006.
Mr. Vladimir Slivitsky, Director, Government & Industry Affairs, Air Canada, One Plaza Ville-Marie, Montreal, P.Q., Canada H3B 3P7.
Mr. Ira B. Sperry, Manager, Government Affairs, Alitalia Airlines, 1001 Connecticut Avenue, NW, Washington, DC 20036.
V. Michael Straus, Esq., 1001 Connecticut Ave., NW, Suite 401, Washington, DC 20036.
Mr. Michael A. Styles, International Air Transport Assoc., 1019 19th Street, NW, Penthouse No. 1, Washington, DC 20036.
Mr. George Turner, Vice President, Regulatory Proceedings, Continental Airlines, 7300 Worldway West, Los Angeles, CA 90009.
John M. Vittone, Esq., Antitrust Division, U.S. Department of Justice, Washington, DC 20530.
Mr. Thomas J. Whalen, Agent, Quantas Airways, Limited, Condon & Forsyth, 1001 Connecticut Avenus, NW, Washington, DC 20036.

[FR Doc. 79–25809 Filed 8–20–79; 8:45 am]
BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; 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 Alaska Advisory Committee (SAC) of the Commission will convene at 3:00 pm and will end at 6:00 pm, on August 7, 1979, at the United Bank Alaska, 645 G Street, Anchorage, Alaska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is for program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 16, 1979.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 79–25846 Filed 8–20–79; 8:45 am]
BILLING CODE 6335–01–M

Idaho 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 Idaho Advisory Committee (SAC) of the Commission will convene at 10:00 am and will end at 4:00 pm, on September 8, 1979, at 850 Lindsay Boulevard, Idaho Falls, Idaho 83401.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is for a community forum to hear civil rights concerns of Eastern Idaho area, with special emphasis on Administration of Justice.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., August 16, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-25845 Filed 8-20-79; 8:45 am]

BILLING CODE 6335-01-M

West Virginia 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 factfinding meeting of the West Virginia Advisory Committee (SAC) of the Commission will convene at 1:00 pm and will end at 5:00 pm, on September 6, 1979, at the State Board Conference Room; West Virginia Department of Education, Building 6, 1900 Washington Street, East, Charleston, West Virginia 25305.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss various national, state, and local civil rights issues as they affect West Virginia or its local jurisdictions. The primary topic is education, and the meeting is to begin with a session with Dr. Roy Truby, new State Superintendent.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., August 16, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-25847 Filed 8-20-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Thursday, September 6, 1979, at 10:00 a.m. in Room B841, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1979, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production of technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tools, including technical data or other information related thereto, and (D) exports to the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has six parts:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Continued discussion of accuracy parameters for numerically controlled machine tools.

(4) Discussion of foreign availability of numerically controlled machine tools and numerically controlled machine tool technology.

(5) New business.

Executive Session

(6) Discussion of matters properly classified under Executive Order 11652 and 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any Subcommittees thereof, was published in the **Federal Register** on October 25, 1978 (43 FR 49828).

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: August 16, 1979.

Robin B. Schwartzman,

Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-25872 Filed 8-20-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council's Groundfish Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Groundfish Advisory Subpanel (AP) which will meet to discuss the draft Groundfish Fishery Management Plan.

DATES: The meeting will convene at 1 p.m. on Wednesday, September 12, 1979; 8 a.m. on Thursday, September 13, 1979; adjourning at 5 p.m. on both days. The meeting is open to the public.

ADDRESS: The meeting will take place at the Oregon Department of Fish and Wildlife Office, 6th and Mill Street, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 SW. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: August 15, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79–25789 Filed 8–20–79; 8:45 am]

BILLING CODE 3510–22–M

Office of the Secretary

[Dept. Organization Order 40–1, Amdt. 4]

Industry and Trade Administration; Statement of Organization, Functions, and Delegation of Authority

This order effective August 7, 1979 further amends the materials appearing at 42 FR 64724 of December 28, 1977, 43 FR 35533 of August 10, 1978 43 FR 38614 of August 29, 1978 and 44 FR 24618 of April 26, 1979.

Department Organization Order 40–1, dated December 4, 1977 is hereby further amended as shown below. The purpose of this amendment is to transfer the Office of International Commercial Representation from the Deputy Assistant Secretary for Administration and Legislative Policy to the Bureau of Export Development.

1. In section 5. "Bureau of Export Development," paragraph .05 is added to read as follows:

".05 The *Office of International Commercial Representation* shall serve as the Department of Commerce representative to the Department of State and other Government agencies on matters relating to the management of Foreign Service programs and resources outside of the United States; develop, coordinate, and present Departmental views on the allocation of economic/commercial (E/C) resources abroad and the assignment of individual E/C officers, as these actions relate to Commerce programs and needs of U.S. business; and insure that all elements of the Department are informed of, and monitor compliance with, requirements, policies, interagency agreements, and programs relating to overseas E/C representation."

2. Amendment 2 dated August 9, 1978, which established the Office of International Commercial Representation under the Deputy Assistant Secretary for Administrative and Legislative Policy, is hereby superseded by this amendment.

3. The organization chart attached to this amendment supersedes the organization chart dated April 8, 1979. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Effective date: August 7, 1979.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 79–25829 Filed 8–20–79; 8:45 am]

BILLING CODE 3510–17–M

[Dept. Organization Order 25–5A]

National Oceanic and Atmospheric Administration; Statement of Organization, Functions, and Delegation of Authority

This order effective July 12, 1979 supersedes the materials appearing at 42 FR 35672 of July 11, 1977, 43 FR 6127 February 13, 1978, 43 FR 6128 February 13, 1978, 43 FR 21497 May 18, 1978, 43 FR 27224 June 23, 1978, 43 FR 57939 December 11, 1978 & 44 FR 12230 March 6, 1979.

Section 1. Purpose.

.01 This Order delegates authority to the Administrator of the National Oceanic and Atmospheric Administration ("NOAA") and prescribes the functions of NOAA.

.02 This revision: (1) Incorporates outstanding amendments; (2) brings the delegation of authority of the Administrator, NOAA, into conformance with the new Federal Grant and Cooperative Agreement Act of 1977 (subparagraph 3.01i); (3) delegates to the Administrator, NOAA, the Secretary's authority under Section 303(b)(3) of Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Subparagraph 3.01jj.); (4) delegates to the Administrator, NOAA, the Secretary's authority under the Antarctic Conservation Act of 1978 and the Fish and Wildlife Improvement Act of 1978 (subparagraphs 3.01kk, and 3.01ll.); (5) delegates to the Administrator, NOAA, the Secretary's authority under the Endangered Species Act Amendments of 1978 (subparagraph 3.01x); and (6) generally updates the language of the Order.

Section 2. Status and Line of Authority.

.01 NOAA, established by Reorganization Plan No. 4 of 1970, effective October 3, 1970, is continued as an operating unit of the Department of Commerce.

.02 As provided by Reorganization Plan No. 4 of 1970:

a. The Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall be the head of NOAA.

b. The Deputy Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

c. The Associate Administrator of NOAA, who is appointed by the president by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator.

.03 The Administrator shall report and be responsible to the Secretary of Commerce.

Section 3. Delegation of Authority.

.01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970, Executive Order 11564 of October 6, 1970, and otherwise by law, the Administrator is hereby delegated authority to perform the following functions vested in the Secretary of Commerce; provided, however, that the Secretary reserves the authority to provide general policy guidance to the Administrator and, from time to time in the Secretary's discretion, either on the Secretary's own initiative or at the request of the Administrator, to consult with the Administrator to the extent permitted by law concerning the functions delegated by this section:

a. The functions in Title 15, Chapter 9, and in Title 49, Sections 1351 and 1463, of the U. S. Code, which relate to the provision of weather services.

b. The functions relating to weather in Title 49, Chapter 15 of the U. S. Code, which pertain to international aviation facilities.

c. The functions in 15 U.S.C. 272(f)(12), which relate to the transmission of radio waves, as applicable to the functions assigned herein.

d. The functions in Title 33, Chapter 17, U. S. Code, which pertain to commissioned officers, surveys and related matters.

e. The functions of Sections 901 (3)(a) and (b), 905 and 906 of Executive Order 11490, as amended, and the functions of Executive Order 10480, as amended. These relate to emergency

preparedness, provision of weather, geodetic, hydrographic, and oceanographic data in consonance with civil defense programs, and developing overall plans and programs for the fishing industry's continued production during an emergency.

f. The functions in Sections 3 and 4 of the Office of Management and Budget Circular No. A–62 of November 13, 1963, which pertain to the coordination of Federal meteorological services and supporting research.

g. The functions in Sections 3b. and 4 of the Office of Management and Budget Circular No. A–16 of May 6, 1967, which pertain to the establishment and maintenance of the National Networks of Geodetic Control, and to the Development and execution of a coordinated national program of geodetic surveys.

h. The functions in the President's memorandum of July 5, 1968, issued in accord with Senate concurrent resolution 67 of May 29, 1968, furthering participation in and support of the World Weather Program by the United States. The plan to be developed annually for submission by the President to Congress on the proposed participation by Federal agencies shall be prepared for transmittal to the President by the Secretary.

i. The functions in the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224), with regard to making grants and cooperative agreements, as they pertain to the authority delegated in this section.

j. The functions authorized to be performed by the Department of Commerce in accordance with Chapter 19B of Title 42, United States Code, relating to water resources planning.

k. The functions transferred to the Secretary of Commerce in Section 1 of the Reorganization Plan No. 4 of 1970. The functions are:

"(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau of Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

"(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Pub. L. 86–359, 73 Stat. 642, 16 U.S.C. 760e–760g; relating to migratory marine species of game fish).

"(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administeed through the Marine Minerals Technology Center of the Bureau of Mines.

"(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 99), as amended (33 U.S.C. 1121 *et seq.).*

"(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Pub. L. 91–144, 83 Stat. 326, under the heading 'Operation and maintenance, general' with respect to 'surveys and charting of northern and northwestern lakes and connecting waters,' or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, adn the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, adn the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

"(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deenmed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions."

l. The functions in Title 37 of the U.S. Code with respect to pay and allowances for the Commissioned Officer corps of NOAA established by Section 4(d) of Reorganization Plan No. 4 of 1970.

m. The functions in Title 10 of the U.S. Code made applicable to commissioned officers of NOAA by 33 U.S.C. 857a.

n. The functions in following sections of Executive Order 11023: Sections 1 (a) through 1 (j) and 1 (1); Section 2(1); Section 3; Section 5; and Section 6. These relate to the appointment, promotion, retirement, separation, and resignation of commissioned officers of NOAA, and to the employment of public vessels.

o. The functions in Title II of the National Housing Act, as amended (12 U.S.C. 1715m), which pertain to mortgage insurance for commissioned officers to aid in the construction or purchase of homes.

p. The functions in 7 U.S.C. 450b and 2220, which relate to coperation with outside sources and disposition of funds received.

q. The functions relating to the operation of (1) the National Oceanographic Instrumentation Center, (2) the National Oceanographic Data Center, and (3) the National Data Buoy Development Project, whose programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

r. The functions relating to (1) upper air observations taken on board ocean station vessels and at specific Pacific Trust Territories, and (2) hydroclimatic observations taken at stations located along U.S. rivers and the Great Lakes, which programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

s. The functions in Section 607 of the Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (46 U.S.C. 1177), which relate to capital construction funds for those owning or leasing vessels which are operated in the fisheries of the United States, including, but not limited to, the adoption of regulations, and the preparation and signing of all necessary forms or agreements.

t. The functions prescribed in 15 U.S.C. 33d *et seq.,* which pertain to collection, maintenance and dissemination of information concerning weather modification activities.

u. The functions in 46 U.S.C. 749 (relating to the arbitration, compromise or settlement of maritime claims) with regard to any claim in the amount of $5,000 or less involving a vessel operated by the Administration.

v. The functions prescribed by the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.).*

w. The functions prescribed in the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 *et seq.)*, including those prescribed in Pub. L. 94–370, subject to the following exceptions and limitations whereby the Secretary reserves the authority to:

1. Carry out the mediation functions under section 307(h) of the Act and to make the findings under subsections 307(c)(3) and 307(d) of the Act; and

2. Approve initial regulations for the implementation of the coastal energy impact program contained in section 308 of the Act.

x. The functions prescribed by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.)*.

y. The functions prescribed by the Offshore Shrimp Fisheries Act of 1973, (16 U.S.C. 1100b *et seq.)*.

z. The functions prescribed by the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.* and 16 U.S.C. 1431 *et seq.)*.

aa. The functions in Paragraphs 4 and 5, Office of Telecommunications Policy Circular No. 12 of October 12, 1973, which pertains to the coordination of Federal planning programs for environmental telecommunications systems and services.

bb. The functions assigned to the Secretary of Commerce by the Atlantic Tuna Convention Act of 1975, Pub. L. 94–70.

cc. The functions relating to section 202 of the Disaster Relief Act of 1974 (42 U.S.C. 5132) specified in the delegation of authority from the Secretary of Housing and Urban Development (40 FR 42769), effective September 16, 1975, which pertains to disaster warnings for meteorological catastrophes.

dd. The functions prescribed in the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 *et seq.* and other miscellaneous provisions), subject to the following exceptions and limitations.

1. The Secretary reserves the authority to:

(a) Submit the annual reports to the Congress and the President under subsection 305(f) of the Act;

(b) Make final findings and notifications under subsection 306(b) of the Act;

(c) To issue, in particular instances, preliminary fishery management plans and implementing regulations under subsection 201(g) of the Act in each instance where the Secretary specifically determines such action is appropriate; and

(d) In particular instances to approve, disapprove, partially disapprove, or issue a fishery management plan or amendment and implementing regulations under sections 304 and 305 of the Act in each instance where the Secretary specifically determines that such action is appropriate.

2. To assure a full opportunity to the Secretary to exercise the authority which is reserved to the Secretary, the Administrator shall advise the Secretary before any final action is taken with respect to the following functions:

(a) The appointment of members of the Regional Fishery Management Councils under subparagraph 302(b)(1)(C) of the Act;

(b) The establishment of guidelines to assist in the development of fishery management plans under subsection 301(b) of the Act;

(c) The prescribing of uniform standards for each Regional Fishery Management Council under paragraph 302(f)(6) of the Act; and

(d) The taking of emergency actions under subsection 305(e) of the Act.

3. The Administrator shall not redelegate beyond an Assistant Administrator any of the final actions to be taken under those provisions of the Act set forth in subparagraphs 3.01dd.2(a) through (d) of this Order, or the establishment of schedules of fees under paragraph 204(b)(10) of the Act.

ee. The functions prescribed in the National Weather Modification Policy Act of 1976, Pub. L. 94–490, except that the Secretary reserves the authority to submit the final report to the President and the Congress under Section 5(a) of the Act.

ff. The functions prescribed by the Central, Western, and Southern Pacific Fisheries Development Act (16 U.S.C. 758e through 758e–5).

gg. The functions prescribed by the Whale Conservation and Protection Study Act (16 U.S.C. 917 through 917d).

hh. The functions prescribed by the Fisherman's Protective Act of 1967, as amended (22 U.S.C. 1977 *et. seq.)*.

ii. The functions prescribed by the National Climate Program Act (Pub. L. 95–367, September 17, 1978): *Provided, however,* That the Secretary reserves the authority to:

1. Submit 5-year plans to the Congress under section 5(d)(9) of the Act;

2. Establish the Advisory Committee under 5(e) of the Act; and

3. Submit the annual report to the President and the authorizing committees of the Congress under section 7 of the Act.

jj. The following functions prescribed by the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95–372, September 18, 1978):

1. The conduct of environmental studies and monitoring of the Outer Continental Shelf for the Secretary of the Interior as authorized by Section 20 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1346).

2. The conduct of studies of underwater diving techniques and equipment suitable for protection of human safety and improvement of diver performance as authorized by Section 21(e) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1347(e)).

3. Title IV of Pub. L. 95–372, pertaining to the Fishermen's Contingency Fund, except that the Secretary reserves the authority to submit the annual report to Congress required by section 406 (43 U.S.C. 1846).

4. Responsibilities related to assertion of claims against the Offshore Oil Pollution Compensation Fund for injury to or damage of natural resources and to expenditure of sums recovered for the restoration, rehabilitation or acquisition of equivalent natural resources as authorized by Section 303(b)(3) of Pub. L. 95–372 and delegated to the Secretary of Commerce by Executive Order 12123 of February 26, 1979.

kk. The functions assigned to the Secretary of Commerce by the Antarctic Conservation Act of 1978 (Pub. L. 95–541).

ll. The functions assigned to the Secretary of Commerce by the Fish and Wildlife Improvement Act of 1978 (Pub. L. 95–616).

.02 The Administrator may exercise other authorities of the Secretary as applicable to performing the functions assigned in this Order.

.03 The Administrator may delegate the Administrator's authority to any employee of NOAA subject to such conditions in the exercise of such authority as the Administrator may prescribe or as may be prescribed in this Order.

Section 4. Functions.

To insure the safety and welfare of the public, and to further the Nation's interests and activities with respect to the protection of public health against environmental pollution, the protection and management of the Nation's biological, mineral and water resources, the maintenance of environmental quality, agriculture, fisheries, industry, transportation, communications, space exploration, national defense and the preservation of the Nation's wilderness and recreation areas, NOAA shall perform the following functions:

a. Observe, collect, communicate, analyze, process, provide and

disseminate comprehensive data and information about the state of the upper and lower atmosphere, of the oceans and the resources thereof including those in the seabed, of marine and anadromous fish and related biological resources, of inland waters, of the earth, the sun and the space environment;

b. Prepare and disseminate predictions of the future state of the environment and issue warnings of all severe hazards and extreme conditions of nature to all who may be affected;

c. Provide maps and charts of the oceans and inland waters for navigation, geophysical and other purposes, aeronautical charts, and related publications and services;

d. Operate and maintain a system for the storage, retrieval and dissemination of data relating to the state and resources of the oceans and inland waters including the seabed, and the state of the upper and lower atmosphere, of the earth, the sun and the space environment;

e. Explore the feasibility of, develop the basis for, and undertake the modification and control of environmental phenomena;

f. Coordinate efforts pertinent to Federal agencies in support of national and international programs as may be assigned from time to time, such as Federal meteorological services and supporting research, World Weather Program, National Networks of Geodetic Control, Integrated Global Ocean Station System, and Marine Environmental Prediction, Mapping and Charting;

g. Administer a program of sea grant colleges and education, training and research in the fields of marine science, engineering and related disciplines as provided in the Sea Grant College and Program Act of 1966, as amended;

h. Perform basic and applied research and develop technology relating to the state and utilization of resources of the oceans and inland waters including the seabed, the upper and lower atmosphere, the earth, the sun and the space environment, as may be necessary or desirable to develop an understanding of the processes and phenomena involved;

i. Perform research and develop technology relating to the observation, communication, processing, correlation, analysis, dissemination, storage, retrieval, and use of environmental data as may be necessary or desirable to permit NOAA to discharge its responsibilities;

j. Acquire, analyze and disseminate data and perform basic and applied research on electromagnetic waves, as relate to or are useful in performing other functions assigned herein; prepare and issue predictions of atmospheric, ionospheric and solar conditions, and warnings of disturbances thereof; and acquire, analyze and disseminate data and perform basic and applied research on the propagation of sound waves, and on interactions between sound waves and other phenomena;

k. Administer a program for the protection, management and conservation of marine mammals and endangered marine species; provide for the administration of the Pribilof Islands; assist the native inhabitants of those islands; and manage the fur seal herds of the North Pacific Ocean;

l. Perform economic studies, education and other services related to management and utilization of marine and anadromous fisheries, administer grant-in-aid, fishery products inspection, financial and technical assistance, and other programs to conserve and develop fisheries resources and to foster and maintain a viable climate for industry to produce efficiently under competitive conditions;

m. Develop and implement policies on international fisheries including the negotiation and implementation of agreements, conventions and treaties in that area; and enforce provisions of international treaties and agreements on fishing activities of United States nationals and perform surveillance of foreign fishing activities;

n. Participate in technical assistance programs for fishery development projects in foreign countries;

o. Develop technology and carry out scientific and engineering data collection and analysis and other functions to assess, monitor, harvest, and utilize marine and anadromous fishery resources and their products;

p. As a Departmentwide responsibility, coordinate the requirements for and the management and use of radio frequencies by all organizations of Commerce;

q. Administer a national management program to preserve, protect, develop, and where possible restore or enhance the land and water resources of the coastal zones, including grants, loans, and loan guarantees to the States and interagency coordination and cooperation, as provided by the Coastal Zone Management Act of 1972, as amended; and

r. Administer a marine sanctuaries program to preserve or restore such areas for their conservation, recreational, ecological, or esthetic values.

Effective date: July 12, 1979.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 79-25828 Filed 8-20-79; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Revocation Notice]

U.S. Fire Administration; Statement of Organization, Functions, and Delegation of Authority

This order effective August 6, 1979 supersedes the material appearing at 40 FR 25702 of June 18, 1975, 44 FR 12230 of March 6, 1979 and 44 FR 15523 of March 14, 1979.

Department Organization Orders 25–6A, dated April 28, 1975 as amended and 25–6B, dated February 6, 1979 are hereby revoked.

Explanation

In accordance with Reorganization Plan No. 3 of 1978, the functions, personnel, funds, property, and records of the United States Fire Administration have been transferred from the Department of Commerce to the Federal Emergency Management Agency effective April 1, 1979.

Effective date: August 6, 1979.

Guy W. Chamberlin, Jr.,

Acting Assistance Secretary for Administration.

[FR Doc. 79-25827 Filed 8-20-79; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Cancelling Import Restraint Level on Certain Man-Made Fiber Textile Products from the Dominican Republic

August 16, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Cancelling the import restraint level established on man-made fiber brassieres in Category 649, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on December 1, 1978.

(A detailed description of the textile categories interms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843))

SUMMARY: On August 7 and 8, 1979, the Governments of the United States and the Dominican Republic exchanged notes establishing a new Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement for the four-year period beginning on June 1, 1979 and extending through May 31, 1983. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the directive of March 12, 1979, as amended, which limited imports of man-made fiber textile products during the twelve-month period which began on December 1, 1978.

EFFECTIVE DATE: August 16, 1979.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements, *August 16, 1979.*

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive cancels and supersedes the directive issued to you on March 12, 1979, as amended, by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption or withdrawal from warehouse for consumption of man-made fiber textile products in Category 649, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on December 1, 1978.

The actions taken with respect to the Government of Dominican Republic and with respect to imports of textile products from Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs which are necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79–25832 Filed 8–20–79; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 2, 1979; Tuesday, October 9, 1979; Tuesday, October 16, 1979; Tuesday, October 23, 1979; and Tuesday, October 30, 1979 at 10:00 a.m. in Room 3D–325, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committe will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

August 16, 1979.

[FR Doc. 79–25848 Filed 8–20–79; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Public Notice of Proposed Floodplain Action

Bonneville Power Administration (BPA) is proposing the reconductoring of 33 miles (53 km) of 115-kV transmission line to higher capacity. For a total of approximately 10 miles (16km) between Colville and Spirit Substations in northeast Washington State, this action would be located in the floodplains of Mill Creek and the South Fork of Deep Creek. Minimal impacts to the floodplains are anticipated because existing access roads and right-of-way would be utilized. Existing facilities would also be used, with the exception of one new lattice steel tower to allow spanning a frequently flooded area. The only alternative that would completely avoid floodplains is no action, which would lead to impending overload conditions. All other location alternatives would require establishing a new transmission corridor and would result in greater environmental impacts. The proposed action conforms to applicable State and local floodplain protection standards. An environmental assessment including effects of the proposed action on the floodplains has been prepared.

Comments or requests for the environmental assessment may be directed to the Environmental Manager's Office, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208, telephone 503–234–3361, extension 4721. The public comment period will close September 21, 1979.

Dated at Portland, Oregon, this 13 day of August, 1979.

Ray Foleen,

Deputy Administrator.

[FR Doc. 79–25830 Filed 8–20–79; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Advisory Committee on Revision of Rules of Practice and Procedure; Meeting

August 15, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Advisory Committee on Revision of Rules of Practice and Procedure will meet Friday, September 7, 1979 from 10 a.m. to 3 p.m., at the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Hearing Room A, Washington, D.C.

The purpose of the meeting is to discuss the recommendations of the Subcommittee on *Ex Parte* and Separation of Functions.

The meeting is open to the public. A transcript of the meeting will be available for public review and copying at FERC's Division of Public Information, Room 1000, 825 North Capitol Street NE., between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday except Federal holidays. In addition, any person may purchase a copy of the transcript from the reporter.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–25862 Filed 8–20–79; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1301.5]

Update of Power Plants Potentially Subject to Section 120 Noncompliance Penalties; Availability; Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Correction notice to FRL 1288–4 published in the Federal Register, Vol. 44, No. 151, Friday, August 3, 1979, pages 45752–45754, Notice of Availability of information updated in support of proposed rule for Section 120 noncompliance penalties.

SUMMARY: Several errors were made when the above-referenced notice of availability was published on August 3, 1979. The supplementary information and accompanying list of power plants was intended to be made available through docket number EN–79–1 rather then being published with the notice. The list published in the August 3 Federal Register was not the most up-to-date list. The following changes to that list should be made to conform it to the corrected copy, as contained in the official docket referenced above:

1. The Springfield W, L&P Lakeside station in Illinois should be shown as being in violation and on an unapproved schedule for visible emissions only.

2. The reference to Kansas City G&E Quindaro and Kaw River Plants should have been to the Kansas City Board of Public Utilities Quindaro and Kaw River plants.

3. The Cincinnati Gas and Electric Beckjord station name was misspelled.

4. The reference to Western Illinois Electric should have been to the Western Illinois Power Co-op.

5. All Commonwealth Edison and Western Illinois Power Co-op plants listed should have been under category #1, i.e.—"According to information available to the US EPA, the following sources are in final compliance with applicable SIP regulations. If such compliance is maintained, there will be no assessment of noncompliance penalties." (See EPA's Notice of Deficiency, 44 FR 40723, July 12, 1979)

FOR FURTHER INFORMATION CONTACT: Howard Wright, Chief, Compliance Analysis Section, Division of Stationary Source Enforcement, Environmental Protection Agency at (202) 755–0103.

Dated: August 16, 1979.

Edward E. Reich,

Director, Division of Stationary Source Enforcement (EN–341).

[FR Doc. 79–25858 Filed 8–20–79; 8:45 am]

BILLING CODE 6560–01–M

[OPP–00102; FRL 1301–4]

State-FIFRA Issues Research and Evaluation Group (SFIREG); Working Committee on Enforcement; Open Meeting

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of Open Meeting.

SUMMARY: There will be a two-day meeting of the Working Committee on Enforcement of the State FIFRA Issues Research and Evaluation Group (SFIREG) on Wednesday and Thursday, September 12 and 13, 1979, beginning each day at 8:00 a.m. and ending by noon on September 13th. The meeting will be held at the American West 6th Avenue Motor Hotel, 2000 6th Avenue, Seattle, Washington, Telephone: 206/682–8300, and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Mr. William Buffaloe, North Carolina Department of Agriculture, Raleigh, North Carolina, Telephone: 919/733–3556;

or

Mr. Anthony Dellavecchia, Pesticide and Toxic Enforcement Division (EN–342), EPA, 401 M Street SW., Washington, D.C. 20460, Telephone: 202/755–0914.

SUPPLEMENTARY INFORMATION: This is the third meeting of the Working Committee on Enforcement. The tentative agenda is as follows:

1. ULV Report, Advisory Opinion and future plans;

2. Development for Inspector Manuals of uniform recommendations on size of pesticide samples which should be taken for laboratory analysis;

3. Discussion of enforcement actions taken by EPA on cases submitted by the States under enforcement grants;

4. Sale of restricted use pesticides to uncertified applicators when the pesticide is to be applied by a certified applicator;

5. Regulation of pesticide drift; and

6. Warning statement enforcement procedures.

Dated: August 15, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79–25861 Filed 8–20–79; 8:45 am]

BILLING CODE 6560–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Policy on § 706 Designation of Personnel Boards, Merit Boards, and Civil Service Systems

SUPPLEMENTARY INFORMATION: On June 26 the Commission voted to grant to the Colorado Personnel Board (CPB) 706 designation. This action was taken only after exhaustive analysis of the issues involved by the Commissioners and their staffs with the assistance of the Office of the General Counsel, the Office of Field Services and the Office of Policy Implementation. It was determined that the requirements of law and the interest of charging parties mandated the designation. Similarly situated State and local personnel boards, merit boards or civil service systems will be treated similarly. Simultaneously with issuing notice of this action, the Commission has also today published new proposed regulations for the 706 designation process itself. Because the original proposal to grant 706 status to the CPB caused such concern, both within the Commission and among members of the public, we are issuing the following statement explaining the background and facts that have led to the 706 designation of the CPB.

On October 6, 1978 the Fifth Circuit Court of Appeals, pusuant to an en banc hearing, rendered an opinion in *White* v. *Dallas Independent School District,* 581 F.2d 556. The Court found that Section 706(c) of Title VII requires deferral whenever a state has a law prohibiting employment discrimination and has established an enforcement authority of any kind. The effect of the Court's reasoning, which appears to be shared by the Sixth and Ninth Circuits, *Mitchell* v. *Mid-Continent Spring Co.,* 466 F.2d 24 (6th Cir. 1972), *Cert. denied,* 410 U.S. 928 (1973); *Ferguson* v. *Kroger Co.,* 545 F.2d 1034 (6th Cir. 1976); *General Insurance Co.* v. *EEOC,* 491 F.2d 133 (9th Cir. 1974); *Crosslin* v. *Mountain States Telephone and Telegraph Co.,* 400 U.S. 1004 (1971), *vacating* 422. F.2d 1028 (9th Cir. 1970), is that 706 deferral status arises by operation of law and not by virtue of the Commission conferring such designation. The *White* case arose because the Commission had not deferred Ms. White's employment discrimination charge to the appropriate Texas County Attorney who had authority to process charges of discrimination pursuant to a Texas statute. When Ms. White sought to bring a federal suit on her Title VII claim, both the District Court and the Fifth Circuit Court *dismissed her action for want of jurisdiction due to the lack of deferral.* The Court of Appeals, in its en banc decision, re-affirmed the panel opinion that deferral was required, but reluctantly reinstated Ms. White's Title VII action.

The proposal to designate the Colorado Personnel Board (CPB) as a 706 agency caused considerable concern as to the *White* Court's reasoning and the extent of Commission discretion, if any, on the deferral question. Under the *White* reasoning, the Board is a 706 agency and the Commission must defer charges to it.

Numerous FEP Agencies and persons within the Commission expressed concern about adopting the *White* standard beyond the Fifth Circuit. At the recent conference in Philadelphia with representatives from almost all the 706 agencies, this question was a volatile issue. There was almost unanimous consent that *White* should not be applied outside the Fifth Circuit. There is belief that, with such a minimal standard, state and local governments will be encouraged to create token agencies or seek to withdraw jurisdiction from established agencies so as to weaken effective enforcement of FEP laws. It is for this reason that the proposal had been made not to designate personnel boards with FEP law enforcement authority as 706 agencies. There is belief that personnel boards are too self-interested to fairly and objectively apply the law.

There is also the fear that designation of any personnel boards will encourage state to remove jurisdiction over state employees from state human rights agencies and lodge that jurisdiction in some ineffective branch of the state government.

Nonetheless, upon analysis of the applicable case law and of Section 706(c) of Title VII, including the legislative history of that Section, the Commission was compelled to adopt the *White* standard and find that the CPB qualified for 706 designation. The Court in *White* set forth the standards which the Commission is required to apply in deferring charges to state and local authorities under Section 706(c):

> The statute on its face sets out three requirements. The practice alleged must violate the federal law, Title VII; it must also violate a state or local law prohibiting the practice alleged; the state must have set up some mechanism to deal with the violation. That last requirement is fulfilled if the state has either established a state or local authority or authorized an existing state or local authority that is empowered to do one of three things: to grant relief from the practice; to seek relief from the practice; or to institute criminal proceedings with respect to the practice. 42 U.S.C. 2000e–5; 581 F.2d at 558–59.

A comparison of this standard with the actual language of Section 706(c) demonstrates that the *White* Court did not invent its own criteria but merely paraphrased, point, for point, the elements of 706(c). The Court's reasoning, therefore, is parallel to the language of the statute.

The CPB qualifies as a 706 agency under the *White* standard, and, indeed, under a literal reading of the statute, but not by virtue of simply being a personnel board. The CPB is an existing state authority empowered to enforce a state FEP statue on behalf of state employees. The CPB has been found by the Colorado State Supreme Court to be the *only* agency through which government employees may seek redress of employment discrimination. This holding is based upon provisions of the State Constitution giving the Personnel Board *exclusive* jurisdiction over such matters. The Court found that the Colorado Civil Rights Commission did not have jurisdiction over state government employees. However, designation of the CPB does *not* mean the Commission will find any and all personnel boards to be qualified deferral agencies.

Whatever ill may flow from the designation of the CPB can be offset by two potent policies. The Commission has already established that 706 designation and funding are separate and distinct matters. While 706 designation has been considered the threshhold issue for funding eligibility, it is not determinative. Effective enforcement of FEP laws is the essential criterion. In this regard, the Commission has established as a matter of policy that personnel boards, merit boards, and civil service systems shall not be funded. Also a District Office may recommend at any time the policy whereby the Commission assumes actual processing of charges deferred to personnel boards, merit boards or civil service systems on the 61st (or 121st) day regardless of the board's action or interaction.

FOR FURTHER INFORMATION CONTACT:
Dorothy D. Howze, telephone 202–634–6040, Equal Employment Opportunity Commission (State and Local), 2401 E Street, N.W., Washington, D.C. 20506.

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

For the Commission:

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 79–25744 Filed 8–20–79; 8:45 am]

BILLING CODE 6570–06–M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 79–200, File No. BPH–9319; et al.]

Portland Communications Corp., et al.

Adopted: August 6, 1979.

Released: August 15, 1979.

In the matter of applications of Portland Communications Corporation, Portland, Oregon, Req: 103.3 MHz, #277, 100 kW, 877 feet (BC Docket No. 79–200, File No. BPH–9319); Gordon A. Rogers, Robert M. Schaefer, and John F. Wynne d.b.a. Columbia-Willamette Broadcasting Company, Beaverton, Oregon, Req: 103.3 MHz, #277, 100 kW, 940 feet (BC Docket No. 79–201, File No. BPH–9634); East-West FM Group, Inc., Portland, Oregon, Req: 103.3 MHz, #277, 100 kW, 897 feet (BC Docket No. 79–202, File No. BPH–9635); Leonard Kesselman, Laura Hopper, and Raymond Benton d.b.a. Gaviota Wireless Communications Company, Beaverton, Oregon, Req: 103.3 MHz, #277, 100 kW, 901 feet (BC Docket No. 79–203, File No. BPH–9681); for construction permits. Memorandum Opinion and Order

designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications, filed by Portland Communications Corporation (hereinafter "Portland"), Gordon A. Rogers, Robert M. Schaefer, and John F. Wynne d.b.a. Columbia-Willamette Broadcasting Company (hereinafter "Columbia-Willamette"), East-West FM Group, Inc. (hereinafter "East-West") and Leonard Kesselman, Laura Hopper, and Raymond Benton d.b.a. Gaviota Wireless Communications Company (hereinafter "Gaviota").

2. Analysis of the financial data submitted by Gaviota reveals that $62,249 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment (5 months rent plus last month prepaid)	$9,012
Building	500
Legal	30,000
Installation	1,000
Other	1,000
Operating Costs (3 months)	20,737
Total	62,249

Gaviota plans to finance the construction and operation of its proposed station with the proceeds of a loan of $67,000 from Jeremy D. Lansman. As the financial statement submitted for Mr. Lansman by Gaviota fails to segregate his assets and liabilities into short and long term categories, no determination can be made as to his ability to make such a loan to the applicant corporation. Therefore, a limited financial issue will be specified with respect to Gaviota.

3. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive with each other, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications, ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in the subsequent Order, upon the following issues:

1. To determine whether Jeremy D. Lansman has available the funds necessary to make the proposed $67,000 loan to Gaviota and, in light thereof, whether Gaviota is financially qualified.

2. To determine the areas and populations which would receive primary aural service (1 mV/m or greater) from Portland, Columbia-Willamette, East-West and Gaviota and the availability of other primary service to such areas and populations.

3. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That, to avail themselves of an opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's Rules, in person, or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-25776 Filed 8-20-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

U.S. Fire Administration

Sale of Real Property

The United States Fire Administration (USFA) is offering for sale the site of the former Marjorie Webster Junior College in northwest Washington, D.C. The site was purchased by the USFA in 1977 for use as the National Fire Academy; subsequently a larger facility was obtained to house the Academy.

The Administrator, USFA, is selling the property pursuant to Pub. L. 95-422, which authorizes the sale without regard to the provisons of the Federal Property and Administrative Services Act of 1949. The proceeds from the sale will be used to defray the renovation expense at the National Fire Academy, Emmitsburg, Maryland; therefore, only offers for value will be considered.

A bidder's information package is available from USFA. Requests should be directed to: Daniel P. Cosgrove, Assistant General Counsel for Fire, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 632-9685. The site may be previewed by appointment only.

The USFA reserves the right to accept or reject any or all bids, and to sell the site in its entirety or any portion thereof.

Bids, to be considered, should be received prior to November 1, 1979.

Dated: August 15, 1979.

Gordon Vickery,

Administrator, U.S. Fire Administration.

[FR Doc. 79-25885 Filed 8-20-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Mine Health Research Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Mine Health Research Advisory Committee.
Date: September 13, 1979.
Place: Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.
Time: 9 a.m.
Type of Meeting: Open: 9 a.m. to 4 p.m. on September 13. Closed: Remainder of meeting.

Contact Person: William A. Felsing, Jr., Interim Executive Secretary, 5600 Fishers Lane, Room 8–47, Rockville, Maryland 20857, Phone: 301–443–3443.

Purpose: The Committee is charged with advising the Secretary, Department of Health, Education, and Welfare, on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda: Agenda items for the open portion of the meeting will include announcements, consideration of future meeting dates, a discussion of the legislative background of the Federal Mine Safety and Health Amendments Act of 1977 (P.L. 95–164) and its implications for the National Institute for Occupational Safety and Health (NIOSH), the NIOSH mine research program including mine industry surveillance, coal workers' surveillance, health hazard evaluations, industry-wide studies of the mining industry, and mine health standards development. Discussions will also be held relative to the health issues related to development of new energy technology and discussion of mine health priorities. Beginning at 4 p.m., the Committee will be performing the final review of the mine research grant applications for Federal assistance, and this portion of the meeting will not be open to the public in accordance with the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Director, Center for Disease Control, pursuant to Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: August 15, 1979.

William H. Foege,

Director, Center for Disease Control.

[FR Doc. 79–25969 Filed 8–20–79; 8:45 am]

BILLING CODE 4110–87–M

Food and Drug Administration

[Docket No. 78N–0135]

John D. Copanos, Inc., et al.; Dihydrostreptomycin, Dihydrostreptomycin-Streptomycin Injectable Drugs for Animal Use; Withdrawal of Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document withdraws approval of new animal drug applications (NADA's) for certain dihydrostreptomycin, and dihydrostreptomycin-streptomycin injectable drugs for animal use. This action is being taken because the sponsors have not filed appearances in response to a notice of opportunity for hearing on a proposal to withdraw the applications.

EFFECTIVE DATE: August 31, 1979.

FOR FURTHER INFORMATION CONTACT: Donald Gable, Bureau of Veterinary Medicine (HFV–101), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 27, 1978 (43 FR 27894), the Food and Drug Administration issued a notice pertaining to dihydrostreptomycin, and dihydrostreptomycin-streptomycin injectable drugs for animal use. The notice stated that dihydrostreptomycin sulfate injectable is effective in the treatment of leptospirosis in dogs and horses due to *Leptospira canicola, L. icterohemorrhagiae* and *L. pomona;* in cattle due to *L. pomona* and in swine due to *L. pomona* and *L. grippotyphosa.* The notice also stated that dihydrostreptomycin injectable lacks substantial evidence of effectiveness for all other labeled indications and that there is no evidence to establish that the combination of dihydrostreptomycin-streptomycin injectable is effective for any indication. The notice permitted sponsors to submit supplements to their NADA's for revised labeling in accord with the effective uses and offered an opportunity for hearing to the sponsors for the indications lacking substantial evidence of effectiveness.

The following companies and products were identified as being subject to the notice:

NADA 65–120V, Dihydrostreptomycin Sulfate Injection; NADA 65–138V, Bi-Strept Solution (Dihydrostreptomycin-Streptomycin Sulfates Solution); NADA 65–231V, Dihydrostreptomycin for Injection. John D. Copanos, Inc., Baltimore, MD 21225.

NADA 65–013V, Dihydrostreptomycin Sulfate Injection; NAS–069, Dihydrostreptomycin Sulfate-Streptomycin Sulfate Solution Veterinary. Maurry Biological Co., Inc., Los Angeles, CA 90047.

NADA 65–097V, Twin Biotic Injectable (Dihydrostreptomycin Sulfate and Streptomycin Sulfate). Vineland Laboratories, Inc., Vineland, NJ 08360.

Maurry Biological Co., Inc., submitted revised labeling regarding NADA 65–013V which was approved and notice published in the **Federal Register** of February 9, 1979 (44 FR 8260).

John D. Copanos, Inc., submitted revised labeling regarding NADA 65–120V which was found to be incomplete; the agency has informed the sponsor of the deficiencies, This application will be subject to a future **Federal Register** publication.

The following sponsors did not submit revised labeling, file a timely written appearance, or request a hearing: John D. Copanos, Inc., regarding NADA 65–138V or NADA 65–231V; Maurry Biological Co., Inc., regarding NAS–069; or Vineland Laboratories, Inc., regarding NADA 65–097V.

Failure to file a written appearance or request for hearing within the 30-day period provided, as required by § 514.200 *Contents of notice of opportunity for a hearing* (21 CFR 514.200) is construed as an election by the sponsor not to avail itself of the opportunity for hearing and is grounds for entering a final order without further notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 65–138V, NADA 65–231V, NADA 65–097V, and NAS–069 and all supplements and amendments thereto is hereby withdrawn, effective August 31, 1979.

Dated: August 13, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79–25607 Filed 8–20–79; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 79N-0244]

National Patent Development Corp.; Premarket Approval of Hydron® (Polymacon) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Hydron®(polymacon) Hydrophilic Contact Lens sponsored by National Patent Development Corp., New Brunswick, NJ. After reviewing the Ophthalmology Device Classification Panel's recommendation, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by September 20, 1979.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may 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: Keith Lusted, Bureau of Medical Devices (HFK-402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: The sponsor, National Patent Development Corp., New Brunswick, NJ 08902, submitted an application for premarket approval of the Hydron®(polymacon) Hydrophilic Contact Lens to FDA on October 16, 1978. The application was reviewed by the Ophthalmology Device Classification Panel, an FDA advisory committee, which recommended approval of the application. On April 6, 1979, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (Pub. L. 94-295, 90 Stat. 539-583 (the amendments)), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) (the act), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Futhermore, FDA requires, as a condition to approval, the sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the information on which FDA's approval is based is available upon request from the Hearing Clerk (HFA-305), address above. Requests should be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document.

The labeling of the Hydron® (polymacon) Hydrophilic Contact Lens, like that of other approved soft contact lenses, states that the lens is the only to be use with certain solutions for disinfection and other purposes. the restrictive labeling helps to inform new lens users that they must avoid purchasing inappropriate products, e.g., solutions for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new solutions that FDA approves for use with an approved lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution, at the next printing or at any other time as FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Comestic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of the FDA administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petition must designate the form of review requested (hearing or independent advisory committee) and must be accompanied by supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing any petition, FDA will decide whether to grant or deny the petition and publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 20, 1979, file with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the Hearing Clerk Docket number found in brackets in the heading of this document. Received petitions may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 13, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-25608 Filed 8-20-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0315]

Diagnostic Radiology and Nuclear Medicine Quality Assurance Programs; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces an open meeting to be conducted under contract by the American College of Radiology to discuss means of motivating diagnostic radiology and nuclear medicine facilities

to voluntarily establish quality assurance programs.

DATES: The meeting will be held September 6 and 7, 1979; sessions will convene at 9 a.m. on September 6 and at 8:30 a.m. on September 7.

ADDRESS: The meeting will be held at Arlington Hyatt House Hotel, 1325 Wilson Blvd., Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: Richard E. Gross or Roger L. Burkhart, Bureau of Radiological Health (HFX-70), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2436.

SUPPLEMENTARY INFORMATION: Participants from industry, government, and appropriate professional organizations have been invited to make presentations and/or participate in workshops to discuss the problems delaying the establishment of programs in diagnostic radiology and nuclear medicine facilities. Other interested persons may attend the sessions as observers and, to the extent that time permits, express their views.

The goal of the meeting is to recommend mechanisms for motivating personnel in diagnostic radiology and nuclear medicine facilities to establish quality assurance programs. Proceedings of the open meeting will be published as a Bureau of Radiological Health (BRH) technical report. Availability of the report will be announced in the BRH Bulletin at a later date.

August 14, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-25602 Filed 8-15-79; 10:55 am]

BILLING CODE 4110-03-M

INTERAGENCY REGULATORY LIAISON GROUP

Testing Standards and Guidelines Work Group; Availability of Draft Guidelines and Public Meeting

AGENCY: Interagency Regulatory Liaison Group (IRLG), representing the Consumer Product Safety Commission (CPSC); the Environmental Protection Agency (EPA), the Food and Drug Administration, Department of Health Education and Welfare (FDA); the Food Safety and Quality Service, Department of Agriculture (FSQS); and the Occupational Safety and Health Administration, Department of Labor (OSHA).

ACTION: Notice of availability of draft guidelines and public meeting.

SUMMARY: A package containing drafts of the following IRLG guidelines is available: Acute Eye Irritation, Acute Oral Toxicity in Rodents, Acute Dermal Toxicity, Acute Inhalation, and Teratogenicity. These guidelines are being developed by the Testing Standards and Guidelines Work Group of the IRLG, for use when testing chemicals for toxicity.

REQUESTS FOR GUIDELINES: Single sets of guidelines may be obtained by writing to: Industry Assistance Office (TS-799), Environmental Protection Agency, 401 "M" Street, Washington, DC 20460, or by calling (800) 424-9065 (Toll Free) or (202) 554-1404.

DATE: Any written comments on the guidelines should be submitted by October 19, 1979.

ADDRESS: Comments should be addressed to Dr. Victor Morgenroth, III, HFF-185, Food and Drug Administration, Bureau of Foods, Division of Toxicology, 200 "C" Street, SW, Washington, DC 20204. Comments may be examined in the IRLG Office, Room 509, 1111 18th Street, NW, Washington, DC 20207, 9:00 a.m. to 4:00 p.m., Monday through Friday.

PUBLIC MEETING DATE AND LOCATION: A public meeting to discuss the guidelines and comments on the guidelines will be held at 9:00 a.m. on October 30, 1979, Auditorium, Main Floor, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201. Work Group members representing the five IRLG agencies will discuss the philosophy of the Work Group, comparisons with other guidelines, the relationship of IRLG guidelines to other proposed guidelines, and future activities of the Work Group. Scientific issues of each guideline will be addressed individually, and the public will have opportunity to participate in all discussions. The proceedings will be recorded and made available to the public upon request at a later date.

SUPPLEMENTAL INFORMATION:

Background

The IRLG was established for the purpose of improving public health through sharing of information, avoiding duplication of effort, and developing consistent regulatory policy. The testing of chemicals to determine their health effects is a fundamental step in many of the regulatory programs being implemented by the IRLG agencies. The agencies recognize that toxicity testing guidelines which they currently use are not always uniform although the differences exist primarily in details of methodology and not in fundamental toxicological principles.

The IRLG established the Testing Standards and Guidelines Work Group for the purpose of attempting to resolve these differences and preparing guidelines which would satisfy the toxicity testing needs of all the agencies. The Work Group was to review tests and procedures already in use or under development, obtain outside guidance when appropriate, and coordinate its work with the agencies and others who might also be in the process of developing guidelines. On December 17, 1977, the Work Group held a public meeting to explain its purpose and goals, and to answer questions about its activities.

Draft guidelines on testing for Acute Eye irritation, Acute Oral Toxicity in Rodents, Acute Dermal Toxicity, Acute Inhalation, and Teratogenicity were prepared by the IRLG Work Group as a first step toward their ultimate goal of developing guidelines which satisfy the needs of the IRLG agencies. The Work Group is releasing these guidelines in order to obtain public comment before it prepares final drafts of the guidelines for submission to the member agencies for their consideration. These draft guidelines are not intended at this stage to have the force of law. In order to make them legally binding, some of the agencies would be required to issue them through a rulemaking procedure. The use agencies make of the guidelines and whether they initiate such rulemaking will be determined by each agency after receiving final draft guidelines prepared by the IRLG Work Group.

IRLG guidelines are based on those currently used or under development in the agencies, in international organizations, and in industry. Early drafts of the IRLG guidelines were circulated through each agency for review, and comments from that review are included in these draft guidelines. In addition, drafts of the EPA Office of Pesticides Programs (OPP) proposed guidelines (43 FR 37336, 22 August 1978) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and public comments to those guidelines were used extensively in an effort to assure compatibility and to benefit from the appreciable time and effort the OPP staff and respondents put in to their development. A second major source of information was *Principles and Procedures for Evaluating the Toxicity of Household Substances* (NAS Pub. No. 1138), prepared for CPSC by the

National Academy of Sciences. Still others heavily relied on were the Pharmaceutical Manufacturers' Association *Guidelines for the Assessment of Drug and Medical Device Safety in Animals* (February 1977) the FDA, Bureau of Foods Direct Additive Cyclic Review Draft Guidelines; the *Appraisal of the Safety of Chemicals in Foods, Drugs and Cosmetics,* Association of Food and Drug Officials of the U.S.; and protocols submitted by several industrial organizations. To the extent possible, IRLG guidelines are being coordinated with development of guidelines by the Organization for Economic Cooperation and Development (OECD). The Work Group acknowledges the contributions from each of these information sources and takes this opportunity to express its appreciation to the scientists who developed them and made them available.

The draft guidelines are available for comment and a public meeting will be held on Octover 30, 1979, at 9:00 a.m., in the Auditorium, Main Floor, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, in order to give interested persons an opportunity to express their views on the validity and appropriateness of the methods described for toxicity testing.

Dated: August 15, 1979.

Victor Morgenroth, III,

Chairman, Testing Standards and Guidelines Work Group, Interagency Regulatory Liaison Group.

[FR Doc. 79-25784 Filed 8-20-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6704-A AA-6704-B]

Alaska Native Claims Selection

On March 11, 1974 and July 24, 1974, Tazlina, Incorporated, for the Native village of Tazlina, filed selection applications AA-6704-A and AA-6704-B under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Glennallen.

The village corporation selected lands which were withdrawn by Secs. 11(a)(1) and 11(a)(2) of ANCSA. Section 11(a)(2) specifically withdrew, subject to valid existing rights, all lands within the townships withdrawn by Sec. 11(a)(1) that had been selected by, or tentatively approved to, but not yet patented to the State of Alaska under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)).

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The following described lands which are State selected have been properly selected under village selection applications AA-6704-A and AA-6704-B. Accordingly, tentative approvals are hereby rescinded and the State selection applications identified below are rejected as to the following described lands:

State selection A-051380, filed on March 9, 1960, as amended.

T. 3 N., R. 1 W., Copper River Meridian (Surveyed)
Sec. 4, Lots 6, 10, E½NW¼SW¼;
Sec. 8, SW¼SE¼;
Sec. 9, Lots 10 and 14, NE¼, N½SE¼, SE¼SE¼;
Sec. 10, Lot 2;
Sec. 14, W½;
Sec. 17, E½;
Sec. 27, NE¼, E½NW¼, SW¼NW¼.
Containing 1,339.95 acres.

State selection A-056786, filed March 20, 1962, as amended.

T. 4 N., R. 1 W., Copper River Meridian (Surveyed)
Sec. 4, Lots 1 to 6, inclusive, S½NW¼, SW¼;
Sec. 7, Lots 6, 11, 17, 21, 22, 26, 27, 31, 32, 36, 37, 41, 42, SE¼NE¼, E½SE¼;
Sec. 8, S½;
Sec. 17, NE¼;
Sec. 20, SW¼;
Sec. 29, N½SE¼;
Sec. 30, Lots 1 to 4, inclusive, N½NE¼, SW¼NE¼, E½W½;
Sec. 31, Lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, SW¼.
Containing 2,520.12 acres.

Those portions of Tract A, more particularly described as (protracted):
Sec. 3, all;
Sec. 4;
Secs. 9, 10, 15, 16, 21, 22, 27, 28, 33, 34, 35, 36, all.
Containing approximately 8,330 acres.

Of the above-described lands, approximately 6,370 acres were tentatively approved June 10, 1964 and November 22, 1965, as modified.

State selection A-056781, filed March 20, 1962, as amended.

T. 4 N., R. 2 W., Copper River Meridian (Surveyed)
Sec. 24, Lots 14, 18, 40, 43, 44, 45, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 69, 70, N½S½;
Sec. 25, all;
Sec. 29, NE¼NE¼, S½NE¼NW¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼;
Sec. 30, Lot 2, S½N½NE¼NW¼, S½NE¼NW¼, SE¼NW¼NW¼.
Containing 993.17 acres.

Those portions of Tract A more particularly described as (protracted):
Secs. 1, 2, 3, all;
Secs. 7 to 18, inclusive, all;
Sec. 19, excluding U.S. Survey 4596 and U.S. Survey 5508.
Containing approximately 10,063 acres.

Tract B, excluding Native allotment application AA-5967.
Containing approximately 3,820 acres.

State selection AA-4800, filed December 16, 1968, as amended.

T. 4 N., R. 3 W., Copper River Meridian (Unsurveyed)
Sec. 31, all.
Containing approximately 607 acres.

Of the above-described lands, approximately 10,978 acres were tentatively approved June 4, 1964, as modified.

The State-selected lands described below, however, are not valid selections and the acreage will not be charged against the village corporation as State-selected lands.

On June 16, 1972, the State of Alaska amended selections A-051380, A-056781 and A-056786 to include additional lands. The lands described below were withdrawn for Native selection by Sec. 11(a)(1) of ANCSA on December 18, 1971 and therefore were not available for selection by the State of Alaska. In view of this, the State selection applications identified below are hereby rejected as to the following described lands:

Copper River Meridian (Surveyed)

State selection A-051380.

T. 3 N., R. 1 W.
Sec. 35, Lot 3;
Sec. 36, Lot 12.
Containing 222.52 acres.

State selection A-056786.

T. 4 N., R. 1 W.
Sec. 33, Lot 1.
Containing 37.68 acres.

State selection A-056781.

T. 4 N., R. 2 W.
Sec. 23, E½NE¼SE¼.
Containing 20 acres.

On December 16, 1968, the State filed general purposes grant selection applications AA-4799, AA-4800, AA-4808 and AA-4809. These selection applications are also rejected as to the lands selected by Tazlina. Public Land Order 4582, dated January 17, 1969, withdrew "all public lands in Alaska which are unreserved or which would otherwise become unreserved * * * from all forms of appropriation and disposition under the public land laws * * * including selection by the State of Alaska pursuant to the Alaska

Statehood Act (72 Stat. 339) * * *." This reservation became effective prior to the date the selection applications were filed, when the telegram notifying the Alaska State Office of the proposed withdrawal was received on December 12, 1968, and the records were noted.

Paragraph 4 of P.L.O. 4582 permitted the State to complete its selection of lands "which at the time of such filing were embraced in leases, licenses, permits, or contracts issued pursuant to the Mineral Leasing Act of 1920 or the Alaska Coal Leasing Act of 1914 * * *."

Since there were no mineral leases, etc., on December 16, 1968, on any of the lands described below in State selection applications AA–4799, AA–4800, AA–4808 and AA–4809 as to the lands selected by Tazlina, none of those lands were available for State selection. Section 6(b) of the Alaska Statehood Act provides that the lands selected must be public lands which are "* * * vacant, unappropriated, and unreserved *at the time of their selection* * * *." (Emphasis added.) Therefore the selection applications must be and are hereby rejected as to the following described lands:

Copper River Meridian (Surveyed)

State Selection AA–4799

T. 4 N., R. 1 E.
Those portions more particularly described as (protracted):
Secs. 31 to 36, inclusive.
Containing approximately 3,807 acres.

State Selection AA–4808

T. 3 N., R. 2 W.
Those portions more particularly described as (protracted):
Secs. 1 to 16, inclusive;
Secs. 21 to 25 inclusive.
Containing approximately 13,378 acres.

State Selection AA–4809

T. 3 N., R. 3 W.
Those portions more particularly described as (protracted):
Secs. 1 to 8, inclusive;
Secs. 17, 18, 19, 30 and 31, all.
Containing approximately 8,157 acres.

State Selection AA–4800

T. 4 N., R. 3 W.
Those portions of Tract A more particularly described as (protracted):
Secs. 11 to 30, inclusive;
Secs. 32 to 36, inclusive.
Containing approximately 15,708 acres.

The State selected lands rejected above aggregate approximately 69,003 acres; however, 41,330 acres of State selections A–056786, A–056781, AA–051380, AA–4799, AA–4800, AA–4808 and AA–4809 were not valid selections and will not be charged against the village corporation as State selected lands. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

The total amount of lands which have been properly selected by the State, including any selection applications previously rejected to permit conveyances to Tazlina, Incorporated is approximately 27,673 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Natives Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 77,437 acres, is considered proper for acquisition by Tazlina, Incorporated and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey 5569, Alaska, located on the northerly side of the Glenn Highway at about Mile 180.
Containing 40.00 acres.

Copper River Meridian (Surveyed)

T. 3 N., R. 1 W.
Sec. 4, Lots 6, 10, E½NW¼SW¼;
Sec. 8, SW¼SE¼;
Sec. 9, Lots 10, 14, NE¼, N½SE¼, SE¼SE¼;
Sec. 10, Lot 2;
Sec. 14, W½;
Sec. 17, E½;
Sec. 27, NE¼E½NW¼, SW¼NW¼;
Sec. 35, Lot 3;
Sec. 36, Lot 12.
Containing 1,562.47 acres.

T. 4 N., R. 1 W.
Sec. 4, Lots 1 to 6, inclusive, S½NW¼, SW¼;
Sec. 7, Lots 6, 11, 17, 21, 22, 26, 27, 31, 32, 36, 37, 41, 42, SE¼NE¼, E½SE¼;
Sec. 8, S½;
Sec. 17, NE¼;
Sec. 20, SW¼;
Sec. 29, N½SE¼;
Sec. 30, Lots 1 to 4, inclusive, N½NE¼, SW¼NE¼, E½W½;
Sec. 31, Lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, Lot 2, SW¼;
Sec. 33, Lot 1.
Containing 2,559.83 acres.

T. 4 N., R. 2 W.
Sec. 23, E½NE¼SE¼;
Sec. 24, Lots 14, 18, 40, 43, 44, 45, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 69, 70, N½S½;
Sec. 25, all;
Sec. 29, NE¼NE¼, S½NE¼NW¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼;
Sec. 30, Lot 2, S½N½NE¼NE¼, S½NE¼NW¼, SE¼NW¼NW¼.
Containing 1,013.17 acres.
Aggregating 5,175.47 acres.

Lands on Which Additional Survey Is Required:

Copper River Meridian (Surveyed)

T. 4 N., R. 1 E.
The following portions of Tract A, more particularly described as (protracted):
Secs. 31 to 36, inclusive, all.
Containing approximately 3,807 acres.

T. 4 N., R. 1 W.
The following portions of Tract A, excluding the Copper River, more particularly described as (protracted):
Sec. 3, all;
Sec. 4, the portion east of the west bank of the Copper River;
Secs. 9, 10, 15, 16, 21, 22, 27 and 28, all;
Sec. 33, the portion north and east of the Copper River;
Secs. 34, 35 and 36, all.
Containing approximately 7,850 acres.

T. 3 N., R. 2 W. (protracted):
Secs. 1 to 6, inclusive, all;
Secs. 8 to 16, inclusive, all;
Secs. 21 to 25, inclusive, all.
Containing approximately 12,768 acres.

T. 4 N., R. 2 W.
The following portions of Tract A, more particularly described as (protracted):
Secs. 1, 2 and 3, all;
Secs. 7 to 18, inclusive, all;
Sec. 19, excluding U.S. Survey 4596 and U.S. Survey 5508.
Containing approximately 10,063 acres.
Tract B, excluding Native allotment application AA–5967.
Containing approximately 3,820 acres.

T. 3 N., R. 3 W. (protracted)
Secs. 1 to 8, inclusive, all;
Secs. 17, 18, 19, 30 and 31, all;
Containing approximately 8,157 acres.

T. 4 N., R. 3 W.
The following portions of Tract A, more particularly described as (protracted):
Secs. 11 to 18, inclusive, all;
Sec. 19, excluding U.S. Surveys 4959 and 5644;
Sec. 20, excluding U.S. Survey 5664;
Sec. 21, all;
Sec. 22, excluding U.S. Survey 5569;
Sec. 23, excluding U.S. Survey 5665;
Secs. 24 and 25, excluding U.S. Surveys 3581, 3582, 4864, 5529 and 5565;
Sec. 26, excluding U.S. Surveys 5665 and 5679;
Secs. 27 and 28, all;
Sec. 29, excluding U.S. Survey 5664;
Sec. 30, excluding U.S. Survey 5644;
Secs. 31 to 36, inclusive, all.
Containing approximately 16,315 acres.
Aggregating approximately 62,780 acres.

Copper River Meridian (Unsurveyed)

T. 3 N., R. 1 E.
Sec. 1, all.
Containing approximately 640 acres.

T. 3 N., R. 2 E.
Sec. 6, all.
Containing approximately 608 acres.

T. 2 N., R. 3 W.
Secs. 5 to 8, inclusive, all;
Secs. 16 to 21, inclusive, all;
Secs. 28, 29 and 30, all.
Containing approximately 8,234 acres.
Aggregating approximately 9,482 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6704-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading, or unloading shall be limited to 24 hours.

a. (EIN 2 C1) A one (1) acre site easement upland of the ordinary high water mark in Sec. 10, T. 4 N., R. 1 W., Copper River Meridian, on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site easement.

b. (EIN 4a C5, D9) An easement for an existing access trail fifty (50) feet in width from the left bank of the Copper River in Sec. 3, T. 4 N., R. 1 W., Copper River Meridian, southeasterly through site EIN 2 C1 and continuing southeasterly then northeasterly to public lands in Sec. 2, T. 4 N., R. 1 W., Copper River Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

c. (EIN 6a C5, D1, D9) An easement for an existing access trail fifty (50) feet in width from the Glenn Highway in Sec. 22, T. 4 N., R. 3 W., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 10b C5, D1) An easement sixty (60) feet in width for an existing road from the Richardson Highway in Sec. 9, T. 3 N., R. 1 W., Copper River Meridian, southeasterly to public lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

e. (EIN 10c C5, D1) An easement sixty (60) feet in width for an existing road from the Richardson Highway in Sec. 36, T. 3 N., R. 1 W., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

f. (EIN 11a C5, D9) An easement for an existing acess trail twenty-five (25) feet in width from the western end of road EIN 11h C5, D9 in Sec. 7, T. 3 N., R. 1 W., Copper River Meridian, northwesterly through Sec. 3, T. 3 N., R. 2 W., Copper River Meridian, thence southerly to the southwest corner of Sec. 27, T. 3 N., R. 2 W., Copper River Meridian, thence joining trail EIN 11d C5, D9. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 11d C5, D9) An easement for an existing access trail twenty-five (25) feet in width from trail EIN 11a C5, D9 in Secs. 27 and 28, T. 3 N., R. 2 W., Copper River Meridian, westerly to public lands in T. 3 N., R. 4 W., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

(EIN 11h C5, D9) An easement sixty (60) feet in width for an existing road from the Richardson Highway in Sec. 17, T. 3 N., R. 1 W., Copper River Meridian, westerly to public lands and the Trans-Alaska Oil Pipeline in Sec. 7, T. 3 N., R. 1 W., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

i. (EIN 11i D1) An easement twenty-five (25) feet in width for a proposed powerline and telephone line from the Richardson Highway in Sec. 17, T. 3 N., R. 1 W., Copper River Meridian, westerly along the north side of road EIN 11h C5, D9 to public lands in Sec. 7, T. 3 N., R. 1 W., Copper River Meridian. The uses allowed are those activities associated with the construction, operation, and maintenance of the telephone line and powerline.

j. (EIN 11j C5 D9) An easement for an existing access trail twenty-five (25) feet in width from Sec. 35, T. 2 N., R. 3 W., Copper River Meridian, northeasterly to trail EIN 11d C5, D9. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 14 D1) An easement for an existing access trail twenty-five (25) feet in width from the southern border of Sec. 35 T. 4 N., R. 1 E., Copper River Meridian, northwesterly to public lands in Sec. 26, T. 4 N., R. 1 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

l. (EIN 19 C5, L) An easement for a proposed express feeder line thirty-five (35) feet in width from Copper Valley Electric Association's present generating facilities in Sec. 23, T. 4 N., R. 2 W., Copper River Meridian, easterly about one mile; thence southeasterly, roughly paralleling the Trans-Alaska Pipeline to the proposed substation EIN 19a C5, L in Sec. 31, T. 4 N., R. 1 W., Copper River Meridian. The uses allowed are those activities associated with the construction, operation, and maintenance of the powerline facility.

m. (EIN 19a C5, L) An easement for a proposed substation 300 feet by 300 feet in size for the Copper Valley Electric Association located adjacent to Pump Station 11 of the Trans-Alaska Pipeline (AA-6990) in Sec. 31, T. 4 N., R. 1 W., Copper River Meridian. The uses allowed are those activities associated with the construction, operation and maintenance of a power facility.

n. (EIN 20 C5, L) An easement one hundred (100) feet in width for existing powerlines and telephone lines roughly paralleling the Glenn Highway from its junction with the Richardson Highway in Sec. 19, T. 4 N., R. 1 W., Copper River Meridian, westerly to public lands in T. 4 N., R. 4 W., Copper River Meridian. The uses allowed are those activities associated with operation and maintenance of the power and telephone line facilities.

o. (EIN 20a C5, L) An easement one hundred (100) feet in width for existing powerlines and telephone lines roughly paralleling the Richardson Highway from Sec. 1, T. 2 N., R. 1 W., Copper River Meridian, northerly to Sec. 6, T. 4 N., R. 1 W., Copper River Meridian. The uses allowed are those activities associated with operation and maintenance of the power and telephone line facilities.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section;

4. An easement for highway purposes, including appurtenant protective, scenic and service areas, extending 150 feet on each side of the centerline of the Glenn and Richardson Highways, as established by Public Land Order 1613 (23 FR 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898), and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141), as to:

Copper River Meridian

T. 3 N., R. 1 W.
Lot 6, E½NW¼SW¼, Sec. 4; E½E½E½, Sec. 17; NE¼NE¼NE¼, Sec. 27; Lot 12, Sec. 36.
T. 4 N., R. 1 W.
Lots 6, 11, 17, 21, 22, 26, 27, 31, 32, 36, 37, 41 and 42, Sec. 7; N½NE¼, Sec. 30; Lot 2, Sec. 32; Lot 1, Sec. 33.
T. 4 N., R. 2 W.
S½S½, Sec. 19; Lots 18, 40, 43, 44, 45, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 69 and 70, Sec. 24; N½N½, Sec. 29.
T. 4 N., R. 3 W.
S½S½ protracted Secs. 19, 20, 21, 22, 23 and 24; N½N½ protracted Secs. 25, 26, 27, 28, 29, and 30.

5. A right-of-way, A–042054, 100 feet in width for electric distribution lines under the Act of March 4, 1911 (36 Stat. 1253), as amended; 43 U.S.C. 961 (1970) as to lots 11, 17, 21, 22, 26, 27, 31, 32, 36, 37, 41, and 42, Sec. 7; NE¼NE¼, Sec. 30; lot 2, Sec. 32; T. 4 N., R. 1 W., Copper River Meridian.

6. A recreation and public purposes lease, A–051601, for a school, granted under the Act of June 14, 1926 (44 Stat. 741) (43 U.S.C. 869) as to E½NE¼SE¼, Sec. 23, T. 4 N., R. 2 W., Copper River Meridian.

7. A right-of-way, A–055035, for a material site, granted under the Federal Aid to Highways Act of August 27, 1958, 23 U.S.C. 317, as to protracted Sec. 25, T. 4 N., R. 3 W., Copper River Meridian.

8. A right-of-way, A–058104, for a material site, granted under the Federal Aid to Highways Act of August 27, 1958, as amended, 23 U.S.C. 317, as to lot 6, E½NW¼SW¼, Sec. 4, T. 3 N., R. 1 W., Copper River Meridian.

9. A right-of-way, A–060161, 300 feet in width, for a highway, granted under the Federal Aid to Highways Act of August 27, 1958, as amended, 23 U.S.C. 317, as to lot 1, Sec. 33, T. 4 N., R. 1 W., Copper River Meridian.

10. A right-of-way, A–060364, for a material site, 750 feet by 500 feet, granted under the Federal Aid to Highways Act of August 27, 1958, as amended, 23 U.S.C. 317, as to W½, protracted Sec. 25, T. 4 N., R. 3 W., Copper River Meridian.

11. A right-of-way, AA–6122, Parcel 4, for a highway, granted under the Federal Aid to Highways Act of August 27, 1958, as amended, 23 U.S.C. 317, as to E½E½E½ Sec. 17, T. 3 N., R. 1 W., Copper River Meridian.

12. An easement and right-of-way 50 feet in width (25 feet on each side of the centerline), conveyed to RCA Alaska Communications, Inc., by Easement Deed dated January 10, 1971, AA–6188, pursuant to the Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771, et seq.) as to:

Copper River Meridian

T. 3 N., R. 1 W.
Sec. 4, Lots 6 and 10, SW¼;
Sec. 9, Lot 14;
Sec. 17, E½E½;
Sec. 27, N½NE¼;
Sec. 35, Lot 3;
Sec. 36, Lot 12.
T. 4 N., R. 1 W.
Sec. 7, Lots 6 and 11;
Sec. 30, NE¼;
Sec. 32, Lot 2;
Sec. 33, Lot 1.
T. 4 N., R. 2 W.
Sec. 19, S½S½;
Sec. 24, Lots 43, 44, 45, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 69 and 70;
Sec. 29, N½NE¼
T. 4 N., R. 3 W.
S½S½ protracted Secs. 19, 20, 21, 22, 23, and 24; N½N½ protracted Secs. 25, 26, 27, 28, 29 and 30.

13. Those rights for pipeline purposes, as have been granted to Amerada Hess Corporation, ARCO Pipeline Company, Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Petroleum Company, Sohio Pipe Line Company, and Union Alaska Pipeline Company, their successors and assigns, in the Agreement and Grant dated January 23, 1974, as modified April 27, 1979, granted pursuant to Sec. 28 of the Mineral Leasing Act (30 U.S.C. 185), as amended, 87 Stat. 576, November 16, 1973, Serial No. AA–5847, and its related facilities more specifically identified as follows:

Copper River Meridian

a. An oil transportation pipeline AA–5847 in:

T. 4 N., R. 1 W.
Sec. 30, Lots 2, 3 and 4, E½SW¼;
Sec. 31, Lot 6, W½W½NE¼, E½NE¼ NW¼, NW¼SE¼;
T. 4 N., R. 2 W.
Sec/ 1. E½;
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, Lots 43 and 44, E½E½NE¼SE¼;
Sec. 25, E½E½NE¼.

b. A pump station AA–6990 in:

T. 4 N., R. 1 W.
Sec. 30, Lot 4, SE½SW¼;
Sec. 31, Lots 1 and 2, E½NW¼; W½NE¼.

c. A communication site AA–6992 in:

T. 4 N., R. 1 W.
Sec. 31, SE¼;NW¼.

d. A mechanical refrigeration site AA–8618 in:

T. 4 N., R. 2 W.
Sec. 25, NE¼NE¼NE¼.

e. A disposal site AA–8751 in:

T. 4 N., R. 1 W.
Sec. 30, Lot 4, E½SW¼;
Sec. 31, Lot 1, NE¼;NW¼, NW¼;NE¼.

f. An access road AA–8865 in:

T. 4 N., R. 1 W.
Sec. 30, Lot 4, SE¼SW¼;
Sec. 31, Lot 1, NE¼NW¼.

14. Those rights for pipeline purposes, AA–8862, 100 feet in width, access road, as have been granted to Alyeska Pipeline Service Company, its successors and assigns, pursuant to Sec. 28, of the Mineral Leasing Act (30 U.S.C. 185), as amended November 16, 1973, (87 Stat. 576), as to NE¼, Sec. 17, T. 3 N., R. 1 W., Copper River Meridian.

15. Those rights for pipeline purposes as have been issued to Alyeska Pipeline Service Company, its successors and assigns, pursuant to Sec. 28 of the Mineral Leasing Act (30 U.S.C. 185), as amended November 16, 1973, (87 Stat. 576), more specifically identified as follows:

a. As to S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, Sec. 25, T. 4 N., R. 2 W., Copper River Meridian, a mineral material sale, AA–8666;

b. As to SW¼NW¼, Sec. 25, T. 4 N., R. 2 W., Copper River Meridian, a mineral material sale, AA–8667.

16. Those rights for pipeline purposes as have been issued to the owners of the Trans-Alaska Pipeline, their successors and assigns, pursuant to Sec. 28 of the Mineral Leasing Act (30 U.S.C. 185) as amended November 16, 1973, (87 Stat. 576), more specifically identified as follows:

a. As to Lots 6, 7, N½SE¼, Sec. 31, T. 4 N., R. 1 W., Copper River Meridian, a disposal site, AA–8750;

b. As to SW¼SE¼, Sec. 8; NE¼, Sec. 17; T. 3 N., R. 1 W., Copper River Meridian, a mineral material sale, AA–9143.

17. Those rights for pipeline purposes as have been issued to the owners of the Trans-Alaska Pipeline their successors and assigns, pursuant to Sec. 28 of the Mineral Leasing Act (30 U.S.C. 185) as amended November 16, 1973, (87 Stat. 576), for construction zone permit AA–9149.

18. A right-of-way, 30 feet in width, AA–9552, for a transmission line, granted to the Copper Valley Electric Association, Inc. under the Act of March 4, 1911 (36 Stat. 1253), as amended; 43 U.S.C. 961 (1970), as to Lots 2, 3 and 4, E½SW¼, Sec. 30; E½NW¼, Sec. 31; T. 4 N., R. 1 W., Copper River Meridian; Lots 43 and 44, Sec. 24; E½E½NE¼, Sec. 25; T. 4 N., R. 2 W., Copper River Meridian.

19. A right-of-way, 60 feet in width, AA–16679, for a road, under the Act of October 21, 1976 (43 U.S.C. 1701, 1761), as to Lots 14, 18, NW¼SW¼, Sec. 24, T. 4 N., R. 2 W., Copper River Meridian.

Tazlina Incorporated is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 77,588 acres. The remaining entitlement of approximately 14,572 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to AHTNA, Inc. when the surface estate is conveyed to Tazlina, Incorporated, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water body is considered to be navigable:

Copper River

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS and the TUNDRA TIMES. Any party claiming a property interest in lands affected by

this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed to refused to sign the return receipt shall have until September 20, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 "C" Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Tazlina, Incorporated, Glennallen, Alaska 99588.

AHTNA, Inc., Drawer G, Copper Center, Alaska 99573.

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Carlene M. Welfelt,

Acting Chief, Branch of Adjudication.

[FR Doc. 79-25821 Filed 8-20-79; 8:45 am]

BILLING CODE 4310-84-M

[F-14912-A, F-14912-B]

Alaska Native Claims Selection; Easement Conformance

By decision dated June 26, 1978, among other things, certain lands were determined proper for village selection and approved for interim conveyance or patent to Northway Natives Incorporated under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (1976) (ANCSA). Additionally, that decision reserved certain public easements to the United States pursuant to section 17(b) of the ANSCA.

The decision of June 26, 1978, states that, "These reservations (section 17(b) easements) have not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation *Calista, et al* v. *Andrus, et al*, and implementation of the Secretary's new easement policy." On November 27, 1978, new section 17(b) easement regulations were published in the **Federal Register** as final rule making (43 FR 56326). The process of review by the Bureau of Land Management to bring easements into conformance with the regulations is now complete. Accordingly, the decision of June 26, 1978, is modified by deleting paragraph 12 of the listed reservations to the United States and substituting the following new paragraph:

"Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14912-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

60 Foot Trail—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

Easements To Be Reserved

a. (EIN 5 C5, L) An easement for an existing access trail fifty (50) feet in width from the Alaska Highway in Sec. 19, T. 16 N., R. 18 E., Copper River Meridian, easterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 14 C5, L) An easement for an existing access trail twenty-five (25) feet in width from the Alaska Highway in Sec. 11, T. 14 N., R. 19 E., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 19 C5, M) A one (1) acre site easement upland of the ordinary high-water mark in Sec. 9, T. 14 N., R. 19 E., Copper River Meridian, on the right bank of the Chisana River. The uses allowed are those listed above for a one (1) acre site.

d. (EIN 27 C3, C5, D9) An easement for an existing access trail fifty (50) feet in width from the Northway Airport in Sec. 25, T. 14 N., R. 18 E., Copper River Meridian, southerly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

e. (EIN 28 D1) An easement sixty (60) feet in width for an existing road from the Northway Airport in Sec. 26, T. 14 N., R. 18 E., Copper River Meridian, northerly to Northway Village. The uses allowed are those listed above for a sixty (60) foot wide road easement.

f. (EIN 29 D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 21, T. 14 N., R. 19 E., Copper River Meridian, on the right bank of Moose Creek. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the stream along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

g. (EIN 39 C3, C5, D1) An easement sixty (60) feet in width for an existing road from the Alaska Highway in Sec. 30, T. 13 N., R. 21 E., Copper River Meridian, westerly to public lands on Deadman Lake. The uses allowed are those listed above for a sixty (60) foot wide road easement.

h. (EIN 46 I) An easement sixty (60) feet in width for an existing road from the Northway Airport in Sec. 25, T. 14 N., R. 18 E., Copper River Meridian, southerly to the FAA TACAN site in Sec. 36, T. 14 N., R. 18 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement. The uses are limited to the U.S. Government, its agents, or assignees.

i. (EIN 49b K) An easement one hundred (100) feet in width for an existing road and utility line from the Beaver Creek Radio Relay Site in Sec. 28, T. 15 N., R. 19 E., Copper River Meridian, northerly to the AFTAC site in Sec.21, T. 15 N., R. 19 E., Copper River Meridian. The uses allowed for the utility line are those activities associated with the operation and maintenance of the utility line facility and the uses allowed for the road are those uses listed above for a sixty (60) foot wide road easement. The uses are limited to the U.S. Government, its agents or assignees.

j. (EIN 50 K) An easement sixty (60) feet in width for an existing road from the Alaska Highway in Sec. 28, T. 15 N., R. 19 E., Copper River Meridian, northerly to the Beaver Creek Radio Relay Site in Sec. 21, T. 15 N., R. 19 E., Copper River Meridian. The uses allowed are those activities associated with the operation and maintenance of the road, the Beaver Creek Radio Relay site and the AFTAC site facility. The uses are limited to the U.S. Government, its agents or assignees.

k. (EIN 51 K) An easement fifty (50) feet in width for an existing communication cable from the ACS pole line in Sec. 28, T. 15 N., R. 19 E., Copper River Meridian, northerly to the Beaver Creek Radio Relay site. The uses

allowed are those activities associated with the operation and maintenance of the communication cable facility. The uses are limited to the U.S. Government, its agents, or assignees.

l. (EIN 53 C4, C5, E) A site easement upland of the ordinary high-water mark in Sec. 34, T. 14 N., R. 19 E., Copper River Meridian, on the south shore of Fish Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

m. (EIN 53a C4, C5, E) An easement for a proposed access trail twenty-five (25) feet in width from trail easement EIN 53 C4, C5, E in Sec. 34, T. 14 N., R. 19 E., Copper River Meridian, southerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement."

Except as modified by this decision, the decision of June 26, 1978, stands as written.

Notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER. Any person who claims a property interest in land which is adversely affected by the modification set forth in this decision (as to conformed section 17(b) easements), may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. Also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate and any parties who failed or refused to sign the return receipt shall have until September 20, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision as to the issue of section 17(b) easements, shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is taken, the adverse parties to be served with a copy of the notice of appeal are:

Northway Natives Incorporated, Box 441, Northway, Alaska 99764.
Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Judith A. Kammins,

Chief, Division of ANCSA Operations.

[FR Doc. 79-25820 Filed 8-20-79; 8:45 am]

BILLING CODE 4310-84-M

BLM In Nevada Issues Final Decision On Mineral Hill Special Wilderness Inventory

BLM Acting Nevada State Director Roger McCormack has approved the release of 18,500 acres of public lands in Eureka County from further wilderness consideration because the area lacks wilderness characteristics specified by Congress. Unless there are objections, the decision will be implemented on Sept. 4, 1979.

The area, known as the Mineral Hill unit (NV-010-083A) is about 36 miles south of Carlin and covers the Sulphur Springs Mountain Range. McCormack's decision is based upon a special project inventory that indicated the area lacks naturalness because of roads, ways, developed springs, evidence of mining activity, and fences that are substantially noticeable. Opportunities for outstanding solitude and a primitive and unconfined type of recreation were also found to be lacking.

The Bureau's findings were open to the public for a 30-day comment period. Five comments were received, four in favor of releasing the area from further consideration and one opposing that action. Of the four received in favor, one supported the Bureau's recommendation with the following reservations: That the 30-day comment period was too short for the public to adequately review the area; that the amount of information and photo documentation was inadequate and could have been improved; that special inventories tend to subvert and fragment the orderly process of the inventory process.

Another person who agreed with the recommendation stated that it was unfortunate that the company requesting the special inventory, so that it could mine barite in the area, was forced to hold up its operations until the special inventory was complete. The only comment received in opposition to the Bureau's recommendation stated that despite the evidence of man's activity identified in the area, it still should be preserved as wilderness or at least protected from further development because we have "too little wilderness."

Since no information contrary to the Bureau's findings was obtained from the public, the decision to release the unit from further wilderness consideration will become final September 4, 1979, 30 days from the close of the public comment period.

Further information on the decision can be obtained from the Bureau of Land Management, 300 Booth Street, Room 3008, Reno, NV 89509.

Dated: August 13, 1979.

Roger J. McCormack,

Acting State Director, Nevada.

[FR Doc. 79-25835 Filed 8-20-79; 8:45 am]

BILLING CODE 4310-84-M

[W-68836]

Wyoming; Application

August 13, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 6⅝ inch O.D. pipeline, a 4' X 6' meter house and related metering and dehydration facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 39 N., R. 90 W.,
Sec. 14, SE¼SW¼;
Sec. 23, E½NW¼ and SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, E½NE¼ and NE¼SE¼;
Sec. 35, W½NW¼, N½SW¼ and SE¼SW¼.

The proposed pipeline will transport natural gas from the #1-14 Victor Well located in the SW¼ of section 14 to a point of connection with an existing pipeline located in the SW¼ of section 35. The 4' X 6' meter house and related metering and dehydration facilities are to be located entirely within the 50 foot right-of-way in the SW¼ of section 14, all within T. 39 N., R. 90 W., Fremont County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third

Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-25826 Filed 8-20-79; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Known Recoverable Coal Resource Area; Knife River, N. Dak.; Revision

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by Section 7 of the Federal Coal Leasing Amendments Act of 1976 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) North Dakota

Revised Knife River (North Dakota) Known Recoverable Coal Resource Area (KRCRA); September 12, 1978; 160 acres were added. Total area now classified for leasing is 1,351,814 acres.

A plat showing the revised boundary and acreage has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

J. S. Cragwall, Jr.,

Acting Director.

August 10, 1979.

[FR Doc. 79-25783 Filed 8-20-79; 8:45 am]

BILLING CODE 4310-31-M

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 August 10, 1979. Pursuant to § 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by August 31, 1979.

Charles A. Herrington,

Acting Keeper of the National Register.

ALABAMA

Jefferson County

Birmingham, *Watts Building*, 2008 3rd Ave., North.

Marshall County

Guntersville, *Henry-Jordan House, 301 Blount Ave.*

ARIZONA

Mohave County

Lake Mead, *Grand Wash Archeological District*, Lake Mead National Recreation Area.

Pima County

Tucson vicinity, *Rincon Mountain Foothills Archeological District*, SE of Tucson.

COLORADO

El Paso County

Colorado Springs, *Bemis, Judson Moss, House*, 506 N. Cascade Ave.

Fremont County

Canon City, *McClure House, The (Strathmore Hotel)* 323-331 Main St.

CONNECTICUT

New London County

North Stonington vicinity, *Palmer, Luther, House*, NE of North Stonington on CT 49.

ILLINOIS

Sangamon County

Springfield, *Weber, Howard K., House*, 925 7th St.

MAINE

Hancock County

Arcadia National Park and vicinity, *Carriage Paths, Bridges and Gatehouses.*

Islesford, *Islesford Historical Museum and Blue Duck Ships Store*, Little Cranberry Island.

Sorrento vicinity, *Gilley, Elisha, House, Baker Island Light Station and Keeper's House*, S of Sorrento on Baker Island.

NEBRASKA

Saline County

Crete, *Trinity Memorial Episcopal Church*, 14th and Juniper Sts.

NEW HAMPSHIRE

Cheshire County

Rindge, *Second Rindge Meetinghouse, Horsesheds, and Cemetery*, U.S. 202.

Merrimack County

Concord, *Pierce, Franklin, House*, 52 S. Main St.

NEW JERSEY

Bergen County

Closter, *Demaree, Abram, House*, Old Hooks and Schraalenburgh Rds.

Essex County

Newark, *Dock Bridge*, spans Passaic River (also in Hudson County).

Hunterdon County

Califon, *Apgar, J. K., Farmhouse*, SR 512 and Guinea Hollow Rd.

Pittstown vicinity, *Lansdown*, NE of Pittstown on SR 2.

Middlesex County

Perth Amboy, *Inness, George, House*, 313 Convery Blvd.

Spotswood, *St. Peter's Church and Buildings*, Main St. and DeVoe Ave.

Somerset County

Somerville vicinity, *Van Veghten House*, S of Somerville off NJ 28.

Sussex County

Hamburg vicinity, *Lawrence Mansion*, W of Hamburg on NJ 94.

NEW YORK

Ontario County

Geneva, *Smith's Opera House*, 82 Seneca St.

NORTH CAROLINA

Buncombe County

Black Mountain vicinity, *Blue Ridge Assembly Historic District*, S of Black Mountain on SR 2720.

Chowan County

Edenton, *Edenton Peanut Factory*, E. Church St.

Halifax County

Enfield, *Cellar, The*, 404 Whitfield St.

Johnston County

Kenly vicinity, *Boyette Slave House*, NW of Kenly on SR 2110.

Wake County

Raleigh, *Old Masonic Temple Building*, 133 Fayetteville St. Mall.

OKLAHOMA

Oklahoma County

Oklahoma City, *Skirvin Hotel*, 1 Park Ave.

RHODE ISLAND

Newport County

Tiverton vicinity, *Cook-Bateman Farm*, S of Tiverton at Fogland and Puncatest Neck Rds.

SOUTH DAKOTA

Spink County

Turton, *First Congregational Church*, Oak and 2nd Sts.

Yankton County

Yankton vicinity, *Western Portland Cement Plant.*

TENNESSEE

Cheatham County

Kingston Springs, *Kingston Springs Hotel and Buildings,* Kingston Springs Rd.

Shelby County

Memphis, *Bowles, Robert S., House,* 544–548 Vance Ave.
Memphis, *Hayley, Patrick H., House,* 604 Vance Ave

TEXAS

Bosque County

Meridian vicinity, *Bridges-Johnson House,* 1.6 mi. SW of Meridian off TX 6.

Hudspeth County

Sierra Blanca vicinity, *Johnson, Rod, Site (41 HZ 101)* W of Sierra Blanca.

Llano County

Llano, *Southern Hotel,* 201 W. Main St.

Trinity County

Trinity vicinity, *Hedrick House,* 10 mi. NE of Trinity.

VERMONT

Chittenden County

Burlington, *Wells, Edward, House,* 61 Summit St.

Rutland County

Healdville vicinity, *Crowley Cheese Factory,* SW of Healdville on Healdville Rd.

VIRGINIA

Lynchburg (independent city)

Diamond Hill Historic District, roughly bounded by Dunbar Dr., Main, Jackson and Arch Sts.

Montgomery County

Christiansburg vicinity, *Yellow Sulphur Springs,* N of Christiansburg on VA 643.

Richmond (independent city)

Byrd Theatre, 2908 W. Cary St.
Central National Bank, 3rd and Broad Sts.

WISCONSIN

Rock County

Beloit, *Emerson Hall,* Beloit College campus.

[FR Doc. 79-25454 Filed 8-20-79; 8:45 am]
BILLING CODE 4310-03-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, September 15, 1979, at 1:00 p.m. at the Elks Lodge, 114 South Centre Street, Cumberland, Maryland.

The Commission was established by Public Law 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush, Chairman, Hagerstown, Maryland
Mrs. Bonnie Troxell, Cumberland, Maryland
Miss Nancy Long, Glen Echo, Maryland
Mrs. Constance Morella, Bethesda, Maryland
Mr. Kenneth S. Rollins, Brookmont, Maryland
Mr. Vladimir A. Wahbe, Baltimore, Maryland
Mr. Edwin F. Wesely, Jr., Brookmont, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Dorothy Grotos, Arlington, Virginia
Mrs. Minnie Pohlmann, Dickerson, Maryland
Mrs. Margaret G. Dietz, Lovettsville, Virginia
Mr. William H. Ansel, Jr., Romney, West Virginia
Dr. James H. Gilford, Frederick, Maryland
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Silas F. Starry, Shepherdstown, West Virginia
Mr. Rockwood H. Foster, Washington, D.C.
Mr. R. Lee Downey, Williamsport, Maryland
Mr. John C. Frye, Gapland, Maryland

Matters to be discussed at this meeting include:

1. Development Concept Plan, North Branch/Cumberland
2. Access to the Town of Brunswick campground
3. Development Concept Plan, Great Falls
4. Bridge to Olmstead Island
5. Ski jump ramp, Potomac River
6. Interpretive Prospectus, Seneca to Cumberland
7. Georgetown park complex access
8. Rattling Springs Development
9. Rockwood Tract

The meeting will be open to the public. Any member of the public may file with the Committee, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact William R. Failor, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301–948–5641 or 301–432–2231.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Manus J. Fish, Jr.,
Regional Director, National Capital Region.
August 14, 1979.
[FR Doc. 79-25780 Filed 8-20-79; 8:45 am]
BILLING CODE 4310-70-M

[Order No. 93]

Land Acquisition Officers, Appalachian National Scenic Trail; Delegation of Authority

Section 1. Chief, Appalachian Trail Land Acquisition Field Office. The Chief, Appalachian Trail Land Acquisition Field Office, is authorized to execute the land acquisition program, including contracting for acquisition of lands and related properties, and acceptance of offers to sell to, or exchange with the United States, lands or interests in lands, and to execute all necessary agreements and conveyances incidental thereto; to accept deeds giving to the United States lands or interests in lands; to approve on behalf of the National Park Service offers of settlement in condemnation cases; to provide relocation assistance; and to approve claims for reimbursement under Pub. L. 91–646.

Section 2. Appalachian Trail Land Acquisition Officers. All Appalachian Trail Land Acquisition Officers are authorized to execute the land acquisition program in their assigned areas, including contracting for acquisition of lands and related property, acceptance of offers to sell to, or exchange with the United States, lands or interests in lands when the amount involved does not exceed $250,000, and to excute all necessary agreements and conveyances incidental thereto; to accept deeds giving to the United States lands or interests in lands; to provide relocation assistance; and to approve claims for reimbursement under Public Law 91–646 when the amount involved does not exceed $5,000.

Authority: 205 DM, as amended; 245 DM, as amended; Reorganization Plan No. 3 of 1950.

Dated: August 14, 1979.

Daniel J. Tobin, Jr.,
Director, National Park Service.
[FR Doc. 79-25779 Filed 8-20-79; 8:45 am]
BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Advisory Committee on Tax Litigation; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub.

L. 92–463, 86 Stat. 770–776, 5 U.S.C. App. I, Supp. II), and with the approval of the Attorney General, and the concurrence of the Office of Management and Budget, the Assistant Attorney General, Tax Division, Department of Justice, has determined that establishment of the Advisory Committee on Tax Litigation is in the public interest in connection with the performance of duties imposed on the Tax Division by law.

Purpose. The primary purpose of the Advisory Committee on Tax Litigation is to provide an organized public forum for discussions of relevant tax litigation issues between Justice Department officials and representatives of the public. The Advisory Committee also is to provide constructive observations about the Tax Division's current or proposed policies, programs, and procedures, and problems which may be encounterd by taxpayers and tax practitioners in dealing with the Tax Division, Department of Justice. Where appropriate or necessary, the Advisory Committee is to present recommendations on improving Tax Division operations.

Membership. The Advisory Committee will consist of twelve (12) members, all of whom must have a background and interest in, and concern for, litigation of Federal tax matters.

The Committee will have a balanced membership, including women, minority representatives, representatives of the academic and public interest group sectors, and private practitioners, selected from diverse geographical areas of the country, to be appointed by the Assistant Attorney General, Tax Division.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, on or before September 5, 1979.

Termination. The services of the Advisory Committee are expected to be needed for an indefinite period of time and the Committee will be an ongoing endeavor. Initial authorization is a one (1) year term, with provision for renewal of the Committee's charter on a biennial basis thereafter.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on Tax Litigation. Such comments, as well as any inquiries, may be addressed to the Advisory Committee Management Officer, Office of Management and Finance, Department of Justice, Washington, D.C. 20530, phone: 202–633–4531.

Dated: August 13, 1979.

M. Carr Ferguson,

Assistant Attorney General, Tax Division, Department of Justice.

[FR Doc. 79–25825 Filed 8–20–79; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The finanical assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the estabishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing with two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 16th day of August 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

Applications Received During the Week Ending August 18, 1979.

Name of applicant and location of enterprise	Principal product or activity
One City Plaza, Plattsburgh, New York.....	Hotel.

[FR Doc. 79–25879 Filed 8–20–79; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–79–119–C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed a petition to modify the application of 30 CFR 75.305 (weekly examination of return airways) to its Franklin No. 65 Mine, located in Harrison County, Ohio. 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. Due to adverse roof conditions, numerous roof falls have occurred in

designated return airways of the petitioner's mine, making these airways virtually impassable at points and extremely hazardous to travel and examine

2. Attempts to rehabilitate these airways have proven unsuccessful.

3. The existing falls have had no effect on the velocity or quantity of air passing through the return airways, particularly since a new portal, a new return and other facilities have been established to accommodate the situation.

4. The return airways are not designated as return escapeways.

5. As an alternative to weekly examinations of the return airways, the petitioner proposes to establish a five station air monitoring system detailed in the petition.

6. The petitioner states that this alternative will achieve no less protection than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 20, 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: August 13, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-25867 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-117-C]

New Elk Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

New Elk Coal Company, General Delivery, Baisden, West Virginia, 25608 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 3 Mine located in Wyoming County, West Virginia. 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 illumination of underground working places in which self-propelled mining equipment is operated.

2. The petitioner is mining a coal seam averaging 30 inches in height.

3. In the close quarters of the petitioner's mine, lighting on the petitioner's continuous mining machine and roof bolter would result in excessive and blinding glare, causing a diminution of safety to the miners involved.

4. In addition, the low seam heights make it infeasible to operate such equipment with the required lighting.

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 September 20, 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: August 13, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-25868 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-116-C]

Union Carbide Corp.; Petition for Modification of Application of Mandatory Safety Standard

Union Carbide Corporation, P.O. Box 8004, South Charleston, West Virginia 25303, has filed a petition to modify the application of 30 CFR 75.305 (weekly inspection of return airways) to its No. 7 Mine in Kanawha County, West Virginia. 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 roof of a designated return airway in the petitioner's mine has deteriorated, making it hazardous to walk the airway for weekly inspections for a distance of about 5,200 feet.

2. As an alternative, the petitioner has established air monitoring checkpoints along the full length of the return airway to routinely monitor both air quantity and quality in the airway.

3. The petitioner states that this alternative method 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 September 20, 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: August 13, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-25868 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-113-C]

The Valley Camp Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

The Valley Camp Coal Company, Post Office Box 218, Triadelphia, West Virginia 26059 has filed a petition to modify the application of 30 CFR 75.1105 (permanent pump housings) to its Alexandria Mine located in Marshall County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petitioner requests permission to operate six permanent pumps in designated areas without coursing the air ventilating the areas directly into return airways.

2. The return airways in the vicinity of the pumps have not been maintained and therefore have become unusable. To rehabilitate these airways would expose miners to undue hazards and disrupt the mine ventilation system, resulting in a diminution of safety.

3. The air that flows by the pumps is not used to ventilate working sections.

4. As an alternative to coursing the air directly to the return airways, the petitioner proposes the following:

(a) The pumps will be housed in a fireproof enclosure with doors that automatically close in the event of a fire.

(b) An automatic fire suppression device will be installed over each of the pumps.

(c) Combustible materials will not be stored within the pump enclosure.

(d) A warning light, connected with the fire suppression device, will be installed adjacent to the haulage track so that it can be readily seen by passers-by in the event of a pump fire.

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 September 20, 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: August 14, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-25865 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-118-C]

Virginia Iron, Coal and Coke Co.; Petition for Modification of Application of Mandatory Safety Standard

Virginia Iron, Coal and Coke Company, Post Office Drawer C, Coeburn, Virginia 24230 has filed a petition to modify the application of 30 CFR 77.214(a) (refuse piles) to its Toms Creek Preparation Plant No. 1 located in Wise County, Virginia. 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 standard prohibits the locating and construction of refuse piles over abandoned mine openings.

2. The petitioner is planning to construct a new coal preparation plant and proposes to deposit waste material from the plant in an area that contains six abandoned mine openings (the entries of two abandoned mines).

3. The entry areas of these mines were recently strip mined and backfilled with eight to twenty-five feet of inert material and revegetated.

4. Mine maps and field investigations lead the petitioner to believe that water from the abandoned mines will drain away from the openings. However, the petitioner will insure that the entry areas properly drain by constructing underdrains to relieve any water pressure build-up.

5. The petitioner believes that its alternative method will always achieve no less protection for its workers than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 20, 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: August 13, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-25869 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-5599]

Florence Coat Company, Inc.; Hoboken, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 investigation was initiated on June 18, 1979 in response to a worker petition received on June 12, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producting ladies' coats at Florence, Hoboken, New Jersey. The investigation revealed that the correct corporate title is Florence Coat Company, Incorporated. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

The investigation was initiated on June 18, 1979 in response to a worker petition received on June 12, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at Florence, Hoboken, New Jersey. The investigation revealed that the correct corporate title is Florence Coat Company, Incorporated. In the following determination, 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.

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.

Sales of ladies' coats by Florence Coat Company increased in 1978 compared with 1977. The manufacturer for whom Florence did contract work reported unchanged sales of ladies' coats from the first half of 1978 to the first half of 1979. This manufacturer discontinued imports of ladies' coats in 1979 while increasing inhouse production. The manufacturer had not relied upon foreign contractors for the production of ladies' coats during the period under investigation.

Conclusion

After careful review, I determine that all workers of Florence Coat Company, 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 14th day of August 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-25870 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-28-M

Holly Sugar Corp., et al.; 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 August 31, 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 August 31, 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 NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of August 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of Petition	Petition No.	Articles produced
Bradohm, Inc. (Workers)	Vestal, N.Y	8/8/79	7/30/79	TA-W-5,860	Wire wound resistors and inductors.
Holly Sugar Corp. (United Sugar Workers Council of Calif/Distillery, Rectifying, Wine & Allied Internat'l Union of America).	Brawley, Calif	8/10/79	8/7/79	TA-W-5,861	Refined sugar.
Leemar Corp. (ILGWU)	Camden, N.J	8/8/79	7/26/79	TA-W-5,862	Ladies' sportswear and dresses.
Leemar Corp. (ILGWU)	Mantua, N.J	8/8/79	7/26/79	TA-W-5,863	Ladies' blouses.
Stucar Manufacturing Corp. (workers)	New York, N.Y	8/8/79	7/30/79	TA-W-5,864	Contractors and men's suits and ladies' tailored coats.
Union Sugar Company (United Sugar Workers Council of Calif/Distillery, Wine & Allied Internat'l Union of America).	Santa Maria, Calif	8/10/79	8/7/79	TA-W-5,865	Refined sugar.

[FR Doc. 79-25871 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-28-M

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 (ERISA) 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 Thursday, September 6, 1979, in the Federal Ballroom North, Quality Inn-Capitol Hill, 415 New Jersey 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 Work Group Reports: Collective Bargaining, Communications, Investment and Fiduciary, Legislation, Portability, Prohibited Transactions, Reporting, Disclosure, and Recordkeeping, Seasonal Industries.

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 September 5, 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 15th day of August 1979.

Ian D. Lanoff

Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 79-25686 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-784]

Proposed Class Exemption for Certain Transactions Involving Bank Collective Investment Funds

Correction

In FR Doc. 79-22992 appearing at page 44290 in the issue for July 27, 1979, make the following corrections:

On page 44295, in the first column, in the first full paragraph, in the second line, replace "September 25, 1979" with "[date, 60 days after publication in the **Federal Register** of the grant of this exemption]"

(2) On page 44295, in the first column, in the second full paragraph, in the second line, replace "September 25, 1979" with "[date, 60 days after publication in the **Federal Register** of the grant of this exemption]"

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident; Implications Re Nuclear Powerplant Design; Meeting

The ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design, will hold a meeting on September 5, 1979 in Room 1046, 1717 H St., NW., Washington, DC 20555.

In accordance with the procedures outlined in the **Federal Register** on October 4, 1978, (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, September 5, 1979—8:30 a.m. Until the Conclusion of Business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendation to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will discuss with representatives of the NRC Staff, the nuclear industry, various utilities, and their consultants, state and local officials, and other interested persons, the implications of the Three Mile Island, Unit 2 Accident.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Richard K. Major, (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Background information concerning this nuclear station can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, PA 17126.

Dated: August 15, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-25701 Filed 8-20-79; 8:45 am]

BILLING CODE 7590-01-M

THE PRESIDENT'S ADVISORY COMMITTEE FOR WOMEN

Hearings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, Time, and Place: September 13, 1979, 10:00 a.m.–5:00 p.m.

Public Hearings: The Capitol, State of North Carolina, Raleigh, North Carolina 27611.

Closed Business Session: September 14, 1979, 8:00 a.m.–9:30 a.m.; Holiday Inn, 320 Hillsborough Street, The Chambers Room, Raleigh, North Carolina.

Public Hearings: 10:00 a.m.–12:00 noon, The Capitol, State of North Carolina, Raleigh, North Carolina 27611.

Open Business Session: 12:15 p.m.–4:30 p.m., Holiday Inn, 320 Hillsborough Street, The Chambers Room, Raleigh, North Carolina.

Purpose: A regular scheduled regional meeting.

The agenda for the meeting will include the following: Public hearings on education, employment, health, and welfare. The Committee will focus on strategies, programs and meetings in their regular meetings. There will also be discussions on new committee business.

A portion of the above meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act—Exemptions 2 and 6 of the Government in the Sunshine Act. During its closed session, the Committee will discuss personnel and Committee management.

Sarita Schotta,

Executive Director.

August 15, 1979.

[FR Doc. 79-25680 Filed 8-20-79; 8:45 am]

BILLING CODE 4510-23-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10831; 812-4234]

Federal Life Insurance Co. (Mutual), et al.; Application

August 14, 1979.

Notice is hereby given that Federal Life Insurance Company (Mutual) ("Federal Life"), a mutual life insurance company organized under the laws of the State of Illinois, Federal Life Variable Annuity Account A ("Separate Account"), a separate account of Federal Life registered as a unit investment trust under the Investment Company of 1940 ("Act") and FED Mutual Financial Services, Inc. ("Underwriter"), 3703 W. Lake Avenue, Glenview, IL 60025, the principal underwriter of the Separate Account, (hereinafter collectively referred to as "Applicants"), filed an Application on November 25, 1977, and Amendments thereto dated February 24, 1978, and July 6, 1979 pursuant to Section 11 of the Act for an Order approving certain offers of exchange, pursuant to Section 6(c) of the Act for an amended Order of exemption from the provisions of Section 26(a) and 27(c)(2), and for additional exemptions under Section 22(d). The original Order which is sought to be amended was issued to the Applicants herein on April 7, 1976 (with the exception of Underwriter) (File No. 812–3810) pursuant to Section 11 of the Act approving certain offers of exchange, and pursuant to Section 6(c) of the Act granting exemptions from the provisions of Sections 26(a) and 27(c)(2) (Investment Company Act Release No. 9341).

All interested persons are referred to the Application, and Amendments thereto, on file with the Commission for a statement of the representations contained therein which are summarized below.

The Separate Account was established by Federal Life to fund both individual and group periodic premium deferred and single premium immediate variable annuity contracts ("Contracts") designed for use in connection with retirement plans, which may or may not qualify for Federal tax advantages. The Contracts are currently being offered and sold to the public pursuant to an effective registration statement under the Securities Act of 1933, the latest Post-Effective Amendment to which was declared effective on April 30, 1979 (File No. 2–53626). The Separate Account presently consists of six Account Divisions, which invest respectively, in the shares of Wellington Fund, Inc., Windsor Fund, Inc., Qualified Dividend Portfolio, Inc., Wellesley Income Fund, Inc., W.L. Morgan Growth Fund, Inc. and Westminster Bond Fund, Inc. ("Fund Participants"). Applicants propose to create two new Account Divisions or "Series", which would invest in the shares of Whitehall Money Market Trust and Qualified Dividend Portfolio II, Inc., respectively, ("Additional Fund Participants").

The Fund Participants and Additional Fund Participants are members of the Vanguard Group of Investment Companies, and each is diversified, open-end management investment company registered under the Act. Each has a currently effective registration statement under the Securities Act of 1933.

Applicant FED Mutual Financial Services, Inc. a registered broker-dealer, acts as the principal underwriter of the Contracts issued by the Separate Account. Wellington Management Company ("Wellington") serves as investment adviser to each of the above Fund Participants and Additional Fund Participants.

Under all of the Contracts, the Owner of an Invididual Contract or a Certificate Holder under a Group Contract (hereinafter referred to as individual Participants) may allocate all or a portion of his Net Purchase

Payments (the amount remaining after deduction of sales and administrative expenses from the gross purchase payment) between any of the Account Divisions (limited to two Account Divisions at any one time). The value of Net Purchase Payments allocated to the Separate Account, and the value of an individual Participant's interest will vary depending upon the investment performance of the Fund shares of the designated Division in which such Net Purchase Payments are allocated. In addition, an individual Participant may transfer all or a part of his interest in one Division to another Division of the Separate Account or to a fixed accumulation account maintained by Federal Life; or he may transfer all or a part of his interest in a fixed accumulation account to a Separate Account Division. Transfere from the fixed accumulation account to the Seperate Accounts may be effected only once annually, except such transfer may be also effected at time of annuitization. Except for the fact that no transfers may be made during the first contract year, transfers among the Divisions are not limited in number. No partial transfer will be permitted if the value of the Division from which amounts are to be transferred is less than $600 after such transfer, or if the amount transferred is less than $300. Each transfer is made at the relative net asset values of the Funds in the Divisions affected without the imposition of additional sales and administrative expense charges, at the next succeeding valuation on the date written directions from the invididual Participant are received by Federal Life.

With regard to Section 11, Applicants seek to amend and supplement the Order of April 7, 1976 to add the Additional Fund Participants in the offers of exchange as approved by that Order, and to include such Additional Fund Participants and the Underwriter in the exemptions from Sections 26(a) and 27(c)(2) previously granted pursuant to Section 6(c). In addition, Applicants seek to amend and supplement the previous Order with regard to Section 22(d) of the Act to the extent necessary to permit aggregation of the value of shares of the Funds with the Adjusted Purchase Payments under the Contracts for purposes of calculating the applicable reduced sales load for quantity discounts.

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

The Order of April 7, 1976 approved the conversion of Contract Accumulation Units from any one of the six Divisions of the Separate Account to any other Division of the Separate Account then in existence. It is proposed that this conversion right be extended so as to encompass the two additional Divisions whose underlying investment media will consist of shares of Qualified Dividend Portfolio II, Inc. and Whitehall Money Market Trust, respectively.

Applicants assert that under the terms of the right to convert among Divisions of the Separate Account, no danger of any of the abuses that Section 11 was enacted to prevent is present. It is also asserted that the purpose of providing such rights is to permit Unitholders of one Division of the Separate Account who wish to have their annuity Contracts funded by the Fund shares of another Division the opportunity to do so, thus providing individual Participants with greater flexibility in planning for their financial futures.

Applicants submit that there will be no imposition of sales and administrative expense charges, and the conversion will be at net asset value.

Sections 26(a) and 27(c)(2)

Section 27(c)(2) of the Act, as here relevant, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such periodic payment plan certificates unless the proceeds of all payments (other than any sales load) are deposited with a qualified bank as trustee or custodian, and held under an indenture or agreement containing specified provisions. Section 26(a) requires that such indenture or custodianship agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B) and (C) of such Section until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

In the arrangement now existing, pursuant to the Order set forth in Investment Company Act Release No. 9241, the Separate Account acts as custodian of its own assets. Applicants request that the Order of exemption from Section 26(a) and 27(c)(2) of the Act be amended to include the Contracts funded in the proposed two additional Divisions of the Separate Account.

In support of such request, Applicants state that the assets of the eight Divisions of the Separate Account will consist solely of the shares of the mutual funds in which each particular Division of the Separate Account invests and that such shares will be held in a open account so that ownership of Fund shares by the Separate Account will only be indicated on the books of the Funds and the Separate Account, and will not be evidenced by transferable stock certificates. The assets of each Separate Account Division will be kept physically segregated by Federal Life and held separate from the assets of Federal Life itself. Applicants state that Federal Life will maintain a record of all purchases and redemptions of the Fund shares in each applicable Division of the Separate Account and will prepare and forward reports to the Commission and others where required.

Applicants further state that Federal life is subject to extensive supervision and control by the Illinois Insurance Commissioner and the comparable official of each state in which it does business; and that Federal Life's activities are subject to constant review by the Illinois Insurance Department and its representatives at all times and subject to comprehensive examination periodically. Applicants assert that Federal Life may not abrogate its obligations under the Contracts and that any substitution of an underlying Fund of the Separate Account can only take place upon sound reasons by Federal Life, as stated in the Separate Account prospectus, and then only upon a prior favorable vote of a majority of the units having an interest in the Fund to be

substituted and the prior approval of the Securities and Exchange Commission. Applicants finally state that Federal Life maintains fidelity bonds covering its employees which provide coverage in the amount of $650,000.

Applicants contend that the foregoing laws, regulations and arrangements will provide substantial assurance that all obligations under the Contracts participating in the Separate Account will be performed, and that the dangers addressed by Sections 26(a) and 27(c)(2) are not present in this situation

Applicants have consented that the request for the foregoing exemptions may be made subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and the Commission may reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be determined to be exempted from regulation by the Commission by reason of the requested amended Order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Additional Exemptions Requested—Section 22(d)

Applicants propose to permit present shareholders of the participating Funds who have held at least ninety percent of the value of their shares for one year or longer to purchase Contracts at a reduced sales load applicable to a quantity discount, which sales load is to be determined by combining the value of all Fund shares owned with the amount of Adjusted Purchase Payments under the Contracts. Shareholders of the Funds may do this without transferring shares held in an existing Fund Account into this Contract.

Section 22(d) of the Act provides in pertinent part that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Rule 22d–3, in substance, permits the sale of variable annuity contracts at variations in the sales load deductions, provided that the prospectus for such variable annuity discloses the variations in sales load and the basis therefor, and further provided that such variations are not unfairly discriminatory. Applicants warrant that the availability of the reduced sales loads to the proposed categories of prospective purchasers and the bases therefor will be fully disclosed in the prospectuses of the Contracts, if said variations are approved. Applicants concede that the Rule 22d–3 exemption criteria may not be literally satisfied, although they assert the proposed arrangement is not unfairly discriminatory against any person and will be disclosed in the prospectus for the Contracts. In proposing this reduced sales load privilege, Applicants indicate reliance on the Commission's announcement in Investment Company Act Release No. 8570 (November 4, 1974) which indicates that the Commission would favorably consider an application for exemption from Section 22(d) to permit sales load reductions offered to persons who have previously or contemporaneously purchased another investment or insurance product from the same retailer or distributed by the same underwriter, if such exemption were in the best interest of investors.

Applicants assert that it is in the public interest and in the interest of investors to permit the proposed reduction of sales load. This is so even though the underwriter of the Separate Account and the underwriter of the Funds are different entities, because of the close relationship existing among Applicants which warrants such reduced sales charge. The Separate Account only invests in mutual funds which are members of the Vanguard Group of Investment Companies.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 10,1979, 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 of fact or laws 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: Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in 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 September 10, 1979, unless the Commission thereafter orders a hearing upon the Commission's motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Divisions of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–25790 Filed 8–20–79; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 6104; 18–31]

Pension Plan and Trust Agreement for Attorneys of Fulbright & Jaworski; Application

August 14, 1979.

Notice is hereby given that Fulbright & Jaworski ("Applicant" or the "Firm"), 800 Bank of the Southwest Building, Houston, TX 77002, a law firm organized as a partnership under the laws of the State of Texas, filed an application on January 9, 1979, for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for interests or participations issued in connection with the Pension Plan and Trust Agreement for Attorneys for Fulbright & Jaworski (the "Plan").

Introduction

The Plan covers the Firm's attorneys, of whom approximately 124 associates and 119 partners were participants in the Plan as of May 31, 1978. The Plan provides that attorneys of the Firm are eligible to participate therein if they have completed the requisite one year of service and received admissible annual compensations (i. e., the portion of the first $100,000 of their annual earnings in excess of the maximum considered wages for FICA tax purposes for such year). Participation in the Plan by eligible partners and associates of the Firm is mandatory, and each eligible employee is automatically admitted to participation upon completion of one year of service or attainment of age 25 if later. Person who are 60 years of age when initially hired by the Firm are excluded.

The Plan covers persons (in this case Applicant's partners) who are employees within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended ("Code"), and

therefore the exemption provided by Section 3(a)(2) of the Act is inapplicable to the Plan.

The Commission may, pursuant to Section 3(a)(2), exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a stock bonus, pension, profit sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Description and Administration of the Plan

The Firm represents that the Plan was adopted effective as of June 1, 1975, and was amended and restated in its entirety, effective as of May 23, 1978. The Plan was subsequently amended by the First Amendment thereto as was required by the Internal Revenue Service ("IRS") prior to approving the Plan as continuing to be a qualified plan under section 401(a) of the Code. In connection with these amendments the Plan has been reviewed by the IRS and the Firm has received a favorable determination letter confirming the qualification of the Plan under Section 401(a) of the Code. The Firm states that, under the Plan, contribuions to the Plan are permitted only from the Firm based upon the funding requirements under the Internal Revenue Code as determined and certified by the independent actuaries. No contributions are permitted from any member.

The firm represents that it maintains substanial administrative control over the Plan. The Plan is administered by a Pension Committee ("Committee") consisting of one to five persons each of whom may or may not be a participant in the Plan. The Committee has overall responsibility and authority in connection with the general administration of the Plan, including the interpretation of all terms, provisions, conditions and limitations of the Plans establishment and enforcement of rules relating to administration of the Plan, the determining of the period of credit service and amount of earnings upon which the benefit of each member shall be calculated, the authority to instruct the Trustee in all matters relating to payment of Plan benefits and all matters relating to management of the Trust funds, and the authorization for payment of proper expenses in administering the Plan.

The Firm represents that the Plan is an "employee pension benefit plan" subject to regulation by the Department of Labor under the Employee Retirement Income Security Act of 1974 ("ERISA") and is subject to the fiduciary standards and full reporting and disclosure requirements of ERISA.

The Firm represents that the Trustee has entered into, at the direction of the Committee, a Deposit Administration Contract (the "Contract") with The Prudential Insurance Company of America ("Prudential"), pursuant to which most of the assets of the Plan have been invested. The remainder of the assets are invested in short-term variable demand notes. Amounts invested through the Contract have been guaranteed by Prudential. The yield on such amounts will be compounded annually at a rate based on Prudential's investment experience but in any event not less than a stated rate agreed to by the Trustee and Prudential. The Contract is for a five year term, and no cash may be withdrawn therefrom until the Contract has expired.

The Firm represents that retirement benefits are a function of years of service, average monthly earnings from the Firm for certain years prior to retirement, and the member's monthly primary social security benefit at his normal retirement date. The normal retirement date under the Plan is the month next following the sixty-fifth (65) birthday of a participant. Options are available to participants for early or late retirement and for types of payouts at retirement date. A participant's benefit from the Plan upon termination of employment prior to retirement is his retirement benefit accrued to the date of severance to the extent vested. Vesting is determined by length of service. Both the benefit formulas and the method of vesting comply with the requirements of ERISA.

The Firm represents that the Firm has not distributed and does not intend to distribute any type of promotional material relating to the Plan (other than such material as the Firm may be required under ERISA to distribute to participants or employees) and has not and does not intend to make any solicitation of voluntary contributions to the Plan. The Firm makes available to each Plan participant a Pension Plan Description and, upon request, copies of the Pension Plan and Trust Agreement and the latest interim financial statements of the Plan.

Discussion

Applicant contends that if the Firm were a corporation rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under Section 3(a)(2) of the Act. Applicant further represents that the Plan is subject to the fiduciary standards and reporting and disclosure requirements of ERISA; that the Applicant has retained substantial administrative control of the Plan, including ultimate control over investment policies; that the Applicant is engaged in providing legal services involving sophisticated and complex financial matters and can adequately represent its and its employees' interests; and that no solicitation of employee contributions has been or will be made.

Applicant submits that, in light of the foregoing, granting the requested exemptive order would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 8, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants 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. An order disposing of the application will be issued as of course following September 8, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-25791 Filed 8-20-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 6107; 18-44]

The Rosenman Firm Profit-Sharing Plan; Application for Exemption

August 15, 1979.

Notice is hereby given that Rosenman Colin Freund Lewis & Cohen (the "Applicant" or "Firm"), Rosenman Colin Freund Lewis & Cohen, 575 Madison Avenue, New York, NY 10022, a law firm organized as a partnership under the laws of the State of New York, filed an application on February 16, 1979, and June 20, 1979, for exemption from the registration requirements of the Securities Act of 1933 (the "Act") for participations or interests issued in connection with the Rosenman Firm Profit-Sharing Plan (the "Plan"). All interested person are referred to that application which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

Introduction

The Plan provides that partners of the Firm (except partners who own more than ten percent of either the capital interest or profits interest in the Firm) and employees of the Firm are eligible to participate therein if they are at least 24½ years of age and have completed 2½ years of service with the Firm. An individual practitioner or a member of another firm whose practice has been merged into that of the Firm (or a person who was employed by such individual practitioner or other firm prior to the merger) receives credit for service prior to the merger for the purposes of establishing his eligibility to participate in the Plan. Participation in the Plan begins on the first day of January, coincident with or next following the date on which a person first becomes eligible for participation. As of December 31, 1978, there were 128 participants in the Plan, including 87 employees and 41 partners.

The Plan is of the type commonly referred to as an "H.R. 10" or "Keogh" plan which covers persons who are employees within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954 (the "Code") and, therefore the exemption provided by Section 3(a)(2) of the Act for interests or participations in certain employee benefit plans of corporate employers is inapplicable. Section 3(a)(2) of the Act provides, however, that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Description and Administration of the Plan

The Plan is a defined contribution H.R. 10 plan originally adopted in December, 1969, and most recently amended effective as of January 1, 1976. The Plan is subject to the Employee Retirement Income Security Act of 1974 ("ERISA"). The Internal Revenue Service has issued a determination letter to the effect that the Plan, as amended to date, continues to meet the requirements of Section 401(a) of the Code.

Under the Plan, the Firm contributes annually with respect to each employee participant in the Plan an amount which is determined in accordance with a formula contained in the Plan. This formula provides, with respect to the calendar year 1978, that the Firm will contribute 7% of the employee's compensation in excess of $12,000 plus 1.34% of his total compensation. The $12,000 figure automatically increases by $500 a year and the 1.34% figure also automatically increases by .035% a year. Each partner participant in the Plan can contribute, at his own election, such amount as he determines up to the maximum amount that would be contributed on his behalf by the Firm if he were an employee participant. Each person's compensation is, of the purposes of the Plan, limited to $100,000.

In addition to the foregoing, each participant in the Plan is permitted, at his or her option, to make voluntary contributions annually in an amount not exceeding 10% of his or her compensation paid during the period of his or her participation in the Plan.

Four partners of the Firm serve as Trustees under the Plan. The Trustees have the power to employee agents, attorneys, accountants and other persons to advise them as they deem necessary. The daily administration of the Plan is handled by the Plan Administrator, who is one of the Trustees.

The Plan is divided into two funds for investment purposes and each participant is allowed to choose, each year, in which of these two funds his account balances should be invested. The first of these funds is an "equity fund" which is managed by an independent investment adviser and the second of these funds is a "bond fund" which is managed by the Trustees.

Discussion

Applicant contends that if the Firm's busines were organized in corporate form, interests and participations in the Plan would be exempt from registration pursuant to Section 3(a)(2) of the Act. It is only because of the participation of "employees" within the meaning of Section 401(c)(1) of the Code that the exemption is not available.

Applicant further contends that the Plan does not present the risks associated with the sale of interests or participations in multi-employer plans by financial institutions with which Congress was primarily concerned when it drafted Section 3(a)(2). The Plan is not a master or prototype plan designed to be marketed by a promoter to unrelated self-employed persons. The assets of the Plan are not commingled in pooled accounts with the assets of other employers' plans.

Applicant represents that the Firm exercises substantial administrative responsibility with respect to the Plan, and has employed independent experts to provide investment management and advisory services; that because the Plan is subject to the requirements of ERISA, the Firm must provide descriptive and financial information to Plan participants; that due to the nature of the Firm's business, which involves complex financial matters, the Firm is able to protect its interests and those of Plan participants.

Applicant concludes that for the foregoing reasons, granting the requested exemptive orders would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 10, 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 should order a hearing thereon. Any such communication

should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants 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. An order disposing of the application will be issued as of course following September 10, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-25850 Filed 8-20-79; 8:45 am]

BILLING CODE 8010-01

[Rel. No. 10836; 812-4471]

Shearson Daily Dividend Inc.; Application for Exemption

August 15, 1979.

Notice is hereby given that Shearson Daily Dividend Inc. ("Fund"), 767 Fifth Avenue, New York, New York 10022, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified investment company filed an application on May 1, 1979, and an amendment thereto on July 23, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund from the provisions of Rule 22c-1 thereunder to the extent necessary to permit the Fund to compute its net asset value per share, for purposes of effecting sales and redemptions of its shares, using a time other than the close of trading on the New York Stock Exchange. 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.

The Fund represents that it registered under the Act on March 20, 1979, as a "money market" fund designed as an investment vehicle for investors who desire to place assets in money market instruments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. The Fund further represents that its portfolio may be invested exclusively in a variety of short-term money market instruments consisting of securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities; certificates of deposit, including those issued by domestic banks, and savings and loan and similar associations; and high-grade commercial paper. According to the application, all investments by the Fund must consist of obligations maturing within one year from the date of acquisition, and the average maturity of all its investments (on a dollar-weighted basis) will be 120 days or less.

The Fund proposes to compute its net asset value using a time other than the close of trading on the New York Stock Exchange. In this regard, the Fund represents that the board of directors of the Fund, including a majority of the directors who are not interested persons, have determined that it is in the best interest of the Fund to compute its net asset value for the purposes of sales and redemptions of its shares solely as of 2:30 P.M., New York City time, and to require that notice of intent to purchase or redeem its shares be given prior to 2:30 P.M., New York City time in order for such purchases to be effected upon receipt of Federal Funds or for such redemptions to be effected on the same day as requested. The Fund also represents that such determination by its board of directors will be reviewed no less frequently than annually.

Rule 22c-1 under the Act provides, in pertinent part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Subsection (b) of Rule 22c-1 defines the term "current net asset value" of a redeemable security as that value computed on each day during which the New York Stock Exchange is open for trading, not less than once daily as of the time of the closing of trading on such exchange.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, the Fund represents that this policy of computing net asset value as of 2:30 P.M., New York City time, would aid in the effective management of the Fund's portfolio. According to the application, in order for the Fund to make investments which will generate income immediately, it must have Federal Funds available to it. The earlier in the day that the Fund is aware of the cash available for investment through net purchases of its shares, the more time it will have to analyze the available investment alternatives and secure terms most attractive and beneficial to the Fund.

The Fund further proposes to declare its daily net dividend as of 2:30 P.M., New York City time, to shareholders of record, excluding shares purchased, but including shares redeemed, on that day. In view of the above and the fact that the portfolio securities of the Fund will not be listed on any stock exchange, the Fund's management can perceive no benefit to shareholders in computing the net asset value for a second time as of the close of trading on the New York Stock Exchange, aside from technical compliance with Rule 22c-1. The Fund asserts that opportunities for dilution of the value of the outstanding securities of the Fund will not be present if the requested exemption is granted. In addition, because the Fund's distributor and custodian reconcile their accounting records on a daily basis, the Fund rejects all orders for the purchase of its shares received by its distributor after 2:30 P.M., New York City time. The Fund believes that if it were permitted to determine its net asset value as of 2:30 P.M., there would be no necessity for the Fund to reject any orders for the purchase of its common shares.

The Fund submits that the exemption it requests is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 10, 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 the Fund at the address stated above. Proof of such service (by affidavit or, in 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.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–25849 Filed 8–20–79; 8:45 am]

BILLING CODE 8010–01

SMALL BUSINESS ADMINISTRATION

[Lic. No. 03/03–5142]

Minority Broadcast Investment Corporation; Issuance of a License To Operate as a Small Business Investment Company

On June 26, 1979, a notice was published in the **Federal Register** (44 FR 3763), stating that Minority Broadcast Investment Corporation located at 1220 19th Street NW., Suite 501, Washington, D.C. 20036, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business July 11, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 03/03–5142 to Minority Broadcast Investment Corporation on August 7, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 13, 1979.

Peter F. McNeish,

Acting Associate Administrator, Finance and Investment.

[FR Doc. 79–25781 Filed 8–20–79; 8:45 am]

BILLING CODE 8025–01–M

[Lic. No. 01/01–0072]

Vermont Investment Capital, Inc.; Notice of Granting of Application for Transfer of Control of Licensed Small Business Investment Company

On July 20, 1979, a notice was published in the **Federal Register** (44 FR 42833), stating that an Application has been filed with the Small Business Administration pursuant to § 107.701(a) of SBA Regulations (13 CFR 107.701(a)(1979)), for the Transfer of Control of the Vermont Investment Capital, Inc., Route 14, P.O. Box 84, South Royalton, Vermont, to Mr. Harold Jacobs.

Interested parties were given until the close of business on August 6, 1979, to submit written comments on the Application to the SBA.

Notice is hereby given that no comments were received, and having considered the Application and all other pertinent information, the SBA approved the Transfer of Control of Vermont Investment Capital, Inc. to Mr. Harold Jacobs, effective as of April 1, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: August 13, 1979.

Peter F. McNeish, Acting Associate Administrator, Finance and Investment.

[FR Doc. 79–25782 Filed 8–20–79; 8:45 am]

BILLING CODE 8025–01–M

[Proposal No. 05/05–0142]

Claremont/LaSalle Corp.; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102(1979)), by Claremont/LaSalle Corporation, 29 South LaSalle Street, Chicago, Illinois 60603 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. *et seq.*).

The proposed officers, directors and stockholders are:

Name and address, Title and relationship and Percent of ownership

Steven B. Randall, 888 Kimbal Rd., Highland Park, Ill. 60035, President, General Manager, Director, *

Harvey Pyes, 507 Karey Ct., Wilmette, Ill. 60091, Secretary, Director, *

S. William Pattis, 195 Elder Ln., Highland Park, Ill. 60035, Director, *

Patrick H. Arbor, 180 East Pearson, Chicago, Ill. 60611, Director, *

Dante A. Greco, 700 Old Elm Rd., Highland Park, Ill., 60035, Director, *

*The exact precentage of ownership will not be known until the conclusion of a private placement offering.

The Applicant proposes to begin operations with a capitalization of $500,000 and will be a source of equity capital and long term loans for qualified small business concerns. This initial capital will be obtained through the sale of common stock to no more than 35 persons. The Applicant intends to render management consulting services to small business concerns.

Matters involved in SBA's consideration of the application include, the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of this Notice, submit written comments on the proposed SBIC to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: August 15, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79–25874 Filed 8–20–79; 8:45 am]

BILLING CODE 8025–01–M

[Proposed License No. 05/05–5141]

Innercity Capital Access Center, Inc.; Application for License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of

1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Innercity Capital Access Center, Inc. (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers and directors of the applicant are as follows:

Hawkins R. Steele, 736 Pallister, Detroit, MI 48202, Chairman, Director.
Mark Rollinson, 410 Federal Bar Bldg., 1819 H St., N.W., Washington, D.C. 20006, Vice Chairman, Director.
Walter M. McMurtry Jr., 1535 Lincolnshire, Detroit, MI 48203, President, Director.
Richard P. Barnard, 784 Overhill Road, Birmingham, MI 48101, Director.
Thomas W. Cross, Cross & Company, 1985 W. Big Beaver Road, Suite 209, Troy, MI 48084, Director.
Karl Gregory, 18495 Adrian, Southfield, MI 48075, Director.
Kenneth Mabuchi, c/o P. F. Industries, Inc., 54 Buttonwood Street, Bristol, R. I. 02809, Director.
Claude Reese, 2481 Woodstock, Detroit, MI 48203, Director.
S. Martin Taylor, MESC, 7310 Woodward, 5th Floor RM #510, Detroit, MI 48202, Director.
Donald Carros, 40 Birwoode, Pontiac, MI 48055, Vice President, Secretary.
Harbans Dang, 17214 Charest, Detroit, MI 48212, Treasurer.

The applicant will maintain its principal place of business at 3049 East Grand Boulevard, Detroit, Michigan 48202. It will begin operations with capital of $1,178,500 of which $935,000 will be a grant to the Inner City Business Forum, the sole stockholder of the applicant 3049 East Grand Avenue, Detroit, Michigan 48202 from the Office of Special Projects of the Economic Development Administration, U.S. Department of Commerce.

The applicant will operate principally in the State of Michigan.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Acting Associate administrator for Finance and Investment, Small Business Administration, 1441 L Street, N. W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Detroit, Michigan.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 13, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-25877 Filed 8-20-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 08/08-5049]

Minority Enterprise Capital Corp.; Application for License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Minority Enterprise Capital Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 C.F.R. 107.102 (1979).

The officers, directors and stockholders of the applicant are as follows:

N. F. Anthony Seibert, 2661 Grapewood Lane, Boulder, Colorado 80302, Chairman of the Board, President, 100 percent Stockholder.
Lowell G. Shofner, 98 South Cherry, Denver, Colorado 80222, Vice President, Director.
Rebecca L. McBrayer, 7331 South Columbine Way, Littleton, Colorado 80122, Secretary-Treasurer, Director.

The applicant, a Colorado Corporation, with its principal place of business at 469 South Cherry Street, Suite 101, Denver, Colorado 80222, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 50,000 shares of common stock.

The applicant will conduct its activities principally in the State of Colorado and in other areas within the Rocky Mountain region.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than September 5, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Denver, Colorado.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 13, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-25878 Filed 8-20-79; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Denver, Colorado, will hold a public meeting at 9:30 a.m. on Wednesday, September 19, 1979, in the Federal Office Building, Room 1083 (10th Floor), 1961 Stout Street, Denver, Colorado, to discuss such business as may be presented by members, the staff of Small Business Administration, or others attending.

For further information, write or call Douglas F. Graves, District Director, U.S. Small Business Administration, 721—19th Street, Room 426, Denver, Colorado 80202, (303) 837–3673.

Dated: August 13, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-25875 Filed 8-20-79; 8:45 am]

BILLING CODE 8025-01

Region VIII Advisory Council Public Meeting

The Small Business Administration Region VIII Advisory Council located in the geographical area of Fargo, North Dakota, will hold a public meeting at 9:30 a.m., Wednesday, October 3, 1979, at the Ivanhoe Hotel, Dickinson, North Dakota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call E. Maine Shafer, District Director, U.S. Small Business Administration, P.O. Box 3086, Fargo, North Dakota, 58102—(701) 783–5131.

Dated: August 15, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-25876 Filed 8-20-79; 8:45 am]

BILLING CODE 8025-01

[Proposed License No. 04/04-5176]

Tennessee Venture Capital Corp.; Application for License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Tennessee Venture Capital Corporation (TVCC), with the Small Business Administration (SBA), pursuant to 13 C.F.R. 107.102 (1979).

The officers, directors and principal stockholders of TVCC are as follows:

David O. Kardokus, 4005 Vailwood Drive, Nashville, TN 37215, President, Treasurer, Director.

Risley P. Lawrence, 919 Van Leer Drive, Nashville, TN 37220, Vice President, Director.

Mack S. Linebaugh, Jr., 5958 Post Road, Nashville, TN 37205, Vice President, Director.

Allen M. Steele, 1001 Overton Lea Road, Nashville, TN 37220, Director.

J. Lillard Templeton, Jr., 5948 Sedberry Road, Nashville, TN 37205, Vice President, Director.

George H. Thompson III, 500 5th Avenue, North, Nashville, TN 37219, Vice President, Director.

E. Townes Duncan, 704 Kendall Drive, Nashville, TN 37209, Secretary.

10 common stockholders, each owning less than 10 percent of common stock	71.15
1 preferred stockholder, Tennessee Industrial Development Authority	28.85
	100.00

TVCC, a Tennessee corporation with its principal place of business located at Room 622, J. C. Bradford Building, 170 Fourth Avenue North, Nashville, Tennessee 37219, will begin operations with $505,000 of net combined paid-in capital and paid-in surplus derived from the sale of 3,700 shares of common stock and 1,500 shares of preferred stock.

TVCC will conduct its activities primarily in Middle Tennessee.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Nashville, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 9, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-25873 Filed 8-20-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM—8/214]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on September 13, 1979, in Room 856, Federal Communications Commission, 1919 M Street, NW., Washington, D.C., at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying missions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be to work on documents for the 1980 international meeting of Study Group 1 and to consider responses to a questionnaire concerning future organization of CCIR Study Groups.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: August 9, 1979.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 79-25823 Filed 8-20-79; 8:45 am]

BILLING CODE 4710-07-M

Agency for International Development

Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2),

Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (BIFAD) on September 10 and 11, 1979.

The purpose of the meeting is to: review and coordinate the reports from Regional Work Group (RWG) consultations with A.I.D. Missions; discuss the JCAD role in the involvement of Private Volunteer Organizations (PVO's) in Title XII Country Programs; discuss the desirability of Work Groups to monitor the Strengthening Grants; discuss the report of the Training Work Group and need for JCAD action; and discuss reorganization of RWG's and future meeting dates.

The meeting on September 10, 1979, will convene in Regional Work Groups: Africa RWG at 9:00 a.m. in Room 2941, New State Department Bldg. (Mr. William Johnson, A.I.D. Federal Designee for this meeting, can be contacted at (703)–632–0196); Latin America RWG at 10:00 a.m. in Room 2242 New State Department Bldg. (Mr. Blair Allen, A.I.D. Federal Designee for this meeting can be contacted at (202)–632–8279); Near East RWG at 9:30 a.m. in Room 6484 New State Department Bldg. (Mr. Russell Olson, A.I.D. Federal Designee for this meeting, can be contacted at (202)–632–9256); and the Asia RWG at 9:00 a.m. in Room 216, Rosslyn Plaza Bldg., 1601 North Kent Street, Rosslyn, Virginia. (Mr. David Lundberg, A.I.D. Federal Designee for this meeting can be contacted at (703)–235–8870.) The meeting on September 11, 1979 will convene from 9:00 a.m. to 4:30 p.m. in the Dynasty Room of the Holiday Inn, 1850 N. Ft. Myer Drive, Arlington, Virginia, 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Frank H. Madden, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the September 11 meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703)–235–9085.

Dated: August 13, 1979.

Frank H. Madden,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 79-25787 Filed 8-20-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Imported Steel Mill Products Trigger Price Mechanism: Fourth-Quarter 1979 Revision of Trigger Prices

The Treasury Department hereby announces steel mill products trigger prices for the fourth quarter of 1979. These trigger prices are used by the Treasury Department to monitor the prices of steel mill product imports for possible initiation of dumping investigations under the Antidumping Act. Each quarter Treasury reviews the cost of Japanese steel production and revises trigger prices accordingly.

Fourth-quarter trigger base prices and extras for the steel mill products manufactured principally by integrated steel producers will remain at the third-quarter 1979 trigger price levels. These products account for about 90 percent of U.S. steel mill product imports.

The trigger base prices and extras of those steel mill products manufactured principally by electric furnace producers will decrease by 0.1 to 0.3 percent from their third-quarter levels. The trigger price bases and extras for stainless steel wire products will increase or decrease slightly, depending on the product.

The steel trigger price mechanism (TPM) includes a "flexibility band" designed to allow the moderation of price fluctuations, particularly those due to currency exchange rate changes, by as much as 5 percent. This band has been used each of the past three quarters to lessen the magnitude of trigger price increases and decreases that were caused by currency value movements. In determining the levels of fourth-quarter bases and extras, Treasury utilized 1.1 percent of this band to keep most trigger price bases and extras at their third-quarter levels. If Treasury had not used the flexibility band, fourth-quarter trigger prices would have been reduced 1.1 percent from their third-quarter levels.

Table 1.—*Third and Fourth Quarter 1979 Average Costs and Trigger Prices: Integrated Producers*

[Dollars per net ton]

	Third quarter	Fourth quarter
Average cost estimate	341.08	343.70
Average trigger price	347.54	347.54

I. Production Costs

A. Integrated and Electric Furnace Producers

Treasury estimated dollar-valued Japanese steel production costs for fourth-quarter 1979 trigger prices on the basis of recent cost submissions from Japan's Ministry of International Trade and Industry (MITI) and a 217 yen/dollar currency exchange ratio. The currency ratio used is the average yen/dollar exchange rate for the period June 8 through August 7. Treasury's production cost estimates for third-quarter trigger prices were based on a 212 yen/dollar ratio, the average for March 5 through May 4, 1979. This 2.4 percent depreciation in the yen's value relative to the dollar decreased Treasury's dollar-valued estimates of the steel production costs of Japan's integrated producers by 1.6 percent.

Offsetting the depreciation of the yen is the increasing cost of fuel. Fuel costs have a substantial impact on Japanese production costs both directly through the fuel oil used in steel production, and indirectly through the increase in the cost of transporting raw materials to the Japanese steel plants. As shown in Tables 2 and 3 below, these costs increases resulted in a net increase in Treasury's average production cost estimates of 0.8 percent for integrated producers and 0.4 percent and 0.5 percent for electric furnace producers.

The resulting base prices for products produced by integrated producers and electric furnace producers are shown in Table 4.

Table 2.—*Japanese Production Cost Estimate: Integrated Steel Producers Third and Fourth Quarters, 1979*

[U.S. dollars per metric ton of finished product]

	Third quarter	Fourth quarter
Basic raw materials	$124.68	$132.99
Other raw materials	67.10	65.55
Labor	91.80	89.68
Other expenses	26.62	26.01
Depreciation	27.62	26.98
Interest	24.12	23.56
Profit [1]	24.82	25.14
Yield credit	(10.79)	(11.05)
Total cost $/MT	375.97	378.86
Total cost $/NT	341.08	343.70

[1] Profit = 0.08 (Raw materials + labor + other expenses).

B. Stainless Steel Wire

Treasury's production cost estimates for stainless steel wire base prices and extras reflect information from a new MITI submission, use of 1.1 percent of the flexibility band, as well as adjustments to a 217 yen/dollar exchange average. The increase in stainless steel wire trigger base prices principally reflects changes in the cost of the metal contained in the wire. Since the magnitude of the price changes of the various metals used in stainless steel wire varied widely, the third-to-fourth-quarter changes in the base prices of the wire vary depending on the type of metal each contains. The production costs of stainless steel trigger price extras increased significantly due primarily to the increase in the price of fuel. However, for most products these increases were more than offset by the effect of the change in the exchange rate.

The resulting stainless steel base prices and extras are shown in the revised pages of the *Trigger Price Manual*, which follows Table 5 of this notice.

Table 3.—*Japanese Production Cost Estimates: Electric Furnace Products, Third and Fourth Quarter 1979*

[U.S. dollars per metric ton of finished product]

	Group A[1]		Group B[2]		Group C[3]	
	Third quarter	Fourth quarter	Third quarter	Fourth quarter	Third quarter	Fourth quarter
Basic Raw Materials	$168.08	$170.78	$182.82	$186.18	$168.52	$171.29
Other Raw Materials	33.72	33.33	36.34	35.91	33.13	32.74
Labor	28.17	27.52	30.74	30.03	22.28	21.74
Other Expenses	11.20	10.94	17.23	16.83	13.55	13.24
Depreciation	7.00	6.83	9.65	9.43	6.34	6.20
Interest	6.33	6.18	7.25	7.08	6.35	6.21
Profit[4]	19.29	19.41	21.37	21.52	19.00	19.12
Scrap Credit	(2.93)	(2.95)	(2.51)	(2.53)	(2.68)	(2.70)
Total $/MT	270.86	272.04	302.89	304.45	266.49	267.84
Total $/NT	245.72	246.79	274.78	276.19	241.76	242.98

[1] Group A Products are equal angles, unequal angles, channels, and I-beams.
[2] Group B products are hot rolled strip from bar mills; merchant quality flat bars, hot rolled round bars, squares, and round cornered squares; and bar size channels.
[3] Group C products are concrete reinforcing bars, plain and deformed.
[4] Profit = .08 (Raw materials + labor = other expenses).

II. Freight and Interest Charges

MITI submitted current data concerning freight costs from Japan to the United States to reflect increases in the price of fuel oil. As a result, all TPM freight rates will increase $3 for steel mill product imports entering the West Coast and $5 for each of the other port areas.

As a result of increases in production costs, the interest component in trigger prices has ben increased using the same interest formula as previously applied. For many products the interest component will increase $1 or $2, although the interest charge on most products will remain unchanged.

Revised freight and interest charges are shown in Table 4.

III. Product Additions and Adjustments

Revised pages to the *Trigger Price Manual* containing additions and adjustments to previously published pages follow in Table 5. All prices in these pages are published in terms of the fourth quarter, 1979.

BILLING CODE 4810-25-M

Table 4 PRODUCT BASE PRICES FOR SHIPMENTS EXPORTED DURING FOURTH QUARTER 1979 (All Figures in $/Metric Ton)

Page*/	Product	Fourth Quarter 1979 Base Price	Fourth Quarter Ocean Freight				Fourth Quarter Interest			
			W.	G.	A.	L.	W.	G.	A.	L.
2-1	Wire Rods Commercial Quality AISI 1008 5.5mm	311	30	34	39	51	6	8	8	10
2-2	Wire Rods Welding Quality AISI 1008	312	30	34	39	51	6	8	8	10
2-3	Wire Rods High Carbon AISI 1065 5.5mm	361	30	34	39	51	7	9	9	11
2-5	Wire Rods Cold Heading Quality AISI 1038 12.7mm	373	30	34	39	51	7	9	9	11
2-7	Wire Rods Cold Finished Bar Quality	373	30	34	39	51	7	9	9	11
2-9	Spheroidized Annealed Mo Alloy Steel Wire Rod AISI 4037 5.5mm to 13mm	544	63	77	80	87	11	14	14	17
2-13	Spheroidized Annealed Si-Mn-Cr High Carbon Steel Wire Rod AISI 52100 5.5mm to 13mm	522	63	77	80	87	10	13	13	16
2-15	Spheroidized Annealed High Carbon Cr Steel Wire Rod AISI 52100 5.5mm to 13mm	599	63	77	80	87	12	15	15	18
3-1	Wide Flange Beams and Bearing Piling ASTM A-36 12" x 12"	302	32	38	42	55	6	7	7	9
3-4	Standard Carbon Steel Channels ASTM A-36 **	280	28	34	37	43	5	7	7	8
3-6	Unequal Leg Carbon Steel Angles ASTM A-36 **	294	28	34	37	43	5	7	7	9
3-8	Equal Leg Carbon Steel Angles ASTM A-36 **	264	28	34	37	43	5	6	6	8
3-10	Standard Carbon Steel 'I" Beams ASTM A-36 **	322	28	34	37	43	6	8	8	9
4-1	Sheet Piling ASTM A-328 Arch Web PDA-27	341	32	38	42	55	6	8	8	10
5-1	Steel Plates ASTM A-36 1/2" x 80" x 240"	312	30	33	39	39	6	8	8	10
6-1	Heavy Carbon Steel Rails AREA 115, 132 or 136 (40')	347	31	35	43	55	6	8	8	10
6-3	Light Rails 60 lbs./yd.	341	38	43	46	52	6	8	8	10
6-5	Tie Plates	348	44	47	57	62	6	8	8	11
8-1	Plain and Deformed Carbon Steel Concrete Reinforcing Bars ASTM A-615 ****	258	28	34	37	43	5	7	7	8
9-1	Hot Rolled Carbon Steel Bar Size Channel ASTM A-36 ***	389	28	34	37	43	7	9	9	11

*/ Page references are to the First and Second Quarter Trigger Price Manual published by the Department of the Treasury April, 1979. The first figure of each page reference corresponds to the AISI product category of that product.

** Electric Furnace, Group A. The decrease from the third to fourth quarter is 0.3 percent.

*** Electric Furnace, Group B. The decrease from third to fourth quarter is 0.1 percent.

**** Electric Furnace, Group C. The decrease from third to fourth quarter is 0.2 percent.

Table 4 (Continued)

Page*/	Product	Fourth Quarter 1979 Base Price	Fourth Quarter Ocean Freight W.	G.	A.	L.	Fourth Quarter Interest W.	G.	A.	L.
10-1	Rolled Carbon Bars Special Quality AISI 1045 40mm round x 4 meters	396	29	34	37	43	8	10	10	12
10-3	Merchant Quality Hot Rolled Carbon Steel Squares and Round Cornered Squares ASTM-36 or AISI 1020 ***	325	28	34	37	43	6	8	8	10
10-5	Merchant Quality Hot Rolled Carbon Steel Round Bar ASTM A-36 or AISI 1020 ***	325	28	34	37	43	6	8	8	10
10-7	Merchant Quality Carbon Steel Flat Bars ASTM A-36 or AISI 1020 ***	295	28	34	37	43	6	7	7	9
11-1	Hot Rolled Ni-Cr-Mo Alloy Steel Round Bar AISI 8620 40mm	457	54	59	71	87	9	12	12	15
11-6	Spheroidize Annealed High Carbon Cr Steel Round Bar AISI 52100	510	54	59	71	87	10	13	13	17
12-1	Cold Finished Carbon Steel Round Bar AISI 1008 through 1029	458	35	43	48	66	9	12	12	14
12-2	Cold Finished Round Steel Bar AISI 1212 through 1215	517	35	43	48	66	10	13	13	16
12-3	Cold Finished Round Steel Bar AISI 12L14 and 12L15	542	35	43	48	66	11	14	14	17
12-5	Cold Finished, Ni-Cr-Mo Alloy Steel Round Bar AISI 8620	457	54	59	71	87	9	12	12	15
12-7	Cold Finished Spheroidized Annealed, High Carbon Cr Steel Round Bar, AISI 52100, 50100, 51100	510	54	59	71	87	10	13	13	16
14-1	ERW Carbon Steel Pressure Tubing for use in Boilers, Heat Exchangers, Condensers, Etc.	510	See Freight Table				10	12	12	15
14-6	Continuous Butt Welded Standard Pipe	345	"	"	"		6	8	8	10
14-8	ERW Pipe, Excluding Oil Well Casing, Without Coupling	363	"	"	"		7	9	9	11
14-13	Submerged Arc Welded Pipe	440	"	"	"		8	11	11	13
14-16	ERW Structural Tubing to ASTM A-500 Grades A, B & C	380	"	"	"		8	10	10	12
14-22	ERW Standard Pipe ASTM A-120 (A-53)	350	"	"	"		7	8	8	10

*/ Page references are to the First and Second Quarter Trigger Price Manual published by the Department of the Treasury April, 1979. The first figure of each page reference corresponds to the AISI product category of that product

***/ Electric Furnace, Group B. The decrease from third to fourth quarter is 0.1 percent.

Table 4 (Continued)

Page*/	Product	Fourth Quarter 1979 Base Price	Fourth Quarter Ocean Freight W. G. A. L.	Fourth Quarter Interest W. G. A. L.
14-24	Electric Resistance Welded Standard Pipe ASTM A-120 (Larger Sizes)	350	See Freight	7 8 8 10
14-26	Piling Pipe ASTM A-252	342	Table	6 8 8 11
14-30	Electric Resistance Welded Hot Dipped Galvanized Fence Pipe and Tubing in Plain Ends	350	"	7 8 8 10
14-32	ERW Mechanical Tubing ASTM A-513	458	"	9 11 11 14
15-1	Seamless Carbon Steel Oil Well Casing, Not Threaded, up to 7" in Outside Diameter	429	"	9 11 11 13
15-4	Seamless Carbon Steel Oil Well Casing, Not Threaded, 7 inches and over in Outside Diameter	425	"	8 11 11 13
15-7	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, 7 inches and over in Outside Diameter	482	"	10 12 12 15
15-10	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, up to 7 inches in Outside Diameter	487	"	10 12 12 15
15-13	Electric Resistance Welded Carbon Steel Oil Well Casing, Not Threaded	383	"	7 9 9 11
15-15	Electric Resistance Welded Carbon Steel Oil Well Casing, Threaded	452	"	9 12 12 14
15-17	Seamless Carbon Steel Pressure Tubing Suitable for use in Boilers, Superheaters, Heat Exchangers, Condensers, Refining Furnaces, Feed Water Heaters, Cold Finish	819	"	17 21 21 26
15-43	Seamless Carbon Steel Oil Well Tubing EUE With Threading and Coupling	642	"	13 17 17 21
15-45	Seamless Carbon Steel Line Pipe	437	"	9 11 11 14
15-48	Hot Rolled High Carbon Cr Steel Tube Suitable for Use in Manufacture of Ball or Roller Bearings AISI 52100 60mm to 100mm	622	"	13 17 17 21
15-49	Cold Rolled High Carbon Cr Steel Tube Suitable for Use in Manufacture of Ball or Roller Bearings AISI 52100 60mm to 100mm	925	"	19 25 25 30
15-50	Seamless Stainless Steel Round Ornamental Tube AISI TP 304, 1 1/4 x 0.049"	2098	"	44 56 56 69
15-52	Seamless Stainless Steel Square Ornamental Tube AISI TP 304, 1 1/2 x 1 1/2 x 0.065"	2287	"	48 61 61 75

*/ Page references are to the First and Second Quarter Trigger Price Manual published by the Department of the Treasury April, 1979. The first figure of each page reference corresponds to the AISI product category of that product.

Table 4 (Continued)

Page*/	Product	Fourth Quarter 1979 Base Price	Fourth Quarter Ocean Freight W.	G.	A.	L.	Fourth Quarter Interest W.	G.	A.	L.
16-1	Cold Heading Round Wire AISI 1018 Killed 0.192" Hard Drawn	467	46	52	54	68	9	12	12	15
16-1	Cold Heading Drawn from Annealed Rods	530	46	52	54	68	11	14	14	18
16-1	Cold Heading Drawn from Spheroidized Annealed Rods	542	46	52	54	68	11	14	14	18
16-1	Cold Heading Anneal in Process	546	46	52	54	68	11	14	14	18
16-1	Cold Heading Shperoidize Anneal in Process	556	46	52	54	68	11	14	14	18
16-1	Cold Heading Anneal in Process and Drawn from Annealed Rods	589	46	52	54	68	12	15	15	19
16-1	Cold Heading Spheroidize Anneal in Process and Drawn from Annealed Rods	599	46	52	54	68	12	15	15	19
16-1	Cold Heading Anneal at Finish Size	530	46	52	54	68	11	14	14	18
16-1	Cold Heading Spheroidize Anneal At Finish Size	542	46	52	54	68	11	14	14	18
16-1	Cold Heading Anneal at Finished Size and Drawn from Annealed Rods	572	46	52	54	68	12	15	15	19
16-1	Cold Heading Spheroidize Anneal at Finished Size and Drawn from Annealed Rods	585	46	52	54	68	12	15	15	19
16-4	Bright Basic Round Wire AISI 1008 #8 Gauge Rimmed	384	45	50	53	68	8	10	10	12
16-5	Galvanized Iron Round Wire AISI Type I Coating #8 Gauge	483	45	49	53	68	10	12	12	15
16-8	Round Baling Wire 14.50	536	45	49	53	68	10	13	13	16
16-9	Cold Finished Spheroidized Annealed, Si-Mn-Cr High Carbon Steel Wire AISI 9254	522	63	77	80	87	11	14	14	17
16-11	Cold Finished Spheroidized Annealed Mo Alloy Steel Wire AISI 4037, 5.5mm to 13mm	544	63	77	80	87	11	14	14	17
16-13	High Carbon Cr Steel Wire in Coil AISI 52100, 50100, 51100, Suitable for use in manufacture of ball or roller bearings	814	63	77	80	87	17	21	21	26
16-15	Upholstery Spring Wire Automatic Coiling and Knotting Type	480	43	55	57	70	10	12	12	15
16-16	Mechanical Spring Wire ASTM A-227 and A-648	506	43	55	57	70	10	13	13	16
16-17	Oil Tempered Steel Spring Wire ASTM A-229	509	43	55	57	70	10	13	13	16

*/ Page references are to the First and Second Quarter Trigger Price Manual published by the Department of the Treasury April, 1979. The first figure of each page reference corresponds to the AISI product category of that product.

Table 4 (Continued)

Page*/	Product	Fourth Quarter 1979 Base Price	Fourth Quarter Ocean Freight W.	G.	A.	L.	Fourth Quarter Interest W.	G.	A.	L.
16-18	Carbon Steel Valve Spring Quality Wire ASTM A-230	847	93	108	108	110	17	22	22	27
16-19	Automobile Tire Bead Wire	594	96	109	109	111	12	15	15	19
16-20	Galvanized Core Wire for A.C.S.R. ASTM B 498 Class "A"	633	55	61	63	73	13	16	16	20
16-21	Stainless Steel Wire	See attached pages 16-21 through 16-33								
19-1	Field Fence	579	47	58	63	68	11	14	14	17
20-1	Wire Nails Bright Common 20d #6 13/32 x 4"	448	47	58	63	68	11	14	14	18
21-1	Barbed Wire 2 Ply, 12.50	609	47	58	63	68	11	14	14	18
22-1	Black Plate ASTM A625-76 0.0083" x 34" x Coil	401	28	31	35	43	8	10	10	13
23-1	Electrolytic Tin Plate SR-25/25 75L x 34" x C	543	31	35	42	45	11	14	14	17
25-1	Hot Rolled Steel Sheets ASTM A-569 0.121" x 48" x Coil	276	28	31	35	39	6	7	7	9
25-2	Hot Rolled Steel Band ASTM 569 0.121" x 48" x Coil	264	28	31	35	39	5	7	7	9
26-1	Electrical Steel Sheets Grain Oriented M-4 0.012" x 33" x C	1129	31	35	41	45	24	30	30	37
26-3	Electrical Steel Sheets Non Oriented M-45 0.018" x 36" x C	629	31	35	41	45	17	21	21	27
26-5	Cold Rolled Sheets ASTM A-366 1.0 m/m x 48" x C	346	28	31	35	39	7	9	9	11
27-1	Electro Galvanized Sheets EGC 10g/M^2 1.0 m/m x 48" x C	409	29	31	35	44	8	11	11	13
27-4	Galvanized Sheet ASTM A525G90 0.8 m/m x 48" x C	411	29	31	35	44	8	11	11	13
29-1	Hot Rolled Carbon Steel Strip Produced on Bar Mills Cut Lengths ***	330	28	34	37	43	7	9	9	10
29-3	Hot Rolled Carbon Steel Strip Produced on Sheet Mills, Coils Only	270	28	34	37	43	6	7	7	9
32-1	Tin Free Steel Sheets SR 75L x 34" x C	465	31	35	42	44	9	12	12	15

*/ Page references are to the First and Second Quarter Trigger Price Manual published by the Department of the Treasury April, 1979. The first figure of each page reference corresponds to the AISI product category of that product.

***/ Electric Furnace, Group B. The decrease from third to fourth quarter is 0.1 percent.

Table-5 Product Additions and Adjustments

AISI Category/T.P. Manual Page Number	and Product Description	
14-2	Freight Charges on Pipe and Tube Products	Increased freight rate charges to all coasts.
14-3	ERW Carbon Steel Pressure Tubing	Corrected size extras
15-5	Seamless Carbon Steel Oil Well Casing	Corrected size extras
15-43 15-44	Seamless Carbon Steel Oil Well Tubing EUE with Threading and coupling	Extended coverage to include plain end seamless carbon steel oil well tubing
16-21 Thru 16-33	Stainless Steel Wire	Revised base price and extras extended coverage to include "cold drawn bar" in wire gauges.
26-1, 26-2	Electrical Steel Sheets, Grain Oriented	Revised base price and extras
26-8	Cold Rolled Sheet, Full Hard Feedstock	Clarified distinction between feedstock used for galvanizing lines and feedstock for other uses; established negative extra for feedstock material suitable for painting, strapping and other similar uses.

14-2

Rev. August 1979

4th Quarter, 1979

FREIGHT CHARGES ON PIPE AND TUBE PRODUCTS
($/MT - Applies to all products in category 14 and 15)

FREIGHT	PACIFIC	GULF	ATLANTIC	GREAT LAKES
Pipe (up to 40') Outside diameter up to:				
4"	$32	$43	$45	$58
5"	34	43	45	58
6"	36	44	45	60
8"	37	45	47	62
10"	38	46	47	64
12"	39	47	49	66
14"	40	49	49	68
16"	40	50	52	70
18"	41	51	52	71
20"	42	53	55	73
22"	43	54	58	74
24"	44	55	58	76
26"	45	56	61	78
28"	47	56	61	80
30"	48	58	61	82
32"	50	52	63	84
34"	51	60	63	86
36"	53	62	65	88
38"	56	65	68	91
40"	58	69	72	95
42"	61	72	74	99
44"	64	74	77	103
46"	68	78	81	107
48"	71	81	84	111

4TH QUARTER, 1979 14-3
BASE PRICE INCLUDING OD/WT EXTRAS ($/MT) Rev. August, 1979
ELECTRIC RESISTANCE WELDED CARBON STEEL PRESSURE TUBING
AISI 14 TSUSA 610.32

NOTES OD/ WT	3/4	1	1¼	1½	1-3/4	2	2-1/8	2¼	2-3/8	2½	2-3/4	3	3¼	3½	4	4½
.049	867	790	739													
.065	841	714	714	662	662											
.083	739	714	662	611	587	560	560	560	534	534	534	534				
.095	739	662	662	587	560	534	534	534	534	510	510	510	510			
.105	714	637	611	560	534	534	534	510	510	510	510	510	510	510		
.109	714	637	587	534	510	510	510	510	510	510	510	484	510	510	534	
.120	714	637	597	510	510	510	510	510	510	484	484	484	484	484	534	587
.125		637	587	510	510	510	510	484	484	484	484	484	484	484	510	534
.134		637	587	510	510	510	510	484	484	484	484	484	484	484	510	534
.135		637	587	510	510	510	510	484	484	484	484	484	484	484	484	510
.148			587	510	510	510	510	484	484	484	484	484	484	484	484	510
.150			611	534	510	510	510	484	484	484	484	484	484	484	484	510
.165			611	534	510	510	510	510	484	484	484	484	484	484	484	484
.180			611	560	510	510	510	510	484	484	484	484*	484	484	459	459
.200				587	510	510	510	510	510	484	484	459	459	459	459	459
.209*				587	534	534	510	510	510	484	484	459	459	459	459	459
.220				611*	534	534	534	510	510	484	484	459*	459	459	459	459
.238					560	560	560	510	534	510	510	484	484	484	484	484
.259					611	611	611	560	534	510	510	484*	484	484	484	484
.284												510*	510	484	484	484
.300													534	510	510	510

Intermediate wall thickness will be priced on the next heavier wall shown.

*Indicates correction of misprint in First and Second Quarter Trigger Price Mannual.

15-5
Rev. August, 1979

4th Quarter, 1979
Base Prices Including OD/WT Extras
($/MT)

SEAMLESS CARBON STEEL OIL WELL CASING, NOT THREADED, SEVEN INCHES AND OVER IN OUTSIDE DIAMETER

AISI 15

OD	WT	$/MT
7"	.272	437
	.317	426
8 5/8"	.264	444
	.352	425*
9 5/8"	.352	425*
	.395	425*
10 3/4"	.350	424
	.400	425*
	.450	424
11 3/4"	.375	425
	.435	425*
	.489	423
13 3/8"	.380	439
	.430	438
	.480	437
16"	.438	468
	.495	463
	.656	463
20"	.438	495
	.500	495
	.635	495
	.812	495

Intermediate WT will be priced on the nearest WT shown.

*Indicates correction of misprint in First and Second Quarter Trigger Price Manual.

15-43
Rev. August, 1979

SEAMLESS CARBON STEEL OIL WELL TUBING
EUE WITH THREADING AND COUPLING

Category AISI 15

Tariff Schedule Number(s) 610.49 10-1/2%

4th Quarter

Base Price per Metric Ton $642

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	See Freight	$9	$13
Gulf Coast	Table	$5	17
Atlantic Coast		$4	17
Great lakes		$4	21

Insurance 1% of base price + extras + ocean freight

Extras

A. Outside Diameter/Wall Thickness and Grade Extras

B. Non upset, plain ends

15-44
Rev. August, 1979

4th Quarter, 1979

BASE PRICES INCLUDING OD, GRADE EXTRAS
($/MT)

SEAMLESS CARBON STEEL OIL WELL TUBING
EUE WITH THREADING AND COUPLING

AISI 15 TSUSA 610.49

Grade / Outside Diameter (inches)	H40 J55 K55	N80 C75 L80 L90 Others 80-85	P105 Others 90 and up
2 3/8" and under	706	898	1086
2 7/8"-4"	642	815	982

SEAMLESS CARBON STEEL OIL WELL TUBING
Non Upset, Plain Ends

Grade / Outside Diameter (inches)	H40 J55 K55	N80 C75 L80 L90 Others 80-85	P105 Others 90 and up
2 3/8" and under	600	763	822
2 7/8"-4"	546	693	835

16-21
Rev. August, 1979

STAINLESS STEEL WIRE T.P. SCHEDULES

Category AISI 16

Tariff Schedule Numbers 609.4510 and 609.4540
10 1/2% + Additional Duties (See Headnote 4, T.S.U.S.)

Sequence Guide

1. Annealed Wire - Group I
   A. Grades and Base
   B. Size Extras by Grade Group

2. Hard/Spring Wire - Group II
   A. Grades and Base
   B. Size Extras by Grade Group

3. Soft/Intermediate Wire - Group III
   A. Grades and Base
   B. Size Extras by Grade Group

4. Coating Extras

5. Finish Extras
   A. Centerless Ground
   B. Centerless Ground and Polished

6. Tolerance Extras

7. Straightening and Cut to Length Extras

8. Packaging Extras

9. Schedule for ocean freight, handling, interest, and insurance.

16-22
Rev. August, 1979

GROUP I - ANNEALED WIRE

Annealed: The condition of soft wire in which there is no further cold drawing after the last annealing treatment. Wire of this temper is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

Grades	4th Quarter, 1979 Dollar per MT Wire Base Price
301	1985
302	1935
303	2036
304	1985
305	2160
310	3790
314	4489
316	2982
316-L	3158
317	3483
317-L	3658
304-L	2160
17-4PH*	2310
308	2135
308-L	2310
309	2688
309-L	2861
321	2310
312	Not Available
302 HQ(18-19LW)**	2109
347	2637
384	2587
15-5PH***	Not Available
409	1494
410	1194
416	1164
420	1243
430	1243
430-F	1444
434	1542
434-A	1542
446	1795

* May also be designated as type 630 or as UNS 17400
** May also be designated as type 302 CU and as 306
*** May also be designated as type XM12 and UNS 15500

16-23
Rev. August, 1979

GROUP I - ANNEALED WIRE (Continued)

4th Quarter, 1979
Dollar per MT Size Extras

Size*	300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.574" - .703"	191	490	191
.501" - .573"	191	490	191
.500"	207	490	207
.375" - .499"	224	490	224
.3125" - .374"	240	490	240
.250" - .312"	320	490	320
.234" - .249"	364	490	360
.216" - .233"	414	527	414
.200" - .215"	571	571	571
.185" - .199"	586	598	586
.170" - .184"	603	625	603
.155" - .169"	614	652	614
.142" - .154"	631	772	631
.128" - .141"	658	892	658
.113" - .127"	734	984	652
.099" - .112"	848	1071	685
.086" - .098"	929	1137	712
.076" - .085"	984	1202	746
.067" - .075"	1037	1260	901
.058" - .066"	1136	1303	1053
.051" - .057"	1183	1344	1102
.044" - .050"	1231	1389	1149
.038" - .043"	1338	1431	1257
.033" - .037"	1453	1593	1371
.030" - .032"	1512	1701	1512
.027" - .029"	1659	Not Available	1827
.024" - .026"	1797	"	1797
.021" - .023"	1936	"	1941
.019" - .020"	2075	"	2075
.018"	2208	"	2208
.017"	2238	"	2238
.016"	2273	"	2273
.015"	2378	"	2378

*All intermediate sizes to take next higher price.

16-24
Rev. August, 1979

GROUP I - ANNEALED WIRE (Continued)

4th Quarter, 1979
Dollar per MT Size Extras

Size*	300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.014"	2499	Not Available	2499
.013"	2603	"	2603
.012"	2714	"	2714
.011"	2818	"	2818
.010"	3072	"	3072
.009"	3190	"	3190
.008"	3332	"	3332
.0075"	3481	"	3481
.007	3641	"	3641
.0065"	4016	"	4016
.006"	4444	"	4444
.00575"	4871	"	4871
.0055"	5299	"	5299
.00525"	6155	"	6155
.005"	6315	"	6315
.00475"	6422	"	6422
.0045"	6635	"	6635
.00425"	7225	"	7225
.004"	7759	"	7759
.00375"	16314	"	16314
.0035"	19469	"	19469
.00325"	22249	"	22249
.003"	25029	"	25029
.0027"	25940	"	25940
.0025"	27009	"	27009
.002"	35029	"	35029

*All intermediate sizes to take next higher price.

Deduction to allow for absence of annealing and pickling (cold drawn "bar" in wire gauges):

Size Range	Deduction ($/MT)
.703" through .375"	74
.374" through .216"	78
.215" through .187"	101

16-25
Rev. August, 1979

GROUP II - HARD/SPRING WIRE

Hard/Spring: A condition of wire drawn several drafts as required to produce the high tensile strengths required for such products as spring wire.

Grades	4th Quarter, 1979 Dollar per MT Wire Base Price
301	1985
302	1935
303	2036
304	1985
305	2160
310	3790
314	4489
316	2982
316-L	3158
317	3483
317-L	3658
321	2310
17-4PH*	2310
17-7PH****	2987
330	Not Available
308	2135
308-L	2310
309	2688
309-L	2861
312	Not Available
302 HQ(18-19LW)**	2109
347	2637
384	2587
15-5PH***	Not Available
409	1494
410	1194
416	1164
420	1243
430	1243
430-F	1444
434	1542
434-A	1542
446	1795

* May also be designated as type 630 or as UNS 17400
** May also be designated as type 302 CU and as 306
*** May also be designated as type XM-12 and UNS 15500
**** May also be designated as type 631 and UNS-17700

16-26
Rev. August, 1979

GROUP II - HARD/SPRING WIRE (Continued)

Size*	4th Quarter, 1979 Dollar per MT Size Extras 300 Series & 17-7PH	400 Series
Over .375"	632	Not Available
.3125" - .374"	632	"
.250" - .312"	632	"
.234" - .249"	632	"
.216" - .233"	632	"
.200" - .215"	632	"
.185" - .199"	632	"
.170" - .184"	632	"
.155" - .169"	632	"
.142" - .154"	611	"
.128" - .141"	611	"
.113" - .127"	611	"
.099" - .112"	643	"
.086" - .098"	714	"
.076" - .085"	768	"
.067" - .075"	832	"
.058" - .066"	924	"
.051" - .057"	1112	"
.044" - .050"	1278	"
.038" - .043"	1346	"
.033" - .037"	1474	"
.030" - .032"	1543	"
.027" - .029"	1861	"
.024" - .026"	2031	"
.021" - .023"	2236	"
.019" - .020"	2504	"
.018"	3025	"
.017"	3291	"
.016"	3372	"
.015"	3453	"
.014"	3614	"
.013"	3748	"
.012"	4012	"

*All intermediate sizes to take next higher price.

16-27
Rev. August, 1979

GROUP II - HARD/SPRING WIRE (Continued)

Size*	4th Quarter, 1979 Dollar per MT Size Extras 300 Series & 17-7PH	400 Series
.011"	5134	Not Available
.010"	5268	"
.009"	5482	"
.008"	5664	"
.007"	Under Review	"
.0065"	"	"
.006"	"	"
.00575"	"	"
.0055"	"	"
.00525"	"	"
.005"	"	"
.00475"	"	"
.0045"	"	"
.00425"	"	"
.004"	"	"
.00375"	"	"
.0035"	"	"
.00325"	"	"
.003"	"	"
.0027"	Not Available	"
.0025"	"	"
.002"	"	"

*All intermediate sizes to take next higher price.

16-28
Rev. August, 1979

GROUP III - SOFT/INTERMEDIATE WIRE

Soft/Intermediate: A condition of wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties of such wire can be varied between those of soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire, by example, belongs in this group.

Grades	4th Quarter, 1979 Dollar per MT Wire Base Price
301	1985
302	1935
302 (302HQ; 18-9LW)	2109
303	2036
304	1985
305	2160
310	3790
314	4489
316	2982
316-L	3158
317	3483
317-L	3658
321	2310
17-4PH*	2310
330	Not Available
308	2135
308-L	2310
309	2688
309-L	2861
312	Not Available
347	2637
384	2587
15-5PH**	Not Available
409	1494
410	1194
416	1164
420	1243
430	1243
430-F	1444
434	1542
434-A	1542
446	1795

* May also be designated as type 630 or as UNS 17400
** May also be designated as type XM-12 and UNS 15500

16-29
Rev. August, 1979

GROUP III - SOFT/INTERMEDIATE WIRE (Continued)

4th Quarter, 1979
Dollar per MT Size Extras

Size*	300 Series & 17-7PH	400 Series	17-4PH & 15-5PH
Over .375"	429	298	429
.3125" - .374"	429	298	429
.250" - .312"	429	309	429
.234" - .249"	429	331	429
.216" - .233"	429	353	429
.200" - .215"	429	379	429
.185" - .199"	532	406	532
.170" - .184"	559	429	559
.155" - .169"	586	466	586
.142" - .154"	608	527	608
.128" - .141"	656	629	656
.113" - .127"	788	701	788
.099" - .112"	863	798	863
.086" - .098"	912	825	912
.076" - .085"	1015	874	1015
.067" - .075"	1119	955	1119
.058" - .066"	1219	1160	1219
.051" - .057"	1263	1371	1263
.044" - .050"	1310	1412	1310
.038" - .043"	1422	1465	1422
.033" - .037"	1508	1637	1508
.030" - .032"	1610	1745	1610
.027" - .029"	1756	Not Available	1756
.024" - .026"	1897	"	1897
.021" - .023"	2042	"	2042
.019" - .020"	2176	"	2176

*Intermediate sizes to take next higher price.

16-30
Rev. August, 1979

COATING EXTRAS ($/MT) - 4th Quarter, 1979

Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved.

Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

Size Range	Type of Coating			
		Metallic		
	Oxide	Copper	Nickel	Non-Metallic
Over .155"	None	105	31	22
.154" - .099"	"	158	31	22
.098" - .063"	"	210	41	30
.062" - .041"	"	Not Available	66	45
.040" - .030"	"	"	90	60
.029" - .025"	"	"	90	60
.024" - .020"	"	"	122	86
.019" - .015"	"	"	161	113
.014" - .010"	"	"	191	138

16-31
Rev. August, 1979

FINISH EXTRAS - 4th Quarter, 1979.

Size Range*	Centerless Ground 300 Series, 17-7PH, 400 Series, 17-4PH, & 15-5PH	Centerless Ground and Polished 300 Series, 17-7PH, 400 Series, 17-4PH, & 15-5PH
.703" - .595"	453	569
.594" - .501"	453	569
.500"	500	633
.499" - .375"	512	655
.374" - .3125"	512	655
.3124" - .250"	512	655
.249" - .234"	786	954
.233" - .216"	786	954
.215" - .200"	871	1061
.199" - .185"	1017	1230
.184" - .170"	1198	1424
.169" - .155"	1435	1678
.154" - .142"	1672	1915
.141" - .128"	1968	2210
.127" - .113"	2464	2728
.112" - .093"	5018	5524

*All intermediate sizes to take next higher price.

17-4PH to be included in 400 series.

Straightening and cut to length extras are already included in the above finish extras in case of centerless ground and polished.

16-32
Rev. August, 1979

TOLERANCE EXTRAS - 4th Quarter, 1979.

Standard: AISI or JIS Specification

Diameter Tolerance	$/MT
Standard	0
Not less than 1/2 standard	$105
Closer than 1/2 to 1/4 standard	25% of size extra
Closer than 1/4 standard	50% of size extra

Straightening and Cut to Length Extras

Size Range	Dollar per MT
.703" - .595"	94
.594" - .501"	94
.500"	94
.499" - .375"	119
.374" - .3125"	119
.3124" - .170"	214
.169" - .099"	536
.098" - .051"	1550
.050" - .032"	1789

Length	Dollar per MT
Under 12"	84
12" to under 18"	54
18" to under 24"	54
24" to under 30"	35
30" to under 36"	35
36" to under 48"	35
48" to under 60"	35
60" to under 72"	35
72" to under 120"	30
120" to under 168"	30
168" to under 192"	30
192" to under 216"	30
216" to under 240"	30
240" to under 264"	23
264" to under 288"	23
288" to 316"	23

Packaging Extras

Type	Dollar per MT
Bundle	26
Wooden Boxes	79
Fibre Drums	79
Coil Carriers	26
Spools	
Sizes under .020"	132
Both Spools and Wooden Boxes	
Sizes .020" and greater	79
Sizes under .020"	210

16-33
Rev. August, 1979

Stainless Wire (Continued)
Category 16

Tariff Schedule Nos. 609.4510 and
609.4540

4th Quarter, 1979

	Ocean Freight	Handling	Interest Factor
West Coast	98	9	1.8%
Gulf Coast	117	5	2.4%
East Coast	117	4	2.4%
Great Lakes	150	4	2.9%

Interest charge equals F.O.B. trigger base price including size extra times interest factor.

Insurance at 1% of base plus extras plus ocean freight.

26-1
Rev. August, 1979

ELECTRICAL STEEL SHEETS - GRAIN ORIENTED - M-4 0.012" x 33" x C

Category AISI 26

Tariff Schedule Number(s) 608.8845 - 10%

	4th Quarter
Base Price per Metric Ton	$1129

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$31	$9	$24
Gulf Coast	35	5	30
Atlantic Coast	41	4	30
Great Lakes	45	4	37

Insurance 1% of base price + extras + ocean freight

Extras

1. Grade Extra
2. Surface Insulation Extras
3. Packing Extra
4. Size Extra

26-2
Rev. August, 1979

EXTRA FOR ELECTRICAL STEEL

Grain Oriented Electrical Steel

(1) Grade Extra (M-4 = 100.0) (Grade extra including base) Multiplies Base by:

(Grade)	(Thickness)	
M-2H	(0.012")	1.03
M-3H	(0.012" and 0.014")	1.015
M-4H	(0.012" and 0.014")	1.00 (Base)
M-4	(0.011")	1.00 (Base)
M-5	(0.012" and 0.014")	0.964
H-6	(0.014")	0.909

(2) Surface Insulation Extras

Coating Extras are included in a base price.

(3) Packing Extra

Nil

(4) Size Extra (Unit-US$/M.T.) - 4th Quarter, 1979

Width/ Grade	Over 1" Thru 2"	Over 2" Thru 6"	Over 6" Thru 17"	Over 17" Up to 31"	31", 33", or 34"
M-2H	84	58	53	68	Nil
M-3H	83	57	53	67	Nil
M-4H	81	57	52	66	Nil
M-4	81	57	52	66	Nil
M-5	78	54	52	63	Nil
M-6	75	53	51	62	Nil

26-8
Rev. August, 1979

Cold Rolled Full Hard Coiled Sheet Feedstock Suitable for Painting Lines or Strapping Production. Material is not edge trimmed, not temper rolled.	Minus $11.00
Cold Rolled Full Hard Coiled Sheet Feedstock Suitable for Continuous Hot Dipped Galvanizing. Material not produced to any surface specification as to roughness, or to any tensile strength specifications; material not edge trimmed, not temper rolled.	No trigger price

BILLING CODE 4810-25-C

Dated: August 15, 1979.

David R. Brennan,

Deputy General Counsel.

[FR Doc. 79-25822 Filed 8-20-79; 8:45 am]

BILLING CODE 4810-25-M

Questions and Answers Pertaining to the Revised Special Summary Steel Invoice

The Department of the Treasury has received numerous inquiries following the **Federal Register** Notice of March 7, 1979 amending the regulations requiring the presentation of a completed Special Summary Steel Invoice (SSSI) to accompany each importation of steel mill products. The Treasury Department hereby publishes the most frequently asked questions and the Department answers regarding the completion and Customs processing of the revised SSSI.

Dated: August 15, 1979.

David R. Brennan,

Deputy General Counsel.

Questions and Answers Pertaining to Revised SSSI

1. Q. A revised Special Summery Steel Invoice (SSSI) must be presented to Customs for each shipment of steel mill products exported on or after May 7, 1979. How is "shipment" defined?

A. A shipment of steel mill products is defined as that quantity shipped by one buyer to one seller, on one carrier, entering at one port of entry. (At land border crossings, one carrier is equated to one conveyance such as one truckload or one carload.)

2. Q. the Customs Procedural Reform and Simplification Act introduces new concepts of "entry" and "entry summary." When the regulation implementing these legislative changes takes effect, will the Special Summary Steel Invoice (SSSI) be required to be presented at "entry" or at "entry summary"?

A. Under the implementing regulations, the SSSI will be required to be presented at the time of "entry summry." If the SSSI is not presented, the entry will be rejected, and Customs will order redelivery of the goods or assess liquidated damages.

Note.—If the SSSI presented at entry summary is prepared incorrectly or inadequately, the entry may also be rejected.

3. Q. In completing section 28 (Other Costs) and 30 (Selling Expenses and Processing) of the revised SSSI, must each type of cost be listed separately?

A. Yes. In section 28, each type of expense and the cost incurred must be identified. Section 30 can be an aggregation of all selling expenses and/or processing costs. If more room is needed to show the data, continuation sheets may be used.

4. Q. In case of an international transaction between related parties and a resale price to an unrelated party, section 29 of the revised SSSI should be completed showing the amount paid for duty. If the exact amount of duty is unknown, can an estimate be used?

A. An estimate should not be used. The amount of the duty is usually known at the time the entry summary is filed, if not earlier. Thus, the broker empowered to be the agent of the importer can fill in the amount of the duty at the time of entry summary, if the importer does not know the amount.

5. Q. Previously, where the international transaction was between related parties and a resale to an unrelated party in the United States has occurred, a resale worksheet was submitted with the entry. This resale worksheet listed the expenses now required to be shown in sections 28, 29, and 30 of the revised SSSI. Can the resale worksheet continue to be submitted instead of completing these sections of the SSSI?

A. If the resale worksheet incorporates all the information required in sections 28, 29, and 30 and if a copy of the worksheet is attached to each SSSI covering a shipment, the worksheet is acceptable in lieu of completing sections 28–30 of the SSSI. However, if a worksheet is submitted, a copy must be attached to each and every copy of the SSSI.

6. Q. In international sales a commission is often paid by the foreign seller to the importer or end user. Does Treasury make any distinction between a commission paid to a related party and a commission paid to unrelated parties?

A. Yes. In the case of the commission paid by a foreign seller to an unrelated importer or end user, Treasury always deducts the amount of this commission from the invoice price before the U.S. sales price is compared to the trigger price since such a commission is, in effect, a reduction in the sales price.

In the case of a sale between related parties, Treasury compares to the trigger price the sales price to the first unrelated party (adjusted to deduct the reseller's costs). As long as this sales price is available at the time of entry summary, Treasury disregards the commission paid by the foreign seller to the related importer, since this is viewed as an intracompany transaction.

In the case of a sale to a related importer where the latter's resale price is not available at the time of entry summary, the commission paid to the related importer will be deducted from the international transaction price and the shipment then treated for purposes of comparison with the trigger price as though the sale were to an unrelated importer.

7. Q. In some transactions between a foreign seller and an unrelated U.S. purchaser, an agent (who may or may not be related to the foreign seller) acts as the importer of record and arranges the sale, although he is not a purchaser or reseller of the steel. If a commission is paid by the foreign seller to this agent, how is this commission treated for purposes of trigger price?

A. In this situation, Treasury would compare to the trigger price the sales price of the steel from the foreign seller to the unrelated purchaser, and the commission would not be deducted, since it does not reduce the price of the end user. However, if the commission were used to absorb such costs as duty, brokerage fees or inland freight, these costs would be deducted from the sales price before a comparison to the trigger price is made.

8. The final rulemaking regarding the revised Special Summary Steel Invoice (SSSI) was published in the **Federal Register** on March 7, 1979. The second paragraph on page 12413 reads:

"If in the course of its monitoring (including audits), the Department finds that a U.S. consumer of steel is using a foreign buying agent to avoid a direct sale from the foreign mill to that consumer so that the related firms, viewed as a whole, are acquiring steel below applicable trigger prices, the Department will consider the ex-mill prices as the proper basis for comparison to the trigger price. That is consistent with prior practice in anti-dumping cases."

8a. Q. What is meant by "consumer"?

A. For trigger price purposes, a "consumer" is any person/company that buys steel and does anything prior to its resale other than routine maintenance or warehousing. Routine maintenance includes re-packing or re-oiling. Thus, a person who trims the steel, edges it or processes it is a "consumer".

8b. Q. What is meant by "foreign buying agent"?

A. The term refers to a foreign company that purchases on behalf of, or on order of, a domestic consumer to which it is related within the meaning of the Antidumping Act "so that the related firms, viewed as a whole" are a single entity. The Customs Service may in such a situation request information on the price at which the foreign buying agent acquired the steel.

8c. Q. What is meant by "to avoid"? The phrase implies intent. Will it apply to a company whose standard method of doing business for years before the trigger price mechanism (TPM) came into effect has been to use a foreign agent who buys from a mill and sells to the related U.S. company?

A. No concept of "intent" is intended. The fact that a company's standard method of doing business before TPM came into effect has been to use a related foreign buying agent, or whether such an agent is newly created, does not preclude Treasury from considering the ex mill price as the proper basis of comparison with the trigger price if the related firms viewed as a whole are acquiring steel at prices below the applicable trigger price.

8d. Q. Does the cited paragraph apply if the foreign mill is unrelated to either the foreign agent or the U.S. consumer?

A. Yes.

8e. Q. What is meant by "related firms viewed as a whole"?

A. This phrase "related firms viewed as a whole" encompasses a variety of trade patterns in which there is a relationship between the mill, foreign trading company, the domestic importer or customer.

8f. Q. If a foreign agent is related to a U.S. importer that is also a processor of the steel, and if the U.S. importer provides a resale price at the time of entry summary, may that resale price be used for comparison with the trigger price?

A. Yes, provided all processing, handling and similar costs are also submitted with the resale price.

8g. Q. As most of the time processing costs are not known at the time of entry summary, would it be acceptable for the related processor to submit standard processing costs based on several months' experience and adjusted for inflation, with the understanding such submission would be subject to audit?

A. Such a submission would be acceptable.

9. Q. In answering Section 6, calling for information concerning the producer if other than the seller, is it permissible to identify the producing group and give its headquarters, where there are a number of mills in the groups?

A. Yes, assuming all mills are located in the same country. However, if mills are in different countries, the mill actually producing the steel must be identified.

10. Q. In answer to Section 14 calling for a description of the goods, will a chemical analysis be routinely required or will the applicable ASTM or AISI specification number be sufficient?

A. Normally a description by specification number is all that is required for the SSSI. However, whether or not a chemical analysis also will be required is a matter within the discretion of the local steel specialist, who may require such a document for classification purposes.

11. Q. In answer to Section 19a, in view of the limited space provided, will it be permissible to use an abbreviation such as "NSHM" to indicate that the product is not sold in the home market, if this is the case?

A. Yes. However, it is not acceptable to use such a phrase if "such *or similar*" merchandise is sold in the home market by the producer. Adjustments to render non-identical merchandise comparable may be detailed.

12. Q. If the international transaction is between unrelated parties should Section 19c be left blank?

A. Yes.

13. Q. If the international transaction is between related parties and the merchandise has not been resold by the importer by time of entry summary should Section 19c be left blank?

A. Yes. However, the importer should complete Section 31 by checking the appropriate box, signing, and dating the SSSI.

14. Q. The instructions for Section 19c call for "time of delivery if different from Section 12." Should this read "terms" rather than "time"?

A. Both the terms of delivery and the time of payment are required in answer to Section 19c. Insofar as time of payment is concerned, the trigger price is based on payment terms of 30 days after delivery. The attachment of the resale invoice will answer the question, if it contains the necessary information.

15. Q. In answer to Sections 24, 25, and 26, if the cost involved is included in the price, is the answer "included" sufficient?

A. No. The Customs Service needs a breakdown of the various costs called for by these boxes to analyze components of the price. If such information is available on the resale invoice or other document, such document can be attached to each copy of the SSSI in answer to these questions.

16. Q. With respect to Section 27 concerning freight from U.S. point of importation, if such costs are not borne by the importer or by a party related to the importer, is it permissible to answer "not included"?

A. Yes.

17. Q. For specialty steel items covered by the quotas or other products for which no trigger prices exist, is it necessary to give the information required by the new SSSI form?

A. Yes. For the 32 categories of steel products for which the SSSI form must be filed at entry summary, all information must be provided. The Customs Service is monitoring all steel products in AISI categories 1–32, whether or not they are specifically covered by published trigger prices.

18. Q. Should a bunker surcharge be included as part of the ocean freight in answer to Section 25?

A. Yes.

19. Q. In view of the fact that the exporter in many cases does not know the price of the resale even if made by a related importer and prior to entry, can the importer provide this information on the SSSI form?

A. Yes.

20. Q. Where a renegotiation of the purchase price has taken place after the original contract of sale, what date should be given in answer to Section 10?

A. The last renegotiation date should be given since that is the date upon which the price terms are finally agreed.

21. Q. If a steel mill product is imported whose size is above or below the range of sizes for which size extras have been published, then the product is usually not intended to be covered by trigger prices. Does this mean that absolutely no check is made on the international transaction price of that product?

A. Trigger prices cover those steel mill products commonly made in or imported into the United States. Where the size of a particular product exceeds the published sizes, then no trigger price exists for that particular product. However, the nonexistence of a published trigger price for a specific product size does not indicate the lack of a check.

To illustrate, suppose a product is imported whose size is 60 feet but published trigger prices cover sizes to 50 feet. Technically there is no trigger price for the 60-foot product. However, based on trade practice and commodity knowledge, the 60-foot product can be assumed to be more expensive than the 50-foot one. Therefore, if the 60-foot product is imported at or below the trigger price published for the 50-foot product, Customs would scrutinize the price of the 60-foot product and report it to Headquarters if below the price of the 50-foot product. If shipments of the 60-foot size grow in number, a specific trigger price may be established for that product. The same applies to shipments of any unusual sizes or variations that appear to be mere evasions of trigger prices.

22. Q. The revised SSSI asks for data concerning the producer if other than seller, the importer, or the buyer. This information—the unit price data in Section 19, the data in Sections 24 to 30, and the declaration of the importer in Section 31—could be completed in several ways depending on whether a relationship exists between the parties in a transaction or whether one party is the agent of another. How should the revised SSSI be completed in these circumstances?

A. Described below are several types of business transactions. For each business transaction, a sample SSSI (attached) illustrates how that SSSI should be completed. Each example SSSI assumes the terms of the international sale in Section 12 are CIF (cost, insurance, freight). Where a resale occurs, the resale is assumed to be CIF duty paid, landed. The number identifying each business transaction corresponds with the number marked on the sample SSSI.

Business Transactions:

1. Seller to unrelated importer, who is also the buyer. (Back-to-back)*

2. Seller to unrelated importer, who resells to an unrelated buyer. (Back-to-back)*

3. Seller to unrelated agent who is also the importer and who resells to an unrelated buyer. (Back-to-back)*

4. Seller to an importer related to the seller; the importer resells to an unrelated buyer. (Back-to-back)*

5. Seller to an agent related to the seller; the agent is also the importer and resells to an unrelated buyer. (Back-to-back) *

6. Seller, to an importer related to the seller; who processes the steel prior to resale to an unrelated party. Importer has not resold the steel to an unrelated party by the time of entry summary. (Back-to-back) *

7. Seller to an importer related to the seller; the importer resells to a buyer who is related to either the seller or the importer. The related buyer resells to an unrelated buyer. (Back-to-back) *

The foregoing descriptions of business transactions use the terms "related" and "agent." A person is considered an agent if the person: (a) Cannot accept sales orders, (b) cannot set final prices, (c) does not purchase the steel for his own account, and (d) usually receives a commission to cover costs and reimbursement of expenses. For trigger price purposes, relationship between parties will be determined within the meaning of the Antidumping Act (19 U.S.C. 166).

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* Back-to-back means that at the time of entry summary, all documentation is available showing the continuous flow of the busines transactions.

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
19 U.S.C. 1481, 1482, 1484

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

FORM APPROVED
O.M.B. No. 48-R0547

1. SELLER
. (1) A

2. DOCUMENT NO.

3. INVOICE NO. AND DATE

5. REFERENCES

4. CODES FOR COLUMN 18
C - Width
D - Length
E - Edging
F - Chemistry
G - Quality (e.g. commercial deep drawing)
H - Heat treating
I - Coating
J - Inspection and testing
K - Surface treatments
OTHER(S)-Specify:
L -
M -
N -

6. PRODUCER IF OTHER THAN SELLER (Name and Address)
If other than A

7. BUYER
C

8. IMPORTER
C

Importer of Record? ☐ Yes ☐ No

9. ORIGIN OF GOODS

10. DATE PRICE TERMS AGREED

11. CURRENCY/EXCH RATE (If fixed or Agreed)

12. TERMS OF SALE, PAYMENTS AND DISCOUNTS
CIF

13. MARKS AND NUMBERS	14. AISI Category	15. DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)	16. QUANTITY	17. BASE PRICE	18. EXTRAS a. Kind	18. EXTRAS b. price	19. UNIT PRICE a. home mkt	19. UNIT PRICE b. invoice	19. UNIT PRICE c. resale	20. INVOICE TOTALS
		(1) C is unrelated to A NOTE: If section 12 was FOB, then A would complete sections 23 and 24. In this case, C would complete sections 25, 26, 28 if applicable, and 31.					A	A to C		

21. ☐ If the production of these goods involved furnishing goods or services to the seller *(e.g., assists such as dies, molds, tools, engineering work)* and the value is not included in the invoice price, check Box 21 and explain above.

22. DECLARATION OF SELLER/SHIPPER (OR AGENT)
I declare:

(A) ☐ If there are any commissions, rebates, drawbacks, or bounties allowed upon exportation of goods, I have checked Box (A) and itemized separately above.

I further declare that there is no other invoice differing from this one (unless otherwise described above) and that all statements contained in this invoice and declaration are true and correct.

(B) ☐ If any unrelated incentives or reimbursements of dumping duties, or other inducements not reflected in this invoice have been, or will be, paid, granted, or received in connection with the sale of these goods, I have checked Box (B) and explained above.

SIGNATURE OF SELLER/SHIPPER (OR AGENT): X

23. PACKING COSTS

24. TRANSPORTATION COSTS TO POINT OF EXPORTATION

25. OCEAN, AIR, OR INTERNATIONAL FREIGHT

26. INSURANCE COSTS

A completes

31. DECLARATION OF IMPORTER (When providing information)

Merchandise ☐ has ☐ has not been resold as of this date.

IMPORTER SIGNATURE: X

DATE:

29. DUTY

30. SELLING EXPENSES & PROCESSING

27. FREIGHT FROM U.S. POINT OF IMPORTATION

28. OTHER COSTS *(Specify)*

If any A usually completes

Previous editions are obsolete

Customs Form 5

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
(19 U.S.C. 1481, 1482, 1484)

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

FORM APPROVED
O.M.B. No. 48-R0547

1. SELLER

(2) D

2. DOCUMENT NO. | 3. INVOICE NO. AND DATE

5. REFERENCES

6. PRODUCER IF OTHER THAN SELLER (Name and Address)

If other than D

7. BUYER

F

8. IMPORTER — Importer of Record? ☐ Yes ☐ No

E

9. ORIGIN OF GOODS | 10. DATE PRICE TERMS AGREED | 11. CURRENCY/EXCH RATE (If fixed or Agreed)

12. TERMS OF SALE, PAYMENTS AND DISCOUNTS

CIF

4. CODES FOR COLUMN 18
C - Width
D - Length
E - Edging
F - Chemistry
G - Quality (e.g. commercial deep drawing)
H - Heat treating
I - Coating
J - Inspection and testing
K - Surface treatments
OTHER(S)--Specify:
L -
M -
N -

13. MARKS AND NUMBERS	14. AISI Category	15. DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)	16. QUANTITY	17. BASE PRICE	18. EXTRAS a. con	18. EXTRAS b. price	19. UNIT PRICE a. home mkt	19. UNIT PRICE b. invoice	19. UNIT PRICE c. resale	20. INVOICE TOTALS
		(2) D and E are unrelated E and F are unrelated NOTE: if section 12 was FOB then D would complete sections 23 and 24. In this case, E would complete sections 25, 26, 28 if applicable, and 31.					D	D to E	____	

21. ☐ If the production of these goods involved furnishing goods or services to the seller *(e.g., assists such as dies, molds, tools, engineering work)* and the value is not included in the invoice price, check Box 21 and explain above.

22. DECLARATION OF SELLER/SHIPPER (OR AGENT)

I declare:

(A) ☐ If there are any commissions, rebates, drawbacks, or bounties allowed upon exportation of goods, I have checked Box (A) and itemized separately above.

(B) ☐ If any unrelated incentives or reimbursements of dumping duties, or other inducements not reflected in this invoice have been, or will be, paid, granted, or received in connection with the sale of these goods, I have checked Box (B) and explained above.

I further declare that there is no other invoice differing from this one (unless otherwise described above) and that all statements contained in this invoice and declaration are true and correct.

SIGNATURE OF SELLER/SHIPPER (OR AGENT): X

23. PACKING COSTS

24. TRANSPORTATION COSTS TO POINT OF EXPORTATION

25. OCEAN, AIR, OR INTERNATIONAL FREIGHT

26. INSURANCE COSTS

D completes

27. FREIGHT FROM U.S. POINT OF IMPORTATION

28. OTHER COSTS *(Specify)*

If any D usually completes

29. DUTY

30. SELLING EXPENSES & PROCESSING

31. DECLARATION OF IMPORTER (When providing information)

Merchandise ☐ has ☐ has not been resold as of this date.

IMPORTER SIGNATURE: X

DATE:

Previous editions are obsolete

Customs Form 5520 (1-18-79)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
19 U.S.C. 1481, 1482, 1484

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

FORM APPROVED
O.M.B. No. 48-R0547

1. SELLER	2. DOCUMENT NO.	3. INVOICE NO. AND DATE	4. CODES FOR COLUMN 18
. (3) G	5. REFERENCES		C - Width D - Length E - Edging F - Chemistry G - Quality (e.g. commercial deep drawing) H - Heat treating I - Coating J - Inspection and testing K - Surface treatments OTHER(S) - Specify: L - M - N -
6. PRODUCER IF OTHER THAN SELLER (Name and Address) If other than G	7. BUYER J		
8. IMPORTER H Importer of Record? ☐ Yes ☐ No	9. ORIGIN OF GOODS	10. DATE PRICE TERMS AGREED	11. CURRENCY/EXCH RATE (If fixed or Agreed)
	12. TERMS OF SALE, PAYMENTS AND DISCOUNTS CIF		

13. MARKS AND NUMBERS	14. AISI Category	15. DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)	16. QUANTITY	17. BASE PRICE	18. EXTRAS a. Com	18. EXTRAS b. Price	19. UNIT PRICE a. home mkt	19. UNIT PRICE b. invoice	19. UNIT PRICE c. resale	20. INVOICE TOTALS
		(3) H is "agent" of G H is unrelated to G in terms of ownership By being agent of G, H is regarded as related for trigger price purposes (19 USC 166 (1)) G and J are unrelated NOTE: If section 12 is FOB, then G completes section 23 and 24. Sections 25,26, and 28 if applicable may be completed either by (1) G from data H sends G, (2) by H or (3) by J. If H or J completes sections 25,26, and 28, he should complete section 31.					G	G to J	——	

21. ☐ If the production of these goods involved furnishing goods or services to the seller *(e.g., assists such as dies, molds, tools, engineering work)* and the value is not included in the invoice price, check Box 21 and explain above.

22. DECLARATION OF SELLER/SHIPPER (OR AGENT)

I declare:

(A) ☐ If there are any commissions, rebates, drawbacks, or bounties allowed upon exportation of goods, I have checked Box (A) and itemized separately above.

(B) ☐ If any unrelated incentives or reimbursements of dumping duties, or other inducements not reflected in this invoice have been, or will be, paid, granted, or received in connection with the sale of these goods, I have checked Box (B) and explained above.

I further declare that there is no other invoice differing from this one (unless otherwise described above) and that all statements contained in this invoice and declaration are true and correct.

SIGNATURE OF SELLER/SHIPPER (OR AGENT): X

31. DECLARATION OF IMPORTER (When providing information)

Merchandise ☐ has ☐ has not been resold as of this date.

IMPORTER SIGNATURE: X DATE:

23. PACKING COSTS	
24. TRANSPORTATION COSTS TO POINT OF EXPORTATION	G
25. OCEAN, AIR, OR INTERNATIONAL FREIGHT	completes
26. INSURANCE COSTS	
27. FREIGHT FROM U.S. POINT OF IMPORTATION	
28. OTHER COSTS *(Specify)*	If any G usually completes
29. DUTY	
30. SELLING EXPENSES & PROCESSING	

Previous editions are obsolete

Customs Form 5520 (1-18-79)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
19 U.S.C. 1481, 1482, 1484

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

FORM APPROVED
O.M.B. No. 48-R0547

1. SELLER . (4) K	2. DOCUMENT NO.	3. INVOICE NO. AND DATE
	5. REFERENCES	
6. PRODUCER IF OTHER THAN SELLER (Name and Address) If other than K	7. BUYER L	
8. IMPORTER KI Importer of Record? ☐ Yes ☐ No	9. ORIGIN OF GOODS	10. DATE PRICE TERMS AGREED / 11. CURRENCY/EXCH RATE (If fixed or Agreed)
	12. TERMS OF SALE, PAYMENTS AND DISCOUNTS CIF	

4. CODES FOR COLUMN 18
- C - Width
- D - Length
- E - Edging
- F - Chemistry
- G - Quality (e.g. commercial deep drawing)
- H - Heat treating
- I - Coating
- J - Inspection and testing
- K - Surface treatments

OTHER(S)--Specify:
- L -
- M -
- N -

13. MARKS AND NUMBERS	14. AISI Category	15. DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)	16. QUANTITY	17. BASE PRICE	18. EXTRAS a. code	18. EXTRAS b. price	19. UNIT PRICE a. home mkt	19. UNIT PRICE b. invoice	19. UNIT PRICE c. resale	20. INVOICE TOTALS
		(4) K and KI are related L is unrelated NOTE: If section 12 is FOB, then K completes sections 23 and 24. In this case, KI completes sections 25, 26, 27 if applicable, and 28 if applicable as well as sections 29, 30, and 31.					K	K to KI	KI to L	

21. ☐ If the production of these goods involved furnishing goods or services to the seller *(e.g., assists such as dies, molds, tools, engineering work)* and the value is not included in the invoice price, check Box 21 and explain above.

22. DECLARATION OF SELLER/SHIPPER (OR AGENT)

I declare:

(A) ☐ If there are any commissions, rebates, drawbacks, or bounties allowed upon exportation of goods, I have checked Box (A) and itemized separately above.

(B) ☐ If any unrelated incentives or reimbursements of dumping duties, or other inducements not reflected in this invoice have been, or will be, paid, granted, or received in connection with the sale of these goods, I have checked Box (B) and explained above.

I further declare that there is no other invoice differing from this one (unless otherwise described above) and that all statements contained in this invoice and declaration are true and correct.

SIGNATURE OF SELLER/SHIPPER (OR AGENT): X

31. DECLARATION OF IMPORTER (When providing information)

Merchandise ☐ has ☐ has not been resold as of this date. KI completes

IMPORTER SIGNATURE: X DATE:

29. DUTY: KI completes

30. SELLING EXPENSES & PROCESSING: KI completes

23. PACKING COSTS	
24. TRANSPORTATION COSTS TO POINT OF EXPORTATION	
25. OCEAN, AIR, OR INTERNATIONAL FREIGHT	K completes
26. INSURANCE COSTS	
27. FREIGHT FROM U.S. POINT OF IMPORTATION	KI completes
28. OTHER COSTS *(Specify)*	KI usually completes

Previous editions are obsolete

Customs Form 5520 (1-18-79)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
19 U.S.C. 1481, 1482, 1484

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

FORM APPROVED
O.M.B. No. 48-R0547

1. SELLER	2. DOCUMENT NO.	3. INVOICE NO. AND DATE	4. CODES FOR COLUMN 18
(5) M			C - Width D - Length E - Edging F - Chemistry G - Quality (e.g. commercial deep drawing) H - Heat treating I - Coating J - Inspection and testing K - Surface treatments OTHER(S)--Specify: L - M - N -
	5. REFERENCES		
6. PRODUCER IF OTHER THAN SELLER (Name and Address)	7. BUYER		
If other than M	N		
8. IMPORTER	9. ORIGIN OF GOODS	10. DATE PRICE TERMS AGREED	11. CURRENCY/EXCH RATE (If fixed or Agreed)
MI — Importer of Record? ☐ Yes ☐ No			
	12. TERMS OF SALE, PAYMENTS AND DISCOUNTS		
	CIF		

13. MARKS AND NUMBERS	14. AISI Category	15. DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)	16. QUANTITY	17. BASE PRICE	18. EXTRAS a. code	18. EXTRAS b. price	19. UNIT PRICE a. home mkt	19. UNIT PRICE b. invoice	19. UNIT PRICE c. resale	20. INVOICE TOTALS
		(5) MI is related wholly owned "agent" of M N is unrelated NOTE: If section 12 is FOB, then M completes sections 23 and 24. Sections 25,26, and 28 if applicable may be completed by either (1) M from data MI sends M or (2) by MI or (3) by N. If MI or N completes sections 25, 26, and 28, he should complete section 31.					M	M to N	——	

21. ☐ If the production of these goods involved furnishing goods or services to the seller *(e.g., assists such as dies, molds, tools, engineering work)* and the value is not included in the invoice price, check Box 21 and explain above.

22. DECLARATION OF SELLER/SHIPPER (OR AGENT)

I declare:

(A) ☐ If there are any commissions, rebates, drawbacks, or bounties allowed upon exportation of goods, I have checked Box (A) and itemized separately above.

(B) ☐ If any unrelated incentives or reimbursements of dumping duties, or other inducements not reflected in this invoice have been, or will be, paid, granted, or received in connection with the sale of these goods, I have checked Box (B) and explained above.

I further declare that there is no other invoice differing from this one (unless otherwise described above) and that all statements contained in this invoice and declaration are true and correct.

SIGNATURE OF SELLER/SHIPPER (OR AGENT): X

23. PACKING COSTS

24. TRANSPORTATION COSTS TO POINT OF EXPORTATION — M completes

25. OCEAN, AIR, OR INTERNATIONAL FREIGHT

26. INSURANCE COSTS

31. DECLARATION OF IMPORTER (When providing information)

Merchandise ☐ has ☐ has not been resold as of this date.

IMPORTER SIGNATURE: X DATE:

29. DUTY

30. SELLING EXPENSES & PROCESSING

27. FREIGHT FROM U.S. POINT OF IMPORTATION

28. OTHER COSTS (Specify) — M usually completes

Previous editions are obsolete

Customs Form 5520 (1-18-79)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
19 U.S.C. 1481, 1482, 1484

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

FORM APPROVED
O.M.B. No. 48-R0547

1. SELLER (6) 0	2. DOCUMENT NO. / 3. INVOICE NO. AND DATE 5. REFERENCES	4. CODES FOR COLUMN 18 C - Width D - Length E - Edging F - Chemistry G Quality (e.g commercial deep drawing) H - Heat treating I - Coating J - Inspection and testing K - Surface treatments OTHER(S)-Specify: L - M - N -
6. PRODUCER IF OTHER THAN SELLER (Name and Address) If other than 0	7. BUYER Not yet known Not sold Steel to be processed	
8. IMPORTER OI Importer of Record? ☐ Yes ☐ No	9. ORIGIN OF GOODS / 10. DATE PRICE TERMS AGREED / 11. CURRENCY/EXCH RATE (If fixed or Agreed) 12. TERMS OF SALE, PAYMENTS AND DISCOUNTS CIF	

13. MARKS AND NUMBERS	14. AISI Category	15. DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)	16. QUANTITY	17. BASE PRICE	18. EXTRAS a. code	18. EXTRAS b. price	19. UNIT PRICE a. home mkt	19. UNIT PRICE b. invoice	19. UNIT PRICE c. resale	20. INVOICE TOTALS
		(6) OI is related to 0 NOTE: If section 12 is FOB, then 0 completes sections 23 and 24. OI can complete sections 25, 26, and 28 if applicable. If OI completes sections 25, 26, and 28, OI should complete section 31.					0	0 to OI	Not yet known	

21. ☐ If the production of these goods involved furnishing goods or services to the seller *(e.g., assists such as dies, molds, tools, engineering work)* and the value is not included in the invoice price, check Box 21 and explain above.

22. DECLARATION OF SELLER/SHIPPER (OR AGENT)

I declare:

(A) ☐ If there are any commissions, rebates, drawbacks, or bounties allowed upon exportation of goods, I have checked Box (A) and itemized separately above.

(B) ☐ If any unrelated incentives or reimbursements of dumping duties, or other inducements not reflected in this invoice have been, or will be, paid, granted, or received in connection with the sale of these goods, I have checked Box (B) and explained above.

I further declare that there is no other invoice differing from this one (unless otherwise described above) and that all statements contained in this invoice and declaration are true and correct.

SIGNATURE OF SELLER/SHIPPER (OR AGENT): X

23. PACKING COSTS	
24. TRANSPORTATION COSTS TO POINT OF EXPORTATION	0 completes
25. OCEAN, AIR, OR INTERNATIONAL FREIGHT	
26. INSURANCE COSTS	
27. FREIGHT FROM U.S. POINT OF IMPORTATION	
28. OTHER COSTS *(Specify)*	0 completes or OI completes

31. DECLARATION OF IMPORTER (When providing information)

Merchandise ☐ has ☐ has not been resold as of this date.

IMPORTER SIGNATURE: X DATE:

29. DUTY

30. SELLING EXPENSES & PROCESSING

Previous editions are obsolete

Customs Form 5520 (1-18-79)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
19 U.S.C. 1481, 1482, 1484

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

FORM APPROVED
O.M.B. No. 48-R0547

1. SELLER: (7) P

2. DOCUMENT NO.

3. INVOICE NO. AND DATE

5. REFERENCES

6. PRODUCER IF OTHER THAN SELLER (Name and Address): If other than P

7. BUYER: PIA Q

8. IMPORTER: PI — Importer of Record? ☐ Yes ☐ No

9. ORIGIN OF GOODS

10. DATE PRICE TERMS AGREED

11. CURRENCY/EXCH RATE (If fixed or Agreed)

12. TERMS OF SALE, PAYMENTS AND DISCOUNTS: CIF

4. CODES FOR COLUMN 18
C - Width
D - Length
E - Edging
F - Chemistry
G - Quality (e.g. commercial deep drawing)
H - Heat treating
I - Coating
J - Inspection and testing
K - Surface treatments
OTHER(S)--Specify:
L -
M -
N -

13. MARKS AND NUMBERS	14. AISI Category	15. DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)	16. QUANTITY	17. BASE PRICE	18. EXTRAS a. code	18. EXTRAS b. price	19. UNIT PRICE a. home mkt	19. UNIT PRICE b. invoice	19. UNIT PRICE c. resale	20. INVOICE TOTALS
		(7) PI and PIA are related to P or to each other PIA sold to Q who is unrelated to P, PI, or PIA NOTE: If section 12 is FOB, then P completes sections 23 and 24. PI completes sections 25 and 26. Sections 27, 28, 29, 30, and 31 are completed by either PI or PIA; but section 30 must show costs of both PI and PIA.					P	P to PI	PIA to Q	

21. ☐ If the production of these goods involved furnishing goods or services to the seller *(e.g., assists such as dies, molds, tools, engineering work)* and the value is not included in the invoice price, check Box 21 and explain above.

22. DECLARATION OF SELLER/SHIPPER (OR AGENT)

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I further declare that there is no other invoice differing from this one (unless otherwise described above) and that all statements contained in this invoice and declaration are true and correct.

SIGNATURE OF SELLER/SHIPPER (OR AGENT): X

31. DECLARATION OF IMPORTER (When providing information) PI or PIA completes

Merchandise ☐ has ☐ has not been resold as of this date.

IMPORTER SIGNATURE: X DATE:

29. DUTY: PI or PIA completes

30. SELLING EXPENSES & PROCESSING: PI or PIA completes. Must reflect both PI and PIA costs.

23. PACKING COSTS		
24. TRANSPORTATION COSTS TO POINT OF EXPORTATION	P completes	
25. OCEAN, AIR, OR INTERNATIONAL FREIGHT		
26. INSURANCE COSTS		
27. FREIGHT FROM U.S. POINT OF IMPORTATION	PI or PIA completes	
28. OTHER COSTS *(Specify)*	PI usually completes	

Customs Form 5520 (1-18-79)

Previous editions are obsolete

[FR Doc. 79-25882 Filed 8-20-79; 8:45 am]

BILLING CODE 4810-25-C

UNITED STATES RAILWAY ASSOCIATION

[Docket No. STP-1]

Evaluation of Supplemental Transaction, Proposal No. 1; Report

On April 11, 1979, the United States Railway Association ("USRA") received a Supplemental Transaction Proposal ("STP") developed and submitted by the Administrator of the Federal Railroad Administration ("Administrator"), under authority delegated to him by the Secretary of Transportation ("Secretary"). The following is USRA's report of its evaluation of that proposal.

I. Background

A. *The STP.*—The Administrator proposes that the Consolidated Rail Corporation ("Conrail") transfer 29.9 miles of railroad in eastern Connecticut to the Providence and Worcester Company ("P&W"). The lines proposed for transfer are:

1. The southernmost portion of the Norwich Secondary Track, from Groton, Connecticut, to Plainfield, Connecticut (MP 0.0 to MP 27.0); and
2. The "Groton Old Main Branch" located in the city of Groton, Connecticut (MP 0.0 to MP 2.9).

In addition, the proposal would require Conrail to relinquish to P&W, assuming agreement by the National Railroad Passenger Corporation ("Amtrak"), its right to operate freight service over some three miles of Amtrak's Shoreline Track between the Groton Old Main Branch and Norwich Secondary Track junctions.*

In developing the STP, the Administrator sought comments from interested parties and reported that there was no opposition to the proposal.

The Administrator also requested both Conrail and P&W to furnish information on financial terms of the transaction, including a proposed selling price and the cost and revenue data used to calculate that price. P&W submitted data supporting a price of $813,626 based on estimates of the annual net freight income expected to be generated by P&W from the STP properties. Conrail submitted data in support of a price of $2.75 million based on its estimate of the decrease in net revenue it would experience as a result of the transfer of the STP properties to P&W.

Finding that "the STP properties apparently generate net income", the Administrator concluded that the selling price should be the "going-concern value" of the lines to Conrail; and having "presently no reason to believe that the figures presented by Conrail are not accurate", he adopted Conrail's proposed price of $2.75 million. At the same time, because of the disparity between the prices proposed by the parties, the Administrator stated that he would institute an audit of Conrail's revenue and cost data "to confirm the proposed transfer price of $2.75 million." The audit was to be conducted concurrently with the STP process, and the results were to made available to USRA within 90 days after delivery of the STP.

B. *The Statutory Process.*—Section 305 of the Regional Rail Reorganization Act of 1973 ("Act") (45 U.S.C. 745) provides a process for the further restructuring of rail properties of railroads reorganization in the "region" (as defined in Section 102 of the Act), through transactions supplemental to the Final System Plan prepared and approved pursuant to Sections 206 and 208 of the Act. Section 305(a) authorizes the Secretary to develop an STP if he finds that a supplemental transaction would "promote the establishment and retention of a financially self-sustaining rail service system in the region adequate to meet the needs of the region."

The Act requires that any such proposal be submitted by the Secretary to USRA, which, in turn, by public notice, must afford all interested parties an opportunity to comment. Section 305(b) then directs USRA to "analyze" the STP, "taking into account the comments of interested persons and statements and exhibits submitted at any public hearings which may have been held." Following its analysis, the Association must publish in the **Federal Register** a report evaluating the proposal: "Such evaluation shall state whether the supplemental transactions contained in such proposal, considered in their entirety, are (1) in the public interest and consistent with the purpose of this Act and the goals of the final system plan, and (2) fair and equitable."

The statute further provides that for purposes of the latter finding, "the term 'fair and equitable' means fair and equitable, in accordance with the standards applicable to the approval of a plan of reorganization (or a step in such plan) under Section 77 of the Bankruptcy Act to (1) the estates of railroads in reorganization in the region * * * who have conveyed rail properties * * * in exchange for securities of the Corporation, the Association, or profitable railroads * * *; and (2) the holders of other securities of the Corporation."

In addition, Section 305(b) provides that if Conrail "opposes or seeks modification of" the STP, "its written comments shall be given due consideration by the Association and shall be published as part of the evaluation."

Within 30 days after publication of USRA's report, the proposed transferee of the STP properties, P&W in this case, must notify the Association in writing as to whether the supplemental transaction proposal is acceptable to it. If P&W fails to so notify USRA, all proceedings on the STP terminate.

During the course of the evaluation of this STP, a question was raised as to the legal effect to be accorded a qualified acceptance by P&W. USRA requested comment on this issue from the Secretary's General Counsel, Linda H. Kamm, Esq. She responded that it was the "view of the Department" that such a qualified acceptance should "be treated as a failure by P&W to notify the association that the proposal is acceptable to it." USRA concurs in and adopts this position.

If P&W accepts the STP, the next step in the statutory process is review by the Interstate Commerce Commission. Under Section 305(c) of the Act, the ICC has 90 days from the date of publication of this report to determine "whether the supplemental transactions referred to in the report, considered in their entirety, would be in the public interest and consistent with the purposes of this Act and the goals of the final system plan." In addition, Section 305(c) authorizes the Commission to modify the STP, and "* * * condition its approval * * * on such reasonable terms and conditions as it may deem necessary in the public interest."

If USRA has found in its report that the proposal is in the public interest and is "fair and equitable", and P&W has accepted it, the association must petition the Special Court for an order directing Conrail to carry out the transaction proposed. Section 305(d) requires this petition to be filed within 40 days after the ICC's determination under Section 305(c), or upon expiration of the 90-day ICC review period if the Commission does not act. If USRA does not make the required findings, it has no further responsibility or authority in the STP process. The Secretary, however, may himself make those findings and may petition the Special Court for the implementing order.

Upon presentation of a petition from either USRA or the Secretary, the Special Court must hold a hearing, after

* Counsel for P&W represents that an agreement already has been negotiated with Amtrack.

which it may order the transaction to proceed or it may suggest modifications to the STP. If modifications are suggested, the Secretary may amend the STP in conformity with the Special Court's opinion and may request the Court's reconsideration of the proposal as modified.

C. *The Role of USRA.*—The first and second sentence of Section 305(b) of the Act require USRA to analyze STP's submitted by the Secretary and to publish a report evaluating each such proposal. The third sentence of that Section prescribes that the Association's published evaluation "shall state" USRA's conclusions with respect to two specific findings, namely, whether the STP is in the public interest and whether it is fair and equitable. The Association believes that the third sentence was intended to assure that the required findings be made and was not meant to limit the broader analysis called for in the first sentence. Since that analysis must take into account "the comments of interested persons and statements and exhibits submitted at any public hearing which may have been held", the Association has considered all factors deemed relevant to a full and fair evaluation of the STP.*

The requirement that USRA consider comments submitted at any hearing which "may have been held" implies that the Association may include a hearing in its evaluation process. Moreover, Section 203(c) of the Act specifically authorizes it to do so. None of the interested parties has disputed USRA's authority to hold hearings to consider the STP. However, there was a dispute as to the form those hearings should take. At the outset of USRA's consideration of the proposed Supplemental Transaction, P&W insisted that the Association hold hearings to receive testimony and evidence and at which P&W attorneys would be permitted to cross-examine Conrail witnesses. In addition, P&W has argued that the hearing should be adjudicatory in nature, with the Association's evaluation limited to considering information formallly made of record and tested by cross-examination at the hearing. Conrail opposed any such hearing on the basis that Section 305 does not contemplate adversary proceedings. Instead, Conrail argued that the P&W's interests are protected by the fact that at any point it may halt further proceedings merely by refusing to accept the transaction.

While it is clear that under Section 305 the holding of a hearing is not required but discretionary, USRA decided that a hearing should be held and that, consistent with Section 305, all interested parties should be invited to submit testimony and exhibits bearing on the proposed transaction. to further USRA's evaluation of the STP all interested parties were allowed to question one another concerning their respective positions.

The hearing was held on July 25th and 26th. At that hearing the P&W questioned FRA, USRA, and Conrail witnesses. In addition, representatives of organized labor and the Department of Defense were present and were offered the opportunity to participate. Since the Rail Act does not specify the form such hearings must take, the proceedings were conducted in a relatively informal manner, although a transcript was made. This was consistent not only with the Rail Act but with the position of the P&W which had agreed with USRA prior to the hearing that the Administrative Procedure Act does not apply in this case. In addition, it is evident from Section 305 that USRA's role in the Supplemental Transaction Process is neither adjudicatory nor rulemaking in nature. Rather, it is the duty of the Association to "analyze" the proposed transaction, "taking into account" statements and exhibits submitted at "any public hearings which may have been held." Thus, the hearing that was held is but one part of USRA's analysis of the STP, and the Association is not limited to considering only the information developed at that hearing.

Though USRA may broadly analyze and evaluate an STP, the Association lacks the statutory authority to modify the proposal by amending or deleting any of its terms, or imposing new conditions. The power to initiate supplemental transaction proposals is conferred on both the Secretary and the Association by Section 305(a) of the Act, subject to the definition and limitations of Section 102(19). However, USRA's authority under Section 305(a) is narrowly confined to a specified class of transactions. The STP which is the subject of this report is not of that class, and could only have been, as it was, initiated by the Secretary who has broad authority under Section 305(a). Since Section 305(b) * says nothing about initiation or modification of supplemental transaction proposals, it is unreasonable to conclude that the Association may, through its evaluation process, exercise powers specifically denied to it, but afforded to the Secretary, by Section 305(a).

This conclusion is fully supported by the legislative history of Section 305. The Committee of Conference on S. 2718 which followed the House version of proposed Section 305 (H.R. Rep. No. 781, 94th Cong., 2d Sess., 197 (19760)), did not retain from the rejected Senate version a provision that would have authorized the Association to modify a supplemental transaction proposal. This Senate provision was located in Section 609(b) of S. 2718 and stated that "prior to such publication, the Association may modify the initial proposal in accordance with public response or any comments submitted to the Secretary." The deletion of that provision from the bill as enacted indicates that Congress did not intend to authorize the Association to modify a supplemental transaction proposal submitted by the Secretary.

Regardless of the conclusions reached by USRA as a result of its evaluation, P&W, as transferee, is free to accept or reject the STP as proposed by the Administrator. If it accepts, the supplemental transaction process moves forward even though the Association's evaluation may have been unfavorable.

As noted above, if USRA's evaluation includes positive determinations with regard to the two findings required by the third sentence of Section 305(b), the Association must petition the Special Court for an order directing the proposed transfer (assuming P&W has accepted). If the Association's findings are negative, and P&W has nonetheless accepted the proposal, the Secretary may make the required findings and petition the Special Court, thereby overriding the Association's evaulation. To this limited procedural extent, USRA's evaluation may have some impact on the STP process in that negative findings would require some reconsideration of the STP by the Secretary (or his delegate, the Administrator). If the Secretary determines to proceed, however, the Special Court need not attribute any particular significance to the Association's findings. Under Section 305(c), only determinations of the Interstate Commerce Commission are entitled to be given "due weight and consideration" by the Court.

D. *USRA Proceedings.*—On April 20, 1979, 44 FR 23624, USRA published a notice of its receipt of the STP in the

* It should be noted that the Department of Transportation concurs in this interpretation of Section 305(b). The Department's General Counsel in a letter to USRA data July 10, 1979 stated that it was the view of the Department that "the Association is unrestricted in its ability to comment on the Supplemental Transaction Proposal submitted by the Secretary."

* In contrast, as noted earlier, Section 305(c) expressly authorizes the Commission to condition its approval of an STP on reasonable terms and conditions modifying the proposal.

Federal Register and solicited public comments. Comments were received from:

James Donoghue, General Manager, Worcester Business Development Corporation
Kris Cloyd, Transportation Manager, Worcester Area Chamber of Commerce
J. Alfred Clark, Jr., Mayor, Town of Ledyard, Ledyard, Connecticut
Duke Niebur, Military Traffic, Management Command, Department of the Army
John L. Richardson, Esq., Counsel for P&W
Arthur B. Powers, Commissioner, Connecticut Department of Transportation
Paul A. Cunningham, Esq. and Richard M. Rindler, Esq., Counsel for Conrail
William G. Mahoney, Esq., Counsel for the Brotherhood of Maintenance of Way Employees, the Brotherhood of Railroad Signalmen, and the United Transportation Union
Allen J. Dowd, Special Assistant for Engineering, Military Traffic Management Command, Department of the Army
Hon. Christopher J. Dodd, Member of Congress, 2d District, Connecticut.

The Worcester Business Development Corporation and the Worcester Area Chamber of Commerce expressed strong support for the STP, as did the Connecticut Department of Transportation. The Town of Ledyard, Connecticut, located on the Norwich secondary track, took a neutral position as between P&W and Conrail, expressing concern only that the two railroad bridges within the town be adequately maintained.

Mr. Dowd of the Military Traffic Management Command indicated in his comment that the Department of the Navy had expressed concern that reinstitution of passenger service on the rail line transiting its New London submarine base (located on the Norwich Secondary Track) might violate safety and security regulations. This was due to the fact that new weapons handling areas had been constructed since 1971 when passenger service through the base was terminated. Mr. Dowd stated that the Navy was conducting a safety and security study, and that its findings might result in a withdrawal of its objection to passenger service. Subsequently, Mr. Niebur of the MTMC reported that the Navy had not yet completed its full-scale study, but maintained its objection.

Representatives of labor urged USRA to include an assessment of the impact of the STP on affected employees of Conrail and P&W as a part of the "public interest aspect of the Association's evaluation."

Comments from P&W and Conrail focused on the scope and nature of proceedings to be conducted by USRA in connection with its evaluation of the STP. P&W insisted that the Association should conduct full, formal, public evidentiary hearings on the issue of whether the price specified in the proposal was fair and equitable. Conrail argued that no formal proceedings were required. The P&W position was strongly supported in written comments received from Congressman Christopher J. Dodd of Connecticut and from Commissioner Arthur B. Powers of the Connecticut Department of Transportation.

On June 12, 1979, USRA received a copy of Audit Report No. 79–PH–11 prepared by the Office of the Inspector General of the Department of Transportation. This was the report of the audit which the Administrator, in his proposal, had stated would be conducted. The report stated that the auditors had completed an initial survey of the data sources, methodology, and assumptions used by Conrail in developing its financial presentations to FRA with respect to revenues, on-branch costs, and off-branch costs allocable to the STP rail properties. The survey was originally intended to be preliminary to a full audit of Conrail's submission. However, the report stated that because of problems encountered with Conrail's methodology, the auditors were "unable to determine the reasonableness and accuracy of the resultant financial presentations." It concluded that a full audit of Conrail's submission "would be of little value since no clearly defined or generally acceptable accounting criteria were established; revenues and costs were determined to be from different accounting periods; and, the fair presentation of most of the estimated costs rely on the validity of a large number of technical assumptions."

In an attempt to explore the possible need for the hearing P&W had suggested and in order to elicit a broader range of comments, USRA convoked a procedural conference on June 25, 1976. Counsel for P&W and Conrail, representatives of the Department of Transportation and the Department of Defense, and representatives of affected labor unions attended. Presiding was Douglas L. Siegel who had been appointed by USRA's Board of Directors to serve as Hearing Officer at any proceedings conducted by the Association.

Following the conference, further written comments were received from Conrail and P&W, reiterating the parties' respective positions with regard to the need for formal hearings. In addition, the Administrator, John M. Sullivan, in a letter dated July 11, 1979 to Donald C. Cole, president of USRA, repeated his assessment that "the $2.75 million valuation of the STP properties is fair", but added that should "USRA's evaluation of the STP disclose facts that call into question my initial assessment of the fairness of this price, I will, of course, reconsider the financial terms of the transaction."

On the basis of the discussions at the procedural conference, and the subsequent written comments received by the Association, the Board of Directors of USRA at its meeting on July 12, 1979, directed the Hearing Officer to order an exchange of information among interested parties through an informal discovery process; and to take evidence in the case primarily through written submissions, with open hearings to be utilized only for receiving statements and exhibits on substantive issues remaining in dispute.

Counsel for P&W, the Administrator, Conrail and the labor unions were notified of the Board's decision. They were advised that because of time limitations imposed by the Act, a period of informal discovery would begin immediately, to be completed no later than July 24, 1979. An evidentiary hearing would then be held on July 25, 1979, if necessary, pertaining to any matters still in dispute following discovery. They were advised, further, that it was "envisioned" by USRA that P&W and Conrail would "cooperate fully in allowing each other's attorneys and technical experts to explore the data and methodology underlying development of their respective estimates of value for the lines in question."

On July 18, 1979, a pre-hearing conference was held at the offices of the Association to discuss objections that Conrail had presented with respect to the informal discovery process. Counsel for P&W asserted at the conference that P&W had the right to obtain discovery from Conrail through interview of all persons taking part in Conrail's valuation of the lines proposed for transfer, and review of all documents related to such valuation. Counsel for Conrail questioned whether P&W, in fact, had that right, but had no objection to providing both USRA and the Department of Transportation with such information.

As a result of discussions at the conference, it was agreed that P&W would provide USRA with a written request specifying the kinds of documents and other information it required from Conrail. USRA would then review P&W's discovery proposal

and transmit a request for documents and information to Conrail.

A Document and Witness Production Request was prepared by USRA on July 18, 1979, and was served on counsel for Conrail that day. The request provided that any objections to the discovery requested would be heard at a conference at the offices of the Association on July 20, 1979.

On July 20th the conference was held. Counsel for Conrail, P&W and the Association were present. Conrail reiterated its position that the proceedings in progress were unnecessary and irrelevant to USRA's responsibilities under the Act. Counsel further objected to the discovery request on the grounds that much of the information required to be provided was proprietary in nature and, therefore, privileged from disclosure to P&W, a competitor; and that the request, if construed literally, would require the production of enormous masses of documents. After discussion, it was agreed that (a) Conrail need produce only the documents developed from primary data sources and not the bulk of the raw data itself; (b) Conrail would produce information considered by it to be proprietary to USRA; (c) USRA would review all documents to which a claim of privilege might be asserted by Conrail to determine if they should be disclosed to P&W; and (d) Conrail would appear at the hearing scheduled for July 25th, and would make all documents requested available on or before that date.

On July 20, 1979, the USRA staff issued a written evaluation of the STP price. The evaluation was based upon the staff's analysis of the revenue and cost assumptions posited by Conrail in its information submission to FRA.

On July 24, 1979, an informal discovery session was conducted at the offices of the Association to permit both P&W and Conrail to question the technical experts employed by USRA in preparation of the staff evaluation as to the data and methodology underlying the development of their conclusions. P&W counsel attended and questioned a number of witnesses. Conrail did not attend.

An evidentiary hearing on the STP convened as scheduled on July 25, 1979, and continued through July 26th. Present were counsel from Conrail, P&W and USRA, and representatives from labor and FRA. Presentations were made at the hearing by FRA, USRA staff and P&W. Conrail presented no direct testimony, but produced two employees who had been involved in the development of the cost and revenue data provided by Conrail to FRA, and permitted them to testify.

At its meeting on August 2, 1979, the Board of Directors, of USRA considered the STP in open session. The members were provided with written submissions from P&W, Conrail and the USRA staff, as well as proposed findings prepared by the Hearing Officer. All interested parties were invited to make oral presentations. The conclusions of the Board with respect to the findings required of USRA under section 305(b) of the Act are embodied in this Report.

II. Evaluation of the STP

A. *Recent History of the STP Lines.*— Prior to April 1, 1976, the Norwich Secondary Track was owned by the Norwich & Worcester Railroad ("N&Wo"), but was operated by Penn Central under the terms of a provision contained in the Interstate Commerce Commission order approving the Penn Central merger. As a "rail property" operated by a "railroad in reorganization in the region", as those terms were defined in the Act, the Norwich Secondary Track was deemed subject to designation and conveyance under Section 206(c) of the Act, and was included in the development of the Final System Plan ("FSP").

The northern segments of the line from Putnam, Connecticut, at MP 45.8, to Worcester, Massachusetts, at MP 70.8, were designated for offer to the P&W under the provisions of Section 206(c)(1)(B) of the Act. The southern portion, from Putnam to the junction with the Shoreline Track at MP 0.0 in Groton, was designated for conveyance to Conrail (FSP, Vol. I, P. 269).

In recognition of the fact that the N&Wo was itself a noncontrolled, nonbankrupt line, the FSP expressly afforded that company the opportunity to arrange for the operation of its properties outside the provisions of the Act. Two options were presented, each to remain open for 60 days from the effective date of the FSP. If the N&Wo were able to arrange with another railroad for the sale or operation of its properties designated to Conrail, those designations would not take effect. Or, if the company could demonstrate its own competence to operate its properties by presenting "a sound plan * * * which would maintain the same service coverage as the designations would provide," none of the designations of the Norwich Secondary Track would take effect.

On February 19, 1976, the Board of Directors of the Association considered the plan presented by the N&Wo under the second option, and rejected it as failing to meet the required test of "soundness".

In the meantime, the State of Connecticut petitioned the Association pursuant to the provisions of Section 208 of the Act for a redesignation from Conrail to the P&W of the Norwich Secondary Track from Groton to Putnam; the Plainfield Secondary Track from Plainfield to Versailles, Connecticut; and the Groton Old Main Branch. At its meeting on February 19, 1976, the Board of Directors of the Association approved the redesignations as to the Norwich and Plainfield Secondary Tracks, but did not approve the redesignation of the Groton Old Main. The P&W was notified of the redesignations, and on March 1, 1976, was advised that net liquidation values had been established for the Groton to Putnam and Plainfield to Versailles lines at $919,388 and $58,832, respectively. On March 5, 1976, the P&W informed the Association that, while it desired to acquire the proferred lines, it was rejecting the offer as presented on the ground that the net liquidation value price was too high. However, further negotiations between the P&W and the Association resulted in the acceptance by P&W on March 12, 1976, of a modified offer to purchase the Putnam to Plainfield segment of the Norwich Secondary Track at a price of $202,898, and the Plainfield Secondary Track. Accordingly, P&W now owns and operates the Norwich Secondary Track segment from Plainfield north, while the southern segment remains a part of the Conrail system.

Prior to the conveyance date, the Groton Old Main Branch was owned and operated by the Penn Central. It was, essentially, a spur of the Shoreline Track, and, as such, it was not separately identified and evaluated in the development of the FSP. The segment of the Shoreline Track running through the Groton, Connecticut area was designated for conveyance to Conrail under the provisions of Section 206(c)(1)(A), and for lease to or acquisition by Amtrak as part of the Northeast Corridor (NEC) under the provisions of Section 206(c)(1)(C). In identifying the specific properties along the corridor essential for passenger service, the Groton Old Main Branch was found to be suitable for freight service only and was excluded from the corridor properties identified for lease or conveyance to Amtrak. Consequently, the Groton Old Main remains a part of the Conrail system from its terminus to the boundary of Amtrak's NEC (Shoreline Track) property.

The sole rail link between the Groton Old Main Branch and the Norwich Secondary Track is an approximately three-mile long segment of Amtrak's Shoreline Track. In conveying the designated NEC properties to Amtrak, Conrail reserved to itself by easement the exclusive right to operate "freight trains, cars and locomotives" on the corridor lines. Under the terms of the Freight Operating Agreement implementing the easement, dated April 1, 1976, neither Amtrak nor Conrail may grant to any person any right to operate freight service on any portion of the NEC without the agreement of the other party.

D. *The STP and the Public Interest, the Purposes of the Act, and the Goals of the Final System Plan.*—For the most part, those factors relevant to an evaluation of whether the STP is "in the public interest" and is "consistent with the purposes of the Act" may be considered to be particularized in the statement of the goals of the FSP set forth in Section 206(a) of the Act. The consistency of the STP with each of those goals is analyzed below in the sequence in which the goals are listed in Section 206(a). Where additional public interest issues have been raised, they have been considered in conjunction with the FSP goal to which they most closely relate.

(1) *The Creation of a Financially Self-Sustaining Rail and Express Service System in the Region.*—This FSP goal corresponds to the purpose stated in Section 101(b)(2) of the Act to provide for "the reorganization of railroads in this region into an economically viable system." Evaluation of the consistency of the STP with this goal requires consideration of the financial impact of the transaction on both Conrail and the P&W.

In a valuation estimate prepared by P&W on October 10, 1977, the company indicated that it anticipated a net contribution from the STP lines of $238,299 annually before federal taxes. In its final submission to the Administrator, P&W estimated that the annual net freight income it would receive from the lines would be $23,931, but stated that it expected its profit margin to improve once it began actual operation of the lines. USRA evaluated this issue and concluded that operation of the STP lines by the P&W would generate an annual contribution to the company of $600,000. Though the figures differ, all estimates indicate that operation of the STP lines by the P&W will be economically viable.

The overall financial impact of the STP on P&W depends on whether the anticipated net contribution to the company from the STP lines will be sufficient to permit it to finance the purchase price. It should be repeated here that P&W, unlike Conrail, cannot be forced to accept the STP. It is free to accept or reject the proposal based on its perception of the profitability of the transaction. USRA has evaluated the available data only for the purpose of determining whether the STP is apparently economically sound. As the Association has concluded that operation of the STP lines will generate a net annual contribution to P&W of $600,000, it appears that P&W should be well able to finance the Administrator's proposed purchase price of $2.75 million.

The financial impact of the STP on Conrail depends entirely on the adequacy of the price it receives for the lines transferred. As discussed more fully in Section E below, USRA believes that the price established by the Administrator, in order to meet the fair and equitable test of Section 305, must fully compensate Conrail for any net loss of revenue that may reasonably be anticipated to result from implementation of the proposal. As further discussed in Section E, USRA has determined that the existence of certain unresolved issues precludes the Association from reaching a conclusion as to the appropriateness of the $2.75 million price proposed by the Administrator. For the same reason, USRA cannot now assess the impact of the STP on Conrail's efforts to develop a financially self-sustaining system.

2. *The Establishment and Maintenance of a Rail Service System Adequate to Meet the Rail Transportation Needs and Service Requirements of the Region.*—The P&W proposes to service all customers presently served by Conrail on the STP lines. Nothing suggests that service to shippers on the lines as provided by the P&W would be other than adequate, or that the divestiture of these lines by Conrail would adversely affect the adequacy of service provided to Conrail's customers elsewhere on its system.

P&W cost projections for operation of the STP lines have made adequate provision for needed rehabilitation and for maintenance-of-way at a normalized level comporting at least with FRA Class I standards. USRA sees no reason to expect that the lines would be maintained by P&W at a level of efficiency lower than that which would be expected if they continued to be operated by Conrail.

The majority of shippers, municipalities, business organizations and others who submitted comments on the STP expressed support for the proposal. Two shippers who submitted comments to the Administrator, Atlantic Carton Corporation and Wyre Wynd, Inc., had high praise for P&W operations on its line from Plainfield north, and expressed the opinion that service provided by the P&W on the STP lines would be of comparable quality. A few shippers, notably Dow Chemical USA (the second or third most important shipper on the STP lines), took a neutral position as between Conrail and P&W, Dow stating that current Conrail service was adequate. None of the rail service customers expressed any concern that the quality of service to be received from the P&W would be less than adequate.

Accordingly, USRA has concluded that implementation of the STP would promote the FSP goal of establishment and maintenance of a rail service system adequate to meet the rail transportation needs and service requirements of the region, in accordance with Section 206(a)(2) of the Act.

3. *Establishment of Improved High-Speed Rail Passenger Service in the Northeast Corridor.*—None of the STP lines include property required for the provision of passenger service in the NEC. Implementation of the STP will not affect accomplishment of the FSP goals set forth in Section 206(a)(3) of the Act.

4. *Preservation, Consistent with Other Goals, of Existing Patterns of Service by Railroads.* The STP will restore the pattern of service (single-carrier operation with access through the Worcester gateway) that existed in eastern Connecticut prior to implementation of the FSP. This is a pattern of service for which shippers and Municipalities in the affected area express strong preference. As discussed below in 7, the FSP itself attempted to preserve this pattern by recommending three alternatives for securing single carrier service over the Norwich secondary track.

The STP is consistent with this goal as stated in Section 206 (a)(4) of the Act.

5. *Retention and Promotion of Competition in the Provision of Rail and Other Transportation Services in the Region.* Prior to the implementation of the FSP, the principal gateway for freight traffic originating and terminating on the Norwich secondary track and the Groton old main branch was Worcester, Massachusetts. This pattern may be expected to be reestablished if the STP lines are conveyed as proposed.

Shippers using the Worcester gateway have the option of sending traffic over either of the two principal freight routes entering New England from New York State gateways; Conrails line via Springfield from Selkirk, New York; or the Boston and Maine line via Greenfield from Mechanicsville, New York. The P&W connects directly with Conrail at Worcester, and with the Boston and Maine at Gardner, Massachusetts.

Implementation of the STP would permit shippers on the affected lines some discretion in selecting routing on the basis of their perceptions of the service received from the competing carriers.

Since the proposal would merely substitute P&W for Conrail as the operator of the lines transferred, there would be no change in the single carrier direct service pattern that now obtains on the lines.

To the limited extent that implementation of the STP will provide shippers on the STP lines with routing options through the Worcester gateway that they do not now have, the potential for competition in the region in the provision of rail transportation services will be enhanced. The STP is, therefore, consistent with therefore, consistent with the goals set forth in Section 206(a)(5) of the Act.

6. Attainment and Maintenance of Environmental Standards. In its petition to the Secretary requesting the developoment of the STP, the State of Connecticut stated that it "believes that applicable air quality standards would not be affected by the STP." No information contradicting this assertion was presented to USRA by any interested person. Given that the STP will not require any construction or other physical disruption of the environment, and that the shippers affected by the proposal are presently using, and will continue to use, rail transportation, it appears that the STP is environmentally neutral.

7. *Efficient Movement of Passengers and Freight in Rail Transportation.* By providing for single carrier operation between Groton and Worcester, the STP would enhance the possibility of reinstitution of passenger service over this line. Although there are apparently no concrete plans for passenger operations at this time, the State of Connecticut indicated in its petition that it was considering the possibility of reinstituting such service, and that P&W had indicated its willingness to contract with the Connecticut Department of Transportation to provide service. ConnDOT found that "one of the major obstacles to providing this service" was the disposition of the Norwich Secondary Track to two operators. The STP would resolve this problem and make future negotiations between the State and P&W for passenger operations more feasible.

As noted above, the Department of Defense has some reservations about the reestablishment of passenger service on the Norwich Secondary Track. Since the primary impact of the STP is on freight service and no concrete plans for passenger service presently exist, the Department's concern has no significant bearing on the propriety of implementation of the Supplemental Transaction. However, the Department may wish to present the issue to the ICC and the Special Court, since those bodies have authority to suggest appropriate conditions to the STP.

To the limited extent noted, the STP promotes the passenger service element of the FSP goal set forth in Section 206(a)(7) of the Act.

The Association has consistently viewed single-carrier operation of the Norwich Secondary Track as desirable from the standpoint of efficiency of freight service. The FSP, as presented to Congress on July 26, 1975, suggested three possible arrangements for accomplishing this objective: Operation by P&W under an agreement with the N&Wo as to the southern segment of the line; operation of the entire line by the N&Wo itself under the "sound plan" that never emerged; or operation by the P&W under an agreement with Conrail as to the southern segment. The latter proposal was developed by the Association under the provisions of Section 206(g) of the Act, and was recommended on the ground that it would provide "more efficient local service Groton to Putnam." (FSP, Vol. I, p. 344.)

The present division of the Norwich Secondary Track between two operators isolates the shippers on the southern portion of the line from access to the Worcester gateway. Traffic bound from the STP lines is presently routed by Conrail via New Haven to Springfield, and thence east to Worcester or west to the Selkirk gateway; or it is sent over the "Beacon Branch Route" via New Haven, Derby and Beacon to Selkirk. Compared with access to eastern Connecticut through Worcester, these routes are circuitous and wasteful in terms of transit time and distance covered. Furthermore, they impose additional costs on Conrail by reason of the need for switching at both Springfield and New Haven and for operation over substantial segments of Amtrak-owned line.

Circuitous routing is less a factor for the Groton Old Main Branch than for the Norwich Secondary Track. For most shippers on the Groton Old Main, the difference in rail distance to the Springfield and Worcester gateways is not very significant. Either gateway will provide adequate access to freight routes from the south and west where most of the Connecticut bound traffic originates, though use of Worcester does allow for more efficient routing of traffic coming from the north to east.

Operation of both STP lines by a single carrier would, however, provide a number of other advantages. It would eliminate the need for the internal switch presently made by Conrail at Cedar Hill (New Haven). It would reduce the total volume of freight traffic presently operating over Amtrak-owned trackage, and, although Conrail would continue to service shippers located on the Shoreline Track between New Haven and Groton, only three trains per week would be required for this purpose rather than the presently scheduled five. Viewed on a regional basis, therefore, implementation of the STP would reduce total freight train movements on the Shoreline by two per week, with no loss of service.

The two principal shippers located on the Groton Old Main Branch: Pfizer, Inc. and Soneco Service, have expressed strong support for the STP; Pfizer because it desires access to the Worcester gateway, and Soneco because it expects lower shipping costs for stone, the principal commodity it receives.

Implementation of the STP will promote efficiency in the rail transportation of freight in the region; the proposal is consistent with the goal of the STP as stated in Section 206(a)(7) of the Act.

8. *Minimization of Job Losses and Community Benefit Costs.* Under the STP, all communities and shippers presently receiving rail service will continue to receive such service, and USRA found no evidence suggesting that implementation of the proposal would have any adverse impact on employment in the vicinity of the affected lines. On the other hand, a number of community and business organizations, notably the Worcester Business Development Corporation, the Worcester Area Chamber of Commerce, and the Norwich Area Chamber of Commerce, commented that P&W ownership of the STP lines would "improve" economic development potentials, and "the attractiveness of the

* * * Norwich area to industry seeking to expand or locate in the Northeast."

During the course of USRA proceedings, representatives of several labor unions argued that if the STP were implemented, the public interest would require that adequate provision be made for the "* * * just and reasonable treatment of railroad employees in mitigation of the hardship imposed on them in carrying out the national policy of railway consolidation * * *." (quoting, *Lowden* v. *United States*, 308 U.S. 225 (1939)]. The Act expressly provides for the application of labor-protective provisions to STP's. Section 305(d)(7) states that "any supplemental transaction under this Section shall subject the transferor and transferee, * * * to the requirements and other provisions of Title V (Employee Protection) of this Act." That provision is reflected in Section 501(8) which defines "transaction" for purposes of Title V to include actions taken pursuant to Section 305. Moreover, Section 501(3)(D) defines "protected employee" for purposes of Title V to include any employee of a railroad who is adversely affected by a supplemental transaction, and Subsections 505(b)(1) and (b)(3) specifically refer to supplemental transactions in prescribing the computation of the monthly displacement allowance for protected employees.

Given the mandatory employee protection provisions of the Act and the assurances from both Conrail and P&W that they intend to comply with those provisions, it appears that implementation of the STP will not be inconsistent with the FSP goals set forth in Section 206(a)(8) of the Act.

E. *Fair and Equitable.* The definition contained in Section 305(e) of the Act focuses the "fair and equitable" inquiry on the value to Conrail of the lines proposed for transfer. The clear purpose of the definition is to afford some protection for the owners of Conrail—its security holders. This focus is logical since an STP developed by the Administrator will not necessarily reflect the type of agreement that would be negotiated at arm's length between a willing buyer and a willing seller, since supplemental transactions can be imposed on Conrail over its objection.

Nothing in Section 305(e) suggests any right on behalf of a voluntary purchaser such as P&W to object to the financial terms and conditions of a supplemental transaction proposal. A proposed transferee may submit any information and make any argument it desires to the Administrator during the STP development process. If it does not like the resulting proposal for any reason, it is free to reject it under the provisions of Section 305(b). Thus, the transferee does not need the protection of the fair and equitable standard.

Moreover, in determining whether a Supplemental Transaction Proposal is fair and equitable, the Special Court has no duty under Section 305(e) similar to the duties imposed on it in the valuation litigation under Sections 303(c)(1)(B) and 303(c)(3) where it must find also whether the price is "more fair and equitable than is required by a Constitutional minimum", and, if so, direct a refund.

Given the statutory framework, the price proposed by the Administrator in the STP is "fair and equitable" if it is adequate to fully compensate Conrail for the loss of the lines to be transferred. Thus, the price is adequate to protect Conrail as long as it is not too low, and the Association has not attempted to determine whether the Administrator's proposal is "just right" from the standpoint of both Conrail and P&W. Any disagreement P&W may have with the financial terms and conditions of the STP must be rsolved with the Administrator and cannot be resolved by the Association.

The appropriate measure of fairness and equitability of the STP price is the present value to Conrail of whatever positive contribution Conrail would lose if the STP properties were transferred to P&W. To calculate that figure, USRA attempted to estimate the annual revenues Conrail would lose as a result of P&W's operation of the STP lines, and the costs Conrail would avoid by not having to operate those lines. Revenue lost, less costs avoided, represents the annual contribution of the STP lines to the Conrail system.

To the annual contribution figure thus derived, USRA applied maximum and minimum capitalization rates of 7.3 and 4.2 to determine a range of present values for the stream of income from the STP lines. Those capitalization rates were determined by USRA's financial consultant on the basis of market-determined price/earnings ratios for Class I railroads operating in the northeast region. As noted above, this methodology was adopted not for the purpose of determining the "perfect price", but to lcoate a range of values within which the STP price could be said to be fair and equitable.

The $2.75 million STP price adopted by the Administrator was derived by Conrail from 1977 cost and revenue data. From the 1977 data, Conrail projected its costs and revenues attributable to the STP lines for 1978. It adjusted both estimates to reflect anticipated traffic increases for 1979, and estimated the reduction in both costs and revenues (expressed in 1978 dollars) that would occur upon transfer of the STP lines to P&W. Finding that its revenues would decrease more than its expenses, Conrail capitalized the anticipated lost earnings to arrive at the $2.75 million price.

USRA's staff analyzed and refined Conrail's figures and found an expected loss of earnings of $460,000. Applying the capitalization rates developed by USRA's consultant, the value of the STP lines to Conrail was determined to be in the range of $1,932,000 to $3,358,000.

A summary of the Conrail computation, as refined by USRA staff, is attached as Exhibit 1 to this report.

P&W's presentation to the Administrator in support of its suggested $836,632 price was based on the value of the STP lines to P&W. For that reason the P&W. For that reason the P&W approach is not relevant to the "fair and equitable" determination required by the Act.

At the hearings conducted by USRA, P&W presented its own consultant's estimate of the projected cost savings that Conrail would experience upon conveyance of the STP lines. The study concluded, essentially, that the cost savings projected would exceed estimated revenue losses, thereby giving the STP lines a negative going-concern value to Conrail.

Both the Conrail and P&W studies relied heavily on methodologies utilizing the application of system-wide cost experience to the lines in question, rather than data derived directly from experience on the lines themselves, so-called "line-specific data". P&W's consultants did, however, make an effort to particularize costs to a greater extent than did Conrail, which in its study combined a wide variety of expenses in a single category entitled "Long-term Variable Costs". This particularization permitted USRA's staff to analyze some individual cost items more closely, on the basis of the line-specific data available. As a result of this analysis, USRA was able to revise the P&W study, and to conclude that it indicated a range of values for the STP lines, using USRA's capitalization rates, from $1,092,000 to $1,898,000.

A summary of the P&W study, together with an explanation of the revisions made by USRA, is included in Exhibit 1 to this Report.

Necessarily, there are a wide variety of assumptions underlying the figures presented in each of the valuation estimates considered by USRA. In most cases, particularly in regard to cost, the

degree of uncertainty involved can be minimized through the application of empirical data. On the revenue side, however, there are two major issues that have a potentially significant impact on the fair and equitable determination required of the Association: Division of revenue ("divisions") and diversion of traffic ("diversions").

1. *Division of Revenue.* At present Conrail receives all revenues attributable to the origination or termination of traffic on the STP lines. With implementation of the Supplemental Transaction, P&W will be entitled to a division of the revenue generated by that traffic. Conrail has maintained throughout the Supplemental Transaction proceedings that the appropriate range for the division to which P&W will be entitled is 22 to 25 percent.

USRA staff found Conrail's division figures reasonable in light of rates applicable elsewhere in the region, and used those figures in its analysis of the various valuation estimates presented. However, the matter of rate divisions is presently being litigated between the P&W and Conrail and each party has taken a position in this Supplemental Transaction which conforms with the position taken in its divisions litigation. Counsel for the P&W stated on the record that if P&W were successful in obtaining 42 to 45 percent division of revenues for its present lines, it would seek a similar division for the Norwich Secondary Track and Groton Old Main. While the USRA staff determined that the more conservative approach would be to accept Conrail's estimates, it should be noted that if the P&W is successful in its litigation, it would result in an annual decrease of revenue to Conrail of approximately $1.1 million over and above the $1.9 million decrease already attributed by P&W after conveyance of the line to P&W. Using the capitalization rates of 4.2 times earnings to 7.3 times earnings, this issue alone—if resolved against Conrail—could be valued at between $4.5 and $8 million.

2. *Diversion of Traffic.* Conrail now has considerable control over the routing of traffic originating and terminating on the STP lines. As noted above, however, the conveyance of those lines to P&W would result in the routing of traffic through the Worcester gateway, giving shippers some option in the selection of routes. To some extent, traffic presently routed on Conrail would be diverted to other carriers. Conrail estimates a 7 percent diversion rate; P&W, 15 percent.

In its evaluation of the proposed Supplemental Transaction, USRA determined that an 11 percent diversion rate was an appropriately conservative rate to use for its analysis. However, P&W used a 15 percent diversion rate in its STP information response to FRA. Presumably, P&W's estimate was based on its expectations regarding the types of long distance traffic which it could reasonably take away from Conrail. Here again Conrail runs a substantial risk which cannot be quantified with absolute precision. However, if P&W is successful in attracting its estimated level of traffic away from Conrail, Conrail would suffer a further decline in revenues of almost $300,000 per year, assuming an average net contribution per car load. Using the capitalization rates of 4.2 to 7.3 times earnings, this means that an additional $1.26 to $2.2 million of value is at risk to Conrail.

F. *RSPO Valuation.*—In the course of USRA's hearings on the STP, it was revealed that Conrail had performed an additional valuation of the line in the fall of 1978 using a modified version of the Rail Services Planning Office (RSPO) methodology for determining light density lines subsidies. That study concludes that the contribution to Conrail of operations on the line is approximately $505,000. Applying the capitalization rate gives a range of values for the line of $2.1 to $3.7 million.

G. *Conclusion.*—As a result of its analysis, and in the absence of contrary comments from interested parties, USRA concludes that the STP is in the public interest and consistent with the purposes of the Act and the goals of the Final System Plan.

However, as discussed above, there remains a question as to whether the price specified by the Administrator is fair and equitable. The range of values derived from each of the valuations is summarized below:

USRA	P&W (revised)	Conrail	Conrail RSPO
$1.9 to $3.4 Million	$1.1 to $1.9 Million	$2.75 Million	$2.1 to $3.7 Million.

On the assumption that the division for the line would be in the range Conrail has estimated, the staff believes the $2.75 million purchase price fair and equitable to Conrail; indeed, on that assumption no person has suggested that the price set forth in the STP is too low. The problem, however, lies in the uncertainty injected by the division litigation. If P&W were to prevail, the value of what Conrail would lose through the STP transfer would be much higher and the $2.75 million price, therefore, not fair and equitable. Unfortunately, USRA cannot predict the likely outcome of the division litigation, nor can it remove the uncertainty by imposing a condition. In its comments submitted on August 1, 1979, Conrail reiterated the position it stated to the Administrator, indicating that the $2.75 million price is acceptable only if the divisions are fixed in the range of its estimates.* Faced with a factor that could vary the acceptable price by orders of magnitude, no prudent businessman would agree to sell without that uncertainty being resolved. Since from Conrail's perspective the STP is a compelled transfer, USRA cannot determine whether the $2.75 million price is fair and equitable so long as the divisions issue remains unresolved.

Dated: August 16, 1979.

The foregoing report is promulgated under the authority of Section 305(b) of the Regional Rail Reorganization Act of 1973, as amended, pursuant to the order of the Board of Directors of the United States Railway Association.

Peter J. Gallagher,

Secretary.

BILLING CODE 8240-01-M

*A copy of the letter submitted by Conrail is attached as Exhibit 2, pursuant to the publication requirement of Section 305(b).

Exhibit 1

COMPARISON OF USRA AND P&W VALUATIONS

(Figures Rounded to Nearest 5,000)

(All Figures in 1978 Dollars)

	Item Description	USRA	P&W (Bixler-Harris Study)	P&W Revised
I.	CRC Revenue (Current Results)	6,525,000		
II.	CRC Revenue Decrease After Proposed Transaction	1,895,000		
III.	Expenses			
	A. Crew Wages	290,000	325,000	290,000 1/
	B. Nonwage Line Haul			
	1. Fuel		40,000	40,000
	2. Locomotive Servicing		25,000	25,000
	3. Locomotive Maintenance		105,000	105,000
	4. Locomotive Ownership		220,000	0 2/
	USRA Nonswitching	50,000		
	USRA Switching	65,000		
	C. Car Per Diem & Mileage	70,000	150,000	150,000
	D. Nonwage Switching		85,000	85,000
	E. Normalized Maintenance-of-Way	310,000	310,000	310,000
	F. Clerical, Inspection, Data Communication Machines	80,000	85,000	80,000 1/
	G. Long-Term Variable Costs Reduction	570,000		
	H. Train Supplies & Expenses		45,000	45,000
	I. Car Inspection		10,000	10,000
	J. Clearing Wrecks		25,000	25,000
	K. Damage to Property		5,000	5,000
	L. Miscellaneous Variable (Overhead)		55,000	55,000
	M. Claims		25,000	25,000
	N. Taxes		40,000	0 3/
	O. Amtrak Charges		255,000	230,000 4/
	P. Diversions Savings		155,000	155,000
	TOTAL EXPENSES	1,435,000	1,950,000	1,635,000
IV.	Contribution to Conrail (Item II less Item III)	460,000	(None)	260,000
V.	Valuation	1,932,000 to 3,358,000		1,092,000 to 1,898,000
	Capitalization Rate at 4.2 to 7.3 times Contribution			

BILLING CODE 8240-01-C

Notes

[1] USRA's figure in this category was used since it is site-specific was obtained directly from Conrail records.

[2] P&W's figure was based on the amount it assumed Conrail would save in locomotive ownership costs because it would not be running trains on the line after conveyance of the line to P&W. However, given the shortage of locomotives on the Conrail system, the USRA staff concluded that it was unreasonable to assume that Conrail would eliminate locomotives as a result of the proposed transaction.

[3] The $40,000 in taxes estimated by the P&W was computed using the property taxes actually paid by Conrail on the line ($2,285) plus a Connecticut tax of 2% of gross revenues. However, the Connecticut statute imposing the tax allows credits to be applied against the tax on a dollar for dollar basis for maintenance-of-way expenses applied to the line. Since this statute went into effect in 1978, Conrail experienced no net tax liability. Given the level of maintenance projected for the line, it is reasonable to assume that situation will remain unchanged. Since the remaining property tax is rounded to the nearest $5,000 for this analysis, the tax indicated is zero.

[4] The cost in this category was revised due to an apparent arithmetic error.

Exhibit 2

Pepper, Hamilton & Scheetz, *Washington, D.C., August 1, 1979.*

The Board of Directors, United States Railway Association,
Washington, D.C.

Gentlemen: Pursuant to section 305(b) of the 3R Act, Conrail wishes to direct your attention to a point made in its earlier submissions in this proceeding (copies of which are enclosed), relating to the proposed transfer of certain Conrail properties to the Providence and Worcester Company (P&W).

The Secretary of Transportation has proposed that these properties be conveyed to P&W for cash payment of $2.75 million. This price is acceptable to Conrail only if the divisions of revenues between Conrail and P&W are settled before the transfer of the property and if the level of those divisions is that claimed by Conrail. In addition, the operating agreements reached before transfer of the property cannot affect the value of the transfer to Conrail. If the proposed transfer is not so conditioned, the cost of the transfer to Conrail would increase and the price of the sale would accordingly have to increase. Under those circumstances, if the proposed price were not increased, Conrail would oppose the transfer.

Very truly yours,

Ronald M. Dietrich.

[FR Doc. 79-25651 Filed 8-20-79; 8:45 am]

BILLING CODE 8240-01-M

VETERANS ADMINISTRATION

Animal Research Facility; Vamroc, San Francisco, Calif.; Finding of No Significant Impact

The Veterans Administration proposes the design and construction of an Animal Research Facility consisting of a one-story expansion, 5,063 net square feet, to Building No. 12.

Development of the project will have impacts on the human and natural environments as it affects vehicular circulation, soil stability, erosion, vegetation and noise levels. During the construction phase, additional noise, fumes, odors, dust, traffic and visual impacts will exist. Mitigating actions inlcude implementation of thorough erosion control methods, dust and fume emission controls, onsite noise abatement techniques, landscaping, and compatible architectural and open space design.

A "Finding of No Significant Impact" was concluded on the basis of the information presented in this assessment. This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Section 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Questions may be addressed to and requests for single copies of the Environmental Assessment may be made to the above office.

Dated: August 14, 1979.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for, Financial Management and Construction.

[FR Doc. 79-25641 Filed 8-20-79; 8:45 am]

BILLING CODE 8320-01-M

208-Bed Domiciliary; VAMC, Bath, N.Y.; Finding of No Significant Impact

The Veterans Administration has assessed the potential environmental impacts that may occur as the result of the construction of a 208-Bed Domiciliary Building at the Veterans Administration Medical Center (VAMC) at Bath, New York.

The domiciliary will consist of two, two-story bedroom units and a one-story support unit with a total net square footage of 93,362.

Development of the project will have impacts on the human and natural environment as it affects surface runoff, erosion and landscaping. Additionally, construction noise, fumes, dust, odors and visual impacts will exist during construction of the project.

Mitigating actions include: compatible architectural design; landscaping and open space design; control of erosion, dust and fumes; and noise abatement techniques, in conformance to Federal, State and local specifications.

Findings conclude that the proposed action will not cause significant adverse effects on the human and physical environment. Further investigation of the site, in the form of an Environmental Impact Statement, is not required. This action was recommended by the Environmental Determination Board and the final evaluation was conducted by the Environmental Planning Division after preparing an Environmental Assessment on the proposed project. This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Section 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: August 15, 1979.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-25638 Filed 8-20-79; 8:45 am]

BILLING CODE 8320-01-M

Clinical Addition; VAMC, Beckley, W. Va.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a new Clinical Addition at the Veterans

Administration Medical Center (VAMC), Beckley, West Virginia.

The project proposes construction of two additions attached to Building No. 1. A two-story addition to the southeast will provide approximately 28,160 gross square feet and house the following services: ambulatory care, laboratory and radiology. The second two-story addition will be located to the northwest. It will provide 6,715 gross square feet and house the warehouse, supply, processing and distribution, and pharmacy services.

Development of the project will have minimal impacts on the human and natural environment as it affects erosion, circulation and parking. During construction, additional noise, dust, fumes and visual impacts will exist.

Mitigation of the project impacts include: soil erosion and sedimentation control, onsite noise abatement measures, alterations to traffic and parking, and building emissions design and operation in accordance with Federal, State and local air quality standards.

Findings conclude that the proposed action will not cause a significant effect on the physical and human environment and, therefore, does not require the preparation of an Environmental Impact Statement. This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Section 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Questions may be addressed to and requests for single copies of the Environmental Assessment may be made to the above office.

Dated: August 14, 1979.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-25836 Filed 8-20-79; 8:45 am]

BILLING CODE 8320-01-M

Clinical Administration Addition; VAMC, Perry Point, Md.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the new Clinical Administration Addition at the Veterans Administration Medical Center (VAMC), Perry Point, Maryland.

The Clinical Administration Addition will consist of a multi-story addition attached to, and on both sides of, the connecting interior corridor. The addition will provide approximately 17,700 gross square feet and house the following services: building management, dietetics, fiscal, nursing administration, psychiatry, psychology, social work and the Director's suite.

Development of the project will have minimal impacts on the human and natural environment as it affects circulation, soil stability, erosion, vegetation, and noise levels. During construction, additional noise, fumes, dust, odors and visual impacts will exist. The administrative addition must also be compatible with the surrounding architectural style and long term open space plan.

Mitigation of the project impacts include: erosion control measures, dust and fume emission controls, onsite noise abatement techniques and landscaping. This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Section 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: August 15, 1979.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-25837 Filed 8-20-79; 8:45 am]

BILLING CODE 8320-01-M

Clinical Services Addition and Renovation; VAMC, Charleston, S.C.; Finding of No Significant Impact

The Veterans Adminstration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a Clinical Services Addition and Renovation project at the Veterans Administration Medical Center (VAMC), Charleston, South Carolina.

The proposed project action will provide additional space and facilities for laboratory, radiology, cardio-pulmonary, hemodialysis and pharmacy services. The two-story vertical addition will provide approximately 20,000 gross square feet of space.

The specific project site lies directly in front of, and next to, the main hospital building. The project will include exterior site work and realignment of the hospital access, dropoff area.

Development of the proposed project will have impacts on the environment as they affect vegetation, open space, soil stability and noise levels. Although located within a base floodplain, the project action will not impact the base floodplain area of the Ashley River.

The mitigation of the project impacts on the environment include: implementation of erosion and sedimentation controls; onsite noise abatement measures; and possible development of an exterior open space area. Short term impacts of dust and fumes associated with the project construction will be minimized by control measures outlined in construction contract documents.

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Section 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Questions may be addressed to and requests for single copies of the Environmental Assessment may be made to the above office.

Dated: August 14, 1979.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-25842 Filed 8-20-79; 8:45 am]

BILLING CODE 8320-01-M

Expansion of Clinical Outpatient and Education Space; VAMC, New Orleans, La.; Finding of No Significant Impact

This project proposes the construction of a new clinical addition, service core, and renovations to Building No. 1 for the purpose of expansion of clinical, outpatient and education space at the New Orleans Veterans Administration Medical Center. Construction of an eight-story (plus basement and mechanical penthouse) building will occur on an adjacent 1.1 acre site and the two-story service core (expansion space) will be developed in the existing service courtyard of the hospital. Renovations will occur within the interior spaces of Building No. 1.

It is estimated that a range of 263,000 to 332,000 gross square feet of new construction (175,000 to 217,000 gross square feet clinical addition, 88,000 to 115,000 gross square feet service core) will be required and a range of 159,000 to 179,000 gross square feet of renovations to Building No. 1 will be required as part of this project.

Construction of the project will have temporary minor impacts on the human, natural, and urban environment in the form of disruptions to transportation, degradation of local air quality, increases in noise levels, and special considerations for solid waste treatment and disposal. Additionally, minor impacts to the floodplain (500 year, critical action) will occur, however, development will be in total conformance with existing floodplain management objectives.

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Section 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. Questions may be addressed to and requests for single copies of the Environmental Assessment may be made to the above office.

Dated: August 14, 1979.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-25840 Filed 8-20-79; 8:45 am]

BILLING CODE 8320-01-M

Issuance of Policies and Procedures for Participation of Fee Personnel in the Home Loan Program

AGENCY: Veterans' Administration.

ACTION: Notice of Proposed Policies.

SUMMARY: The VA (Veterans' Administration) is proposing to issue a statement of policies and procedures governing the participation of appraisers and compliance inspectors in the VA's guaranteed and direct home loan operations. Policies and procedures are being updated.

DATES: Comments must be received on or before September 20, 1979. It is proposed to make these policies effective on the date of final approval.

ADDRESS: Send written comments to Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above until October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lyman T. Miller, Assistant Director for Construction and Valuation (262), Loan Guaranty Service, Veterans' Administration, Washington, D.C. 20420, 202-389-2691.

SUPPLEMENTARY INFORMATION: The VA utilizes the assistance of fee basis appraisers and compliance inspectors in the valuation and inspection of properties proposed as security for guaranteed and direct loans authorized by sections 1810, 1811, and 1819 of title 38, United States Code. A policy statement specifying the qualifications, selection methods, performance criteria, evaluation measures, and disciplinary action procedures will be issued as a Department of Veterans Benefits Circular after expiration of the comment period and consideration of all comments. Thereafter the policy statement will be applicable to fee basis personnel throughout the nation, and will be administered by the 49 VA Regional Offices and Centers with home loan operations. The proposed policy is shown below. The numbering system used is that of the circular.

ADDITIONAL COMMENT INFORMATION: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Ave., NW, Washington, DC 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 1, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: August 15, 1979.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

Processing of Applicants for Fee Appraiser and Compliance Inspector Rosters

1. *Purpose.* The purpose of this circular is to announce new procedures for processing applications and apointing appraisers and compliance inspectors to fee rosters. The procedures for the supervision and removal of such fee personnel are also covered.

2. *Responsibility for Selection, Designation and Separation of Loan Guaranty Fee Personnel.* DVB field stations will be responsible for the selection and designation of qualified persons to Loan Guranty fee rosters and for the removal of such designated personnel as may be in the best interest of the VA. The Construction and Valuation Section, Loan Guaranty Division, will handle all matters related to fee appraisers and compliance inspectors; i.e., maintenance of fee personnel files, receiving and responding to related correspondence, making arrangements for and administering written examinations, managing the roster of appraisers and compliance inspectors, etc.

3. *Fee Roster Committee.* A Fee Roster Committee will be established consisting of the Loan Guaranty Officer, the Assistant Loan Guaranty Officer, and the Chief of the Construction and Valuation Section. If there is no Assistant Loan Guaranty Officer position at a station, a section chief in the Division will be designated by the Loan Guaranty Officer. The Loan Guaranty Officer will be the Chairperson of the committee.

4. *Qualification Requirements.*

a. *General Requirements for Appraisers and Compliance Inspectors.*

(1) Applicants must have complied with local or State licensing requirements, if any, prior to designation.

(2) Designation will not be made in those instances in which an applicant's employment or other position may result in a conflict of interest between such position or employment and performance as a fee person with the VA, or when embarrassment, adverse public relations or adverse publicity concerning the applicant or the VA might result.

(3) An individual may be designated to more than one fee roster.

(4) A satisfactory credit report must be obtained for each applicant before designation.

(5) Employees of Federal or quasi-governmental orgaizations; i.e., FNMA (Federal National Mortgage Association), FHLMC (Federal Home Loan Mortgage Corporation), Postal Service, will not be approved by VA as fee appraisers or compliance inspectors. Employees of local or State governments may be designated, but care must be taken that assignments to them will not result in a conflict of interest or the appearance of a conflict of interest.

(6) An applicant must submit three letters of reference attesting to the applicant's qualifications as a appraiser or inspector as listed on the application.

b. *Fee Appraisers.* (1) With respect to qualifications for designation as a VA fee appraiser, VA Regulation 4339 provides as follows: "To qualify for approval as a designated fee appraiser, an applicant must show to the satisfaction of the Amdinistrator that his or her character, experience, and the type of work in which he or she has had experience for at least 5 years qualifies the applicant to competently appraise and value within a prescribed area the type of property to which the approval relates."

(2) When it is possible, every effort should be made to only designate fee appraisers who (a) are full-time appraisers, (b) have completed basic appraisal courses and (c) are not connected with a firm or firms active in the origination of VA loan applications.

(3) Those appraisers who wish to appraise condominiums, planned unit developments, new construction or other complex assignments must demonstrate past significant experience, education and ability in this type of appraising.

(4) A written test and a performance test will be given the applicant in order to evaluate the applicant's capabilities. The written test will be prepared by the station and will test the applicant's knowledge of appraisal theory and terminology. The performance test will be a demonstration appraisal on VA Form 26–1803, Residential Appraisal Report. The station may waive the written test in cases in which it is determined that the applicant possesses the desired knowledge. Completion of the demonstration appraisal, however, will not be waived. Prior to the performance test, the applicant will be furnished with instructional and procedural material necessary to complete the appraisal. A sample appraisal on VA Form 26–1803 should be part of this material.

(5) No written or performance test will be required for designation to make appraisals provided in VA Regulation 4340, or to make appraisals for supplemental loans when the cost of the repairs, alterations, or improvements does not exceed $3,500. Evaluation of the qualifications of such applicants for approval shall be on the basis of information contained in the application.

(6) The procedures outlined in subparagraph (4) above will also be applicable to mobile home appraisers. However, the performance test will be a demonstration appraisal on VA Form 26–8712, Mobile Home Appraisal Report, instead of VA Form 26–1803. Additionally, the instructional and procedural material necessary to complete the appraisal will include a sample appraisal on VA Form 26–8712.

Note: The requirement for a credit report and letters of reference will not be applicable in the case of an officer or employee of a supervised lending institution who is designated to make appraisals as provided in VA Regulation 4340.

c. *Compliance Inspector.* (1) To qualify for designation as a VA compliance inspector, an applicant must have at least 5 years of experience which would competently qualify him or her to make inspections within a prescribed area of the type of property to which the approval relates. To be considered qualifying, the experience must have been of one of the following types or a combination thereof:

(a) As a construction inspector of real properties for the purpose of determining compliance with construction requirements established by law;

(b) As a construction engineer;

(c) As an architect;

(d) As a superintendent of construction in large housing developments;

(e) As a builder of residential or commercial properties; and/or

(f) In other capacities of a like nature in which the applicant has demonstrated an ability to perform the duties of a compliance inspector.

(2) A written test and a performance test will be given the applicant in order to evaluate the applicant's capabilities. The written test will be prepared by the station and will test the applicant's knowledge of construction techniques and terminology. The performance test may be a demonstration inspection on VA Form 26–1839, Compliance Inspection Report. The station may waive the written test in cases in which it is determined that the applicant possesses the desired knowledge. Completion of the demonstration inspection, however, will not be waived. Prior to the performance test, the applicant will be furnished with instructional and procedural material necessary to complete the inspection.

5. *Application Processing.* a. One of the following application forms will be used when applying for designation as a VA fee appraiser or compliance inspector:

(1) VA Form 26–6681, Application for Designation as Fee Appraiser;

(2) VA Form 26–6681a, Application for Designation as Mobile Home Appraiser; or

(3) VA Form 26–6683, Application for Designation as Compliance Inspector.

b. In addition to one of the application forms listed above, each applicant must submit VA Form 26–6684, Statement of Fee Appraiser and Compliance Inspector.

c. Upon receipt of an application, the Chief, Construction and Valuation Section, will determine if the basic qualifications have been met. Applications which meet the basic qualifications, but no vacancy exists, will be placed in a pending file and the applicant informed by letter that all eligible applications will be considered when a vacancy exists. Applicants who do not meet the basic qualifications will be so informed by letter and the application held for 6 months and then destroyed.

d. When the Loan Guaranty Officer determines that a need exists for fee personnel in an area, the committee will review the pending applications and determine the best qualified applicants.

6. *Designation Procedures.* Upon completion of the application processing described above, the Fee Roster Committee will review the application file and recommend the designation or rejection of the applicant to the Director. If the determination is made to

designate, the individual will be notified by letter signed by the station Director. The letter will welcome the person to the fee roster and remind the person of the responsibilities involved. The letter will also point out that the first year on the roster is a probationary period. During this time the individual can be removed from the panel at the discretion of the Director. After the 1-year probationary period has been satisfied, removal must follow the procedure described in paragraph 9.

7. *Personnel and Performance Files.* a. A fee personnel file will be established and maintained for each fee applicant. This file should contain the individual's application, supporting letters of reference and appropriate correspondence concerning appointment and termination actions. (Documents relating to work assignments and internal Loan Guaranty matters will not be filed in the fee personnel folder.) The folders should be filed alphabetically by name in an "active" or "inactive" file. An "active" file for this purpose should contain folders of fee personnel who are on approved rosters, regardless of degree of activity.

b. A separate performance file will be maintained for each individual on a fee roster. The file will contain copies of correspondence relating to the individual's performance, such as field reviews, late notices, letters, etc. Any material in this file more than 2 years old can be destroyed.

Detailed records of errors, delays in production, incompetence, pertinent interviews, letters of admonishment, and other similar material concerning designated fee appraisers and compliance inspectors shall be maintained to justify and support any action for disqualification.

c. Disposition of folders described above shall be in accordance with Records Control Schedule VB–1, part I.

8. *Private Interests of Fee Appraisers and Compliance Inspectors.* a. Except as may be otherwise expressly authorized by VA regulations, instructions or directives, designated or approved fee appraisers and compliance inspectors shall not engage in any private pursuits in which there may or will be:

(1) Any connection established that may result in a conflict between the private interests of the VA fee appraiser or compliance inspector and his or her duties and responsibilities to VA and veterans.

(2) Any connection established that may tend to bias his or her judgment as a VA fee appraiser or compliance inspector.

(3) Any circumstances in which information obtained from or through a VA assignment to appraise or to make compliance inspections will be used to the detriment of the Government or veterans.

b. The foregoing statement of policy and standards are intended to preclude any fee appraiser or compliance inspector from:

(1) Selling land to a builder or sponsor and then making an appraisal or compliance inspection of dwelling units erected or to be erected thereon which are or will be purchased by veterans with guaranteed, insured or direct loans.

(2) Owning an interest in, being employed by, or operating an architectural, engineering, or land planning firm which renders services to builders or sponsors and later accepting an assignment from VA to appraise or inspect dwelling units built or to be built by a particular builder or sponsor for whom architectural, engineering, or land planning services have been or are being rendered by the firm in which the fee appraiser or compliance inspector has employment or an interest.

(3) Appraising or inspecting dwelling units on VA assignments and later accepting exclusive selling rights for the homes.

(4) Appraising or inspecting properties for builders or sponsors who are purchasing hazard insurance or title service with respect to those properties from a compnay in which the fee appraiser or compliance inspector has an interest.

(5) Owning an interest in a project development by a builder and accepting VA assignments in another VA regional area in respect to dwelling units which the same builder owns, is building, or is handling as a real estate broker.

(6) Having an interest in or representing building supply firms and accepting VA assignments on dwelling units built or to be built by builders or sponsors who deal extensively with such supply firms.

(7) Accepting a VA assignment to appraise a property if his or her fee is contingent upon supporting a predetermined conclusion.

c. The foregoing examples do not include all possible situations in which the private interests or pursuits of fee appraisers and compliance inspectors would contravene VA standards. The above specific examples are supplied only to illustrate some of the activities prescribed by the standards.

d. It is not intended that the provision of subparagraph b(3) above will forever preclude a fee appraiser or compliance inspector from acting as sales agent or broker in connection with a particular property which he or she has appraised or inspected. Those provisions mean that he or she may not accept exclusive selling rights for the sale of a property to a veteran financed with a VA loan when in the particular sale the appraisal is or has been used in establishing reasonable value or any compliance inspection made is or has been used in determining that onsite improvements were completed in accordance with approved plans and specifications and minimum property requirements. The rule in subparagraph b(3) does not apply when he or she accepts a listing or acts as a broker if the purchaser obtains non-VA financing or if any appraisal or inspection made by him or her pursuant to a VA assignment is not used in a transaction involving VA financing. Furthermore, the rule does not apply to the sale of a property by a veteran-obligor under terms whereby the transferee assumes an outstanding guaranteed, insured or direct loan.

e. The information contained in subparagraph a above shall be made available to all fee appraisers and compliance inspectors in connection with the execution of VA Form 26–6684. Upon initial designation and at intervals of not less than each 12 calendar months, each fee appraiser and compliance inspector will be required to complete and return such statement to the appropriate regional office.

f. When it is disclosed that a fee appraiser or a compliance inspector has any private pursuits or interests, such disclosure shall be carefully evaluated and investigated, if such action is deemed necessary. If any private pursuit or interest disclosed conflicts with VA standards, the particular fee appraiser or compliance inspector shall be promptly informed and immediate appropriate action taken; e.g., withdrawing pending assignments or withholding further assignments. In any case in which evidence is obtained indicating a contravention of VA standards, it will be determined whether or not the facts warrant removal of the appraiser or compliance inspector. If so, removal action shall be initiated as quickly as possible.

9. *Disciplinary Actions.* a. Assignments for a period up to 2 months' duration may be withheld by the Chief, Construction and Valuation Section for cause. Notice of such action will be given in writing to the individual and will specify the reasons for the action. The fee person will be notified that written appeal from the action can be made to the Fee Roster Committee. Appeals must be accompanied by

specific evidence showing the action by VA was not justified. Assignments will not be made during the appeal process. The Fee Roster Committee must consider the appeal within 2 weeks, make its determination as to whether the action should be sustained, modified or rescinded and notify the individual in writing.

b. Permanent removal of fee personnel may be made by the Fee Roster Committee for cause. The individual will be notified in writing of the action and will be given the reason(s) which formed the basis for the action. The individual will also be advised that if he/she believes the action is not warranted, he/she may ask to appear before the Fee Roster Committee and present evidence to show the action was not warranted or may submit such evidence in writing or both. If an appearance before the Committee is requested, the Loan Guaranty Officer will arrange for a mutually acceptable time and place. The proceedings of the Committee will be informal. Within 2 weeks from completion of the hearing and/or receipt of the written material, the Committee will make its determination as to whether the action should be sustained, modified or rescinded. Written notice of its determination will be given the individual promptly. Such notice must include a statement that if the individual still believes the action was not warranted, he/she may, within 30 days, submit a written request to the Station Director for review and reconsideration of the action.

c. Upon receipt by the Station Director of an appeal, all relevant material concerning the matter will be furnished to the Director by the Fee Roster Committee. The Director will review the entire matter and notify the individual and the Committee of his/her decision as to whether the decision of the Committee is sustained, modified or rescinded.

d. If removal action is taken, Central Office (262) will be notified.

10. When fee personnel are removed from rosters for reasons other than cause; i.e., voluntary resignation, death, unavailability for assignments, etc., the reasons will be recorded in the individual's fee personnel folder. This folder will then be placed in the "inactive file" (see par. 7a). No report to Central Office is necessary in such cases.

11. Rescission: DVB Circular 25–66–6.

Dorothy L. Starbuck,

Chief Benefits Director.

[FR Doc. 79–25844 Filed 8–20–79; 8:45 am]

BILLING CODE 8320–01–M

National Memorial Cemetery of the Pacific, Honolulu, Hawaii; Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for the National Memorial Cemetery of the Pacific, Honolulu, Hawaii," dated July 1979, has been prepared as required by the National Environmental Policy Act of 1969.

The preferred course of action is to develop the existing National Cemetery as conceptually delineated in a master plan study prepared by a local consultant. Elements of this conceptual master plan include: an administrative/visitor center and parking facility; mausoleum/columbarium facilities; expanded service facility; and site improvements at the Punchbowl Overlook. There are several additional minor projects, but the above listing is the most significant.

The Draft Statement discusses the potential environmental impact of the master plan for the existing National Cemetery as identified above and the impact of the alternatives to this action. The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine this report or to request a copy can do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A) Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: August 14, 1979.

Maury S. Crallé, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79–25839 Filed 8–20–79; 8:45 am]

BILLING CODE 8320–01–M

Procedures for Adjudication of Ionizing Radiation Claims

AGENCY: Veterans Administration.

ACTION: Issuance of Program Guide.

SUMMARY: The Veterans Administration is issuing a program guide for use by the various regional offices in the development and disposition of claims of veterans alleging exposure to ionizing radiation during service while participating in atmospheric testing of nuclear weapons.

This program guide is intended as informational rather than directive to apprise all adjudication personnel of the background of the atmospheric nuclear testing program, the health effects upon veterans resulting from radiation generated by those tests, the types of diseases associated with radiation exposure, and assumptions with respect to low levels of radiation exposure. These guidelines are expected to lead to improvement in the adjudication of claims of veterans from alleged exposure to ionizing radiation resulting from their participation in atomspheric nuclear tests.

FOR FURTHER INFORMATION CONTACT: Robert C. Macomber (211C) 202–389–2635.

SUPPLEMENTAL INFORMATION: Program guides are nondirective and non-rule or policy making. They are superseded by instructions, technical bulletins, or other non-rule making issues which may be at variance on the same subject matter.

Approval: August 15, 1979.

Maury S. Crallé, Jr.,

Assistant Deputy Administrator for Financial Management and Construction

Rating Practices and Procedures; Disability; Ionizing Radiation Exposure

1. *Claims Alleging Disabilities Attributed to Exposure to Ionizing Radiation.* For some time, claims have been received in which it is alleged that disabilities have resulted from veterans' exposure to ionizing radiation during service through their participation in atomospheric testing of nuclear devices.

Some 225,000 U.S. military personnel participated in the atmospheric testing of nuclear weapons in Nevada and the South Pacific between 1945 and 1962. Since the Atmospheric Test Ban Treaty of 1963, all U.S. tests have been underground.

This testing and the resultant health hazard are the subjects of a recent comprehensive study by representatives of several executive agencies, including the VA, HEW, DoD, DoE, DoL, EPA and NRC. The findings are contained in the "Report of the Interagency Task Force on the Health Effects of Ionizing Radiation," June 1979. The Interagency Task Force (hereafter referred to as "ITF") reported that an estimated 43% of the test participants received no exposure to ionizing radiation as a result of their participation; 87% received less than 1 rem of external radiation; 97% less than 3 rem, and over 99% less than 5 rem. It should be pointed out that these estimates are based upon

external film badge readings of participants. These dosimetry badges measured gamma and neutron radiation; they do not reflect what, if any, amounts of alpha-emitter material ingestion occurred through inhalation.

2. *Health Effects of Ionizing Radiation.*

a. *Acute Somatic Effects.* Individuals exposed to high levels and rates of ionizing radiation may experience acute somatic effects within days or weeks after exposure. The ITF reported that single, whole-body doses of over 100 rem can effect bone marrow cells and cells lining the intestinal tract, causing some effects as anemia, hemorrhage, infections, nausea and diarrhea. High doses were also said to cause neural cell and chromosome damage.

b. *Late Somatic Effects.* There is little empirical data on the long-term effects of the exposure of humans to ionizing radiation at the low levels experienced by the vast majority of those military personnel exposed during atomic testing. As pointed out by the ITF, current estimates of the health effects are largely based upon the studies of the survivors of the bombings of Hiroshima and Nagasaki, which involved single doses at very high rates. The ITF reported that the diseases which these studies have to date most firmly associated with radiation exposure are: leukemia, lymphomas (including multiple myelomas), thyroid cancer, female breast cancer, esophageal cancer, stomach cancer, urinary organ cancer, lung cancer.

The ITF acknowledged that ongoing and proposed research will permit a more definitive listing of late somatic effects of low-level ionizing radiation.

There are no distinguishable pathological features of the cancers induced by radiation from which they may be differentiated from cancers due to "natural" factors. It is thus impossible to say *with certainty* whether such a disease would have occurred regardless of the radiation exposure.

In the absence of acceptable hard data on the latent effects of low level radiation, the ITF reports, it has been necessary to assume that there is a directly proportional or "linear" relationship between the risks of high and low doses. This theory assumes as well that there is no threshold level of exposure below which radiation will not have any potentially carcinogenic effect. These assumptions have been criticized as both underestimating and overestimating the potential hazard of low-dose exposure, although it would appear that they currently offer the most rational basis for projecting this risk.

The Work Group on Care and Benefits of the ITF reported a "natural" incidence of fatal cancer of 1,600 in any population of 10,000. They provided the estimate of one additional death for each additional rem to which the entire group was exposed; for example, if all in a group of 10,000 were exposed to one rem in addition to naturally occurring background radiation, there would be only one *fatal* cancer beyond the 1,600 otherwise expected. Even assuming that such a projection underestimates the risk by a factor as much as 10, the realm of probabilities vis-a-vis the atomic test participants is placed in some perspective.

c. *Genetic Effects.* While animal experimentation has shown gene mutations as a result of exposure to ionizing radiation, the ITF reports that the study of the human survivors of the Japanese bombings has to date produced no evidence of increased genetic defects in offspring.

3. *Development of Evidence.* Claims for disabilities based upon such exposure pose unique development problems for claimants and special assistance should be extended to them. Paragraph 22.05.1 of M21–1 provides for Central Office coordination of the search of Government records for exposure data, and lists the identifying information necessary for these special searches to ensue.

4. *Adjudication of Claims—Reasonable Doubt.* The problems inherent in the adjudication of claims in which there are allegations of late somatic effects of radiation are many. The records obtained may not conclusively place an individual at a test site or elsewhere, or document with certainty the dosage of exposure in a given claim. The resolution of reasonable doubt in a claimant's favor requires that, at a minimum, veterans be presumed to have been present at a test or series of tests as claimed unless the service department conclusively places them elsewhere at the time in question. Also, when an individual dosimetry reading for a claimant is not available but the service department is able to supply or estimate a range of exposure for the claimant's organizational unit, exposure at the upper limit of the range can be conceded.

The many remaining unknowns concerning the carcinogenic effects of low-level radiation make such determinations especially perplexing. It should presently be assumed, however, that there is no level of exposure below which some risk does not attach, and that the probability of radiation-induced disease increases with the intensity and duration of exposure. That is not to say that dosage should be the sole, or even controlling, criterion. Consideration should be given to such factors as the estimated date of onset of the disease in relation to the dates of exposure, and where available, to such post service personal and occupational histories as cigarette smoking (in lung cancer cases) and significant contact with other known carcinogens (such as benzene in leukemia cases).

Where the evidence in its entirety creates a reasonable doubt as distinguished from speculation or remote possibility, such doubt should be resolved in favor of service connection. Additionally, there should be no hesitancy in submitting claims based on malignancies to Central Office (212) for advisory opinions.

5. *Copies of Rating Sheets Furnished to Compensation and Pension Service.* The copies of rating sheets furnished in accordance with M21–1, paragraph 49.06a(6)(a), should contain the dates and branch of service; serial number; name, date and location of all A-tests attended; the military unit to which assigned at time of test; duty assignment at test; dosimetry reading or amount of radiation exposure, if known; and any other identifying information which would assist in any further search for information.

[FR Doc. 79-25843 Filed 8-20-79; 8:45 am]
BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 98]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79–21420 appearing on page 40581 in the issue of Wednesday, July 11, 1979 make the following change.

On page 40584, in the third column, the sixth line of paragraph "MC 116132 (Sub-6F)" should have read "applicant). To operate as a contract."

[Permanent Authority Decisions Volume No. 118]

Permanent Authority Application; Decision-Notice

Correction

In FR Doc. 79–23518 appearing at page 45014 in the issue for Tuesday, July 31, 1979, make the following corrections:

(1) On page 45017, in the first column, in the paragraph "MC 115162 (Sub-77F)",

change "(Sub-77F)" to read "(Sub-477F)".

(2) Also on page 45017, in the first column, in the paragraph for "MC 115322 (Sub-70F)," change "(Sub-70F)" to read "(Sub-170F)".

[Permanent Authority Decisions Volume No. 133]

Permanent Authority Applications; Decision-Notice

Decided: August 2, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's 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 petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed 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 the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,

Secretary.

MC 1427 (Sub-5F), filed March 19, 1979. Applicant: NEW MEXICO TRANSPORTATION COMPANY, INC., 515 North Main St., P.O. Box 1494, Rosewell, NM 88201. Representative: W. L. McCracken, Greyhound Tower, Phoenix, AZ 85077. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special one-way and round-trip operations, from points in Castro, Deaf Smith, El Paso, Parmer, Potter, Randall, and Reeves Counties, TX, and Bernalillo, Chaves, Curry, De Baca, Dona Ana, Eddy, Guadalupe, Lincoln, Otero, Quay, Roosevelt, San Miguel, Santa Fe, and Torrence Counties, NM, to points in the United States, including AK, but excluding HI. (Hearing site: Roswell or Albuquerque, NM.)

MC 5227 (Sub-48F), filed March 26, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, 521 S. 14th St., 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 *iron and steel articles*, from the facilities of Northwestern Steel & Wire Co., at Sterling and Rock Falls, IL, to points in IA, NE, MN, CO, KS, MO, AR, IN, MI, WI, WY, UT, MT, ID, NV, CA, OR, WA, TX, OK, NM, AZ, ND, and SD. (Hearing site: Sterling, IL, or Omaha, NE.)

MC 8457 (Sub-10F), filed March 28, 1979. Applicant: MILWAUKEE TRANSFER & FUEL CO., a Corporation, P.O. Box 522, Clackamas, OR 97015. Representative: Larry Smart, 419 N.W. 23rd, Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between points in CA, OR, WA, and ID. (Hearing site: Portland, OR, or Vancouver, WA.)

MC 11207 (Sub-471F), filed March 21, 1979. Applicant: DEATON, INC., Avenue 317 W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, and *materials* and *supplies* used in the manufacture and distribution of construction materials, (except commodities in bulk), between the facilities of The Celotex Corporation at or near Russellville, AL, on the one hand, and, on the other, points in AR, FL, GA, KY, LA, MS, NC, SC, and TN. (Hearing site: Birmingham, AL, or Tampa, FL.)

MC 11207 (Sub-472F), filed March 21, 1979. Applicant: DEATON, INC., Avenue 317 W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal articles*, from the facilities of O'Neal Steel, Inc., at or near Birmingham and Mobile, AL, Little Rock, AR, Jacksonville and Tampa, FL, Atlanta, GA, Lafayette, Monroe, and Shreveport, LA, Jackson, MN, and Chattanooga and Knoxville, TN, on the one hand, and, on the other points in AL, AR, FL, GA, KY, LA, MD, MS, MO, NC, OK, SC, TN, TX, VA, and WV. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 26396 (Sub-237F), filed March 14, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fireplace logs*, from the facilities of Northwest Forest Fuels, Inc., at or near Livingston, MT, to (1) points in AZ, CA, CO, FL, ID, IL, IA, IN, KS, MD, MO, MN, NE, NM, NY, ND, OH, OR, WA, WI and WY, and (2) to ports of entry on the International boundary line between the United States and Canada located in MT. (Hearing site: Billings, MT.)

MC 33037 (Sub-22F), filed March 23, 1979. Applicant: STUDER TRUCK LINE, INC., Beattie, KS 66406. Representative: John E. Jandera, 641 Harrison St., Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer*, in bulk and in bags, from the facilities of Farmland Industries, Inc., at or near Lawrence, KS, to points in CO, IL, KY, ND, OK, SD, TX, WI, and WY. (Hearing site: Kansas City, MO.)

MC 41116 (Sub-58F), filed March 23, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper articles, plastics, plastic products, and chemicals*, (except commodities in bulk), and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Union Camp Corporation, of Wayne, NJ. (Hearing site: Baton Rouge or New Orleans, LA.)

Note.—Dual operations may be involved.

MC 41406 (Sub-134F), filed March 21, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between Solon, OH, on the one hand, and, on the other, points in AR, FL, KY, NJ, RI, TN and TX. (Hearing site: Columbus, OH.)

MC 41406 (Sub-135F), filed March 21, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum, zinc and lead articles*, between the facilities of U.S. Reduction Co. at Toledo, OH, Alton and Madison, IL, Gary, Hammond, and East Chicago, IN, Marietta, PA, and Russellville and Anniston, AL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and OK. (Hearing site: Chicago, IL.)

MC 43867 (Sub-45F), filed March 26, 1979. Applicant: A. L. McALLISTER TRUCKING COMPANY, P.O. Box 2114, Wichita Falls, TX 76307. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles and pipe*, from the facilities of Ft. Worth Pipe & Supply company at or near 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 described in (1) above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 52437 (Sub-4F), filed March 28, 1979. Applicant: SHIPPERS SERVICE EXPRESS, INC., 7200 Fly Rd., P.O. Box 207, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sugar*, from Boston, MA, to those points in NY north of Sullivan, Ulster, and Dutchess Counties. (Hearing site: Boston, MA, or Syracuse, NY.)

MC 52727 (Sub-3F), filed March 22, 1979. Applicant: RAY BELLEW, INC., 7810 Almeda-Genoa Rd., Houston, TX 77034. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles, pipe, concrete beams, and concrete piling*, between points in TX, on the one hand, and, on the other, points in LA, AR, OK, and NM. (Hearing site: Houston or Dallas, TX.)

MC 59367 (Sub-140F), filed March 23, 1979. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except frozen foodstuffs and commodities in bulk), from the facilities of Del Monte Corporation, at De Kalb, Mendota, and

Rochelle, IL, to points in IA and NE. (Hearing site: Chicago, IL.)

MC 63417 (Sub-199F), filed March 28, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregluar routes, transporting *water heaters, hydropneumatic tanks, and parts of and accessories for water heaters and hydropneumatic tanks*, (except commodities which because of size or weight require the use of special equipment), from Chicago, IL, to points in AL, DE, FL, GA, IN, KY, MD, MI, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and DC. (Hearing site: Roanoke, VA, or Chicago, IL.)

MC 71296 (Sub-3F), filed March 27, 1979. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Ave., Fort Atkinson, WI 53538. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. 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 Edgerton, WI, and Milton, WI, over WI Hwy 59, serving all intermediate points, and (2) between Milton, WI, and Fort Atkinson, WI, over WI Hwy 26, serving all intermediate points. (Hearing site: Madison or Milwaukee, WI.)

Note.—Applicant intends to tack this authority to others.

MC 98776 (Sub-6F), filed March 28, 1979. Applicant: ELDRIDGE TRUCK LINE, INC., P.O. Box 659, Somerset, KY 42501. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. 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) from Louisville, KY, over Interstate Hwy I–64 to junction Interstate Hwy I–75 north of Lexington, then over Interstate Hwy I–75 to access roads to Lexington, KY and return over the same route, serving no intermediate points as an alternate route for operating convenience only. (Hearing site: Lexington, KY.)

Note.—Applicant states it will tack with its existing regular route authority in MC 98776 at Lexington, KY.

MC 100666 (Sub-450F), filed March 22, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper* and *paper products*, from the facilities of The Alton Box Board Company at or near Jacksonville, Wilson, Statesville and Hendersonville, NC, Cedartown and Rossville, GA, and Jacksonville and Miami, FL, to points in AR, IL, IN, LA, MI, OH, OK, TX and WI. (Hearing site: Chicago, IL.)

MC 100666 (Sub-451F), filed March 23, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper* and *paper articles* from the facilities of South Carolina Industries, Inc., at or near Florence, SC, to points in IL, IN, KY, MI, MN, OH, and WI. (Hearing site: Charleston, SC.)

MC 105007 (Sub–59F), filed March 22, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Geo. A. Hormel & Co., at Ottumwa, IA, to points in KY, MI, OH, PA and WV. (Hearing site: Minneapolis-St. Paul, MN.)

MC 105016 (Sub-11F), filed March 25, 1979. Applicant: PELLISSIER TRUCKING, INC., 1002 Hostetler, P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and wood products*, (1) between those points in WA east of the summit of the Cascade Range, on the one hand, and, on the other, points in OR, and (2) between those points in OR east of the summit of the Cascade Range, on the one hand, and, on the other, points in WA. (Hearing site: Portland or The Dalles, OR.)

MC 106207 (Sub-15F), filed February 16, 1979. Applicant: NEW YORK-KEASNBURG-LONG BRANCH BUS CO., INC., 50 State Highway, Leonardo, NJ 07737. Representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, between Point Pleasant, NJ and the World Trade Center, New York, NY: From Point Pleasant, NJ, at Atlantic Avenue to Highway 35, over Highway 35 to Highway 71, over Highway 71 to Washington Boulevard, in Sea Girt, NJ, over Washington Blvd. to the Crescent to First Ave., over First Avenue to Lake Avenue in Spring Lake, NJ, over Lake Ave. to Third Ave., over Third Ave. to Ludlow Ave, over Ludlow Ave, to Allaire Rd., to the intersection of Highway 34, over Highway 34 to the interchange 98 on the Garden State Parkway, over the Garden State Parkway to the New Jersey Turnpike, over the New Jersey Turnpike to the Pulaski Skyway, over the Pulaski Skyway to the Holland Tunnel across the Hudson River to the Borough of Manhattan, NY, NY., and return over the same route. Service is authorized to and from all intermediate points. (Hearing site: New York, NY or Newark, NJ.)

MC 106707 (Sub-17F), filed March 23, 1979. Applicant: ADAMS TRUCKING INC., 1711 West Second St., Webster City, IA 50595. Representative: Ronald D. Adams (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Chicago, IL, to points in IA and those in IL on and north of U.S. Hwy 136, restricted to the transportation of traffic originating at the facilities of J & L Steel Company, at or near Chicago, IL, and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 107107 (Sub-475F), filed March 13, 1979. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW., 42nd Ave. Opa Locka, FL 33054. Representative: Ford W. Sewell (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 wholesale, retail and chain grocery and food business houses, and (2) supplies and industrial products (except in bulk, in tank vehicles), from points in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, GA, to points in FL. (Hearing site: Miami, FL.)

MC 107496 (Sub-1204F), filed March 23, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, between the facilities of Wausau Chemical Corporation, at points in MI and WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site Des Moines, IA, or Chicago, IL.)

MC 107496 (Sub-120F), filed March 23, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *animal fats, animal oils, and vegetable oils*, in bulk, and (b) *blends and products of the commodities named in (1)(a)*, in bulk, from Champaign, IL, to points in IN, KY, MI, OH, and WI; and (2) *weed killing compounds*, in bulk, in tank vehicles, from Lafayette, IN, to points in SD, AR, and LA. (Hearing site: Memphis, TN, or Des Moines, IA.)

MC 109397 (Sub-447F), filed March 21, 1979. Applicant: TRI–STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *refined copper*, from Garfield, UT, and Hurley, NM, to points in the United States (except AK and HI), and (2) *materials, equipment*, and *supplies* used in the mining and manufacture of refined copper, in the reverse direction. (Hearing site: Salt Lake City, UT.)

MC 109397 (Sub-448F), filed March 21, 1979. Applicant: TRI–STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *commodities* the transportation of which because of size or weight requires the use of special equipment or special handling, and (b) *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), in mixed loads with the commodities named in (1)(a) above, (2)(a) *self-propelled articles*, on trailers, and (b) *machinery, tools, parts*, and *supplies* for the commodities named in (2)(a) above, from the facilities of Riley Beaird, Inc., at or near Shreveport, LA, to points in the United States (except AK and HI), and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, (except commodities in bulk), in the reverse direction. (Hearing site: Dallas, TX.)

MC 109397 (Sub-450F), filed March 26, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *heating and melting equipment, and electrical transformers*, (2) *parts of and accessories for the commodities named in (1)*, and (3) *such commodities as are used in the installation of the commodities named in (1)*, between points in Madison County, KY, on the one hand, and, on the other, points in the United States (except AK, HI, and KY). (Hearing site: Louisville, KY.)

MC 115056 (Sub-21F), filed March 26, 1979. Applicant: LANE TRUCK LINES, INC., 120 Newby Court, Rocky Mount, NC 27801. Representative: Thomas L. Young, 131 North Church Street, Rocky Mount, NC 27801. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wooden fencing and fencing materials*, from points in Halifax County, NC, to points in CT, DE, FL, GA, MA, MD, NJ, NY, OH, PA, SC, VA, WV. (Hearing site: Raliegh, NC.)

MC 115826 (Sub-430F), filed March 26, 1979. Applicant: W. J. DIGBY, INC., 6015 E. 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (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, articles distributed by meat-packing houses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, 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 the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Lauridsen Foods, Inc. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 115826 (Sub-438F), filed March 25, 1979. Applicant: W. J. DIGBY, INC., 6015 E. 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by grocery and food business houses* (except commodities in bulk), from points in CA, OR, WA, and ID, to Hutchinson, KS. (Hearing site: Denver, CO.)

MC 117386 (Sub-9F), filed March 23, 1979. Applicant: L. B. TRANSPORT, INC., Buffalo Center, IA 50424. Representative: Kenneth F. Dudley, 611 Church St., 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 *lard, grease, and tallow*, in bulk, in tank vehicles, from the facilities of John Morrell & Co., at or near Esterville, IA, to points in IL, IA, MN, MO, NE, and WI. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 118696 (Sub-22F), filed March 26, 1979. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Rd., Hammond, IN 46324. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture, clock cases, and parts of furniture*, from the facilities of Smith Cabinet Mfg. Co., at or near Salem, IN, to points in AR and TN. (Hearing site: Indianapolis, IN.)

MC 119656 (Sub-58F), filed March 26, 1979. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46420. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting *aluminum scrap and aluminum,* between points in AK, AL, IA, IL, IN, KY, LA, MI, MO, MS, and OH, restricted to the transportation of traffic destined to the Schwartz Metal Trading Company facilities at points in the states named above. (Hearing site: Chicago, IL.)

MC 119726 (Sub-158F), filed March 27, 1979. Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Ave., Indianapolis, IN 46217. Representative: James L. Beattey, 130 E. Washington St., Suite One Thousand, Indianapolis, IN. 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt Beverages,* in containers, between the facilities of Anheuser-Busch, Inc., at Jacksonville, FL, and La Grange, GA, and Lanett, AL. (Hearing site: Jacksonville, FL.)

MC 121107 (Sub-21F), filed March 27, 1979. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., P.O. Box 207, Farmville, NC 27828. Representative: Harry J. Jordan, 1000 16th St., NW., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lumber, fiberboard, and particleboard,* and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodites named in (1)* (except commodities in bulk), between Waverly and Stuart, VA, and Oxford, NC, on the one hand, and, on the other, those points in the United States in an east of MN, IA, MO, AR, and LA. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 121496 (Sub-19F), filed March 23, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77007. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW, Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *neutral calcium sulfonate,* in bulk, in tank vehicles, from Gretna, LA, to Port Arthur, TX. (Hearing site: Dallas or Houston, TX.)

MC 121496 (Sub-20F), filed March 21, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals,* in bulk, from the facilities of Union Carbide Corporation at or near Taft, St. Charles Parish, LA, to points in TX. (Hearing site: New York, NY.)

MC 123387 (Sub-15F), filed March 21, 1979. Applicant: E. E. HENRY, 1923 Sparrow Road, Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas,* and (2) *agricultural commodities* which are otherwise exempt from economic regulation under 49 USC Section 10526(a)(6) (formerly section 203(b)(6) of the Interstate Commerce Act) in mixed loads with bananas, from Norfolk, VA, to points in the United States (except AK and HI). (Hearing site: Norfolk, VA, or Washington, DC.)

MC 123407 (Sub-559F), filed March 27, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, and wood products,* from points in IL, IN, IA, MI, MO, OH, PA and WI, to points in CO, MT, OR, UT, WA and WY. (Hearing site: Boise, ID.)

MC 123916 (Sub-16F), filed March 21, 1979. Applicant: GROVE CITY BUS LINES, INC., P.O. Box 31, Grove City, PA 16127. Representative: S. Harrison Kahn, Suite 733 Investment Bldg. 1511 K St. N.W., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *passengers and their baggage* in the same vehicle with passengers, in one-way charter operations, from points in Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Forest, Indiana, Jefferson, Lawrence, Mercer, and Venango Counties, PA, to points in the United States, including AK but excluding HI, (2) *passengers and their baggage* in the same vehicle with passengers, in one-way charter operations, in the reverse direction of (1) above; (3) *passengers and their baggage* in the same vehicle with passengers, in special operations, in one-way sight-seeing and pleasure tours, from points in Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Forest, Indiana, Jefferson, Lawrence, Mercer and Venango Counties, PA, to points in the United States, including AK, and (4) *passengers and their baggage* in the same vehicle with passengers, in special operations, in one-way sight-seeing and pleasure tours, in the reverse direction of (3) above. (Hearing site: Pittsburg, PA.)

MC 123916 (Sub-17F), filed March 21, 1979. Applicant: GROVE CITY BUS LINES, INC., P.O. Box 31, Grove City, PA 16127. Representative: S. Harrison Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *passengers and their baggage,* in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at points in Jefferson and Washington Counties, PA, and Marshall and Ohio Counties, WV, and extending to points in the United States, including AK, but excluding HI, and (2) *passengers and their baggage,* in the same vehicle with passengers, in round trip special operations, and sightseeing and pleasure tours, beginning and ending at points in Allegheny County, PA, and extending to points in the United States, including AK, but excluding HI. (Hearing site: Pittsburgh, PA.)

MC 125777 (Sub-239F), filed March 26, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 E. 15th Ave., Gary, IN 46403. Representative: Allan C. Zuckerman, 38 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *grinding balls,* in bulk, in dump vehicles, from Greenville, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125777 (Sub-240F), filed March 27, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 E. 15th Ave., Gary, IN 46403. Representative: Allan C. Zuckerman, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flue dust, fertilizer compounds, zinc skimmings, manganese ore, slag, and catalyst,* between points in AL, AR, and IA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL.)

MC 125777 (Sub-242F), filed March 26, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 E. 15th Ave., Gary, IN 46403. Representative: Allan C. Zuckerman, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime, limestone, and*

limestone products, in dump vehicles, from the facilities of Marblehead Lime Co., at or near Pleasant Gap, Centre County, PA, to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, RI, VT, VA, WV, WI and DC. (Hearing site: Chicago, IL.)

MC 125996 (Sub-78F), filed March 27, 1979. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 26908, Salt Lake City, UT 84125. 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 *animal feed, animal feed supplements, animal feed additives, and materials and supplies used in the manufacture or distribution of animal feed,* (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near (1) Columbus, OH, and (2) Indianapolis and Terre Haute, IN, and those points in the United States in and west of OH, KY, TN, and AL. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 126196 (Sub-18F), filed April 2, 1979. Applicant: BLACKHOWSKE TRUCK LINE, INC., R. R. 1 Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bentonite clay,* from the facilities of American Colloid Co. at points in Phillips County, MT; Butte County, SD; and Big Horn, Crook and Weston Counties, WY, to points in IL, IA, MN, NE and WI, and (2) *foundry sand additives,* from points in Hennepin and Ramsey Counties, MN, to points in IL, IA, KS, MT, MO, NE, ND, SD and WI, restricted in part (1) above against the transportation of bentonite, in bags, to Council Bluffs, IA and Minneapolis, MN. (Hearing site: Minneapolis, MN.)

MC 127187 (Sub-49F), filed March 22, 1979. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, MN 56537. Representative: James B. Hovland 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58107. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural chemicals* (except in bulk, in tank vehicles), from points in MN, to points in MT, ND, and SD. (Hearing site: Fargo, ND.)

MC 129526 (Sub-7F), filed March 12, 1979. Applicant: FACTOR TRUCK SERVICE, INC., 2607 Old Rodgers Road, Bristol, PA 19007. Representative: Robert B. Einhorn, 3220 P.S.F.S. Building, 12 South 12th Street, Philadelphia, PA 19107. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (a) *toys, bicycles, sporting goods,* and *infant furniture,* from points in ME, NH, VT, MA, RI, CT, NY, NJ, DE, MD, DC, VA, WV, NC, SC, AL, GA, FL, TN, KY, AR, MS, LA, TX, OK, OH, IN, IL, MI, IA, WI, MN and KS, to the facilities of Marand Distributors, Inc. at Philadelphia, PA; (b)(1) *corrugated containers* for agricultural products, from the facilities of Multipack, Inc. at Bristol Township, Bucks County, PA, to points in ME, NH, VT, MA, RI, CT, NY, NJ, DE, MD, VA, WV, NC, SC, GA, TN, FL, OH, IN, IL, MI, WI, KY, MO, AL, MA, LA, AR, IA, MN, and TX, and (2) *materials* used in the construction of corrugated containers for agricultural products, from Meriden, CT, Newark, DE, Baltimore, MD, and Hanover, MD, to the facilities of Multipack, Inc. at Bristol Township, Bucks County, PA; and (c) *fluroescent lighting fixtures and parts and accessories of fluroescent lighting fixtures* from the facilities of Crescent Lighting Corp. and Creslite Products, at Pennsauken, NJ, to points in the United States (except AK and HI); (2) *plastic sheets and extrusions,* from Xenia and Columbus, OH, St. Louis, MO, Washington, IN, Santa Anna and Carson, CA, Fallsington, PA, Sheffield, MA, Dallas, TX, Chicago, IL, Brooklyn, and Long Island City, NY, to the facilities of Crescent Lighting Corp. at Pennsauken, NJ; (3) *fluroescent lamps,* from Lynn, MA, Bucyrus, OH, Fairmont, WV, and Salina, KS, to the facilities of Crescent Lighting Corp., at Pennsauken, NJ; and (4) *glass,* from Rochester, NY to the facilities of Crescent Lighting Corp. at Pennsauken, NJ, and (5) *electrical transformers,* from Chicago, and Danville, IL, Madisonville, KY and Mendenhall, MS, to the facilities of Crescent Lighting Corp. at Pennsauken, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 130567F, filed July 11, 1979. Applicant: DOROTHY WALKER, d.b.a. GROUP TRAVEL CLUB, 1600 Concordia Ave., St. Paul, MN 55104. Representative: William E. Fox, 4200 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. To engage in operations, in interstate or foreign commerce, as a *broker,* at St. Paul, MN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in round-trip charter operations, beginning and ending at St. Paul, MN, and extending to points in the United States, including AK and excluding HI. NOTE: Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.,* 54 M.C.C. 291 (1952). (Hearing site: St. Paul, MN.)

MC 130577F, filed June 25, 1979. Applicant: CLYDE R. INGERSOLL, d.b.a. GENERAL TRAVEL AGENCY, 410 Fifth Ave. West, Hendersonville, NC 28739. Representative: Clyde R. Ingersoll (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker,* at Hendersonville, NC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, between points in the United States, including AK and excluding HI. NOTE: Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.,* 54 M.C.C. 219 (1952). (Hearing site: Ashville or Hendersonville, NC.)

MC 133866 (Sub-3F), filed March 22, 1979. Applicant: EVERETT TRUCKING, INC., Route 3, Box 28, Everett, PA 15537. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal,* from points in Fayette, Westmoreland, and Indiana Counties, PA, to points in Carroll, Washington, and Frederick Counties, MD, and Warren County, VA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 134477 (Sub-331F), filed March 21, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, 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), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Lauridsen Foods, Inc., at or near Britt, IA. (Hearing site, St. Paul, MN.)

MC 134477 (Sub-332F), filed March 21, 1979. Applicant: SCHANNO

TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from Independence, MO, to points in IL, IN and MI, restricted to the transportation of traffic originating at the facilities of Commercial Distribution Center, Inc., at or near Independence, MO, and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 135197 (Sub-22F), filed March 23, 1979. Applicant: LEESER TRANSPORTATION, INC., Route 3, Palmyra, MO 63461. Representative: Herman W. Huber, 101 E. High St., Jefferson City, MO 65101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, in bulk, *and liquid fertilizer solutions*, from the facilities of Mississippi Valley Chemical Company, at or near Palmyra, MO, to points in IL and IA. (Hearing site: St. Louis or Jefferson City, MO.)

MC 138686 (Sub-8F), filed March 12, 1979. Applicant: LCW TRUCKING, INC., 112 E. Chavez, Edinburg, TX 78539. Representative: M. Ward Bailey, 2412 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 *doors, door frames, and mouldings*, from ports of entry on the international boundary line between the United States and Mexico at or near El Paso, TX, to San Antonio and Houston, TX. (Hearing site: San Antonio or El Paso, TX.)

MC 139006 (Sub-12F), filed March 23, 1979. Applicant: RAPIER SMITH, R. R. 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602. 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 or distributors of alcoholic beverages, liquors, and wines*, (except commodities in bulk, in tank vehicles), between Peoria, IL, and Scobeyville, NJ, on the one hand, and, on the other, those points in the United States in the east of MN, IA, MO, KS, OK, and TX. (Hearing site: Louisville, KY.)

MC 139276 (Sub-6F), filed March 22, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Avenue, Bensenville, IL 60106. Representative: Grace Kasallis, (Same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sheet steel*, from the facilities of Pre Finish Metals, Inc., at or near Elk Grove Village, IL, to Kalamazoo, MI, under a continuing contract(s) with Pre Finish Metals, Inc., of Elk Grove Village, IL. (Hearing site: Chicago, IL.)

MC 139457 (Sub-18F), filed March 23, 1979. Applicant: G. L. SKIDMORE, d/b/a, JELLY SKIDMORE TRUCKING COMPANY, P.O Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foodstuffs*, from the facilities of Campbell Soup Company, at or near Worthington, MN, to the facilities of Campbell Soup Company, at or near Sacramento, CA, under a continuing contract(s) with Campbell Soup Company, of Worthington, MN. (Hearing site: Dallas, TX, or Washington, DC.)

MC 139577 (Sub-34F), filed March 26, 1979. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned or preserved foodstuffs*, from the facilities of Heinz U.S.A., division of H. J. Heinz Company, at Iowa City and Muscatine, IA, to points in MN and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Madison, WI, or Des Moines, IA.)

MC 139577 (Sub-37F), filed March 29, 1979. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles, cellulose products, and textile softeners* (except in bulk, in tank vehicles), between Cheboygan, MI, Neelys Landing, MO, and Green Bay, WI, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, PA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Procter & Gamble Paper Products Co., at Cheyboygan, MI, Neelys Landing, MO, and Green Bay, WI. (Hearing site: Maidson, WI, or Cincinnati, OH.)

MC 139587 (Sub-17F), filed March 14, 1979. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese, cheese products, and synthetic cheese*, from the facilities of L. D. Schreiber Cheese Co., Inc. at points in Jasper, Lawrence, and Newton Counties, MO, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC and TN. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 140717 (Sub-18F), filed March 13, 1979. Applicant: JULIAN MARTIN, INC., Highway 25, S, P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, Va. 22101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat by-products and articles distributed by meat packing houses*, as described in Section 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 used by Royal Packing Company at or near National Stockyards, IL and St. Louis, MO, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH, PA, RI, and VT, under continuing contract(s) with Royal Packing Company of National City, IL. (Hearing site: St. Louis, MO or Washington, DC.)

Note.—Dual operations may be involved.

MC 140717 (Sub-20F), filed March 21, 1979. Applicant: JULIAN MARTIN, INC., Highway 25 West, P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, 9503 Marston Lane, Gaithersburg, MD 20760. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rods, wire, bars, and welding products*, from the facilities of Alloy Rods Division, Chemertron Corporation at Hanover, PA, and Monticello, IN, to points in the United States (except AK and HI), and (2) *materials* used in the manufacture of the commodities named in (1) above, in the reverse direction, under continuing contracts with Chemetron Corporation of Hanover, PA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140717 (Sub-21F), filed March 28, 1979. Applicant: JULIAN MARTIN, INC., Hwy 25 West, P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Cedar Rapids, IA, to points in DE, MD, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations, under continuing contract with Wilson Foods Corporation, of Oklahoma City, OK. (Hearing site: Dallas, TX, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 140846 (Sub-10F), filed March 7, 1979. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, MA 02119. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *advertising matter*, from the facilities of First National Supermarkets at or near Windsor Locks, CT, to Westerly, RI, and Catskill, Mr. Kisco, Poughkeepsie, Staten Island, Yonkers, West Hampton, and New York, NY, restricted to the transportation of traffic (1) of any package or articles weighing more than 10 pounds or exceeding 72 inches in length and girth combined, and (2) of packages or articles weighing in the aggregate more than 30 pounds from one consignor at one location to one consignee at one location on any 1 day, under continuing contracts with First National Supermarkets, Inc., of Windsor Locks, CT. (Hearing site: Hartford, CT.)

Note.—Dual operations may be involved.

MC 141216 (Sub-7F), filed March 26, 1979. Applicant: DARREL K. OAKLEY, d.b.a. OAKLEY ENTERPRISES, P.O. Box 387 Rapid City, SD 57709. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. 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*, from the facilities of Ralston Purina Company, at Denver, CO, to Rapid City, SD. (Hearing site: Rapid City, SD, or Denver, CO.)

MC 141776 (Sub-40F), filed March 23, 1979. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, PA 17967. Representative: Pauline E. Myers, Suite 407, Walker Bldg., 734 15th St., N.W., Washington, DC. 20005. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, tranporting *dry spaghetti products and dry macaroni products*, from the facilities of C. F. Mueller Company, at or near Jersey City, NJ, to points in IL, IN, MI, and OH. (Hearing site: New York, NY, or Washington, DC.)

MC 143417 (Sub-4F), filed March 29, 1979. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 W. 16th St., Cicero, IL 60650. Representative: Barry Roberts, 888 17th St., NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in CT, IN, MA, MD, NJ, NY, PA, RI, WI, and DC, to Chicago, IL, restricted to the transportation of traffic having a subsequent movement by rail in trailer-on-flatcar service. (Hearing site: Chicago, IL.)

MC 143846 (Sub-6F), filed March 26, 1979. Applicant: P. POSA, INC., 50 Van Keuren Ave., Jersey City, NJ 07306. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general department store merchandise* (except commodities in bulk), between points in NY, NJ, PA, OH, MD, MA, and DE, under continuing contract with Montgomery Ward & Co., Inc., of Chicago, IL. (Hearing site: New York, NY.)

MC 144616 (Sub-2F), filed April 2, 1979. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *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 of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from the facilities of John Morrell & Co. at or near Sioux Falls, SD, Estherville and Sioux City, IA, to points in CT, DE, ME, MD, MA, NH, NY, PA, RI, VT, VA, WV and DC, restricted to the transportation of traffic originating at the above described origins and destined to points in the described destination points. (Hearing site: Fort Worth, TX, or Chicago, IL.)

MC 144667 (Sub-7F), filed March 29, 1979. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. 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 I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from the facilities of Geo. A. Hormel & Co., at Scottsbluff, NE, to points in CA, (2) from the facilities of Geo. A. Hormel & Co., at (a) Scottsbluff and Fremont, NE, and (b) Ottumwa, IA, to points in WI, IL, MI, NC, PA, NJ, NY, and CT, and (3) Schuyler, NE, to points in PA. (Hearing site: Minneapolis, MN.)

MC 145136 (Sub-2F), filed March 8, 1979. Applicant: JOHN H. UTSINGER, dba NICK'S CARTAGE CO., 100 Summit St., West Alexandria, OH 45381. Representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, OH 45202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *polyester vinyl resins, in containers, plastic vinyl gloves, and latex gloves*, between Eaton, OH, and Richmond, IN, under continuing contract(s) with Dayton Flexible Products, of Eaton, OH. (Hearing site: Cincinnati, OH.)

MC 145186 (Sub-1F), filed March 1, 1979. Applicant: GERALD E. EIDAM, SR., dba SINGLE TOWING, P.O. Box 9057, Salem, OR 97305. Representative: Gerald E. Eidam Sr., 2092 Northtree Dr., NE, Salem, OR 97303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *travel trailers and trailers equipped with fifth wheels*, in initial and secondary movements, in tow-away service, between points in AZ, CA, CO, ID, MT,

NV, OR, UT, WA, and WY. (Hearing site: Portland, OR, or Boise, ID.)

MC 145406 (Sub-32F), filed March 29, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent Street, Suit 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are manufactured or distributed or used by manufacturers or distributors of plastic and wooden products, and health care products, between the facilities of Bemis Mfg. Co., at points in WI, on the one hand, and, on the other, points in AZ, CA, FL, ID, MT, NE, NM, OR, UT and WA. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 146116 (Sub-3F), filed March 29, 1979. Applicant: LOCUST HARDWARE CO., INC., P.O. Box 265, Highway 27, Locust, NC 28097. Representative: Webster S. Medlin, 43 Union Street, South, Concord, NC 28025. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick*, (1) from the facilities of Ashe Brick Company at or near Van Wyck, SC, and (2) from the facilities of Boren Clay Products at or near Monroe, NC, to points in FL, GA, NC, SC, TN and VA. (Hearing site: Charlotte, NC.)

MC 146176 (Sub-5F), filed March 29, 1979. Applicant: J & L TRANSPORT, INC., Route 1, Box 306, Almond, WI 54509. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from the facilities of Fox River Paper Company Division, Fox Valley Corporation, at Appleton, WI, to points in AZ, CA, OR and WA. (Hearing site: Appleton, WI or Madison, WI.)

MC 146187 (Sub-4F), filed March 28, 1979. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Rd., Greenback, TN 37742. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automotive parts*, from the facilities of Holley Replacement Parts Division of Colt Industries, at Nashville, TN, to points in NJ, NY, and PA. (Hearing site: Nashville or Knoxville, TN.)

MC 146216 (Sub-1F), filed March 12, 1979. Applicant: ROAD COMMERCE CORPORATION, 807 Chestnut Street, Chattanooga, TN 37401. Representative: Joel M. Merren, 295 Cities Service Bldg., 3445 Peachtree Road, N.E., Atlanta, GA 30326. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap metals*, between points in AL, AR, DE, FL, GA, IN, IL, KY, LA, MA, MI, MS, MO, NC, NJ, NY, OK, OH, PA, TN, TX, VA, WV and DC. under continuing contract(s) with Southern Foundry Supply, Inc. of Chattanooga, TN. (Hearing site: Atlanta, GA.)

MC 146316 (Sub-2F), filed March 9, 1979. Applicant: EUGENE F. MAINOR, d.b.a. GENE MAINOR, P.O. Box G, Tifton, GA, 31794. Representative: C. E. Walker P.O. Box 1085, Columbus, GA 31902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soft drinks*, from Orlando, FL, to Tifton, GA, and (2) *soft drinks*, from Tifton, GA, to Live Oak and Tallahassee, FL. (Hearing site: Tifton or Atlanta, GA.)

MC 146327 (Sub-2F), filed March 14, 1979. Applicant: UNITED TRUCKING COMPANY, P.O. Box 1158, Miles City, MT 59001. Representative: Joe Gerbase, 100 Transwestern Bldg., Billings, MT 59101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wine, champagne, and brandy*, from the facilities of E. and J. Gallo winery at or near Modesto, CA, to points in MT. (Hearing site: Billings, MT.)

MC 14616 (Sub-4F), filed March 26, 1979. Applicant: HERITAGE TRANSPORTATION COMPANY, a corporation, 155 N. Eucla Ave., P.O. Box 476, San Dimas, CA 91773. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. 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 or distributors of sound recordings*, (except commodities in bulk), (1) from Danbury, CT, New York, NY, and points in NJ, to Terre Haute, IN, and points in CA, (2) from Terre Haute, IN, to Danbury, CT, New York, NY, and points in NJ and CA, and (3) from points in CA, to Danbury, CT, Terre Haute, IN, New York, NY, and points in NJ, restricted, in (1) through (3) inclusive, to the transportation of traffic originating at or destined to the facilities of CBS, Inc. (Hearing site: Los Angeles, CA.)

MC 146567 (Sub-3F), filed March 22, 1979. Applicant: COAST TRANSPORT, INC., 4667 Somerton Rd., Trevose, PA 19047. Representative: Ira G. Megdal, 499 Cooper Landing Rd., Cherry Hill, NJ 08002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except clases A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers, (1) between Philadelphia, PA, on the one hand, and, on the other, Baltimore, MD, New York, NY, and Norfolk, VA, and (2) between points in Philadelphia, PA. (Hearing site: Philadelphia, PA, or Camden, NJ.)

MC 146736 (Sub-1F), filed March 12, 1979. Applicant: THEISEN BROTHERS, INC., Route 4, Norfolk, NE 68701. Representative: Paul G. Matt, 214 Sharp Building, Lincoln, NE 68508. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flue dust and fertilizers* (1) between Norfolk, NE, and Humboldt, IA, under continuing contract(s) with Nucor Steel of Norfolk, NE and Frit Industries, Inc. of Ozark, AL. (Hearing site: Omaha, NE.)

MC 146956 (Sub-1F), filed April 2, 1979. Applicant: WEST EXPRESS TRUCKING COMPANY, General Delivery, Island, KY 42350. Representative: Ed Hodskins, 209 West Fourth Street, Owensboro, KY 42301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel bars, rods and bolts*, from the facilities of Illinois Birmingham Bolt Company at or near Kankakee, IL, to points in KY. (Hearing site: Owensboro, KY or Kankakee, IL.)

MC 147336F, filed March 21, 1979. Applicant: LAUDERDALE MOVING & STORAGE CO., INC., 2108 A St., Meridian, MS 39301. Representative: Alan F. Wohlstetter, 1700 K St., NW, Wahington, DC 20006. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, tranporting *used household goods*, between points in Pickens, Greene, Hale, Sumter, Marengo, Choctaw, Clarke, and Washington Counties, AL, and Oktibbeha, Lowndes, Noxubee, Winston, Attala, Scott, Kemper, Neshoba, Leake, Newton, Rankin, Jones, Smith, Lauderdale, Covington, Wayne, Forrest, Jasper, and Clarke Counties, MS, restricted to the tranportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and

containerization or unpacking, uncrating, and decontainerization of such traffic. (Hearing site: Meridian, MS.)

[FR Doc. 79-25800 Filed 8-20-79; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 28]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack & Crate.

August 8, 1979.

Petitions for Modification, Interpretation, or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 29960 (Sub-6) (M1F) (notice of filing of petition to modify certificate), filed January 4, 1979. Petitioner: GRESHAM TRANSFER, INC., 12008 NE. Inverness Drive, Portland, OR 97220. Representative: David C. White 2400 SW. Fourth Avenue, Portland, OR 97201. Petitioner holds motor *common carrier* certificate in MC 29960 Sub-6 issued July 17, 1972. MC 29960 Sub-6 authorizes transportation, over irregular routes, as pertinent, of *Dry bulk commodities* (except cement, fertilizer, lime, wood chips, sugar, and animal or poultry feed), between points in OR and WA. By the instant petition, petitioner seeks to modify the authority as follows: Delete the restrictions against the transportation of cement, fertilizer, and lime.

MC 59583 (M1F) (notice of filing of petition to modify certificate, filed December 7, 1978. Petitioner: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Petitioner holds authority as a motor *common carrier* in its lead certificate MC 59583 issued November 5, 1957, authorizing transportation, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Nashville, TN, and Knoxville, TN, serving the intermediate points of Lebanon, Carthage, and Chestnut Mound, TN, restricted against pick-up or delivery of eastbound traffic; Kingston and Rockwood, TN, restricted against pick-up or delivery of westbound traffic; and all others between Nashville and Crossville, TN, inclusive, unrestricted; and the off-route points of Byington, Wheat, and Oak Ridge, TN, and the site of the Clinton Engineering Works at or near Blair, TN, restricted against the transportation of livestock: from Nashville over U.S. Hwy 70N to Crossville, TN, and then over U.S. Hwy 70 to Knoxville, and return over the same route. By the instant petition, petitioners seek to modify the authority as follows: delete Lebanon, TN from the restriction against picking up or delivering eastbound traffic at the specified intermediate points.

MC 114552 (Sub-135F)(M1F) (notice of filing of petition to modify certificate), filed April 23, 1979. Petitioner: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds motor *common carrier* certificate in MC 114552 Sub-135, issued August 11, 1978, to transport in interstate or foreign commerce, over irregular routes, (1) *roofing asphalt* (except in bulk), from Memphis, TN, to points in AL, GA, IL, KY, MS, MO, NC, and SC, and (2) *Commodities used in the manufacture and distribution of roofing asphalt* (except commodities in bulk), from points in AL, GA, IL, KY, MS, MO, NC, and SC, to Memphis, TN. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at or destined to the facilities of the Trumbull Asphalt Company at Memphis, TN. This certificate may not be tacked or joined with the carrier's other irregular-route authority. By the instant petition, petitioner seeks to modify the authority as follows: delete the originating at or destined to in the restriction in this certificate,

MC 114552 (Sub-139F)(M1F) (notice of filing of petition to modify certificate), filed April 17, 1979. Petitioner: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds motor *common carrier* certificate in MC 114552 Sub-139, issued June 6, 1978, to transport in interstate or foreign commerce, over irregular routes, *wood fiber insulation sheathing, hardboard siding, wallboard, particleboard, composition board, and lumber,* from the facilities of Temple industries, at Diboll and Pineland, TX, and West Memphis, AR, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. Any duplication in this document of authority presently held by carrier does not confer more than one

operating right. This certificate may not be joined or tacked with the carrier's other irregular-route authority. By the instant petition, petitioner seeks to modify the authority as follows: add the transportation of urethane and urethane products to the commodity description, and to allow service from West Memphis, AR, as part of the territorial description.

MC 115162 (Sub-399)(M1F) (notice of filing of petition to modify certificate), filed February 14, 1979. Petitioner: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Petitioner holds motor *common carrier* certificate in MC 115162 Sub-399 issued January 3, 1979, authorizing transportation in interstate or foreign commerce, over irregular routes, of *plastic, plastic articles, plastic pipe, tubing, fittings, connections, and materials, supplies and accessories,* used in the manufacture and installation thereof, between the facilities utilized by Robintech Incorporated, at or near Grinnell, IA, Rolla, MO, and Wichita Falls, TX, on the one hand, and, on the other, points in the United States (except AK and HI). Restriction: The authority granted herein is restricted against the transportation of commodities in bulk, in tank vehicles. By the instant petition, petitioner seeks to modify the authority as follows: delete Hillsboro, TX and substitute Wichita Falls, TX as an origin point.

MC 134183 (Sub-2)(M–1)F (notice of filing of petition to modify permit to add contracting shipper and origin point, filed March 6, 1979.) Petitioner: C&E TRANSPORT, INC., d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. STEPHEN HEISLEY, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Petitioner holds a motor *contract carrier* permit in No. MC 134183 (Sub-2), issued November 15, 1977, authorizing transportation, over irregular routes, as follows: (1) *Animal and poultry feed additives and supplements,* from the plant site and facilities of Henwood Feed Additives, Inc., at or near Lewisburg, OH, to points in the United States (except AK and HI); and (2) *Materials, equipment and supplies,* used in the manufacture, sale, distribution and production of the commodities in (1) above, from points in the United States (except AK and HI), to the plant site and facilities of Henwood Feed Additives, Inc., at or near Lewisburg, OH. Restriction: The operations authorized herein are subject to the following conditions: said operations are restricted against the transportation of commodities in bulk, said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Henwood Feed Additives, Inc., of Lewisburg, OH. By the instant petition, petitioner seeks to modify the permit as follows: Add as an additional contracting shipper Rachelle Laboratories, Inc., of Long Beach, CA, and in part (1) add the additional origin point of Dayton Terminal Cold Storage, at Dayton, OH.

MC 134183 (Sub-4)(M–1)F (notice of filing of petition to modify permit to add additional commodity), filed March 6, 1979. Petitioner: C&E TRANSPORT, INC., d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. STEPHEN HEISLEY, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Petitioner holds a motor *contract carrier* permit in No. MC 134183 (Sub-4), issued January 19, 1979, authorizing transportation, over irregular routes, as follows: *Building materials,* from the facilities of Clark Industries, a Division of Clark Grave Vault Co., at Columbus, OH, to points in the United States (except OH, AK and HI). Restriction: The authority granted herein is limited to a transportation service to be performed, under a continuing contract(s) with Clark Industries, a Division of Clark Grave Vault Co., of Columbus, OH. By the instant petition, petitioner seeks to modify the above permit as follows: Add "caskets" to the commodity description.

Permanent Authority Decisions

Decided: August 7, 1979.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an application which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed 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 sevice 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, Hill, and Fortier. Member Fortier not participating.

MC 12660 (Sub-1F), filed June 25, 1979. Applicant: THRIFTY TOURS, INC., 438 Woodward Bldg., Washington, DC 20005. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. To engage in operations, in interstate or foreign commerce, as a *broker*, at Washington, DC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, (a) beginning and ending at points in the United States, including AK and HI, and extending to points in MD, VA, and DC, and (b) beginning and ending at points in MD, VA, and DC, and extending to points in the United States, including AK and HI. Condition: Prior cancellation, at applicant's written request, of its authority in MC 12660, issued September 25, 1975.

MC 135068, filed May 2, 1979. Applicant: J. LEO BURCH, JR., d.b.a. BURCH TRAFFIC SERVICE, 10205 Oasis, Suite 101, San Antonio, TX 78216. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. To engage in operations, in interstate or foreign commerce, as a *broker*, at San Antonio, TX, in arranging for the transportation, by motor vehicle, of *general commodities*, between points in the United States, including AK and HI. (Hearing site: San Antonio, TX.)

Permanent Authority Decisions

Decided: August 7, 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 contracts 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 enivornment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that duel operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed duel 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 protest, 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, Hill, and Fortier. Member Fortier not participating.

MC 145315 (Sub-2F), filed January 12, 1979. Applicant: CHARLES LINCOLN VICKERS, d.b.a. C. L. VICKERS TRANSFER, Route 2, Albermarle, NC 28001. Representative: Charles Lincoln Vickers (same address as applicant). To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, tranporting *unground petroleum coke*, in bulk, from Badin, NC, to Piney River, VA. (Hearing site: Charlotte, NC.)

MC 146489F, filed Feburary 26, 1979. Applicant: BROWN WRECKER SERVICE, INC., d.b.a. BROWN & BROWN, 3854 North Peachtree Road, Chamblee, GA 30341. Representative: Ariel V. Conlin, 53 Sixth St. M.W. N.E., Atlanta, GA 30308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wrecked, disabled, and repossessed motor vehicles*, (2) *replacement vehicles* for wrecked and disabled vehicles, (3) *salvage*, requiring the use of wrecker equipment, and (4) *empty motor freight trailers*, between points in GA, on the one hand, and, on the other, points in TN, AL, FL, MS, LA, NC, SC, VA, and KY. (Hearing site: Atlanta, Ga.)

Permanent Authority Decisions; Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: August 7, 1979.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively accepatable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminary and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed 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 the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Hill, and Fortier. Member Fortier not participating.

MC 20582 (Sub-7F), filed April 30, 1979. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, MI 48506. Representative: Arthur P. Boynton, 1600 First Federal Bldg., Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, as defined by the Commission, between points in AZ, CA, OR, and WA, on the one hand, and, on the other, points in AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, OH, PA, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Detroit, MI, or Washington, DC.)

Note.—The purpose of this application is to substitute single-line service for existing joint-line operations.

MC 45134 (Sub-13F), filed April 12, 1979. Applicant: COLLINS TRUCK LINES, INC., 129 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except automobiles, and household

goods as defined by the Commission), from Wahpeton, ND, to points in ND. (Hearing site: Minneapolis, MN, or Fargo, ND.)

Note.—(1) To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance. (2) The purpose of this application is to substitute single line for joint-line operations.

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before September 20, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket No. 29042, filed May 1, 1979. Transferee: PAULY LINES, INC., 57th Floor—600 Grant St., Pittsburgh, PA 15222. Transferor: The Union National Bank of Pittsburgh as successor in interest of Central States Forwarding Corp., 4th Ave. & Wood St., Pittsburgh, PA 15222. Representatives: William A. Chesnutt, 1776 F St. NW, Washington, DC 20006. M. Bruce McCullough, 5700–600 Grant St., Pittsburgh, PA 15219. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Second Amended Permit and Order in FF–38 issued to ABC Freight Forwarding Corporation on December 20, 1949 and purchased by Central States Forwarding Corporation, pursuant to Commission order in Finance Docket No. 27544 dated December 20, 1973, authorizing operations as a Freight Forwarder of commodities generally, in interstate commerce, between Baltimore, MD, Philadelphia, PA, Wilmington, DE, District of Columbia, and points in Bronx, Kings, Nassau, New York, Queens, Richmond, and Westchester Counties, NY, Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, NJ, Cook, DuPage, Kane, Lake, and Will Counties, IL, and Lake County, IN, on the one hand, and, on the other, points in CO, IL, IN, KY, MI, MN, MO, NJ, NY, OH, PA, and WI. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

Finance Docket 29084 F. Filed June 29, 1979. Transferor: CONTINENTAL FORWARDERS, INC., 350 Broadway, New York, NY 10013. Transferee: Sam's Vans, Inc., 1948 Marina Boulevard, San Leandro, California 94577. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit NO. FF–422 (Sub-No.2) issued December 2, 1977, as follows: (a) Used Household Goods and Unaccompanied Baggage, and (b) Used Automobiles, between points in the United States (including HI and AK), restricted in (b) to the transportation of export-import traffic. Transferee presently holds no authority from this Commission.

MC–FC–78077, filed April 9, 1979. Transferee: TOLEDO-DETROIT EXPRESS, INC., 6180 Benora Rd., Toledo, OH 43612. Transferor: The Service Transport Company, a Corporation, 114½ E. Main St., Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC–106373, issued April 9, 1948, as changed by order of the Commission, Division 5, by order dated January 19, 1949, as follows: *General commodities,* except articles of size or weight that makes handling by motor vehicle impractical, bank bills, coins currency, drafts, notes, or other valuable papers, precious metals or articles manufactured therefrom, dangerous explosives, liquid bulk commodities, and household goods, between Toledo, OH and Detroit, MI, over U.S. Hwy 25. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78078 filed March 16, 1979. Transferee: CHAS. LEVY TRANSPORTATION CO., INC., 1200 No. Branch St., Chicago, IL 60622. Transferor: Chas. Leby Circulating Company, same address as Transferee. Representative: Carl. L. Steiner, 30 South LaSalle St., Chicago, IL 60603. Authority sought for purchase by transferee of all operating authority held by transferor in Permits No. MC 18037 Subs 3, 5, and 7, issued April 13, 1951, November 14, 1978, and November 3, 1978. Sub 3: Newspapers and related commodities, from Chicago, IL, to points in portions of IL, IN, IA, WI, and MI; magazines, and such books and other periodical publications as are normally distributed to news dealers, and related commodities, from Chicago, IL, to points in portions of IL, IN, IA, WI, and MI, with a restriction; from Kokomo, IN, to points in portions of IL, IN, IA, WI, and MI, with a restriction; from Kokomo, IN, to Chicago, IL, with a restriction, and from Chicago, IL, to Kokomo, IN. Sub 5: newspapers, magazines, books, periodicals, publications, and calendars,

from Chicago, IL, to points in IL, IN, points in IA on and east of Interstate Hwy 35, points in WI on and south of U.S. Hwy 10, under contract with printing houses, publishing houses, or new dealers. Sub 7: magazines, from Brookfield, WI, to Chicago, IL, and South Bend, IN, under contract with Newsweek, Inc. Transferee is not a carrier and temporary lease is not sought.

MC–FC–78085, filed March 15, 1979. Transferee: EDWARD RABEL 800 E. Scott St., Olyphant, PA 18447. Transferor: D. Steinman, d.b.a. N. Steinman Trucking Company, S. Washington Ave. and River St., Scranton, PA 18505. Representative: Joseph F. Hoary 121 S. Main St., Taylor, PA 18517. Authority sought for the purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC–9071, issued December 18, 1978, as follows: *Household goods,* as defined by the Commission, between Scranton, PA, on the one hand, and, on the other, points in NY and NJ. Transferee presently holds authority from this Commission in MC–67402. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78088 filed March 26, 1979. Transferee: B. L. CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, IL 60453. Transferor: Rogers Cartage Co., Same address as Transferee. Authority sought for purchase by transferee of operating rights of transferor in Certificate No. MC 64932 (portion) issued May 28, 1976, and in Certificate No. MC 64932 Sub 123, issued January 22, 1953 (entire), as follows: petroleum and petroleum products, in bulk, in tank vehicles, (1) from East Chicago, IN, and points in IN within ten miles of East Chicago, to points on that part of IL on and north of U.S. Highway 40; from points in IL within ten miles of East Chicago, IN, to points in a defined portion of IL; from a point in Center Township (St. Joseph) County, IN, to points in MI within 150 miles of such origin point; from Blue Island, IL, and points within one and one-half miles of Blue Island, to points in IN; and from points in the Chicago, IL Commercial Zone (except within 1½ miles of Blue Island, IL, including Blue Island), to points in IN on and north of U.S. Highway 50. Transferee holds no authority from this Commission. An application for temporary lease has not been filed. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603.

MC–FC–78108, filed May 1, 1979. Transferee: CAROL BOWMAN, R.D. 2, Box 75, Milford, DE 19963. Transferor: Kent–Sussex Tours, Inc., R.D. 2, Box 114C, Greenwood, DE 19950. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030–15th St. NW, Washington, DC 20005. Authority sought for acquisition of control by transferee of trasferor, including the operating rights of transferor, as set forth in Brokers License No. MC 12969, issued August 17, 1978 as follows: Operations as *broker,* at Greenwood, DE, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* in special and charter operations, beginning and ending at points in Kent and Sussex Counties, DE, those in New Castle County, DE south of the Chesapeake and Delaware Canal, and Caroline and Queen Annes Counties, MD, and extending to points in the United States, including the ports of entry on the United States-Canada Boundary line and the United States-Mexico Boundary line. Transferee presently holds no authority from this Commission. Applications has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78111 filed April 20, 1079. Transferee: DENISE, INC., d.b.a. TRAVEL TIME, 277 Newbury St., Peabody, MA 01960. Transferor: A.B.C., Inc., d.b.a. A.B.C. Bus lines, 375 Promenade St., Providence, RI 02940. Authority sought for purchase by transferee of operating rights held by transferor in Certificate No. MC 107264 Sub-4, issued December 7, 1960, as follows: passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Worcester, MA, and Putnam, CT, serving all intermediate points, over a specified regular route. Transferee holds authority under MC 143438. An application for temporary lease authority has been filed. Representative: Robert M. Santaniello, 95 State St., Suite 1010, Springfield, MA 01103.

MC–FC–78118 filed April 11, 1979. By decision dated July 17, 1979, the Motor Carrier Board approved the below-described transfer application. Transferee: D.C. MOTOR TOURS, INC., 326 Madison Street, N.W., Washington, DC 20001. Transferor: The Colonial Transit Company, Incorporated, P.O. Box 508, Fredericksburg, VA 22401. Representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority granted for the purchase by Transferee of the Certificate of Public Convenience and Necessity issued to Transferor in Docket No. MC 61802 Sub-No. 12 authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers as set forth below: Regular routes: Between Washington, DC, and Indian Head, MD, serving all intermediate points: From Washington over city streets to the District of Columbia-Maryland State line, then over MD Hwy 210 to Bryans Road, MD, then over MD Hwy 227 to Pomonkey, MD, then over MD Hwy 224 to Mason Springs, MD, then over MD Hwy 225 to Indian Head, MD, and return over the same route. From Washington over Alternate MD Hwy 224 to Indian Head, MD and return over the same route. Between Fort Washington MD, and Silesia, MD, serving all intermediate points: From Fort Washington, over MD Hwy 549 to Silesia, and return over the same route. Incidental charter operations in interstate or foreign commerce may be conducted. Transferee holds no authority from the Commission. An application for temporary lease authority has not been filed.

MC–FC–78146, filed May 17, 1979. Transferee: ROSS TRANSPORT CO., INC., 518 Parlin St., Philadelphia, PA 19116. Transferor: ATSL, Inc., Bldg. A, 10 E. Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda, 135 N. 4th St., Philadelphia, PA 19106. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificates MC–35706 (Sub-Nos. 4, 5, 6, and 9), issued January 31, 1978, May 3, 1978, May 3, 1978, and June 6, 1979, respectively, as follows: (A) *Juvenile furniture* and *juvenile vehicles,* (1) from the facilities of Hedstrom Company, at Bedford, PA, to the facilities of ATSL, Inc., at or near Philadelphia, PA, restricted to the transportation of traffic originating at the named origin, and (2) from the facilities of ATSL, Inc., at or near Philadelphia, PA, to points in DE, MD, and NJ. (B) (1) *Juvenile furniture and children's vehicles,* and (2) *materials, supplies and parts* used in the manufacture and packaging of the commodities in (B)(1) above (except commodities in bulk), between the facilities of Graco Children's Products, at Elverson and Hellam, PA, on the one hand, and, on the other, points in NJ, DE, MD, NY, CT, VA, and DC. (C) *New furniture,* from the facilities of Home Line Furniture Industries, Inc., in Philadelphia, PA, to points in VA, NY, CT, MA, RI, VT, NH, ME, and MD. and (D) *New furniture,* from the facilities of Telescope Folding Furniture Co., Inc., at Granville, NY, to points in DE, MD, NJ, NC, PA, SC, VA, and DC. Transferee

presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349

MC–FC–78147, filed May 14, 1979. Transferee: MALLAK LEASING CO., INC., P.O. Box 11241, Charlotte, NC 28209. Transferor: Billings Transfer Corp., Inc., Green Needles Rd., Lexington, NC 27292. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Authority sought for the purchase by transferee of a portion of the operating rights of transferor, as set forth in certificate MC–2473, issued July 13, 1943, as follows: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Lexington, NC, and points within 40 miles of Lexington, on the one hand, and, on the other, points in SC, VA, MD, PA, NJ, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78156, filed May 22, 1979. Transferee: DAVID BONAGUIDE, d.b.a. MERIDEN TRANSFER AND STORAGE, 81 Colt Avenue, Torrington, CT 06790. Transferor: Anthony Cuccaro, d.b.a. Meriden Transfer and Storage, Camp and North George Streets, Meriden, CT 06450. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, CT 06510. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 110424, issued June 16, 1975, authorizing the transportation of household goods as defined by the Commission (1) between points in CT. (2) between Meriden, CT, on the one hand, and on the other, points in NH, MA, RI, NY, PA and NJ. Authority is sought to tack at Meriden, CT, for points where distance is 300 miles or less. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC–FC–78185, filed June 7, 1979. Transferee: VARRA COMPANIES, INC., 2130 S. 96th St., Broomfield, CO 80020. Transferor: Raymond L. Pherson and Patricia M. Pherson, a partnership, d.b.a. Pherson Trucking Company, 3200 Bluff St., Boulder, CO 80302. Representative: Thomas J. Burke, Jr., Suite 1660, 1660 Lincoln St., Denver, CO 80264. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC–98719 (Sub-No. 1), issued January 19, 1965, as follows: *Farm products, farm supplies and farm equipment* (including furniture only in connection with a movement of farmers' or miners' equipment), and *coal*, between points in the south half of Boulder County, CO; and between points in the south half of Boulder County, CO, on the one hand, and, on the other, points in CO. *Ore and concentrates, mining equipment, supplies, and machinery*, between points in the following described area: Commencing at Boulder, then up Boulder Canyon to Four Mile Canyon to Sunset, then due west to the west Boulder County Line, to a point west of Raymond, then south along the St. Vrain Canyon Road to Lyons, then along the foothill road (CO Hwy 7), to Boulder, on the one hand, and, on the other points in CO, subject to restrictions. *General commodities* (except household goods, and fluid milk as a farm pickup), between points within a fifty-mile radius of Boulder (except the city and County of Denver, and that part of said fifty-mile radius lying west of U.S. Hwy 87 and south of the south line of Township 2 South); and between points in the immediately above-described area, on the one hand, and, on the other, points in CO, subject to restrictions. *Express packages* that can be handled in a passenger bus, between points in the metal mining area of Boulder County, CO and that part of Gilpin County, CO, north of South Boulder Creek, and between those points on the one hand, and, on the other, Boulder and Longmont, CO, subject to a restriction. Transferee presently holds no authority from this Commission, however, a subsidiary of transferee, Varra Enterprises, Inc., holds authority under MC 141135 (Sub-Nos. 1 and 4). Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78186, filed June 7, 1979. Transferee: VARRA COMPANIES, INC., 2130 S. 96th St., Broomfield, CO 80020. Transferor: VARRA ENTERPRISES, INC., 2130 S. 96th St., Broomfield, CO 80020. Representative: Thomas J. Burke, Jr., 1660 Lincoln St., Suite 1600, Denver, CO 80264. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificates MC–141135 (Sub-Nos. 1 and 4), issued June 3, 1977, and March 22, 1978, respectively, as follows: *Silica sand*, in bulk, in dump vehicles, from Denver, Brighton, and Pueblo, CO, to points in UT and WY; and from Hauck, AZ, Farmington, NM, Enid, Lindsay, and Woodward, OK, and Borger and Perryton, TX, to Commerce City and Brighton, CO. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78191, filed June 13, 1979. Transferee: JAMES J. BAYLISS AND ELLEN BAYLISS, a partnership, d.b.a. CONNORS BROS., 370 Cole Ave., Williamstown, MA 01267. Transferor: OSWALD TOWER, JR., doing business as CONNORS BROS., 370 Cole Ave., Williamstown, MA 01267. Representative: Lawrence B. Urbano. 76 Spring St., Williamstown, MA 01267. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate MC 98245 (Sub-No. 1), issued December 11, 1974, as follows: *Household goods*, as defined by the Commission, between Williamstown, MA, and points within 10 miles thereof, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, and DC. *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Williamstown and North Adams, MA, on the one hand, and, on the other, points in NY and VT within 15 miles of Williamstown. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78197, filed June 13, 1979. Transferee: SMYTH MOVING SERVICE, INC., 6307 Arctic Spur Road, Anchorage, AK 99509. Transferor: Smyth Overseas Van Lines, Inc., 2510 Post Road, Anchorage, AK 99501. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC–118482 (Sub-Nos. 2, 3, 6 and 8), respectively, as follows: *Household Goods, as defined by the Commission* between points in Alaska except those east of an imaginary line constituting a southward extension of the United States-Canada Boundary Line (Alaska-Yukon Territory); *Household Goods as defined by the Commission* between Haines, Alaska, on the one hand, and, on the other, points in Alaska west of an imaginary line constituting a southward extension of the United States-Canada Boundary Line (Alaska-Yukon Territory). *Restriction:* The authority granted herein is restricted solely to the transportation of household goods received from or delivered to other carriers in interline service at Haines, and against the transportation of shipments originating at or destined to

Haines; *Household Goods, as defined by the Commission* between Seattle, WA, on the one hand, and, on the other, points in Alaska; and *New furniture,* between points in Alaska. Transferee presently holds no authority from the Commission. Application has been filed for temporary authority under Section 210a(b).

MC–FC–78205, filed June 22, 1979. Transferee: RAIL HIGHWAY TRANSPORTATION, INC., 2850 East River Rd., Dayton, OH 45439. Transferor: The Klug-Direct Transportation Co., a corporation, P.O. Box 417, Hamilton, OH 45012. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate of Registration No. MC–99031 (Sub-No. 5), issued January 27, 1978, as follows: Property, from and to the site of the Atomic Energy Commission's plant near Fernald, OH, restricted against the use of dump trucks and the transportation of such commodities as are usually transported in dump trucks and unloaded by dumping. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78207, filed June 15, 1979. Transferee: A & A TRANSPORT, INC., Route 87, Franklin, CT 06254. Transferor: Max Rogovin and Samuel Rogovin, d.b.a. Rogovin Express Company, 354 Coleman St., New London, CT 06320. Representative: William J. Meuser, 86 Cherry St., P.O. Box 507, Milford, CT 06460. Authority sought for the purchase by transferee of transferor's operating rights in Certificate No. MC–75593, issued July 13, 1955, as follows: General commodities (with exceptions), from New London, CT, to points in RI and CT within 30 miles of New London; furnaces and furnace equipment, from New London, CT to Westerly and Hope Valley, RI; used furnaces and furnace equipment and parts, from Westerly and Hope Valley, RI, to New London, CT. Transferee is a non-carrier, and no application for temporary lease has been filed.

MC–FC–78208, filed June 25, 1979. Transferee: LAMBERT TRANSFER CO., INC., 1505 Huntsville Road, Florence, Alabama 35630. Transferor: Four Winds Van Lines, Inc., 7035 Convoy Court, P.O. Box 81985, San Diego, California 92138. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to purchase a portion of the operating rights of transferor as set forth in Certificate of Public Convenience and Necessity No. MC–15643 Sub 5, issued December 5, 1966, as follows: Irregular routes: *Household goods,* as defined by the Commission. Between points in Alabama, on the one hand, and, on the other, North Carolina, South Carolina, Tennessee, Georgia, and Florida. Transferee holds authority from the Commission under docket number MC–62658. An application for temporary lease has been filed.

MC–FC–78215, filed July 5, 1979. Transferee: STEWCO, INC., P.O. Box 566, Waskom, TX 75692.Transferor: R. A. Corbett Transport, Inc., P.O. Box 125, Rockwall, TX 75692. Representative: Clayte Binion 1108 Continental Life Bldg., Ft. Worth, TX 76102. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificates MC–127253, issued April 18, 1967, MC–127253 (Sub-Nos. 11, 20, 25, and 26) all issued April 28, 1967, MC–127253 (Sub-Nos. 28, 30, 33, 34, 35, 38, 40, 41, 43, 44, 45, 46, 47, 48, and 53) issued May 12, 1967, February 27, 1968, May 17, 1967, December 12, 1967, July 10, 1970, March 15, 1968, August 7, 1968, April 26, 1968, June 18, 1969, April 23, 1969, August 31, 1970, February 4, 1971, January 15, 1971, September 25, 1974, and May 5, 1977, respectively, and MC–127253 (Sub-No. E2) published in the FR issue of June 20, 1975, authorizing the transportation of (1) *petroleum products,* in bulk, in tank vehicles, generally between points in LA, TX, and AR; (2) *lacquer thinner, sulphur, coal tar, coal tar pitch, creosote oil, molasses, synthetic resins, insecticides, herbicides, fungicides, fertilizer, fertilizer materials, fertilizer ingredients, anhydrous ammonia, acids, ammonium nitrate, urea, corn syrup, animal feed and animal feed ingredients, sodium chlora and sodium chlorate solutions, fertilizer solutions, chemicals, formaldehyde, and sulphuric acid,* generally from specified points in AR, LA, and TX, to points in AL, AZ, AR, CO, FL, GA, IL, IN, KS, KY, LA, MS, MO, NM, OK, TN, and TX. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78216, filed July 2, 1979. Transferee: BETTENDORF TRANSFER, INC., Route 2, Box 261, River Falls, WI 54022. Transferor: Warren L. Bader, d.b.a. Bader Truck Line, Route 1, New Richmond, WI 54017. Representative: James R. Flescher, 1745 University Ave., St. Paul, MN 55104. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificates MC 35602 and MC 35602 (Sub-No. 1), issued February 20, 1959, and September 22, 1960, respectively, as follows: *Livestock,* from points in the Towns of Richmond, Somerset, Saint Joseph, Warren, Erin, and Hudson, WI, to South St. Paul, MN. *Farm Machinery, farm supplies, books, school supplies,* and *furniture,* from South St. Paul, St. Paul, Minneapolis, and Stillwater, MN, to points in the above-specified Wisconsin towns. *Livestock, agricultural commodities,* and *empty containers* for petroleum products and beverages, from points in the Towns of Cylon, Forest, Stanton, Richmond, Erin, and Emerald, WI, to South St. Paul, Newport, St. Paul, and Minneapolis, MN. *General commodities* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between points in the Towns of Erin, Emerald, Cylon, Forest, Stanton, and Richmond, WI, on the one hand, and, on the other, South St. Paul, St. Paul, Minneapolis, and Stillwater, MN. *Fertilizer,* from Winona, MN, to New Richmond, WI and points in WI within 25 miles of New Richmond. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349

MC–FC–78217, filed June 21, 1979. Transferee: EXPLOSIVES CARRIER, INC., 8212 S. Bryant, Oklahoma City, OK 73129. Transferor: Marlatt Transfer and Storage Company, a Corporation, 8212 S. Bryant, Oklahoma City, OK 73129. Representative: C. L. Phillips, Room 248–Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in 114252, issued March 27, 1958, as follows: *Spirituous liquors, new furniture, sash and fixtures, stoves, hardware, ammunition, and toys,* from Joplin, MO, and points within 100 miles thereof, to points in OK. Transferee presently holds authority from this Commission in MC 121087 (Sub-No. 1). Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78218, filed July 2, 1979. Transferee: SAFE-WAY MOVING & STORAGE, INC., 499 N. York Rd., Warminster, PA 18974. Transferor: Carl G. Corson, d.b.a. Safe-Way Moving & Storage, 499 N. York Rd., Warminster, PA 18974. Representative: Harry J. Liederbach, 892 Second St. Pike Richboro, PA 18954. Authority sought for the purchase by transferee of the

operating rights of transferor, as set forth in Certificate MC 10653, issued December 3, 1963, as follows: *Household goods,* as defined by the Commission, (a) Between Philadelphia, PA, on the one hand, and, on the other, points in DE and NJ, within 25 miles of Philadelphia, PA; (b) Between points in Bucks and Montgomery Counties, PA, on the one hand, and, on the other, points in CT, MD, MA, NY, RI, VA, and DC; (c) Between Bristol, PA, and points within 25 miles of Bristol, on the one hand, and, on the other, points in PA, NY, NJ, and DE. Transferee presently holds no authority from this Commission, however, sole owner of transferee is sole owner of Town & County Van Lines, Inc., which holds authority under MC 25433. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78220, filed June 29, 1979. Transferee: GARY STUFFO, d.b.a. Jersey City Transfer, 3 Lancelot Lane, Mount Laurel, NJ 08054. Transferor: Railway Motor Trucking, Inc., 317 Observer Hwy., Hoboken, NJ 07030. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificates MC 26644 and MC 26644 (Sub–No. 1), issued December 21, 1940, and August 25, 1942, respectively, as follows: (1) *General commodities,* except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Morris, Union, Hudson, Middlesex, Essex, Bergen, and Passaic Counties, NJ, on the one hand, and, on the other, New York, NY. (2) *General commodities,* except those of unusual value, dangerous explosives, household goods as defined by the Commission, and commodities in bulk, between Jersey City, NJ, on the one hand, and, on the other points in Hudson, Essex, Bergen, Passaic, Union, Middlesex, Somerset, and Morris Counties, NJ. (3) *Damaged, refused, or rejected* shipments of the commodities in (2) above, between Jersey City, NJ, on the one hand, and, on the other, points in the New Jersey Counties named in (2) above. Transferree presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C 11349.

MC–FC–78222, filed July 2, 1979. Transferee: AERO DELIVERIES, INC., 208 S. Kidd St. Ionia, MI 48846. Transferor: Areo Distributing Co., Inc., 4814 Fulton Industrial Blvd., Atlanta, GA 30336. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree St. NE, Atlanta, GA 30303. Authority sought for the purchase by transferee of a portion of the operating rights of transferor, as set forth in Permits MC 142668, and MC 142668 (Sub-Nos. 5, and 13), issued October 28, 1977, January 31, 1979, May 2, 1979, respectively, as follows: *Such merchandise* as is dealt in by home products distributors, for the plant site of Amway Corporation, at or near Ada, MI, to points in NE, ND, SD, and those points in that part of IA on and west of U.S. Hwy 218, under continuing contract(s) with Amway Corporation, of ADA, MI. *Such merchandise* as is dealt in by home products distributors, (except commodities in bulk), (1) from Chicago, IL, to points in MI (except Huron, Sanilac, Lapeer, St. Clair, Oakland, McComb, Wayne, Lenawee, and Monroe Counties), and (2) from Dubuque, IA, to points in ND, SD, and those points in MN on and west of U.S. Hwy 71, under continuing contract with Stanley Home Products, Inc., of Easthampton, MA. *Such commodities* as are dealt in by retail department stores, from Fargo, ND, to points in ND and SD, under continuing contract with Spiegel, Inc., of Chicago, IL. Transferor also has authority pending in MC 142668 (Sub-No. 18), the portion of which it desires to sell to transferee, as follows: *Such merchandise,* as is marketed by home products distributors (except commodities in bulk), from Chicago, IL, to points in IA, KS, MI, MO, NE, ND, and SD, under continuing contract with Shaklee Corporation, of Hayward, CA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.D. 11349.

MC–FC–78224, filed July 3, 1979. Transferee: THOMAS J. McHUGH AND HOWARD J. BRENNAN, JR., a partnership, d.b.a. SUBURBAN EXPRESS COMPANY, P.O. Box 251, Brookside, NJ 07926. Transferor: John Charles Clackworthy, d.b.a. Suburban Express Company, 187 Whippany Rd., Whippany, NJ 07981. Representative: Louis T. Urbanczyk, 1750 New York Ave. NW., Suite 210, Washington, DC 20006. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 19112 (Sub-No. 2), issued March 28, 1958, as follows: *Household goods,* between Morristown, NJ, on the hand, and, on the other, points in CT, MD, MA, NY, PA, RI, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78229 filed July 10, 1979. Transferee: ARCHIE HOLT, 502 W. State St., Vandalia, MO 63382. Transferor: Hazel F. Kersting, Martinsburg, MO 65264. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. Authority sought for purchase by transferee of operating rights held by transferor in Permit No. MC 142358 Sub 3, issued March 23, 1978, acquired by transferor pursuant to No. MC–FC–77842, authorizing coal, in bulk, in dump vehicles, from points in MO to points in IL and IA, under contract with Universal Coal and Energy Company, Inc., of Columbia, MO. Transferee holds no authority from this Commission. An application for temporary lease has not been filed.

MC–FC–78234, filed July 17, 1979. Transferee: KUEHL TRANSIT, INC., Storden, MN 56176. Transferor: Refrigerated Foods, Inc., 1420 33rd St., Denver, CO 80201. Representative: Donald L. Stern, Suite 610—7171 Mercy Rd., Omaha, NE 68106. Authority sought for the purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate MC 134068, issued April 24, 1970, as follows: (1) *Cheese, dry dietary mix, and dessert preparations,* from Wanamingo, MN, to points in AZ, CA, CO, MT, and NM, and (2) *butter,* from Wanamingo and Ogilvie, MN, to points in AZ, CA, CO, MT, and NM; RESTRICTION: In connection with the authority granted in (2) above, service to points in AZ and NM is restricted to the transportation of shipments moving in the same vehicle and at the same time with a commodity described in (1) above. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78239, filed July 19, 1979. Transferee: Gary E. Mowery and Connie E. Mowery, a partnership, d.b.a. MOWERY TRANSFER, Route 1 Box 46, Upper Tract, WV 26866. Transferor: Carl Warner, Galen Warner and Darell Warner, a partnership, d.b.a. Warner's Transfer, Route 4 Box 24, Franklin, WV 26807. Representative: Gary E. Mowery, Rte. 1 Box 46, Upper Tract, WV 26866. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate MC 101898 (Sub-No. 3), issued July 17, 1974, as follows: *Poultry feeds and livestock feeds,* in bulk, from Harrisonburg, VA, to points in Pendleton, Hardy and Grant Counties, WV. Transferee presently holds no authority from this

Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78241, filed July 17, 1979. Transferee: COLLINS TRANSPORT, INC., Route 7, Box 365, Spartanburg, SC 29303. Transferor: Cox Refrigerated Express, Inc., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Authority sought for the purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate No. MC 140033 (Sub-No. 65F), issued February 15, 1979, authorizing the transportation of *copper and aluminum magnet wire,* from Abingdon, VA, to El Paso, Beaumont, Dallas and Houston, TX. Transferee presently holds no authority from the Commission and has sought temporary authority under section 210a(b).

MC–FC–78249, filed July 17, 1979. Transferee: RADAMES FIGUEROA, 6819 3rd. Ave., Brooklyn, NY 11220. Transferor: Arthur Bongiorno, 6934 53rd Ave., Maspeth, NY 11378. Representative: Truman O. Murrell, 1871 Victory Blvd., Staten Island, NY 10314. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate MC 119437, issued September 30, 1974, as follows: *Homing pigeons,* and *feed* and *crates* incidental to the care and transportation thereof, during the season March 1 through October 31 of each year, between New York, NY, on the one hand, and, on the other, Bristol, PA and points in NJ. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78250, filed July 30, 1979. Transferee: James Brunsen, d.b.a. JIM'S FREIGHT LINE, 71 2nd St., SE, Britt, IA 50423. Transferor: Robert H. Lewerke, d.b.a. BOB'S FREIGHT LINE, P.O. Box 209, Britt, IA 50423. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 124056, issued January 24, 1963, as follows: *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, over a specified regular route between Mason City, and Kanawha, IA, serving the intermediate points of Duncan and Britt, IA; and over a specified regular route between junction IA Hwy 111 and unnumbered hwy and Corwith, IA, serving no intermediate points. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78251, filed July 30, 1979. Transferee: Joseph H. Ellis, d.b.a. BUS-PAK, Box 219, Route 2, Wellford, SC 29385. Transferor: W. Earl Humphries, d.b.a. BUS-PAK, 212 E. Daniel Morgan Ave., Spartanburg, SC 29301. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Authority sought for the purchase by transferee of the entire operating rights of transferor, as set forth in Certificate MC 142227 (Sub-No. 2), issued June 20, 1977, as follows: *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 euipment), between points in Spartanburg County, SC, subject to restrictions. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78254, filed July 30, 1979. Transferee: BEEHIVE TOURS & TRAVEL, INC., 1325 S. Main St., Salt Lake City, UT 84115. Transferor: Anne Marie James, d.b.a. James Travel Tours, 2230 Scenic Drive, Salt Lake City, UT 84109. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in brokers license MC 12697, issued June 25, 1979, as follows: Operations as a broker at Salt Lake City, UT, in arranging for the transportation by motor vehicle, of passengers and their baggage, in special and charter operations, in round-trip all-expense tours, beginning and ending at Salt Lake City, UT, and extending to points in the United States (including HI but excluding AK), and beginning and ending at points in UT (except Salt Lake City), ID, AZ, NV, and CA and extending to points in the United States (including AK and HI). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notice to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before September 20, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

MOTOR CARRIERS OF PROPERTY

MC 11220 (Deviation No. 48), GORDON'S TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101, filed August 1, 1979. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exception, over a deviation route as follows: From Houston, TX, over Interstate Hwy 10 to Junction Interstate Hwy 12, then over Interstate Hwy 12 to Junction Interstate Hwy 55, then over Interstate Hwy 55 to Jackson, MS, then over Interstate Hwy 20 to Birmingham, AL, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Houston, TX, over U.S. Hwy 75 to Durant, OK, then over U.S. Hwy 70 to Junction Interstate Hwy 30, west of Benton, AR, then over Interstate Hwy 30 to Little Rock, AR, then over U.S. Hwy 70 to Memphis, TN, then over U.S. Hwy 72 to Junction Alternate U.S. Hwy 72, then over Alternate U.S. Hwy 72 to Juncton U.S. Hwy 31, then over U.S. Hwy 31 to Birmingham, AL, and return over the same route.

MC 29555 (Deviation No. 35), BRIGGS TRANSPORTATION CO., North 400 Griggs-Midway Bldg., St. Paul, MN 55104, filed July 31, 1979. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Rockford, IL, over U.S. Hwy 20 to Junction Interstate Hwy 90, then over Interstate Hwy 90 to Junction Wisconsin Hwy 15, then over Wisconsin Hwy 15 to Milwaukee, WI, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Rockford, IL, over U.S. Hwy 20 to Chicago, IL, then over Illinois Hwy 21 to Junction U.S. Hwy 45, then over U.S. Hwy 45 to West Allis, WI, and return

over the same route. NOTE: A portion of this deviation is premised on a grant of temporary authority under Section 210(a)(b). If applicant's right to operate all or part of the leased authority expires, this deviation, if authorized, will likewise expire.

MC 35320 (Deviation No. 24), T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408, filed June 29, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Paris, TN, over U.S. Hwy 79 to Clarkesville, TN, then over U.S. Alternate Hwy 41 to Nashville, TN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Paris, TN, over U.S. Hwy 79 to McKenzie, TN, then over Tennessee Hwy 22 to Huntingdon, TN, then over U.S. Hwy 70 to Nashville, TN, and return over the same route.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applicatiopns are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 59000, filed July 17, 1979. Applicant: KERN VALLEY TRUCKING, 1272 Gossage Avenue, Petaluma, CA 94952. Representative: Martin J. Rosen, Michael S. Rubin, 256 Montgomery Street, San Francisco, CA 94104. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, except those pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, life vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting); (2) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers; (4) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle; (8) logs; (9) articles of extraordinary value; (10) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment, via the following routes: 1. On and within 20 miles of the following named highways: (1) State Highway 1 between San Francisco and Carmel; (2) U.S. Highway 99 between its junction with Interstate Highway 5 near Roseville and its junction with Interstate Highway 5 near Red Bluff; (3) Interstate Highway 5 between Sacramento and Redding; (4) U.S. Highway 80 between Sacramento and Floriston; (5) State Highway 505 between Vacaville and Dunnigan; and 2. On and within 10 miles of the following named highways: (1) Interstate Highway 5 between Los Angeles and the California-Mexico Boundary Line, including points in the San Diego Territory, as described in Note below. (2) U.S. Highway 395 and interstate Highway 15 between the San Diego Territory, as described in Note below, and San Bernardino; (3) State Highway 101 between Los Angeles and Ventura; (4) Interstate Highway 10 between Los Angeles and Blythe; (5) U.S. Highway 101 between San Francisco and Salinas; (6) U.S. Highway 17 between San Francisco and Santa Cruz; (7) State Highway 156 between Castroville and Hollister; (8) State Highway 68 between State Highway 1 and Salinas; (9) State Highway 680 between Vallejo and San Jose; (10) Interstate Highway 780 between its junction with Interstate Highway 680 near Benicia and its junction with Interstate Highway 80 near Vallejo; (11) Interstate Highway 8 between the San Diego Territory, as described in Note below, and Winterhaven; (12) State Highway 86 between its junction with Interstate Highway 10 near Indio and its junction with Interstate Highway 8 near El Centro. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, State Building, Civic Center, San Francisco, CA 94102, and should not be direct to the Interstate Commerce Commission.

Note.—San Diego Territory is defined as follows: Between points in California within an area bounded by a line beginning at the northerly junction of U.S. Highways Nos. 101–E and 101–W (4 miles north of LaJolla); thence easterly to Miramar on U.S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway (State Highway No. 67); thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning, and serving points within 5 miles of the boundaries of the above described area.

Montana Docket No. T–4529, filed July 9, 1979. Applicant: DARRYL L. BARKER AND ROBERT L. BARKER, d.b.a. BARKER TRUCKING, 107 South 23rd Street, P.O. Box 31651, Billings, MT 59107. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Dental, medical and surgical supplies and equipment*, between Billings & Bozeman, Glendive, Great Falls, Wolf Point, Choteau, Columbus, Glasgow, Deer Lodge, Lewistown, Conrad, Red Lodge, Plentywood, Hardin, Livingston, Big Timber, Baker, Jordan, Chester, Butte and Helena. Applicant desires to be able to transport shipments of this commodity having an immediate prior interstate haul by truck between these same points. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Montana Public Service Commission,

1227 11th Avenue, Helena, MT 59601, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-1851, filed July 23, 1979. Applicant: P. J. GARVEY CARTING & STORAGE, INC., 465 Cornwall Avenue, Buffalo, NY 14215. Representative: James P. Burgio, Esq., 3350 Marine Midland Center, Buffalo, NY 14203. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* between all points in Erie County and all points in Allegany County, Cattaraugus County, Genesee County, Niagara County, Orleans County, Wyoming County and Chautauqua County. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus, Building #4, Room G-21, Albany, NY 12232, and should not be direct to the Interstate Commerce Commission.

Transportation of "Waste" Products for Reuse or Recylcing

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 September 10, 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 *within 30 days* of the date of its notice in the **Federal Register,** subject to its tariff publication effective date.

P-6-79 (special certificate—waste products), filed July 23, 1979. Applicant: FARLEY H. WILLIAMS, 503 Willow Lane, Bridgeport, WV. Representative: James D. Gray, Steptoe & Johnson, P.O. Box 2190, Clarksburg, WV 26301. Sponsor: Anchor Hocking Corporation, of Clarksburg, WV, South Connelsville, PA, and Lancaster, OH. Commodity: Cullet.

P-7-79 (special certificate—waste products), filed July 20, 1979. Applicant: EARL W. NORRIS, 3654 Gertrude St., Omaha, NE 68107. Representative: Paul D. Kratz, Stern & Becker, P.C., Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Sponsor: Midland Auto Creusher, Inc., Council Bluffs, IA. Commodity: Wreckerd auto bodies.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-25801 Filed 8-20-79; 8:45 am]

BILLING CODE 7035-01-M

Released Value Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC 1503.

SUMMARY: Dependable Car Travel Service, Inc. seeks authority to amend Released Rates Order No. MC 630, as amended, to include additional operating authority, which was granted to the applicant in Docket No. MC 125978 (Sub-8 and Sub-9). The additional operating authority is in connection with single driveaway service between points in MA, CT, RI, NY, NJ and PA. Also, between points in FL, with certain restrictions. Also, in connection with truckaway service between New York, NY, on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, FL. The released rates authority is to apply on baggage, sporting equipment, and personal effects of owners of used passenger automobiles, when moving in such vehicles, in driveaway or truckaway service.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Edward M. Alfano (or) Mr. John L. Alfano, Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, Telephone: (202) 275-7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730, formerly Section 20(11) of the Interstate Commerce Act, to publish released value rates in the tariffs of Dependable Car Travel Service, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-25792 Filed 8-20-79; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28972F]

Burlington Northern, Inc.—Merger—Spokane, Portland and Seattle Railway Co., Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343-11347

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the merger of the Spokane, Portland and Seattle Railway Company into the Burlington Northern, Inc., from the requirements of 49 U.S.C. 11343-11347, which requires prior consideration and approval of the transaction by the Commission.

DATE: Effective August 21, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg (202) 275-7546.

SUPPLEMENTARY INFORMATION:

Procedural Background

Burlington Northern, Inc. (BN) and the Spokane, Portland and Seattle Railway Company (SP&S) filed a petition for exemption under 49 U.S.C. 10505 on March 2, 1979, requesting that their proposed merger be exempted from the requirements of obtaining prior Commission approval under 49 U.S.C. 11343-11347. In response to this petition we published a notice in the **Federal Register** on May 21, 1979, 44 FR 29554 (1979) requesting comments on the proposed exemption. Comments in favor of the exemption were filed by the Southern Railway System (Southern) the Union Pacific Railroad Company (UP). No comments have been received opposing the proposed exemption.

The notice of proposed exemption set forth the facts in this proceeding. No comments have been filed controverting or otherwise questioning the facts presented in our notice. We will adopt the facts presented in the notice and refer to them as needed in our discussion. The notice is attached as an Appendix to this decision.

Rail Exemption Authority

BN seeks exemption of its merger with SP&S under 49 U.S.C. 10505. This section provides:

(a) In a matter related to a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce

Commission under this subchapter, the Commission shall exempt a person, class or persons, or a transaction or service because of the limited scope of the transaction or service, when the Commission finds that the application of a provision of this subtitle—

(1) is not necessary to carry out the transportation policy of section 10101 of this title;

(2) would be an unreasonable burden on a person, class of persons, or interstate or foreign commerce; and

(3) would serve little or no useful public purpose.

(b) The Commission may begin a proceeding under this section on its own initiative or on application by the Secretary of Transportation or an interested party. The Commission may specify the period of time during which the exemption is effective.

(c) The Commission may revoke an exemption, to the extent it specifies, when it finds that application of a provision of this subtitle to the person, class, or transportation is necessary—

(1) to carry out the transportation policy of section 10101 of this title;

(2) to achieve effective regulation by the Commission; and

(3) to serve a useful public purpose.

(d) The Commission may act under this section only after an opportunity for a proceeding.

This proposed exemption involves sections (a), (b), and (d).

The statutory requirements for exempting a transaction can be broken down into four parts: (1) whether the transaction is of a limited scope, (2) whether it is necessary to carry out the national transportation policy, (3) whether the provisions of 49 U.S.C. 11343–11347 would be an unreasonable burden on the BN and SP&S or interstate or foreign commerce, and (4) whether or not our application of 49 U.S.C. 11343–11347 would serve little or no useful public purpose.

Limited Scope

BN currently controls SP&S. BN also leases all of SP&S's assets, except for SP&S's franchise to be a corporation and corporate books and records. The proposed merger is solely within the corporate family and is actually a paper transaction. The merger is limited in scope since it is within a corporate family.

Additionally, the merger is of limited geographic scope. BN is a carrier with approximately 24,950 miles of lines in 19 States and two Canadian provinces. SP&S on the other hand is a non-operating, lessor railroad with approximately 600 miles of track limited to the States of Oregon and Washington.

The transaction is also limited in scope because no employees are involved. SP&S has no rail employees. Its officers and directors are all employed by BN. Additionally BN employees conduct all operations over SP&S facilities.

Finally, the transaction is limited in scope as it affects competitors of BN and SP&S. BN has stated that there will be no change in operations, and that the only purposes of the merger are to avoid renewing a lease, fulfill the goals of *Great Northern Pac & B. Lines, Merger-Great Northern* 331 I.C.C. 228 (1967) (*The Northern Lines Merger*), and to avoid the burden of complying with the I.C.C. *Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights, and Lease Procedures*, 49 C.F.R. Part 1111 (1978) (*Consolidation Procedures*). SP&S has no actual independent existence from BN as far as competition for freight traffic is concerned. There will be no change in rail competition resulting from the merger.

The exemption proposed by BN and SP&S is of a limited scope. It is limited to (1) a merger within a corporate family, (2) a geographic region, (3) no impact on employes, and (4) no affect on the competitive balance for freight traffic.

Since the proposed transaction is of a limited scope, we will now consider the other criteria.

Necessity to carry out the national transportation policy. The Transportation Policy of 49 U.S.C. 10101 is to provide impartial regulation of modes of transportation subject to subtitle IV. Impartial regulation is achieved through recognizing and preserving inherent advantage of each mode; promoting safe, adequate, economical, and efficient transportation; encouraging sound economic conditions in transportation, including sound economic condition among carriers; encouraging the establishment and maintenance of reasonable rates for transportation without unreasonable discrimination or unfair or destructive competitive practices; cooperating with each State and officials of each State on transportation matters; and encouraging fair wages and working conditions in the transportation industry.

The regulation of the BN and SP&S merger is not necessary to carry out the goals of the national transportation policy. It is a merger within a corporate family, and will not effect the considerations of the transportation policy since the elimination of a corporate entity will be the only change resulting from the transaction. Elimination of SP&S will only reduce duplicative reporting and bookkeeping. It will also simplify the corporate structure of BN. Commission regulation of this merger is not necessary to carry out the national transportation policy.

Unreasonable burden on a person. The Commission's *Consolidation Procedures* require a complete application to be filed so that a decision may be reached within the time constraints of 49 U.S.C. 11345. Compilation of all the material necessary to comply with the *Consolidation Procedures* is a time consuming task. Where there has been no public opposition to the proposal, the establishment of a massive record on which to base a decision would appear an unreasonable burden upon the BN and SP&S.

Southern points out the cost of filing an application with the Commission and maintaining SP&S's separate corporate existence are unreasonable in light of the fact that there is no compensatory advantage to BN, the Commission, shippers, or the public. UP points out that it strongly supports the use of the exemption when there will be an unreasonable burden on a carrier without any offsetting benefit to the public.

Requiring BN and SP&S to submit a complete application and then comply with the time requirements imposed by 49 U.S.C. 11345 would place an unreasonable burden on BN and SP&S.

Little or no useful public purpose.

In determining whether or not to approve a merger, the Commission's function is to decide if it is within the public interest. In reaching this determination we rely upon the application submitted pursuant to the *Consolidation Procedures* and the comments of parties. Since we have provided the opportunity for comments on the proposal and no one has opposed it, we would rely upon the application to determine the public interest. As we have stated, the filing of an application under 49 U.S.C. 11343–11347 would be an unreasonable burden in this situation. Additionally, the Commission's review of the application would not be a beneficial use of public resources.

Southern points out that shippers and the public would not be able to reasonably object to the merger since service will be unaffected and no one connected with SP&S will suffer any injury. Southern also states that the merger appears to be a purely internal decision within the discretion of BN. UP

indicates its only concern with the proposed exemption is that the conditions imposed in the *Northern Lines Merger* remain in effect. There is no proposal before us to alter the conditions imposed in the *Northern Lines Merger*. The BN and SP&S merger will not alter those conditions.

Because this is a merger within a corporate family, involving merely a paper transaction, our review of it would serve little or no useful public purpose.

Conclusion

Our analysis leads us to conclude that the exemption of the merger between BN and SP&S from 49 U.S.C. section 11343–11347 meets the statutory requirements of 49 U.S.C. 10505. Congress itself has stated that "an exemption power in the Commission is very desirable". H.R. Rep. No. 94–499, p. 53 (1975). It has also stated that "the power to exempt from regulation in whole or in part will enable the Commission to commit its limited resources in areas where they are most needed, by enabling it to deregulate those areas which have no significant bearing on the overall regulatory scheme." *Id.* Congress also indicated that the exemption provision was consistent with the other provisions of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. Law 94–210. H.R. Rep. No. 94–725, p. 75 (1975). In enacting 49 U.S.C. 10505, Congress clearly intended us to exempt specific limited transactions from our regulatory power. This is one such transaction.

Procedural Matter

Accompanying its petition for exemption, under 49 U.S.C. 10505, BN alternatively requested waiver of the Commission's Consolidation Procedures. We have held the decision on the proposed waiver in abeyance until a decision was made on the exemption. Since we have determined to grant the exemption, the waiver need not be considered, and will be dismissed.

We find: (1) The application of the requirements of 49 U.S.C. 1143–1147 to the merger of the Spokane, Portland and Seattle Railway Company into Burlington Northern, Inc., is of a limited scope and (a) is not necessary to carry out the transportation policy of section 10101, (b) would be an unreasonable burden on BN and SP&S, and (c) would serve little or no useful public purpose. (2) This decision is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered: (1) Burlington Northern, Inc., and the Spokane, Portland and Seattle Railway Company are exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343–11347 for the limited purpose of merging the SP&S into BN.

(2) If SP&S is merged in BN, BN shall, within 60 days of the merger submit three copies of a sworn statement showing all general entries required to record the transaction.

(3) The petition for waiver is dismissed.

(4) Public notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication therein.

(5) This exemption will continue in effect for 90 days from the effective date of this decision. BN and SP&S must consummate this merger during that time in order to take advantage of the exemption which we have granted.

(6) This decision shall be effective August 21, 1979.

Dated: August 8, 1979.

By the Commission, Chairman O'Neal, Commissioners Stafford, Gresham, Clapp, Christian, Trantum, and Gaskins. Commissioner Christian not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-25799 Filed 8-20-79; 8:45 am]

BILLING CODE 7035-01-M

[Released Rates Application No. FF–449]

Dependable Auto Shippers; Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. FF–449.

SUMMARY: Dependable Auto Shippers, Inc. seeks authority to publish released value rates between points in NJ, NY, CT, MA, RI, and PA, on the one hand, and, on the other, points in FL, with some restrictions, on baggage and personal effects moving in used passenger automobiles tendered for transportation in freight forwarder service. The net effect will be to limit applicant's maximum liability to a value declared by the shipper, but not to exceed $250.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Edward M. Alfano (or) Mr. John L. Alfano, Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, telephone: (202) 275–7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11) of the Interstate Commerce Act, to publish released value rates in the tariffs of Dependable Auto Shippers, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-25794 Filed 8-20-79; 8:45 am]

BILLING CODE 7035-01-M

[Exemption No. 170]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

August 15, 1979

There is an emergency movement of military supplies from Crane, Indiana, to Leland, North Carolina. The originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic. Sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections, and compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee), the railroads designated by the Car Service Division are authorized to move to, and the Milwaukee is authorized to accept, assemble, and load not to exceed 50 empty plain boxcars with military supplies from Crane, Indiana, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1 and 2.

Effective August 3, 1979.

Expires August 31, 1979.

Interstate Commerce Commission.

Robert S. Turkington,

Agent.

[FR Doc. 79-25798 Filed 8-20-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Applications for Relief

August 15, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before September 5, 1979.

FSA NO. 43734 Southwestern Freight Bureau, Agent No. B–17, iron and steel

articles, in carloads, between Hurst, Tex., on the one hand, and on the other, points in the United States, in Supp. 435 to its Tariff ICC SWFB 4850, effective September 9, 1979. Grounds for relief—market competition.

FSA No. 43736, Southwestern Freight Bureau, Agent No. B–12, sugar, beet or cane, refined, in bulk, from points in Louisiana and Texas to points in Eastern, Southern, and Western Territories, in Supp. 170 to its Tariff ICC SWFB 4411, effective September 16, 1979. Grounds for relief—increased revenue.

FSA No. 43737, Trans-Continental Freight Bureau, Agent No. 541, sugar, beet or cane, in bags, from Crockett and Richmond, Calif. to Ft. Madison, Ia. and Streator, Ill., to be published in its Tariff ICC TCFB 7023–S. Grounds for relief—rate relationship.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–25795 Filed 8–20–79; 8:45 am]

BILLING CODE 7035–01–M

[Released Rates Application No. FF–448

North American Forwarding, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. FF–448.

SUMMARY: North American Forwarding, Inc., seeks authority to publish released rates on (a) used household goods, (b) used automobiles, and (c) unaccompanied baggage, between points in the United States, including Hawaii, but excluding Alaska, restricted in (b) to the transportation of export and import traffic. Applicant anticipates publishing its rates in its Tariff No. 400, ICC NAMR 400. Presently similar rates are published in Household Goods Forwarders Tariff ICC HGF 400 and subject to Released Rates Order No. FF–289, July 6, 1977.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Stephen C. Clifford, Attorney, North American Van Lines, Law Department, P.O. Box 988, Fort Wayne, Indiana 46801.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, telephone: (202) 275–7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11) of the Interstate Commerce Act to publish released rates in tariffs of North American Forwarding, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–25793 Filed 8–20–79; 8:45 am]

BILLING CODE 7035–01–M

[I.C.C. Order No. 43–A Under Service Order No. 1344]

Rerouting Traffic

August 15, 1979.

To: All Railroads.

Upon further consideration of I.C.C. Order No. 43, and good cause appearing therefor:

It is ordered, I.C.C. Order No. 43 is vacated.

This order shall become effective August 6, 1979, and 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 shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 6, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79–25797 Filed 8–20–79; 8:45 am]

BILLING CODE 7035–01–M

[Exception No. 11 to Rev. Service Order No. 1312]

Soo Line Railroad Co.

August 15, 1979.

Because of the inability of the railroad to assemble the cars, a movement of thirty-seven (37) loaded covered hopper cars will be seriously delayed on Soo Line Railroad Company enroute to Buffalo, New York, for unloading. General Mills desires to ship a sixty (60) car unit-grain-train of wheat to Buffalo, New York, routed Soo Line-ConRail. The consignee at Buffalo is badly in need of the wheat, but only 37 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 37 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. 11 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 August 6, 1979.

Expires 11:59 p.m., August 10, 1979.

Issued at Washington, D.C., August 6, 1979.

Joel E. Burns,

Director.

[FR Doc. 79–25791 Filed 8–20–79; 8:45 am]

BILLING CODE 7035–01–M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 163
Tuesday, August 21, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-239; August 16, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., August 23, 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 36126, Application of Tradewinds Airways Limited for an exemption to perform split-cargo charters between New York and London. (BIA, OGC)

3. Dockets 32851, 30373, 32161, 30777, 33159, and 35732; Staff-initiated review of pricing freedom and the intercarrier agreements affecting marketing via travel agencies. (BDA)

4. Docket 29198, *Alaska Fares Investigation*—Draft Order and Notice of Proposed Rulemaking. (OGC)

5. Docket 30790, *United States-Benelux Low-Fare Route Proceeding*, Opinion and Order. (Memo No. 9052, OCG)

6. Docket 31574, California-Nevada Low-Fare route Investigation, Order on Reconsideration. (Memo No. 7433-H, OGC)

7. Docket 35888, Application of Command Airways, Inc. for an exemption to permit it to suspend service at Pittsfield, Massachusetts, on less than the 90 days' notice required by Section 37(c) of the Airline Deregulation Act. (Memo No. 9051, BDA)

8. Docket 36244, Pioneer's 30-day notice of intent to suspend service at McCook, Kearney, Hastings, and Columbus, Nebraska. (BDA, OCCR, OC, OGC, BALJ, BIA)

9. Docket 34591, Essential Air Service at Hot Springs, VA (BDA, OCCR)

10. Docket 35734, USAir's notice to terminate all service at White Plains, N.Y., and the petition of various New York parties to prohibit USAir from terminating service as proposed until a replacement carrier is found. (BDA, OCCR)

11. Dockets 35464 and 34650; Final guidelines and procedures for essential air service determinations. (OGC, BDA)

12. Docket 34965, Direct marketing of charters by air carriers. (OGC, BDA)

13. Docket 35662, Direct sale of charter air transportation. Update report to Congress. (OGC)

14. Docket 31788, Split all-cargo and split passenger/cargo charters. (OGC, BDA, BIA)

15. Dockets 35708, 34753, 34604, 35900, 35903, 35905, 35907, 35910, 35916, 35921, and 35923; *Philadelphia-Pittsburgh Show-Cause Proceeding*. (BDA)

16. Dockets 35155, 35444, 35481, 35682, 35692, and 35833; Applications of TWA, US Air (Allegheny), Northwest, Ozark, Airwest, and United for Minneapolis-Denver authority. (Memo No. 9050, BDA)

17. Dockets 35932, 35996, 36127, and 36178; Applications of Air California, Airwest, USAir, and Western for Portland-San Jose/Sacramento/San Francisco/Oakland/Reno Authority. (BDA, BALJ, OGC)

18. Dockets 35851, 36032, 36023, 36039, 36029, 36026, 36034, 36046, 34990, 36055, and 36042; *Philadelphia-California-Nevada Show-Cause Proceeding)*, U.S. Air, Continental, Eastern, Frontier, Western, Northwest, National, Texas International, Republic, and American. (Memo No. 8902-A, BDA)

19. Dockets 35659, 35861, 35857, and 35865; *Norfolk-Washington Show Cause Proceeding*. (Memo No. 8812-A, BDA)

20. Dockets 32705 and 34564; Application of Popular Latin Travel Agency, Inc., for reexamination of ATC agreements on declaration of travel agent default by individual carriers and liability for lost or stolen tickets; ATC agreements amending rules on default declaration by individual carriers. (Memo No. 8209-A, BDA, OGC, BCP)

21. Dockets 32497, Application of Wright Airlines, *et al.*, for approval of control and interlocking relationships under sections 408 and 409 of the Act. (Memo No. 8938-A, BDA)

22. Discussion on IATA Show Cause Proceeding. (BDA, BIA)

STATUS: Open (items 1-21), closed (item 22).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTAL INFORMATION: Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject 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. 552(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting will be closed:

Chairman, Marvin S. Cohen, Member, Richard J. O'Melia, 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.
Assistants to Board Members.—Mr. David Kirstein, Mr. James. L. Deegan, Mr. Richard H. Klem, and Mr. Steven H. Lachter.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr. and Mr. Gary J. Edles.
Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Rosario J. Scibilia, Mr. Jerry Nelson, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. Regis P. Milan, Ms. Patricia A. Depuy, Mr. Herbert P. Aswall, Mr. Donald Litton, Mr. Francis S. Murphy, and Ms. Mary I. Pett.
Office of the General Director.—Mr. Michael E. Levine.
Bureau of Domestic Aviation.—Ms. Barbara A. Clark, Mr. Paul L. Gretch, Mr. Steven Baron, Mr. Paul Karlsson, and Mr. Charles McNagny.
Office of Economic Analysis.—Mr. Robert H. Frank, and Mr. Larry Manheim.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson, and Mr. William Wentz.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Partick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 3210b.5(9)(B) and that the meeting may be closed to public observation.

Phil J. Bakes,
General Counsel.

[S-1652-79 Filed 8-17-79; 2:59 pm]

BILLING CODE 6320-01-M

2

COMMODITY CREDIT CORPORATION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Published August 14, 1979, 44 FR 47686.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., August 21, 1979.

STATUS: Open.

CHANGE: The meeting has been canceled.

CONTACT PERSON FOR MORE INFORMATION: Bill Cherry, Secretary, Commodity Credit Corporation, Room 202–W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, Telephone (202) 447–7583.

[S–1645–79 Filed 8–17–79; 11:13 am]

BILLING CODE 3410–05–M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 10 a.m. (eastern time), Thursday, August 16, 1979.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S–1640–79.

CHANGE IN THE MEETING: The following item, previously announced as being on the open portion of the agenda was moved to the portion closed to the public:

(1) National Employment Law Project proposal. A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of Change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; J. Clay Smith, Jr., Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6748.

This notice issued August 16, 1979.

[S–1650–79 Filed 8–17–79; 11:13 am]

BILLING CODE 6570–06–M

4

August 16, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., August 15, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Closed (pursuant to 5 U.S.C. 552b(c)(10)).

MATTER CONSIDERED: 1. Magma Copper Company, DENV 78–533–M. 2. Helen Mining Company, PITT 79–11–P. 3. Kentland-Elkhorn Coal Corporation, PIKE 78–399.

VOTE: Voting to close the meeting: Commissioners Waldie (Chairman), Backley, Jestrab, Nease. Opposing: Commissioner Lawson. It was determined by this vote that Commission business required that this meeting be closed.

MATTER CONSIDERED: 4. Disciplinary matter, D 79–2. (Reference Co-Op Mining Company, Docket Nos. DENV 78–128—P and DENV 78–129–P)

VOTE: Voting to close this portion of the meeting: Commissioners Waldie (Chairman), Backley, Jestrab, Lawson, Nease. It was determined by this vote that Commission business required that this portion of the meeting also be closed.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–1651–79 Filed 8–17–79; 2:26 pm]

BILLING CODE 6820–12–M

5

THE FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 11 a.m., Friday, August 24, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Review of Board Officer positions.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. 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.

Dated: August 16, 1979.

Theodore E. Allison,

Secretary of the Board.

[S–1644–79 Filed 8–17–79; 9:41 am]

BILLING CODE 6210–01–M

6

LEGAL SERVICES CORPORATION: Committee on Provision of Legal Services.

TIME AND DATE: 9:30 a.m.–11:30 a.m., Thursday, September 6, 1979.

PLACE: Legal Services Corporation, 11th Floor Conference Room, 733 15th Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of July 20, 1979 Meeting.
3. Client Training.
4. Payment of Child Care Expenses.
5. Report on Implementation of 1007(h) Recommendations.
6. Report on the Poverty Law Reporter.
7. Reginald Heber Smith Contract.
8. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Young, Office of the President, telephone (202) 272–4040.

Issued: August 16, 1979.

Dan J. Bradley,

President.

[S–1646–79 Filed 8–17–79; 11:13 am]

BILLING CODE 6820–35–M

7

LEGAL SERVICES CORPORATION: Committee on Appropriations and Audit.

TIME AND DATE: 12:30 p.m.–4:30 p.m., Thursday, September 6, 1979.

PLACE: Legal Services Corporation, 11th Floor Conference Room, 733 15th Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of July 27, 1979 Meeting.
3. Status of Fiscal Year 1979 Budget.
4. 1980 Budget, including specific reports requested by Board members:
   a. Report on breakdown of Budget of Reginald Heber Smith Fellowship Program.
   b. Report on Legal Services Institute.
   c. Report on QIP and loan repayment program vis-a-vis investment income.
   d. Short report on child care for client participation in Corporation sponsored events (cost estimates; administrative feasibility and problems; financing).
   e. Report on 1980 expansion plans.
5. 1981 Budget.
6. Report on Budget of National Clients Council.
7. Renewal of Agreement with the Treasury Department for Disbursement of the Fiscal Year 1980 Appropriation.
8. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Young, Office of the President, telephone (202) 272–4040.

Issued: August 16, 1979.

Dan J. Bradley,

President.

[S–1647–79 Filed 8–17–79; 11:13 am]

BILLING CODE 6820–35–M

8

LEGAL SERVICES CORPORATION: Committee on Operations.

TIME AND DATE: 7 p.m.–9 p.m., Thursday, September 6, 1979.

PLACE: Legal Services Corporation, 7th Floor Conference Room, 733 15th Street, NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.

2. Approval of Minutes of July 26, 1979 Meeting.
3. 45 C.F.R. Section 1624—Prohibition Against Discrimination on the Basis of Handicap.
4. Reauthorization of the Legal Services Corporation.
5. Report on the Implementation of the 1007(h) Recommendations.
6. Appointment of the Officers of the Corporation.
7. President's Report.
8. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Young, Office of the President, telephone, (202) 272–4040.

Issued: August 16, 1979.

Dan J. Bradley,

President.

[S–1648–79 Filed 8–17–79; 11:13 am]

BILLING CODE 6820–35–M

9

LEGAL SERVICES CORPORATION: Board of Directors Meeting.

TIME AND DATE: 9 a.m.–5 p.m., Friday and Saturday, September 7–8, 1979.

PLACE: George Washington University, Marvin Center, Room 410, 800 21st Street, N.W., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of June 1–2, 1979 Meeting.
3. Reports from the Committee on Operations:
Reauthorization of the Legal Services Corporation.
45 CFR Section 1624–Prohibition Against Discrimination on the Basis of Handicap.
4. Reports from the Committee on Appropriations and Audit.
Status of the Fiscal Year 1980 Budget.
Status of the Fiscal Year 1981 Budget Request.
Renewal of the Agreement with the Treasury Department for Disbursement of the Fiscal Year 1980 Appropriation.
5. Reports from the Committee on Provision of Legal Services.
Client Training.
Review and Approval of Reginald Herber Smith Contract.
6. Report from the President.
7. Selection of Chairperson of the Board.
8. Future Meeting Dates.
9. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Young, Office of the President, telephone (202) 272–4040.

Issued: August 16, 1979.

Dan J. Bradley,

President.

[S–1649–79 Filed 8–17–79; 11:13 am]

BILLING CODE 6820–35–M

10

NATIONAL RAILROAD PASSENGER CORPORATION: Board of Directors Meeting.

In accordance with Rule 4a. of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on August 29, 1979.

A. The meeting will be held on Wednesday, August 29, 1979, in the National Guard Association Building, 3rd Floor, One Massachusetts Avenue, Northwest, Washington, D.C., beginning at 9:00 a.m.

B. The meeting will be open to the public at 10:00 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation

Meeting of the Board of Directors—August 29, 1979

Closed Session (9:00)
1. Internal personnel matters.
2. Litigation matters.
Open Session (10:00)
3. Approval of minutes of regular meeting of July 25, 1979.
4. Commitment approval requests:
79–106 PCB Handling/Storage Facilities—Wilmington, DE.
79–112 Construct New Station—Borie, WY.
79–113 Modify Station Trackage—Temple, TX.
5. Superliner inaugural/Board trip.
6. Board committee reports: Audit, finance, Northeast Corridor Improvement Project, Organization and Compensation, Legal Affairs, and ad hoc ByLaws Revision.
7. Approval of preparation for October 1 route system.
8. President's report.
9. New business.
10. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383–3973.

Dated: August 17, 1979.

Elyse G. Wander,

Corporate Secretary.

[S–1654–79 Filed 8–17–79; 3:36 pm]

11

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, August 16, 1979.

PLACE: Room 500, 320 First Street NW., Washington, D.C.

STATUS: Closed pursuant to a vote to be taken at beginning of the meeting.

CHANGES IN THE MEETING: On August 16, 1979, the Commission determined that the above meeting be continued from 9:00 to 9:30 a.m. on Friday, August 17, 1979, in Room 814, 320 First Street, N.W., for consideration of a parole case transferred to the Commission from one of its regions. This case had been originally heard by an examiner panel. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: A. Ronald Peterson, Analyst, (202) 724–3094.

[S–1653–79 Filed 8–17–79; 2:59 pm]

BILLING CODE 4410–01–M

federal register

Tuesday
August 21, 1979

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

General Prototype Costs for One-to-Four Family Dwelling Units

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-79-942]

General Prototype Housing Costs for One-to-Four Family Dwelling Units

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

ACTION: Notice.

SUMMARY: This Notice sets forth general prototype costs for one-to-four family dwelling units for each market area of the country. The costs cover a broad range of housing and are intended to provide guidance and assistance to the public pursuant to Section 904 of the Housing and Community Development Act of 1977.

DATE: These prototype costs will be effective from publication until publication of new cost figures in 1980.

FOR FURTHER INFORMATION CONTACT: William L. Halpern, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-6720.

SUPPLEMENTARY INFORMATION: Section 904 of the Housing and Community Development Act of 1977 requires HUD, starting in calendar year 1979, to publish prototype housing costs for a broad variety of one-to-four family housing in each market area. These particular prototype figures serve merely as an aid to the general public and *are not* applicable to prototype determinations required for public housing under the United States Housing Act of 1937. The costs for land and site improvements are included in the Section 904 prototype cost figures.

In order to cover various economic situations, prototype costs are divided into three cost ranges: low, moderate and high. The information sources for developing the figures include data from HUD field offices, the public, and the basic Section 203(b) mortgage insurance program. The prototype costs are representative sales prices.

Due to the lack of information on two, three, and four-family dwelling units, generally costs shown are for one-family dwellings. The prototype costs have been developed showing a low, medium and high range of costs in each market area. The market areas, as designated, are the Base and Key Localities used in HUD's determination of Locality Adjustment Percentages for Single Family cost processing and cover both the urban and rural areas of each market area. Every Field Office has maps of these designated areas. The typical low range, one-family dwelling will contain three bedrooms and one full bath. The medium range one-family dwelling will contain three or four bedrooms and two full baths. The high range one-family dwelling will contain three to five bedrooms and two or three full baths.

The figures shown below the cost range designations are the typical square-foot areas of a one-family dwelling in the captioned market areas.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d); sec. 904, Housing and Community Development Act of 1977 (42 U.S.C. 354))

Issued at Washington, D.C., on August 6, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule of Prototype Housing Costs: One- to Four-Family Dwellings

	Low range 1000	Medium range 1250	High range 1550
Field Office: Boston, Mass.			
Market area: Boston:			
One Family Dw.	42,000	61,700	83,200
Two Family Dw.		66,700	
Market area: Pittsfield:			
One Family Dw.	8,900	57,900	76,800
Two Family Dw.		62,600	
Market area: Cape Cod:			
One Family Dw.	41,300	57,700	76,500
Market area: Worcester:			
One Family Dw.	38,600	55,500	74,800
Two Family Dw.		60,200	
Market area: Springfield:			
One Family Dw.	40,200	57,600	76,500
Two Family Dw.		62,400	

	Low range 820	Medium range 960	High range 1270
Field Office: Hartford, Conn.			
Market area: Hartford-Base City:			
One Family Dw.	51,000	53,400	57,800
Market area: New Haven-Bridgeport-Key Loc.:			
One Family Dw.	50,700	53,000	57,300
Market area: Stamford-Key Loc.:			
One Family Dw.	57,400	60,000	64,700

	Low range 960	Medium range 1680	High range 1920
Field Office: Manchester, N.H.			
Market area: Portland, Maine:			
One Family Dw.	45,200	73,100	87,200
Market area: Bangor, Maine:			
One Family Dw.	43,400	70,700	83,700
Market area: Augusta, Maine:			
One Family Dw.	42,900	69,900	82,700
Market area: Manchester, N.H.:			
One Family Dw.	43,900	73,600	89,700
Market area: Keene, N.H.:			
One Family Dw.	44,400	71,300	88,600
Market area: Portsmouth, N.H.:			
One Family Dw.	46,100	73,600	87,600
Market area: Burlington, Vt.:			
One Family Dw.	44,400	72,100	85,600

	Low range 980	Medium range 1140	High range 1340
Field Office: Providence, R.I.			
Market area: Providence:			
One Family Dw.	41,800	55,200	69,800
Market area: Newport:			
One Family Dw.	42,700	56,400	71,200
Market area: Westerly:			
One Family Dw.	42,500	56,200	70,900

Field Office: Albany, N.Y.

	Low range 940	Medium range 1090	High range 1970
Market area: Albany—Schenectady-Troy-Glens Falls:			
One Family Dw	27,500	35,600	51,000
Market area: Syracuse-Rome-Utica:			
One Family Dw	27,500	35,600	51,000
Market area: Binghamton-Cortland—ITHACA:			
One Family Dw	27,400	35,400	50,700
Market area: Massena—Plattsburgh-Watertown:			
One Family Dw	26,800	34,600	49,600

Field Office: Buffalo, N.Y.

	Low range 1030	Medium range 1080	High range 1200
Market area: Buffalo:			
One Family Dw	40,500	51,000	65,100
Market area: Rochester:			
One Family Dw	40,200	50,600	64,600
Market area: Elmira:			
One Family Dw	38,300	48,200	61,600
Market area: Jamestown:			
One Family Dw	39,400	49,600	63,200

Field Office: Camden, N.J.

	Low range 40	Medium range 1790	High range 2700
Market area: 1. Base City Area: Gloucester—Camden—Burlington:			
One Family Dw	36,300	50,300	69,600
Market area: 2. Atlantic Shore:			
One Family Dw	32,000	48,500	68,500
Market area: 3. Ocean County:			
One Family Dw	32,300	37,300	71,700
Market area: 4. B.A.S.C. All of Cumberland and Salem; Part of Atlantic and Burlington:			
One Family Dw	32,900	48,000	66,800
Market area: 5. Mercer County:			
One Family Dw	40,000	43,600	73,700

Field Office: New York City, N.Y.

	Low range 940	Medium range 1060	High range 2230
Market area: Dutchess, Ulster, Sullivan:			
One Family Dw	34,600	48,700	61,400
Two Family Dw	51,700	62,200	75,300
Three Family Dw	77,100	84,200	104,100
Four Family Dw	103,000	121,900	132,900
Market area: Orange:			
One Family Dw	28,900	40,300	51,400
Two Family Dw	41,600	51,200	61,700
Three Family Dw	60,700	65,900	80,200
Four Family Dw	80,400	95,400	104,400
Market area: Rockland:			
One Family Dw	31,200	42,800	53,900
Two Family Dw	42,300	53,800	64,200
Three Family Dw	62,100	67,400	82,500
Four Family Dw	81,500	98,600	106,000
Market area: Nassau/Suffolk:			
One Family Dw	28,906	44,400	68,400
Two Family Dw	43,600	57,000	80,400
Three Family Dw	66,800	74,400	92,800
Four Family Dw	89,600	109,300	121,100
Market area: New York City:			
One Family Dw	41,500	44,000	70,000
Two Family Dw	58,200	73,700	83,700
Three Family Dw	82,200	97,200	115,800
Four Family Dw	109,900	135,400	147,400

Field Office: Baltimore, Md.

	Low range 1240	Medium range 1660	High range 1940
Market area: Balto. (SMSA) Base: One Family Dw	48,600	67,100	80,800
Market area: Hagerstown (Key Locality): One Family Dw	47,300	61,000	73,400
Market area: Salisbury (Key Locality): One Family Dw	37,800	48,200	61,300
Market area: Waldorf (Key Locality): One Family Dw	47,800	58,200	70,100

Field Office: Charleston, W.Va.

	Low range 980	Medium range 1150	High range 2600
Market area: Charleston: One Family Dw.	48,200	65,000	113,400
Market area: Beckley, Princeton, Bluefield: One Family Dw.	46,400	62,500	109,000
Market area: Huntington: One Family Dw.	45,600	60,700	106,400
Market area: Parkersburg: One Family Dw.	44,100	59,000	104,200
Market area: Upper Monongahelia Valley: One Family Dw.	47,800	64,400	112,400
Market area: Wheeling: One Family Dw	46,900	63,200	109,500
Market area: Martinsburg: One Family Dw.	41,400	56,100	95,200

Field Office: Philadelphia, Pa.

	Low range 1220	Medium range 1790	High range 2200
Market area: Philadelphia: One Family Dw.	35,000	60,000	110,000
Market area: Pottstown-Reading: One Family Dw.	42,000	53,000	65,000
Market area: Allentown-Bethlehem-Easton: One Family Dw.	50,000	65,000	90,000
Market area: Lancaster-York: One Family Dw.	44,000	53,000	70,000
Market area: Harrisburg: One Family Dw.	50,000	65,000	80,000
Market Area: Wilkes-Barre-Scranton: One Family Dw.	40,000	55,000	65,000
Market Area: Bellefonte: One Family Dw.	40,000	55,000	70,000
Market Area: Tioga: One Family Dw.	42,000	50,000	68,000
Market Area: Wilmington-State of Delaware: One Family Dw.	45,000	60,000	75,000

Field Office: Pittsburgh, Pa.

	Low range 950	Medium range 1170	High range 1550
Market Area: Pittsburgh: One Family Dw.	45,200	50,500	53,600
Market Area: Altoona: One Family Dw.	39,200	44,300	47,400
Market Area: Johnstown: One Family Dw.	40,500	45,800	48,900
Market Area: Erie: One Family Dw.	40,800	46,200	49,300
Market Area: New Castle-Sharon: One Family Dw.	37,500	42,400	45,500

Field Office: Richmond, Va.

	Low range 1090	Medium range 1890	High range 2240
Market Area: Richmond: One Family Dw.	41,200	62,800	86,900
Market Area: Bristol, Marion and Wytheville: One Family Dw.	35,800	58,400	75,900

Field Office: Richmond, Va. —Continued

	Low range 1090	Medium range 1890	High range 2240
Market Area: Eastern Shore:			
One Family Dw.	32,100	52,300	66,800
Market Area: Emporia, Franklin, South Hill and South Boston:			
One Family Dw.	38,000	60,200	81,100
Market Area: Fredericksburg, Charlottesville and Culpeper:			
One Family Dw.	40,700	61,900	86,200
Market Area: Newport News, Hampton and Williamsburg:			
One Family Dw.	41,300	64,700	89,400
Market Area: Norfolk, Virginia Beach, Suffolk, Chesapeake and Portsmouth:			
One Family Dw.	38,500	60,800	82,400
Market Area: Roanoke, Lynchburg, Danville and Martinsville:			
One Family Dw.	38,300	60,800	83,200
Market Area: Winchester, Harrisonburg, Staunton and Waynesboro:			
One Family Dw.	40,300	63,700	86,600

Field Office: Washington, D.C.

	Low range 1040	Medium range 1370	High range 2480
Market Area: Washington Metro Area:			
One Family Dw.	64,500	79,900	109,100

Field Office: Atlanta, Ga.

	Low range 960	Medium range 1460	High range 2400
Market Area: Atlanta			
One Family Dw.	26,400	52,400	72,900
Market Area: Albany			
One Family Dw.	23,600	47,900	72,900
Market Area: Augusta			
One Family Dw.	22,700	44,600	65,700
Market Area: Columbus			
One Family Dw.	23,600	45,700	68,500
Market Area: Brunswick-Savannah			
One Family Dw.	26,200	49,100	74,000
Market Area: Macon			
One Family Dw.	22,300	46,400	71,100
Market Area: Rome			
One Family Dw.	23,100	45,200	64,100

Field Office: Birmingham, Ala.

	Low range 1220	Medium range 1560	High range 1940
Market Area: Birmingham			
One Family Dw.	39,600	50,400	64,300
Market Area: Anniston			
One Family Dw.	35,800	42,100	56,900
Market Area: Montgomery			
One Family Dw.	33,800	47,300	54,400
Market Area: Huntsville			
One Family Dw.	30,500	46,100	62,800
Market Area: Mobile			
One Family Dw.	44,800	51,900	59,400
Market Area: Dothan			
One Family Dw.	36,900	39,500	59,300

Field Office: Columbia, S.C.

	Low range 1070	Medium range 1360	High range 1510
Market Area: Charleston			
One Family Dw.	38,900	48,400	58,300
Two Family Dw.	55,200	64,400	.....
Market Area: Columbia			
One Family Dw.	38,300	47,800	57,200
Two Family Dw.	54,600	63,800	.....
Market Area: Greenville			
One Family Dw.	38,100	47,300	56,000
Two Family Dw.	54,400	63,300	.....
Market Area: Rock Hill			
One Family Dw.	36,400	45,000	52,100
Two Family Dw.	52,400	60,600	.....
Market Area: Florence			
One Family Dw.	36,900	45,500	53,700
Two Family Dw.	53,000	61,200	.....
Market area: Aiken-N, Augusta, S.C.:			
One Family Dw.	35,500	43,500	52,200
Two Family Dw.	51,900	60,100	.....

Field Office: Coral Gables, Fla.

	Low range 1050	Medium range 1340	High range 1780
Market area: Dade:			
One Family Dw.	34,000	46,000	65,000
Two Family Dw.	51,000	76,600	100,800
Market area: Broward:			
One Family Dw.	32,000	48,200	73,500
Two Family Dw.	49,200	68,500	88,500
Market area: Palm Beach:			
One Family Dw.	31,500	45,200	61,200
Two Family Dw.	48,800	71,300	85,800
Market area: Lee:			
One Family Dw.	29,400	41,700	57,600
Two Family Dw.	46,100	60,500	72,100
Market area: Monroe:			
One Family Dw.	37,500	61,900	84,400
Two Family Dw.	59,500	89,100	108,700

Field Office: Greensboro:, N.C.

	Low range 990	Medium range 1410	High range 2050
Market area: Greensboro—Base City:			
One Family Dw.	36,200	46,700	62,600
Market area: Asheville—Key City:			
One Family Dw.	39,700	49,000	65,600
Market area: Charlotte—Key City:			
One Family Dw.	37,700	48,000	64,000
Two Family Dw.	.....	72,200	.....
Market area: Elizabeth City—Key City:			
One Family Dw.	0	0	0
Market area: Greenville—Key City:			
One Family Dw.	36,400	46,800	0
Market area: Raleigh—Key City:			
One Family Dw.	37,900	48,700	63,200
Two Family Dw.	.....	63,700	.....
Market area: Wilmington—Key City:			
One Family Dw.	38,400	45,400	61,900

Field Office: Jackson Miss.

	Low range 1170	Medium range 1860	High range 2560
Market area: Jackson:			
One Family Dw.	39,000	63,600	84,200
Two Family Dw.	.....	67,000	.....
Four Family Dw.	.....	106,500	.....
Market area: Biloxi:			
One Family Dw.	40,200	64,400	84,500
Two Family Dw.	.....	67,800	.....
Four Family Dw.	.....	107,500	.....
Market area: Greenville:			
One Family Dw.	40,500	63,900	87,900
Two Family Dw.	.....	67,400	.....
Four Family Dw.	.....	107,500	.....

Field Office: Jacksonville, Fla.

	Low range 1090	Medium range 1340	High range 1620
Market Area: Jacksonville:			
One Family Dw	38,200	46,900	56,500
Market Area: Gainesville:			
One Family Dw	33,100	39,700	50,700
Market Area: Tallahassee:			
One Family Dw	36,500	43,800	54,100
Market Area: Panama City:			
One Family Dw	33,600	39,300	50,500
Market Area: Pensacola:			
One Family Dw	36,200	40,200	54,300

Field Office: Knoxville, Tenn.

	Low range 980	Medium range 1030	High range 1300
Market Area: Knoxville:			
One Family Dw	36,700	42,300	50,000
Two Family Dw	50,100	.....	.....
Four Family Dw	.....	108,000	.....
Market Area: Chattanooga:			
One Family Dw	35,000	40,600	48,000
Two Family Dw	48,600	.....	.....
Four Family Dw	.....	102,300	.....
Market Area: Johnson City:			
One Family Dw	35,900	41,400	48,800
Two Family Dw	48,700	.....	.....
Four Family Dw	.....	103,800	.....
Market Area: Kingsport:			
One Family Dw	35,500	41,000	48,300
Two Family Dw	48,200	.....	.....
Four Family Dw	.....	102,900	.....

Field Office: Louisville, Ky.

	Low range 930	Medium range	High range 1630
Market Area: Louisville:			
One Family Dw	33,000	.....	58,000
Two Family Dw	52,000	.....	.....
Four Family Dw	100,000	.....	.....
Market Area: Owensboro:			
One Family Dw	32,000	.....	56,000
Two Family Dw	50,000	.....	.....
Four Family Dw	95,000	.....	.....
Market Area: Ashland:			
One Family Dw	34,000	.....	60,000
Two Family Dw	53,000	.....	.....
Four Family Dw	100,000	.....	.....
Market Area: Covington:			
One Family Dw	34,000	.....	60,000
Two Family Dw	53,000	.....	.....
Four Family Dw	100,000	.....	.....
Market Area: Paducah:			
One Family Dw	32,000	.....	56,000
Two Family Dw	52,000	.....	.....
Four Family Dw	95,000	.....	.....

Field Office: Memphis, Tenn.

	Low range 1020	Medium range 2020	High range 3030
Market Area: Memphis:			
One Family Dw	32,000	60,800	83,700
Market Area: Camden:			
One Family Dw	29,500	57,200	78,100
Market Area: Jackson:			
One Family Dw	31,500	59,300	81,700
Market Area: Union City:			
One Family Dw	30,500	58,300	79,600
Market Area: Savannah:			
One Family Dw	29,500	56,700	77,300

Field Office: Nashville, Tenn.

	Low range 1050	Medium range 1380	High range 2710
Market Area: Nashville S.O.:			
One Family Dw	34,200	53,200	77,000
Two Family Dw	52,400	71,500	106,600

Field Office: Orlando, Fla.

	Low range 1050	Medium range 1200	High range 1760
Market Area: Orange/Seminole/Osceola:			
One Family Dw	33,700	39,000	51,600
Two Family Dw		54,100	
Market Area: Brevard:			
One Family Dw	33,700	39,000	51,600
Two Family Dw		54,100	
Market Area: Volusia:			
One Family Dw	33,700	39,000	51,600
Two Family Dw		54,100	

Field Office: Tampa, Florida

	Low range 1010	Medium range 1320	High range 1680
Market area: Tampa:			
One Family Dw.	31,100	40,900	58,500
Market area: Lakeland:			
One Family Dw.	26,700	37,400	61,100
Market area: Sarasota:			
One Family Dw.	33,700	42,200	62,700

Filed Office: Chicago, Illinois

	Low range 1130	Medium range 1550	High range 2100
Market area: Chicago:			
One Family Dw.	57,300	64,300	70,400
Two Family Dw.	64,600	70,200	76,400
Three Family Dw.	111,000	115,800	125,900
Four Family Dw.	152,400	160,800	178,200
Market area: Rockford:			
One Family Dw.	52,800	59,300	64,900
Two Family Dw.	59,600	64,700	70,400
Market area: Rock Island:			
One Family Dw.	53,900	60,400	66,200
Two Family Dw.	60,700	66,000	71,800
Market area: Sterling:			
One Family Dw.	52,400	58,800	64,400
Two Family Dw.	59,100	64,200	69,800

Filed Office: Cincinnati, Ohio

	Low range 1120	Medium range 1210	High range 2010
Market area: Cincinnati:			
One Family Dw.	43,400	57,700	80,600
Two Family Dw.	82,700	103,800	123,500
Four Family Dw.	130,100	157,000	177,400
Market area: Dayton:			
One Family Dw.	41,300	57,200	76,000
Two Family Dw.	82,600	107,400	120,500
Four Family Dw.	127,000	156,300	175,200

Filed Office: Cleveland, Ohio

	Low range 1120	Medium range 1520	High range 2240
Market area: Cleveland:			
One Family Dw.	60,300	77,200	105,100
Market area: Akron:			
One Family Dw.	45,300	61,600	96,400

Filed Office: Cleveland, Ohio—*Continued*

	Low range 1120	Medium range 1520	High range 2240
Market area: Toledo:			
One Family Dw.	42,300	58,200	87,400
Market area: Youngstown:			
One Family Dw.	37,000	50,100	81,600
Market area: Findlay:			
One Family Dw.	38,900	51,700	79,500
Market area: Lorain:			
One Family Dw.	40,600	52,700	86,400
Market area: Mansfield:			
One Family Dw.	38,600	50,900	79,700

Field Office: Columbus, Ohio

	Low range 930	Medium range 1170	High range 2210
Market area: Columbus:			
One Family Dw.	43,100	61,400	89,800
Two Family Dw.	71,800	90,100	
Four Family Dw.			130,400
Market area: Athens:			
One Family Dw.	35,900	65,200	85,600
Market area: Lima:			
One Family Dw.	40,100	59,100	85,500
Two Family Dw.	74,300	89,600	
Market area: Zanesville:			
One Family Dw.	41,000	58,100	74,400
Three Family Dw.		96,900	
Market area: Newark:			
One Family Dw.	43,600	56,700	70,700
Two Family Dw.	65,500	82,000	
Three Family Dw.		101,200	
Four Family Dw.			122,200
Market area: Springfield:			
One Family Dw.	42,300	67,000	85,300
Market area: Troy:			
One Family Dw.	38,100	67,800	87,500

Field Office: Detroit, Mich.

	Low range 1170	Medium range 1980	High range 2060
Market area: Metropolitan Detroit:			
One Family Dw.	40,000	56,000	80,000

Field Office: Flint, Mich.

	Low range 1000	Medium range 1220	High range 1530
Market area: Flint:			
One Family Dw.	35,000	45,000	100,000
Market area: Saginaw:			
One Family Dw.	43,000	55,000	75,000
Market area: Bay City:			
One Family Dw.	43,000	55,000	90,000
Market area: Midland:			
One Family Dw.	50,000	68,000	110,000

Field Office: Grand Rapids, Mich.

	Low range 1060	Medium range 1320	High range 1860
Market area: Grand Rapids:			
One Family Dw.	41,500	47,300	65,400
Two Family Dw.	61,500	70,300	81,500
Market area: Benton Harbor:			
One Family Dw.	35,000	41,100	59,400
Two Family Dw.	55,100	63,100	74,400
Market area: Jackson:			
One Family Dw.	38,300	44,500	63,800
Two Family Dw.	59,000	66,800	78,400
Market area: Lansing:			
One Family Dw.	41,400	47,500	66,200
Two Family Dw.	68,400	76,100	87,700

Field Office: Grand Rapids, Mich.—*Continued*

	Low range 1060	Medium range 1320	High range 1860
Market area: Battle Creek:			
One Family Dw.	43,700	49,600	68,100
Two Family Dw.	64,800	74,100	85,500
Market area: Muskegon:			
One Family Dw.	36,600	42,500	61,400
Two Family Dw.	59,800	65,700	77,200
Market area: Traverse City:			
One Family Dw.	43,300	49,000	69,500
Two Family Dw.	63,900	72,500	84,300
Market area: Big Rapids:			
One Family Dw.	38,800	44,800	64,100
Two Family Dw.	59,200	67,900	79,400
Market area: Marquette:			
One Family Dw.	44,500	50,900	72,100
Two Family Dw.	68,300	77,600	89,900
Market area: Iron Mountain:			
One Family Dw.	44,700	51,000	70,400
Two Family Dw.	65,800	73,700	85,700
Market area: Escanaba			
One Family Dw.	40,200	46,500	66,100
Two Family Dw.	63,500	71,900	83,900
Market area: Menominee:			
One Family Dw.	41,400	47,700	67,600
Two Family Dw.	63,500	72,300	84,400

Field Office: Indianapolis, Ind.

	Low range 1060	Medium range 1120	High range 2100
Market area: Indianapolis:			
One Family Dw.	43,600	47,800	66,400
Market area: Fort Wayne:			
One Family Dw.	44,100	48,400	68,400
Market area: Terre Haute:			
One Family Dw.	45,600	50,200	70,500
Market area: Gary:			
One Family Dw.	57,000	61,000	84,900

Field Office: Milwaukee, Wis.

	Low range 1200	Medium range 1650	High range 1690
Market area: Milwaukee:			
One Family Dw.	54,600	75,000	81,800
Two Family Dw.	91,700	112,800	120,000
Three Family Dw.	123,700	158,600	181,500
Four Family Dw.	115,500	134,400	238,800
Market area: Madison:			
One Family Dw.	50,500	68,300	73,000
Two Family Dw.	83,200	100,500	106,500
Three Family Dw.	116,100	144,900	164,300
Four Family Dw.	109,900	115,600	218,400
Market area: Green Bay:			
One Family Dw.	46,300	62,400	65,700
Two Family Dw.	78,400	95,000	98,800
Three Family Dw.	109,700	139,900	158,300
Four Family Dw.	102,200	107,900	205,400
Market area: Eau Claire:			
One Family Dw.	42,000	58,200	59,500
Two Family Dw.	71,900	88,700	92,400
Three Family Dw.	102,500	138,800	150,300
Four Family Dw.	93,500	101,400	200,900
Market area: Superior:			
One Family Dw.	44,300	62,900	66,700
Two Family Dw.	78,800	100,200	104,500
Three Family Dw.	113,000	146,100	166,000
Four Family Dw.	90,200	96,400	220,500

Field Office: Minneapolis-St. Paul, Minn.

	Low range 1080	Medium range 1260	High range 2010
Market area: Minneapolis-St. Paul:			
One Family Dw.	54,200	75,600	99,000
Market area: St. Cloud:			
One Family Dw.	48,600	68,300	90,000
Market area: Moorhead:			
One Family Dw.	50,000	70,300	92,600
Market area: Rochester City:			
One Family Dw.	52,500	73,900	97,500
Market area: Rochester Area:			
One Family Dw.	49,400	69,400	91,500
Market Area: Duluth:			
One Family Dw.	53,300	75,000	99,000
Market Area: Worthington Area:			
One Family Dw.	48,400	68,000	89,700
Market Area: Mankato Area:			
One Family Dw.	48,800	68,600	90,400

Field Office: Springfield, Ill.

	Low range 1130	Medium range 1350	High range 2020
Market Area: Springfield:			
One Family Dw.	51,400	61,100	70,500
Two Family Dw.	58,900	62,200	71,000
Three Family Dw.	81,500	87,700	99,500
Four Family Dw.	93,600	114,200	120,900
Market Area: Peoria-Pekin:			
One Family Dw.	51,400	61,100	70,500
Two Family Dw.	58,900	62,200	71,000
Three Family Dw.	81,500	87,700	99,500
Four Family Dw.	93,600	114,200	120,900
Market Area: Champaign-Urbane:			
One Family Dw.	51,400	61,100	70,500
Two Family Dw.	58,900	62,200	71,000
Three Family Dw.	81,500	87,700	99,500
Four Family Dw.	93,600	114,200	120,900
Market Area: Bloomington-Normal:			
One Family Dw.	51,400	61,100	70,500
Two Family Dw.	58,900	62,200	71,000
Three Family Dw.	81,500	87,700	99,500
Four Family Dw.	93,600	114,200	120,900
Market Area: Belleville-Alton:			
One Family Dw.	51,400	61,100	70,500
Two Family Dw.	58,900	62,200	71,000
Three Family Dw.	81,500	87,700	99,500
Four Family Dw.	93,600	114,200	120,900

Field Office: Albuquerque, N. Mex.

	Low range 1160	Medium range 1680	High range 2000
Market Area: Albuquerque:			
One Family Dw.	42,000	56,500	70,500
Three Family Dw.	.....	79,000	.....
Four Family Dw.	.....	92,500	.....
Market Area: Santa Fe:			
One Family Dw.	45,000	60,000	75,500
Three Family Dw.	.....	85,000	.....
Four Family Dw.	.....	99,500	.....
Market Area: Clovis:			
One Family Dw.	38,500	52,500	66,000
Three Family Dw.	.....	75,000	.....
Four Family Dw.	.....	89,000	.....
Market Area: Hobbs:			
One Family Dw.	43,000	57,500	72,500
Three Family Dw.	.....	82,000	.....
Four Family Dw.	.....	96,500	.....
Market Area: Las Cruces:			
One Family Dw.	40,500	54,500	68,500
Three Family Dw.	.....	77,500	.....
Four Family Dw.	.....	91,000	.....

Field Office: Dallas, Tex.

	Low range 1090	Medium range 1600	High range 2390
Market Area: Zone I Dallas:			
One Family Dw.	36,000	56,500	76,600
Market Area: Zone II Waco:			
One Family Dw.	36,500	51,400	74,900
Market Area: Zone III Tyler:			
One Family Dw.	35,500	48,300	75,400
Market Area: Zone IV Sherman:			
One Family Dw.	34,100	41,900	61,700

Field Office: Fort Worth, Tex.

	Low range 1400	Medium range 1100	High range 2200
Market Area: Fort Worth:			
One Family Dw.	44,600	52,400	69,500
Market Area: Abilene:			
One Family Dw.	36,400	52,600	70,300
Market Area: Brownwood:			
One Family Dw.	34,500	40,200	68,000
Market Area: San Angelo:			
One Family Dw.	33,200	51,800	70,300
Market Area: Wichita Falls:			
One Family Dw.	44,300	52,500	69,700

Field Office: Houston, Tex.

	Low range 1620	Medium range 1620	High range 2150
Market area: Houston:			
One Family Dw.	40,500	53,500	68,700
Market Area: Texas City:			
One Family Dw.	40,200	53,300	66,800
Market area: Lufkin:			
One Family Dw.	38,000	51,700	65,300
Market area: El Campo			
One Family Dw.	38,600	52,500	66,700
Market area: Beaumont:			
One Family Dw.	41,900	55,800	70,000
Market area: Bryan:			
One Family Dw.	39,000	52,200	65,500

Field Office: Little Rock, Ark.

	Low range 1200	Medium range 1260	High range 2420
Market area: Little Rock, Ar.			
One Family Dw	33,800	43,900	72,900
Two Family Dw		65,500	80,500
Four Family Dw.	87,400	91,600	117,800
Market area: Texarkana, Ar.			
One Family Dw	30,100	39,100	63,200
Two Family Dw		58,500	72,700
Four Family Dw.	78,400	82,200	105,500
Market area: Jonesboro, Ar.			
One Family Dw	29,300	38,300	61,000
Two Family Dw		57,400	70,900
Four Family Dw.	76,900	80,300	103,900
Market area: Fort Smith, Ar.			
One Family Dw	31,100	41,200	65,800
Two Family Dw		61,500	76,500
Four Family Dw.	81,900	85,900	111,100
Market area: Fayetteville, Ar.			
One Family Dw	31,500	41,400	67,000
Two Family Dw		61,600	77,300
Four Family Dw.	83,400	86,500	113,100

Field Office: Lubbock, Tex.

	Low range 1060	Medium range 1390	High range 1700
Market area: Amarillo, Texas			
One Family Dw	31,000	45,400	52,200
Market area: El Paso, Texas			
One Family Dw	30,500	44,600	50,800
Market area: Lubbock, Texas			
One Family Dw	31,300	45,800	51,900
Market area: Midland-Odessa, Texas			
One Family Dw	32,300	47,000	54,500

Field Office: New Orleans, Louisiana

	Low range 980	Medium range 1470	High range 2260
Market area: New Orleans, La.			
One Family Dw	37,400	61,900	88,200
Two Family Dw	61,700	98,100	.....
Three Family Dw	102,000	138,400	.....
Four Family Dw	123,500	162,800	.....
Market area: Baton Rouge, La.			
One Family Dw	36,900	56,100	85,000
Two Family Dw	62,900	88,500	.....
Three Family Dw	81,300	123,000	.....
Four Family Dw	109,200	142,500	.....
Market area: Houma, La.			
One Family Dw	34,400	53,000	76,400
Two Family Dw	64,000	87,400	.....
Three Family Dw	85,800	122,900	.....
Four Family Dw	108,800	138,800	.....
Market area: Lafayette, La.			
One Family Dw	32,500	52,300	75,700
Two Family Dw	56,600	78,600	.....
Three Family Dw	76,600	111,200	.....
Four Family Dw	98,400	128,700	.....
Market area: Lake Charles, La.			
One Family Dw	31,900	50,900	73,600
Two Family Dw	56,700	79,200	.....
Three Family Dw	77,200	112,700	.....
Four Family Dw	99,600	130,400	.....

Field Office: Oklahoma City, Oklahoma

	Low range 1050	Medium range 1420	High range 1730
Market area: Oklahoma City			
One Family Dw	37,200	50,700	57,400
Market area: Enid			
One Family Dw	37,300	52,600	55,500
Market area: Lawton			
One Family Dw	37,200	52,100	54,900
Market area: Woodward			
One Family Dw	38,900	53,400	57,300
Market area: Ardmore			
One Family Dw	36,500	51,200	54,100

Field Office: San Antonio, Tex.

	Low range 900	Medium range 1140	High range 1680
Market area: San Antonio			
One Family Dw	27,500	38,400	50,000
Market area: Austin			
One Family Dw	28,000	38,800	50,500
Market area: Valley, Corpus Christi			
One Family Dw	28,800	38,500	49,400

Field Office: Shreveport, La.

	Low range 1090	Medium range 1650	High range 2770
Market area: Shreveport—Bossier:			
One Family Dw	42,700	68,700	93,300
Market area: Monroe:			
One Family Dw	37,900	58,800	82,000
Market area: Alexandria:			
One Family Dw	36,100	53,600	70,400
Market area: Marshall, Tex.:			
One Family Dw	32,100	51,200	63,800

Field Office: Tulsa, Okla.

	Low range 1220	Medium range 1520	High range 1920
Market area: Tulsa, Okla.:			
One Family Dw	41,900	51,900	63,800
Market area: Bartlesville, Okla.:			
One Family Dw	41,000	51,300	63,200
Market area: McAlester, Okla.:			
One Family Dw	38,100	48,100	59,400
Market area: Muskogee, Okla.:			
One Family Dw	37,700	47,500	58,700

Field Office: Des Moines, Iowa.

	Low range 860	Medium range 1360	High range 2100
Market area: Cedar Rapids, Iowa:			
One Family Dw	39,800	59,400	93,100
Two Family Dw	69,300	87,600	
Four Family Dw	96,900	115,000	
Market area: Council Bluffs, Iowa.:			
One Family Dw	36,200	54,400	84,600
Two Family Dw	62,600	79,700	
Four Family Dw	88,000	101,800	
Market area: Davenport, Iowa.:			
One Family Dw	38,200	57,100	89,300
Two Family Dw	66,000	84,000	
Four Family Dw	92,800	110,200	
Market area: Des Moines, Iowa.:			
One Family Dw	35,600	53,400	83,100
Two Family Dw	61,400	78,000	
Four Family Dw	86,300	102,400	
Market area: Sioux City, Iowa.:			
One Family Dw	35,100	52,700	81,900
Two Family Dw	60,500	76,800	
Four Family Dw	85,100	100,400	
Market area: Waterloo, Iowa.:			
One Family Dw	36,400	54,600	85,000
Two Family Dw	62,900	80,000	
Four Family Dw	88,400	104,800	

Field Office: Kansas City, Kans.

	Low range 1060	Medium range 1200	High range 2150
Market area: Kansas City:			
One Family Dw	39,900	52,300	81,600
Market area: Joplin, Mo.:			
One Family Dw	46,300	53,800	95,600
Market area: Sedalia, Mo.:			
One Family Dw	42,100	58,900	
Market area: Springfield, Mo.:			
One Family Dw	42,500	63,600	93,300
Market area: St. Joseph, Mo.:			
One Family Dw	39,300	53,600	84,500

Field Office: Omaha, Nebr.

	Low range 960	Medium range 1020	High range 1530
Market area: Omaha Base City:			
One Family Dw.	39,300	44,100	66,200
Market Area: Lincoln Key Area #2			
One Family Dw.	39,400	44,800	67,300
Market Area: Norfolk Key Area #4			
One Family Dw.	41,600	NA	NA
Market Area: Grand Island Key Area #5			
One Family Dw.	NA	56,700	NA
Market Area: North Platte Key Area #7			
One Family Dw.	NA	56,700	NA
Market Area: Scottsbluff Key Area #8			
One Family Dw.	NA	56,000	NA

Field Office: St. Louis, Mo.

	Low range 980	Medium range 1550	High range 2770
Market area: St. Louis			
One Family Dw.	$40,500	57,000	112,700
Two Family Dw.	78,900	.....	.....
Market area: Kirksville:			
One Family Dw.	35,500	.....	70,500
Market area: Columbia:			
One Family Dw.	39,150	45,800	.....
Market area: Rolla:			
One Family Dw.	39,400	49,800	75,800
Two Family Dw.	69,500	.....	.....
Four Family Dw.	.....	.....	109,000
Market area: Cape Girardeau			
One Family Dw.	41,700	81,800	102,500
Two Family Dw.	.....	109,200	.....
Three Family Dw.	70,100	.....	104,500
Four Family Dw.	.....	106,100	132,900

Field Office: Topeka, Kansas

	Low range 1060	Medium range 1200	High range 2150
Market area: Topeka:			
One Family Dw.	39,700	50,600	79,200
Market area: Pittsburg:			
One Family Dw.	37,700	46,700	73,800
Market area: Wichita:			
One Family Dw.	39,800	49,000	75,300
Market area: Garden City:			
One Family Dw.	36,300	45,400	72,000

Field Office: Casper, Wyoming

	Low range 900	Medium range 1700	High range 1930
Market area: Casper, Wyoming			
One Family Dw.	46,600	64,600	90,000
Market area: Cheyenne, Wyoming:			
One Family Dw.	42,500	59,500	82,100
Market area: Cody/Powell, Wyo.:			
One Family Dw.	43,300	60,700	83,800
Market area: Jackson, Wyo.:			
One Family Dw.	51,400	68,900	91,800
Market area: Laramie, Wyo.:			
One Family Dw.	41,800	58,400	80,500
Market area: Gillette, Wyo.:			
One Family Dw.	47,300	64,800	87,600
Market area: Riverton, Wyo.:			
One Family Dw.	43,300	59,300	82,600
Market area: Rock S;prings, Wyo.:			
One Family Dw.	43,800	61,000	83,900

Field Office: Denver, Colo.

	Low range 860	Medium range 1610	High range 2110
Market area: Denver:			
One Family Dw.	42,800	52,600	68,500
Market area: Georgetown:			
One Family Dw.	43,500	53,800	69,400
Market area: Colorado Springs:			
One Family Dw.	38,400	47,900	63,400
Market area: Leadville:			
One Family Dw.	45,100	49,900	73,300
Market area: Pueble:			
One Family Dw.	36,700	46,400	67,800
Market area: Colorado City:			
One Family Dw.	38,300	48,500	65,000
Market area: Durango/Cortez:			
One Family Dw.	43,400	53,700	70,500
Market area: Grand Junction:			
One Family Dw.	42,500	52,600	68,900
Market area: Rangely:			
One Family Dw.	46,000	57,000	74,800
Market area: Aspen/Carbondale:			
One Family Dw.	46,900	57,500	74,700
Market area: Greeley:			
One Family Dw.	40,500	50,300	66,000
Market area: Ft. Collins:			
One Family Dw.	42,600	52,500	68,600

Field Office: Fargo, N.D.

	Low range 960	Medium range 970	High range 1330
Market area: Fargo, N.D.:			
One Family Dw.	55,100	64,900	77,100
Market area: Bismarck, N.D.:			
One Family Dw.	53,600	63,800	74,000
Market area: Dickinson, N.D.:			
One Family Dw.	51,000	60,800	73,100
Market area: Grand Forks, N.D.:			
One Family Dw.	54,500	64,200	76,400
Market area: Minot, N.D.:			
One Family Dw.	54,200	64,200	76,700

Field Office: Helena, Mont.

	Low range 940	Medium range 1340	High range
Market area: Billings:			
One Family Dw.	38,400	60,300	
Market area: Great Falls:			
One Family Dw.	40,900	65,300	
Market area: Helena:			
One Family Dw.	45,400	73,600	
Market area: Butte:			
One Family Dw.	42,900	68,400	
Market area: Missoula:			
One Family Dw.	42,600	64,800	
Two Family Dw.			
Three Family Dw.			
Four Family Dw.	80,100		
Market area: Kalispell:			
One Family Dw.	42,700	66,600	
Market area: Bozeman:			
One Family Dw.	44,500	76,100	
Market area: Havre/Miles City:			
One Family Dw.	43,400	68,700	

Field Office: Salt Lake City, Utah

	Low range 890	Medium range 1110	High range 1640
Market area: Salt Lake City:			
One Family Dw	43,400	49,400	66,500
Four Family Dw.		109,300	
Market area: Cedar City:			
One Family Dw	39,000	48,600	62,600
Four Family Dw.		97,400	
Market area: Logan:			
One Family Dw	41,200	44,900	65,100
Four Family Dw.		104,500	
Market area: Moab:			
One Family Dw	39,800	45,300	63,200
Market area: Provo:			
One Family Dw	44,300	50,500	67,600
Four Family Dw.		111,200	
Market area: Vernal:			
One Family Dw	35,800	46,500	60,200
Market area: Richfield:			
One Family Dw	38,800	42,600	61,100

Field Office: Sioux Falls, S.D.

	Low range 900	Medium range 1700	High range 1930
Market area: Sioux Falls:			
One Family Dw	42,900	58,200	79,000
Market area: Aberdeen:			
One Family Dw	41,500	56,300	76,300
Market area: Hills Area:			
One Family Dw	44,100	60,100	81,700
Market area: Mitchell:			
One Family Dw	39,900	54,000	73,000
Market area: Pierre:			
One Family Dw	43,800	59,700	81,200
Market area: Watertown:			
One Family Dw	41,800	56,600	75,600

Field Office: Fresno, Calif.

	1150	1580	2000
Market area: Fresno:			
One Family Dw	42,500	61,000	110,500
Two Family Dw	56,500	*20,000	*30,000
Three Family Dw	*21,000	*30,000	*45,000
Four Family Dw	*28,000	*40,000	*60,000
Market area: Modesto:			
One Family Dw	45,500	64,500	117,500
Two Family Dw	60,500	*25,000	*30,000
Three Family Dw	*23,250	*33,000	*51,000
Four Family Dw	*31,000	*44,000	*68,000
Market area: Visalia:			
One Family Dw	43,500	65,500	113,000
Two Family Dw	61,000	*28,000	*32,000
Three Family Dw	*24,000	*36,000	*54,000
Four Family Dw	*32,000	*48,000	*72,000
Market area: Bakersfield:			
One Family Dw	48,500	73,500	126,000
Two Family Dw	68,000	*20,000	*30,000
Three Family Dw	*22,500	*33,000	*51,000
Four Family Dw	*28,000	*40,000	*60,000

*Land value only.

Field Office: Honolulu, Hawaii.

	900	1400	1800
Market area: Honolulu:			
One Family Dw	65,000	120,000	180,000
Market area: Maui:			
One Family Dw	65,000	100,000	150,000
Market area: Hawaii:			
One Family Dw	55,000	90,000	125,000
Market area: Kauai:			
One Family Dw	60,000	95,000	130,000
Market area: Guam:			
One Family Dw	45,000	60,000	100,000

Field Office: Las Vegas, Nev.

	900	1390	2200
Market Area: Las Vegas, Nev.:			
One Family Dw	43,000	72,700	98,400

Field Office: Los Angeles, Calif.

	1280	2070	2760
Market Area: Los Angeles, Ventura, Oxnard:			
One Family Dw	60,000	100,500	147,200
Two Family Dw	103,400	136,100	.....
Three Family Dw	.....	.....	.....
Four Family Dw	178,900	.....	.....
Market Area: Lancaster, Palmdale:			
One Family Dw	49,900	82,500	105,400
Two Family Dw	91,200	118,500	.....
Three Family Dw	.....	.....	.....
Four Family Dw	154,700	.....	.....
Market Area: Santa Barbara, Ojai, Piru:			
One Family Dw	.....	150,100	200,900
Two Family Dw	133,100	171,200	.....
Three Family Dw	.....	.....	.....
Four Family Dw	232,100	.....	.....
Market Area: San Luis Obispo, Santa Maria, Paso Robles:			
One Family Dw	60,000	102,300	134,100
Two Family Dw	106,200	139,500	.....
Three Family Dw	.....	.....	.....
Four Family Dw	183,900	.....	.....

Field Office: Phoenix, Ariz.

	Low range 1240	Medium range 1850	High range 2370
Market Area: Phoenix:			
One Family Dw	40,000	60,000	100,000
Two Family Dw	55,000	73,000	95,000
Three Family Dw	80,000	95,000	.....
Four Family Dw	100,000	125,000	150,000
Market Area: Casa Grande:			
One Family Dw	33,000	50,000	78,000
Two Family Dw	50,000	67,000	85,000
Three Family Dw	68,000	84,000	.....
Four Family Dw	97,000	120,000	132,000
Market Area:			
One Family Dw	41,000	62,000	110,000
Two Family Dw	68,000	85,000	125,000
Three Family Dw	95,000	110,000	.....
Four Family Dw	120,000	135,000	175,000
Market Area: Globe:			
One Family Dw	33,000	47,000	80,000
Two Family Dw	50,000	65,000	90,000
Three Family Dw	70,000	84,000	.....
Four Family Dw	95,000	115,000	135,000
Market Area: Kingman:			
One Family Dw	33,000	50,000	80,000
Two Family Dw	52,000	67,000	90,000
Three Family Dw	74,000	87,000	.....
Four Family Dw	97,000	117,000	135,000
Market Area: Lake Havasu City:			
One Family Dw	33,000	50,000	85,000
Two Family Dw	53,000	73,000	90,000
Three Family Dw	78,000	87,000	.....
Four Family Dw	98,000	115,000	130,000
Market Area: Prescott:			
One Family Dw	36,000	55,000	89,000
Two Family Dw	56,000	75,000	95,000
Three Family Dw	82,000	95,000	.....
Four Family Dw	116,000	130,000	150,000
Market Area: Yuma:			
One Family Dw	35,000	53,000	89,000
Two Family Dw	58,000	75,000	90,000
Three Family Dw	82,000	92,000	.....
Four Family Dw	112,000	122,000	133,000

Field Office: Reno, Nev.

	Low range 1200	Medium range 1360	High range 2200
Market Area: Reno-Sparks:			
One Family Dw	48,700	67,500	81,900

Field Office: Sacramento, Calif.

	Low range 840	Medium range 1190	High range 1890
Market Area: Sacramento:			
One Family Dw	43,500	51,200	82,400
Two Family Dw	.....	83,400	94,800
Three Family Dw	.....	.....	.....
Four Family Dw	.....	156,200	.....
Market Area: Placerville:			
One Family Dw	44,800	52,600	87,200
Market Area: Chico:			
One Family Dw	44,200	53,800	90,300
Market Area: Yreka:			
One Family Dw	34,500	43,800	.....
Two Family Dw	70,400	.....	.....

Field Office: San Diego, Calif.

	Low range 940	Medium range 1640	High range 2670
Market Area: San Diego:			
One Family Dw	61,200	85,600	111,500

Field Office: San Francisco, Calif.

	Low range 1250	Medium range 1420	High range 1480
Market Area: San Francisco:			
One Family Dw	74,400	91,700	104,000
Market Area: San Jose (Base City):			
One Family Dw	84,100	78,000	108,400
Two Family Dw	110,800		
Market Area: San Rafael (Key City):			
One Family Dw	82,900	101,700	127,400
Two Family Dw	146,800		
Market Area: Salinas (Key City):			
One Family Dw	62,100	73,600	94,100
Two Family Dw	105,800		

Field Office: Santa Ana, Calif.

	Low range 1120	Medium range 1710	High range 2190
Market Area: Santa Ana:			
One Family Dw	57,300	94,500	133,000
Two Family Dw		121,300	
Market Area: Victorville:			
One Family Dw	52,300	89,300	
Two Family Dw		112,000	
Market Area: Indio:			
One Family Dw	53,000	89,800	
Two Family Dw		112,300	
Market Area: Blythe:			
One Family Dw	50,800	86,300	
Two Family Dw		109,000	
Market Area: Big Bear:			
One Family Dw	58,500	99,000	
Two Family Dw		122,300	
Market Area: Bishop:			
One Family Dw	52,800	91,300	
Two Family Dw		115,800	

Field Office: Tucson, Ariz.

	Low range 1090	Medium range 1240	High range 1880
Market Area: Tucson:			
One Family Dw	35,500	50,000	67,500
Market Area: Sierra Vista:			
One-Family Dw	36,000	56,500	
Market Area: Nogolos:			
One Family Dw	35,000		

Field Office: Anchorage, Alaska

	Low range 1020	Medium range 1150	High range 1300
Market area: Anchorage:			
One Family Dw.	101,800	109,400	116,400
Two Family Dw.	103,100	118,800	135,100
Three Family Dw.			
Four Family Dw.	149,300	165,600	192,000
Market area: Fairbanks:			
One Family Dw.	98,800	105,600	115,900
Two Family Dw.	100,800	117,400	130,800
Three Family Dw.			
Four Family Dw.	147,400	164,400	189,200
Market area: Juneau:			
One Family Dw.	96,300	102,900	111,000
Two Family Dw.	99,500	118,600	134,300
Three Family Dw.			
Four Family Dw.	146,600	164,900	191,200

Field Office: Boise, Idaho

	Low range 940	Medium range 1220	High range 2340
Market area: Boise:			
One Family Dw.	35,900	50,400	65,000
Two Family Dw.	.....	67,000	.....
Three Family Dw.	.....	.....	.....
Four Family Dw.	.....	118,200	.....
Market area: Idaho Falls:			
One Family Dw.	39,500	48,700	.....
Two Family Dw.	.....	71,900	.....
Three Family Dw.	.....	.....	.....
Four Family Dw.	.....	125,100	.....
Market area: McCall:			
One Family Dw.	.....	48,700	.....
Market area: Pocatello:			
One Family Dw.	39,600	49,100	51,600
Two Family Dw.	.....	71,900	.....
Three Family Dw.	.....	.....	.....
Four Family Dw.	.....	126,100	.....
Market area: Twin Falls:			
One Family Dw.	35,000	46,500	49,900
Two Family Dw.	.....	66,900	.....
Market area: Lewiston:			
One Family Dw.	34,800	44,200	.....
Market area: Coeur d' Alene:			
One Family Dw.	35,900	45,100	.....
Two Family Dw.	.....	65,500	.....

Field Office: Portland, Oreg.

	Low range 1220	Medium range 1700	High range 2180
Market area: Bend:			
One Family Dw.	43,700	57,800	69,700
Two Family Dw.	64,000	79,200	90,200
Three Family Dw.	96,000	109,500	140,100
Four Family Dw.	115,200	129,100	165,400
Market area: Pendleton:			
One Family Dw.	42,000	53,600	64,300
Two Family Dw.	59,400	68,900	85,600
Three Family Dw.	92,100	105,900	136,000
Four Family Dw.	111,500	125,200	161,000
Market area: Portland:			
One Family Dw.	41,200	53,800	65,300
Two Family Dw.	60,800	68,500	84,700
Three Family Dw.	91,000	104,300	133,300
Four Family Dw.	109,900	123,100	157,600
Market area: Coos Bay:			
One Family Dw.	41,400	53,100	63,600
Two Family Dw.	56,900	65,800	83,500
Three Family Dw.	91,000	105,700	135,400
Four Family Dw.	110,200	123,700	157,800
Market area: Eugene:			
One Family Dw.	40,400	52,800	64,400
Two Family Dw.	59,800	67,500	83,600
Three Family Dw.	89,800	103,000	131,800
Four Family Dw.	103,600	121,800	156,000
Market area: Medford:			
One Family Dw.	40,700	52,200	62,300
Two Family Dw.	57,800	66,600	82,500
Three Family Dw.	88,700	101,800	130,400
Four Family Dw.	107,400	120,500	154,400

Field Office: Seattle, Wash.

	Low range 1070	Medium range 1130	High range 1340
Market area: Seattle:			
One Family Dw.	54,000	65,800	91,100
Two Family Dw.	76,800	85,800	99,100
Three Family Dw.		121,900	
Four Family Dw.		156,600	
Market Area: Bellingham:			
One Family Dw.	54,000	65,800	91,100
Two Family Dw.	76,800	85,800	99,100
Three Family Dw.		121,900	
Four Family Dw.		156,600	
Market Area: Olympia:			
One Family Dw.	54,000	65,800	91,100
Two Family Dw.	76,800	85,800	99,100
Three Family Dw.		121,900	
Four Family Dw.		156,600	
Market Area: Aberdeen:			
One Family Dw.	48,800	60,300	85,400
Two Family Dw.	71,000	80,200	93,400
Three Family Dw.		115,600	
Four Family Dw.		150,000	
Market Area: Longview:			
One Family Dw.	48,800	60,300	85,400
Two Family Dw.	71,000	80,200	93,400
Three Family Dw.		115,600	
Four Family Dw.		150,000	
Market Area: Port Angeles:			
One Family Dw.	48,800	60,300	85,400
Two Family Dw.	71,000	80,200	93,400
Three Family Dw.		115,600	
Four Family Dw.		156,000	
Market Area: Yakima:			
One Family Dw.	48,800	60,300	85,400
Two Family Dw.	71,000	80,200	93,400
Three Family Dw.		115,600	
Four Family Dw.		150,000	

Field Office: Spokane, Wash.

	Low range 1000	Medium range 1200	High range 1560
Market Area: Spokane:			
One Family Dw.	43,500	49,200	59,300
Two Family Dw.	63,900	70,400	79,400
Market Area: Cheney:			
One Family Dw.	44,300	50,000	60,200
Two Family Dw.	65,100	71,600	80,700
Market Area: Pullman:			
One Family Dw.	47,900	52,500	61,800
Two Family Dw.	69,700	75,100	83,400
Market Area: Kennewick:			
One Family Dw.	48,500	59,100	68,300
Two Family Dw.	72,600	82,800	91,100

Field Office: Newark, N.J.

	Low range 1600	Medium range 1820	High range 2010
Market area: Middlesex-Monmouth area:			
One Family Dw.	46,400	55,300	66,300

Field Office: Hato Rey, Puerto Rico

	Low range 950	Medium range 1150	High range 1550
Market area: San Juan:			
One Family Dw.	31,800	45,000	56,000
Market Area: Mayaguez			
One Family Dw.	30,000	46,200	60,000

[FR Doc. 79-25501 Filed 8-20-79; 8:45 am]

BILLING CODE 4210-01-M

federal register

Tuesday
August 21, 1979

Part III

Civil Aeronautics Board

Removal of Certificate Restrictions

CIVIL AERONAUTICS BOARD

14 CFR Part 203

[Regulation ER-1139; Docket 34291]

Removal of Certificate Restrictions

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

AGENCY: Civil Aeronautics Board.

ACTION: Issuance of New Part.

SUMMARY: The CAB is establishing a program for the gradual elimination of almost all operating market restrictions included in air carrier certificates for domestic flights, except for those wholly within Alaska or Hawaii. After the first stage, the restrictions will be removed at 6-month intervals, concluding by December 31, 1980.

DATES: Effective: August 21, 1979, Adopted: August 15, 1979.

FOR FURTHER INFORMATION CONTACT: Roy Pulsifer, Associate Director, Licensing Programs and Policy Development, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 673-5448.

SUPPLEMENTARY INFORMATION: In ERD-379 (44 FR 30104, May 24, 1979) the Board proposed a phased elimination of virtually all domestic operating restrictions attached to air carrier certificates, except for restrictions in intra-Alaska and intra-Hawaii markets. The proposal was to rewrite certificates in a new format, and remove operating restrictions, beginning with the smallest markets, in five steps starting on August 1, 1979, and ending on June 30, 1981.

This program is based on the policy of the Board and Congress to promote competition, and to allow economic efficiency, rather than government regulation, to guide carriers' service option decisions. The route realignment program, which was begun in 1970, has largely eliminated stop and long-haul restrictions in smaller markets. Larger markets, however, remain highly restricted, except for those carriers authorized to provide nonstop service. The phased program adopted in this rule eliminates restrictions in the larger markets, thus leading to more competition and greater reliance on market demand. These forces can meet the air transportation needs within the United States better than can Board regulatory decisions.

Comments were filed USAir (Allegheny) Airlines, American Airlines, Delta Air Lines, Pacific Southwest Airlines, Piedmont Aviation, Republic Airlines, United, Western, the Dallas/Fort Worth Parties, the State of Hawaii and the State of Maryland. After careful analysis of these comments, and in view of the Congressional mandate expressed in the Airline Deregulation Act of 1978 (P.L. 95-504), the Board has decided, for the above reasons and for those stated in EDR-379, to eliminate operating restrictions for domestic flights as set forth in the proposed rule, with one modification.

Several commenters asked for clarification of certain terms of the rule. USAir and United requested that the Board make clear that the "operating restrictions" to be removed include stops that result from segment junction points, as well as those included as specific conditions in the carriers' certificates. Since this is our intent, we are revising the rule to state specifically that the restrictions to be lifted include both those contained as conditions and those that are the result of joining segments or routes.

USAir also requested that all restrictions in minor markets be lifted in phase one of the program, regardless of the fact that restricted authority in some minor markets was given to the carrier in recent awards. The Board intends to do this to the extent that it is administratively possible. The revised certificates issued in phase one of the program reflect all authority that has been granted through June 15, 1979, and restrictions on all markets in these certificates have been lifted or revised in accordance with the rule. We will than update the certificates in each succeeding phase.

United also requested that all restrictions in minor and monopoly markets identified in the Northwest, United, and TWA realignment applications, for which a show cause order has been issued, be lifted whether or not they qualify under this rule. The action taken to realign these carriers' routes has already granted them unrestricted nonstop authority in these markets (See Dockets 29449, 28755, 30909; Orders 79-6-180, 79-7-69, 79-7-179). Since the realignments were completed after June 15, 1979, however, some of this authority may not be shown in the certificates issued in phase one of the restriction removal program. The carriers do have the authority granted in those cases, and it will be included in the revised certificates issued in phase two of the program.

Western argued that the proposed new certificate format is unclear and can be improved by the use of a matrix to show restrictions on various markets. We have reviewed the format. We find that our proposed certificate format will clearly and correctly show all present authority, and correctly incorporate new authority, without the need to design a matrix system. The revised certificates have one linear segment, and for simplicity, differ from present certificates only in that points on a carrier's route and restricted markets are listed in alphabetical order. Certificates can thus be easily revised at each phase of the program to incorporate all new authority gained since the certificates were last issued. This type of format will make clear that between the time of issuing new certificates, authority granted to new points will be treated as new segments and require a stop at a segment junction point. This procedure for handling new authority granted between the issuance of new certificates conforms to present Board practice. We believe that this type of linear format is better than a matrix system to accomplish the program's goals in a clear and concise manner.

Western also requested Board clarification as to whether the program applies to all domestic markets except for those being wholly within the States of Alaska and Hawaii. We have revised the rule to show more clearly that this is our intent.

Some commenters requested more substantive changes in the rule. USAir requested that authority to new points reflect, at the time of granting authority to serve such new points, changes involving markets that have been unrestricted in previous phases of the program. Since the first phase of the program will contain a complete list of restricted markets, USAir sees no reason not to grant nonstop rights in these additional markets at the time of the new award. While there is some merit in this proposal, we find that its potential disadvantages outweigh its limited advantages. If adopted, carriers would gain nonstop authority in a

limited number of markets involving new points only up to 6 months ahead of the dates in subsequent phases of the program. For this reason, we see USAir's request as having only limited advantage to the carriers. Finally, the administrative procedures that would have to be developed for this change would delay implementing the entire program. Conferring the authority sought by USAir would include all markets in a carrier's system in each show cause application.

Delta and United requested that the timetable for removing restrictions be changed so that the program would be completed before June 30, 1981, as was proposed. USAir, Republic, and Piedmont opposed such a change. The carriers in favor of the speed-up in removing restrictions claimed that the date for completing the program, 6 months before the Board loses its jurisdiction over route entry under the Airline Deregulation Act, is unnecessarily prolonged, and that such an extended timetable is inconsistent with the procompetitive policies and procedures of the Act. Further, they argued that, if the Board continues its liberal policy of granting multi-carrier authority in major markets, there is no valid reason to delay the lifting of market restrictions.

Carriers opposed to the speed-up in the program claimed that such a change in dates for lifting restrictions would be contrary to the desires of Congress for a "gradual and phased transition to a deregulated system" (H. Rep. 95–1779, p. 56). Further, they see the small carriers being put at an economic disadvantage if such a change is made, since they do not have the financial resources or equipment to exploit such massive amounts of new authority.

We have decided to shorten the transition period so that the last phase of the program will occur on December 31, 1980. Since enactment of the Deregulation Act, the Board has been liberal in granting improved, less restricted authority. In addition, markets with dormant authority are open to new carriers, and new authority is available by automatic entry on January 1, 1980, and January 1, 1981, under sections 401(d)(5) and 401(d)(7) of the Act, respectively. We agree with Delta and United that a shorter, yet still phased, transition period would further both Board and Congressional policy toward freer entry and a gradually decreasing regulatory restriction on market supply and demand in passenger air transportation. By ending the transition to unrestricted market operations 6 months earlier than proposed, we will also have a longer period to evaluate operations in an unrestricted environment before all of our entry and route authority is ended on December 31, 1981. Step five of the proposed rule has thus been eliminated so that all stop restrictions are lifted by December 31, 1980. We are also modifying accordingly the percentage of markets in which restrictions are lifted in the other steps to 25 percent in step two, 35 percent in step three, and 40 percent in step four.

The State of Hawaii requested that Hilo not be removed as an intermediate point in carrier certificates. This was not proposed in the rule, and Hilo is still listed as an intermediate point in the certificates of all carriers that have authority to serve that point.

United claimed that the proposal to replace restrictions prohibiting single-plane service with one-stop restrictions is unnecessary since the former were declared null and void by the Airline Deregulation Act of 1978. It claimed that section 401(e)(7)(A) of the Act lifts all closed door restrictions, and single-plane restrictions fall within this category. As stated in detail in our order completing United's realignment (Order 79–7–69, July 12, 1979), we are not convinced by this argument. We are therefore continuing to replace single-plane restrictions in the manner that was proposed in EDR–379.

Western commented that since the Airline Deregulation Act in section 406(b) has prevented use of revenues from non-subsidized operations in determining a carrier's need for subsidy until after January 1, 1983, throughout the period during which this rule will be in effect, proposed § 203.7 is "surplusage." That section declares any nonstop authority granted under the part in markets of more than 20 passengers daily to be category II subsidy ineligible under section 406. Western is correct in its interpretation of the Deregulation Act. However, after this period, revenue-sharing will be applicable, thus there is a need for the guideline in § 203.7 to label the authority for future subsidy determinations in these markets.

In the proposed rule we stated that we intended to treat hyphenated points as individual points in determining when they will become unrestricted. Western did not oppose such a handling of hyphenated points, but argued that section 401(g) of the Act requires that before the Board can alter, amend or modify any certificate, it must first either grant a hearing on the matter or handle it under section 401(p) of the Act by using the expedited procedures of Subpart Q of the Board's Rules of Practice (14 CFR Part 302). We are no more compelled to refrain from handling hyphenated points as individual points in this rule than we are to refrain from lifting stop and long-haul restrictions. The basic certificate authority for the carrier is not being changed; only the restrictions on service to a particular market are being removed. Since we are only eliminating hyphenation of points where different airports serve separate communities, and separately listing them, we are not altering certificate authority. The carriers should be alert to the fact that listing hyphenated points individually does open them up to being treated as dormant markets, and also that carriers providing service to these points may have to file section 401(j) applications if they eliminate service that they now provide.

The State of Maryland requested that Baltimore-Washington International airport (BWI) be included in certificates containing Washington, D.C., authority if individual airports are designated. This proceeding does not contemplate designating new airport authority; such authority may be requested through expedited certificate procedures. However, we have decided to designate service at BWI as service to Baltimore, Md./Washington, D.C. to be served through BWI, in accordance with current practice. The State also requested a change in the Board's policy to interpret section 401(d)(5), concerning dormant authority, to refer to individual airports instead of points. The Board has already decided against such an interpretation in another case, since this would contradict the Board's traditional rules of certificate construction and the apparent intention of Congress in drafting the unused authority provisions (see Order 78–11–41, issued November 9, 1978).

American and the Dallas/Fort Worth parties opposed the inclusion of Love Field as an alternate airport to Dallas/Fort Worth Regional Airport for flights

serving the Dallas/Fort Worth area. They stated that this issue is already under consideration in current proceedings, the *Dallas/Fort Worth-Florida Service Investigation,* (Docket 32711), the *Southwest Airlines Co. Automatic Entry Case,* (Docket 34582), and the *Chicago-Midway Expanded Service Proceeding,* (Docket 33019). For this reason, we are not including Love Field as an alternate point for service to the Dallas/Fort Worth area.

For the reason stated in EDR–379 (pp. 7–8), we are affirming our tentative conclusion that the first phase of the restriction removal program does not constitute a major Federal action significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*), or a major regulatory action requiring an energy statement under the Energy Policy and Conservation Act (24 U.S.C. 6201, *et seq.*). This first phase of the program is designed to increase scheduling flexibility and equipment utilization, thereby resulting in more opportunities for reduction in fuel consumption, air pollution and ambient noise levels. The overall net environmental impact of this phase should be favorable. Also, by enabling carriers more management flexibility in responding to the flow of supply and demand in their service options, the removal of multi-stop and on-line connecting requirements should lead to more efficient use of fuel.

As stated in the *Improved Authority to Wichita Case,* Order 78–12–106, December 14, 1978 (p. 13), the Board is preparing a draft environmental impact statement (see notice of preparation at 43 FR 59864, December 22, 1978) to consider the consequences of our general regulatory policy of essentially open entry. This draft statement will cover the environmental issues contained in subsequent phases of the restriction removal program. If a final impact statement has not been issued before subsequent phases take effect, or if it appears that a general free entry policy will have a significant adverse environmental impact, the Board will consider the specific impact, if any, of each phase of the program before it is implemented.

By OR–155, issued simultaneously, the Board is delegating authority to the Director, Bureau of Domestic Aviation (formerly the Bureau of Pricing and Domestic Aviation) to issue revised certificates at each step of the program.

Initially, revised certificates will be issued only for trunkline and local service carriers; certificates for other carriers will be issued shortly. We will include in this docket a list of all minor and monopoly markets where restrictions are being lifted.

The Board is making this rule effective immediately. The program is relieving a substantial number of operating restrictions on carriers of all classes. To delay the effectiveness of this rule would prolong the burden and operating inefficiencies of the present system, and would unnecessarily deprive the domestic air traveler of the benefits of such deregulation. It is therefore found, for good cause, that making this final rule effective upon publication in the **Federal Register** is in the public interest.

For the reasons discussed above the Board amends 14 CFR Chapter II by adding a new Part 203 to read as follows:

PART 203—REMOVAL OF CERTIFICATE RESTRICTIONS

Sec.

203.1 Scope.
203.2 Applicability.
203.3 Timetable for automatic removal of restrictions.
203.4 Issuance of revised certificate.
203.5 Individual air carrier applications.
203.6 Effective date for new authority.
203.7 Subsidy ineligibility.
203.8 Sunset provision.

Authority.—Sec. 102, 204, 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 740, 743, 92 Stat. 1710, 49 U.S.C. 1302, 1324, 1371.

§ 203.1 Scope.

This part establishes a procedure for the gradual elimination of operating restrictions in the certificates of air carriers for domestic scheduled service flights, except for those for markets wholly within Alaska and Hawaii, by December 31, 1980.

§ 203.2 Applicability.

The procedures in this part apply to all air carrier certificates under section 401 of the Act, and to any operating restrictions attached to a certificate authorizing flights between points within the United Stated, except for those wholly within Alaska or Hawaii.

§ 203.3 Timetable for automatic removal of restrictions.

Effective on the dates indicated in this section, the Board removes the restrictions contained in certificates of public convenience and necessity granted to air carriers under section 401 of the Act.

(a) On August 21, 1979:

(1) All operating restrictions attached to air carrier certificates imposing a long-haul requirement shall cease to be in effect.

(2) All operating restrictions precluding single-plane service or specifying more than one stop on a route, or a required stop at a segment junction point, shall be changed to specify only one stop.

(3) All operating restrictions specifying one stop in minor markets that enplane not more than 7,300 origin/destination and connecting passengers each year, and in monopoly markets, shall cease to be in effect:

(b) On December 31, 1979, all operating restrictions attached to certificates for the following markets shall cease to be in effect: The smallest 25 percent of the markets listed in Appendix A, from Fresno-Sacramento (p. 18), to Harrisburg/York-Washington, D.C. (p. 24), inclusive.

(c) On June 30, 1980, all operating restrictions attached to certificates for the following markets shall cease to be in effect. The next smallest 35 percent of markets listed in Appendix A, from Houston-Jacksonville (p. 10), to Keene-New York (p. 18), inclusive.

(d) On December 31, 1980, all remaining one-stop operating restrictions attached to certificates shall cease to be in effect.

(e) Restrictions contained in any new market authority shall be removed in the phase that includes markets of equivalent size, except that where the date for removing restrictions in that market is already past, any such restrictions will be removed in the phase following the award of new authority.

§ 203.4 Issuance of revised certificate.

At each stage specified in § 203.3, the Board will issue a revised certificate reflecting any changes in an air carrier's authority, and listing authorized points and any remaining restricted markets in alphabetical order. Revised certificates shall be issued first to trunkline and local service carriers, and then to other air carriers. Delay in issuance of a revised certificate, however, shall not affect the removal of restrictions under § 203.3.

§ 203.5 Individual air carrier applications.

Nothing in this part limits the right of an air carrier at any time to file an application for removal of any term, condition, or limitation in an individual market or of any single restrictions. Procedures for the filing of such applications and answers shall be governed by Subpart Q of Part 302 of this chapter, unless the application is accompanied by a petition for show-cause procedures or a motion to

consolidate with an application accompanied by such a petition.

§ 203.6 Effective date of new authority.

For purposes of determining the start of a period of unused authority under section 401(d)(5) of the Act, any new authority received by an air carrier under this part shall be effective on the date the restriction is removed under § 203.3 or by order of the Board under § 203.5.

§ 203.7 Subsidy ineligibility.

Any nonstop authority given an air carrier under this part for markets with more than 20 passengers enplaned each day shall be considered Category II subsidy-ineligible under section 406 of the Act.

§ 203.8 Sunset provision.

This part shall cease to be in effect on January 1, 1982, unless the Board takes further action.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

Appendix A.—List Of Restricted Markets

Traffic Data from O&D Survey for the Year ended December 31, 1978.

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
NEW YORK, N.Y./NEWAR	WASHINGTON, D. C.	1,980,700	ATLANTA, GEORGIA	WASHINGTON, D. C.	328,380
CHICAGO, ILLINOIS	NEW YORK, NEW YORK	1,952,970	ATLANTA, GEORGIA	MIAMI, FLORIDA	326,510
BOSTON, MASSACHUSETT	NEW YORK, NEW YORK	1,931,080	LOS ANGELES, CALIFOR	MIAMI, FLORIDA	325,090
MIAMI, FLORIDA	NEW YORK, NEW YORK	1,895,620	RENO, NEVADA	SAN FRANCISCO,CALIF.	324,370
FORT LAUDERDALE, FLO	NEW YORK, NEW YORK	1,825,710	CHICAGO, ILLINOIS	TAMPA, FLORIDA	319,340
LOS ANGELES, CALIFOR	NEW YORK, NEW YORK	1,728,630	MIAMI, FLORIDA	WASHINGTON, D. C.	318,040
LOS ANGELES, CALIFOR	SAN FRANCISCO,CALIF.	1,262,990	PORTLAND, OREGON	SEATTLE, WASHINGTON	316,680
NEW YORK, N.Y./NEWAR	SAN FRANCISCO,CALIF.	1,142,660	CHICAGO, ILLINOIS	PITTSBURGH, PENNA.	315,620
CHICAGO, ILLINOIS	LOS ANGELES, CALIF.	1,113,270	HONOLULU, OAHU, HAWA	SAN FRANCISCO,CALIF.	314,930
LAS VEGAS, NEVADA	LOS ANGELES, CALIF.	820,900	MINNEAPOLIS/ST. PAUL	NEW YORK, NEW YORK	306,760
DETROIT&ANN ARBOR, M	NEW YORK, NEW YORK	802,180	CHICAGO, ILLINOIS	HOUSTON, TEXAS	306,410
ATLANTA, GEORGIA	NEW YORK, NEW YORK	795,320	DENVER, COLORADO	SALT LAKE CITY, UTAH	306,160
NEW YORK, N.Y./NEWAR	PITTSBURGH, PENNA.	692,070	NEW YORK, N.Y./NEWAR	SYRACUSE, NEW YORK	304,260
BOSTON, MASSACHUSETT	WASHINGTON, D. C.	667,370	CHICAGO, ILLINOIS	FORT LAUDERDALE,FLA.	293,420
CHICAGO, ILLINOIS	MINNEAPOLIS, MINN.	636,750	LOS ANGELES, CALIFOR	MINNEAPOLIS, MINN.	286,830
CHICAGO, ILLINOIS	DETROIT, MICHIGAN	624,100	LOS ANGELES, CALIFOR	PHILADELPHIA, PENNA	283,110
NEW YORK, N.Y./NEWAR	ORLANDO, FLORIDA	620,270	LOS ANGELES, CALIFOR	PORTLAND, OREGON	282,690
CLEVELAND, OHIO	NEW YORK, NEW YORK	600,000	CINCINNATI, OHIO	NEW YORK, NEW YORK	282,250
NEW YORK, N.Y./NEWAR	TAMPA, FLORIDA	570,150	BOSTON, MASSACHUSETT	SAN FRANCISCO,CALIF.	281,220
CHICAGO, ILLINOIS	WASHINGTON, D. C.	550,540	MIAMI, FLORIDA	ORLANDO, FLORIDA	272,910
HONOLULU, OAHU, HAWA	LOS ANGELES, CALIF.	548,980	DENVER, COLORADO	SAN FRANCISCO,CALIF.	271,690
LOS ANGELES, CALIFOR	SEATTLE, WASHINGTON	539,840	DALLAS-FORT WORTH, T	DENVER, COLORADO	269,680
CHICAGO, ILLINOIS	ST. LOUIS, MISSOURI	536,030	BOSTON, MASSACHUSETT	MIAMI, FLORIDA	269,580
BUFFALO&NIAGARA FALL	NEW YORK, NEW YORK	535,970	MIAMI, FLORIDA	PHILADELPHIA, PENNA	267,650
DALLAS-FORT WORTH, T	NEW YORK, NEW YORK	529,810	NEW YORK, N.Y./NEWAR	PHOENIX, ARIZONA	262,810
HOUSTON, TEXAS	NEW YORK, NEW YORK	507,700	NEW YORK, N.Y./NEWAR	NORFOLK, VIRGINIA	259,180
CHICAGO, ILLINOIS	SAN FRANCISCO,CALIF.	496,720	MIAMI, FLORIDA	TAMPA, FLORIDA	258,140
HILO, HAWAII, HAWAII	HONOLULU,OAHU,HAWAII	494,710	COLUMBUS, OHIO	NEW YORK, NEW YORK	252,720
DENVER, COLORADO	LOS ANGELES, CALIF.	479,240	BOSTON, MASSACHUSETT	FORT LAUDERDALE,FLA.	252,540
CHICAGO, ILLINOIS	DENVER, COLORADO	462,050	SEATTLE, WASHINGTON	SPOKANE, WASHINGTON	251,140
DENVER, COLORADO	NEW YORK, NEW YORK	459,130	NEW YORK, N.Y./NEWAR	RALEIGH/DURHAM, N.C.	251,000
BOSTON, MASSACHUSETT	CHICAGO, ILLINOIS	449,400	DETROIT&ANN ARBOR, M	TAMPA, FLORIDA	246,860
LOS ANGELES, CALIFOR	WASHINGTON, D. C.	443,370	DENVER, COLORADO	HOUSTON, TEXAS	246,020
CHICAGO, ILLINOIS	MIAMI, FLORIDA	429,550	LOS ANGELES, CALIFOR	SACRAMENTO, CALIF.	245,130
DALLAS-FORT WORTH, T	LOS ANGELES, CALIF.	428,960	CHICAGO, ILLINOIS	SAN DIEGO,CALIFORNIA	243,260
SAN FRANCISCO, CALIF	SEATTLE, WASHINGTON	428,940	LOS ANGELES, CALIFOR	RENO, NEVADA	242,160
DALLAS-FORT WORTH, T	HOUSTON, TEXAS	425,040	LAS VEGAS, NEVADA	NEW YORK, NEW YORK	239,830
HOUSTON, TEXAS	NEW ORLEANS, LA.	424,980	PORTLAND, OREGON	SAN FRANCISCO,CALIF.	239,610
LOS ANGELES, CALIFOR	PHOENIX, ARIZONA	421,720	CHICAGO, ILLINOIS	LAS VEGAS, NEVADA	238,820
BOSTON, MASSACHUSETT	PHILADELPHIA, PENNA	413,500	FORT LAUDERDALE, FLO	PHILADELPHIA, PENNA	237,230
CHICAGO, ILLINOIS	PHILADELPHIA, PENNA	412,400	DETROIT&ANN ARBOR, M	WASHINGTON, D. C.	236,410
CHICAGO, ILLINOIS	DALLAS-FORT WORTH,TX	398,260	CHARLOTTE, NORTH CAR	NEW YORK, NEW YORK	236,380
NEW YORK, N.Y./NEWAR	WEST PALM BEACH,FLA.	396,600	CHICAGO, ILLINOIS	CINCINNATI, OHIO	233,730
NEW YORK, N.Y./NEWAR	ROCHESTER, NEW YORK	392,580	CHICAGO, ILLINOIS	ORLANDO, FLORIDA	233,300
NEW YORK, N.Y./NEWAR	ST. LOUIS, MISSOURI	383,770	LOS ANGELES, CALIFOR	ST. LOUIS, MISSOURI	226,810
CHICAGO, ILLINOIS	CLEVELAND, OHIO	383,670	ATLANTA, GEORGIA	TAMPA, FLORIDA	226,790
BOSTON, MASSACHUSETT	LOS ANGELES, CALIF.	367,630	ATLANTA, GEORGIA	DALLAS-FORT WORTH,TX	219,890
HOUSTON, TEXAS	LOS ANGELES, CALIF.	356,580	ATLANTA, GEORGIA	LOS ANGELES, CALIF.	219,670
CHICAGO, ILLINOIS	PHOENIX, ARIZONA	352,160	GREENSBORO/HIGH POIN	NEW YORK, NEW YORK	218,080
ATLANTA, GEORGIA	CHICAGO, ILLINOIS	345,420	DALLAS&FT. WORTH, TE	WASHINGTON, D. C.	215,550
SAN FRANCISCO, CALIF	WASHINGTON, D. C.	341,480	ORLANDO, FLORIDA	PHILADELPHIA, PENNA	215,060
NEW ORLEANS, LOUISIA	NEW YORK, NEW YORK	340,590	CLEVELAND, OHIO	DETROIT, MICHIGAN	214,770
LOS ANGELES, CALIFOR	SAN DIEGO,CALIFORNIA	339,050	NEW YORK, N.Y./NEWAR	SAN DIEGO,CALIFORNIA	214,470
DETROIT&ANN ARBOR, M	LOS ANGELES, CALIF.	337,060	DETROIT&ANN ARBOR, M	MIAMI, FLORIDA	214,270
CHICAGO, ILLINOIS	KANSAS CITY,MISSOURI	336,960	ATLANTA, GEORGIA	PHILADELPHIA, PENNA	211,230
PHILADELPHIA, PA./CA	PITTSBURGH, PENNA.	330,250	BALTIMORE, MARYLAND	CHICAGO, ILLINOIS	208,580

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 2
CHICAGO, ILLINOIS	COLUMBUS, OHIO	208,130	FRESNO, CALIFORNIA	SAN FRANCISCO,CALIF.	161,960
DENVER, COLORADO	PHOENIX, ARIZONA	208,030	DALLAS-FORT WORTH, T	TULSA, OKLAHOMA	160,540
BALTIMORE, MARYLAND	NEW YORK, NEW YORK	206,670	SALT LAKE CITY, UTAH	SAN FRANCISCO,CALIF.	159,790
INDIANAPOLIS, INDIAN	NEW YORK, NEW YORK	206,190	ATLANTA, GEORGIA	FORT LAUDERDALE,FLA.	159,690
CHICAGO, ILLINOIS	INDIANAPOLIS,INDIANA	205,840	MIAMI, FLORIDA	NEW ORLEANS, LA.	159,490
KANSAS CITY, MISSOUR	NEW YORK, NEW YORK	205,830	HONOLULU, OAHU, HAWA	SEATTLE, WASHINGTON	159,160
CHICAGO, ILLINOIS	NEW ORLEANS, LA.	203,480	LOS ANGELES, CALIFOR	PITTSBURGH, PENNA.	158,030
BOSTON, MASSACHUSETT	ORLANDO, FLORIDA	202,270	CHICAGO, ILLINOIS	SEATTLE, WASHINGTON	157,900
LAS VEGAS, NEVADA	SAN FRANCISCO,CALIF.	200,780	JACKSONVILLE, FLORID	NEW YORK, NEW YORK	157,900
ANCHORAGE, ALASKA	SEATTLE, WASHINGTON	199,770	LAS VEGAS, NEVADA	PHOENIX, ARIZONA	157,270
HOUSTON, TEXAS	MIAMI, FLORIDA	199,450	DETROIT&ANN ARBOR, M	ORLANDO, FLORIDA	156,980
BOSTON, MASSACHUSETT	DETROIT, MICHIGAN	199,300	CLEVELAND, OHIO	WASHINGTON, D. C.	156,880
LAS VEGAS, NEVADA	RENO, NEVADA	198,540	MINNEAPOLIS/ST. PAUL	WASHINGTON, D. C.	156,430
LOS ANGELES, CALIFOR	SALT LAKE CITY, UTAH	197,400	RENO, NEVADA	SEATTLE, WASHINGTON	155,430
ALBUQUERQUE, NEW MEX	LOS ANGELES, CALIF.	196,440	NASHVILLE, TENNESSEE	NEW YORK, NEW YORK	154,570
DETROIT&ANN ARBOR, M	PHILADELPHIA, PENNA	196,190	PHOENIX, ARIZONA	SAN DIEGO,CALIFORNIA	154,420
KANSAS CITY, MISSOUR	ST. LOUIS, MISSOURI	195,170	HONOLULU, OAHU, HAWA	NEW YORK, NEW YORK	153,720
CLEVELAND, OHIO	LOS ANGELES, CALIF.	194,060	DAYTON, OHIO	NEW YORK, NEW YORK	153,070
KANSAS CITY, MISSOUR	LOS ANGELES, CALIF.	192,630	MIAMI, FLORIDA	PITTSBURGH, PENNA.	151,360
HOUSTON, TEXAS	SAN FRANCISCO,CALIF.	191,330	PITTSBURGH, PENNSYLV	WASHINGTON, D. C.	151,150
DALLAS-FORT WORTH, T	SAN FRANCISCO,CALIF.	189,770	DENVER, COLORADO	SEATTLE, WASHINGTON	150,840
DETROIT&ANN ARBOR, M	FORT LAUDERDALE,FLA.	189,660	HOUSTON, TEXAS	TULSA, OKLAHOMA	150,570
PHOENIX, ARIZONA	SAN FRANCISCO,CALIF.	189,640	DALLAS&FT. WORTH, TE	OKLAHOMA CITY, OKLA.	149,950
CHICAGO, ILLINOIS	HARTFORD,CONNECTICUT	189,190	CHICAGO, ILLINOIS	LOUISVILLE, KENTUCKY	149,560
CHICAGO, ILLINOIS	MEMPHIS, TENNESSEE	187,750	CHICAGO, ILLINOIS	DES MOINES, IOWA	149,280
DENVER, COLORADO	WASHINGTON, D. C.	185,920	ATLANTA, GEORGIA	CHARLOTTE, N. C.	147,460
DALLAS-FORT WORTH, T	LAS VEGAS, NEVADA	185,020	LAS VEGAS, NEVADA	SAN DIEGO,CALIFORNIA	147,290
DENVER, COLORADO	KANSAS CITY,MISSOURI	183,970	CLEVELAND, OHIO	PHILADELPHIA, PENNA	146,720
DALLAS-FORT WORTH, T	KANSAS CITY,MISSOURI	183,480	PHILADELPHIA, PA./CA	TAMPA, FLORIDA	145,210
NEW YORK, N.Y./NEWAR	SEATTLE, WASHINGTON	183,450	ALBUQUERQUE, NEW MEX	DENVER, COLORADO	143,810
BALTIMORE, MARYLAND	BOSTON,MASSACHUSETTS	183,140	HOUSTON, TEXAS	WASHINGTON, D. C.	143,320
PHILADELPHIA, PA./CA	SAN FRANCISCO,CALIF.	182,970	LOUISVILLE, KENTUCKY	NEW YORK, NEW YORK	143,130
ST. LOUIS, MISSOURI	WASHINGTON, D. C.	181,120	CHICAGO, ILLINOIS	OMAHA, NEBRASKA	142,790
HARTFORD/SPRNGFLD/WE	WASHINGTON, D. C.	179,010	EL PASO, TEXAS	LOS ANGELES, CALIF.	141,750
DETROIT&ANN ARBOR, M	SAN FRANCISCO,CALIF.	177,160	BOSTON, MASSACHUSETT	CLEVELAND, OHIO	141,490
MINNEAPOLIS/ST. PAUL	SAN FRANCISCO,CALIF.	176,950	MEMPHIS, TENNESSEE	NEW YORK, NEW YORK	139,820
NEW YORK, N.Y./NEWAR	RICHMOND, VIRGINIA	176,160	DALLAS-FORT WORTH, T	EL PASO, TEXAS	138,820
BOSTON, MASSACHUSETT	TAMPA, FLORIDA	175,620	DENVER, COLORADO	SAN DIEGO,CALIFORNIA	138,120
ATLANTA, GEORGIA	DETROIT, MICHIGAN	175,370	AMARILLO, TEXAS	DALLAS-FORT WORTH,TX	137,680
BURBANK, CALIFORNIA	LAS VEGAS, NEVADA	175,200	DETROIT&ANN ARBOR, M	ST. LOUIS, MISSOURI	137,560
ATLANTA, GEORGIA	BOSTON,MASSACHUSETTS	172,780	DETROIT&ANN ARBOR, M	INDIANAPOLIS,INDIANA	137,360
ATLANTA, GEORGIA	JACKSONVILLE,FLORIDA	171,530	CLEVELAND, OHIO	MIAMI, FLORIDA	135,710
MIAMI, FLORIDA	SAN FRANCISCO,CALIF.	170,300	MILWAUKEE, WISCONSIN	MINNEAPOLIS, MINN.	135,540
ATLANTA, GEORGIA	HOUSTON, TEXAS	169,620	DALLAS-FORT WORTH, T	MIAMI, FLORIDA	133,940
ATLANTA, GEORGIA	ORLANDO, FLORIDA	169,570	ATLANTA, GEORGIA	SAN FRANCISCO,CALIF.	131,040
MILWAUKEE, WISCONSIN	NEW YORK, NEW YORK	169,010	DALLAS&FT. WORTH, TE	DETROIT, MICHIGAN	129,810
DENVER, COLORADO	LAS VEGAS, NEVADA	167,940	ST. LOUIS, MISSOURI	SAN FRANCISCO,CALIF.	129,500
DALLAS-FORT WORTH, T	ST. LOUIS, MISSOURI	167,610	ATLANTA, GEORGIA	NASHVILLE, TENNESSEE	129,460
ATLANTA, GEORGIA	MEMPHIS, TENNESSEE	166,760	CHICAGO, ILLINOIS	DAYTON, OHIO	129,360
LOS ANGELES, CALIFOR	NEW ORLEANS, LA.	165,140	HARTFORD/SPRNGFLD/WE	NEW YORK, NEW YORK	128,970
NEW YORK, N.Y./NEWAR	PROVIDENCE, R. I.	164,920	SAN DIEGO, CALIFORNI	SEATTLE, WASHINGTON	128,600
DENVER, COLORADO	MINNEAPOLIS, MINN.	164,260	DETROIT&ANN ARBOR, M	PITTSBURGH, PENNA.	127,520
BOSTON, MASSACHUSETT	PITTSBURGH, PENNA.	163,840	ORLANDO, FLORIDA	WASHINGTON, D. C.	127,490
LOS ANGELES, CALIFOR	TUCSON, ARIZONA	163,170	FORT LAUDERDALE, FLO	PITTSBURGH, PENNA.	127,160
FRESNO, CALIFORNIA	LOS ANGELES, CALIF.	163,000	NEW YORK, N.Y./NEWAR	SARASOTA, FLORIDA	126,720
ATLANTA, GEORGIA	NEW ORLEANS, LA.	162,620	PORTLAND, OREGON	RENO, NEVADA	126,410

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
PITTSBURGH, PENNSYLV	TAMPA, FLORIDA	126,050	BOSTON, MASSACHUSETT	MINNEAPOLIS, MINN.	101,300
CHICAGO, ILLINOIS	HONOLULU,OAHU,HAWAII	124,670	BALTIMORE, MARYLAND	LOS ANGELES, CALIF.	101,280
DENVER, COLORADO	ST. LOUIS, MISSOURI	124,640	CINCINNATI, OHIO	WASHINGTON, D. C.	101,230
DETROIT&ANN ARBOR, M	MINNEAPOLIS, MINN.	124,390	NEW YORK, N.Y./NEWAR	SAN ANTONIO, TEXAS	101,210
BUFFALO&NIAGARA FALL	CHICAGO, ILLINOIS	124,330	DETROIT&ANN ARBOR, M	HOUSTON, TEXAS	100,850
DALLAS-FORT WORTH, T	PHILADELPHIA, PENNA	124,190	DENVER, COLORADO	DETROIT, MICHIGAN	100,720
HOUSTON, TEXAS	PHILADELPHIA, PENNA	122,080	BALTIMORE, MARYLAND	MIAMI, FLORIDA	100,020
ATLANTA, GEORGIA	BALTIMORE, MARYLAND	121,000	CHICAGO, ILLINOIS	PORTLAND, OREGON	99,940
DETROIT&ANN ARBOR, M	MILWAUKEE, WISCONSIN	120,970	KANSAS CITY, MISSOUR	MINNEAPOLIS, MINN.	99,790
HOUSTON, TEXAS	ST. LOUIS, MISSOURI	120,710	LOS ANGELES, CALIFOR	MILWAUKEE, WISCONSIN	99,120
HOUSTON, TEXAS	SAN ANTONIO, TEXAS	120,320	SEATTLE, WASHINGTON	WASHINGTON, D. C.	98,420
ATLANTA, GEORGIA	RALEIGH/DURHAM, N.C.	119,690	HOUSTON, TEXAS	LAS VEGAS, NEVADA	98,320
ALBANY, NEW YORK	NEW YORK, NEW YORK	119,470	COLUMBIA, SOUTH CARO	NEW YORK, NEW YORK	98,060
MINNEAPOLIS/ST. PAUL	PHOENIX, ARIZONA	119,190	CHICAGO, ILLINOIS	GRAND RAPIDS, MICH.	97,990
TAMPA&ST.PTSBG/CLWTR	WASHINGTON, D. C.	119,000	HARTFORD/SPRNGFLD/WE	LOS ANGELES, CALIF.	97,920
SAN DIEGO, CALIFORNI	SAN FRANCISCO,CALIF.	118,490	AUSTIN, TEXAS	DALLAS-FORT WORTH,TX	97,370
DALLAS-FORT WORTH, T	LUBBOCK, TEXAS	118,420	BUFFALO&NIAGARA FALL	WASHINGTON, D. C.	97,050
GREENVILLE&SPARTANBU	NEW YORK, NEW YORK	117,640	FORT LAUDERDALE, FLO	TAMPA, FLORIDA	96,930
PROVIDENCE, RHODE IS	WASHINGTON, D. C.	117,520	CLEVELAND, OHIO	SAN FRANCISCO,CALIF.	96,160
MINNEAPOLIS/ST. PAUL	ST. LOUIS, MISSOURI	117,250	CHICAGO, ILLINOIS	SAN ANTONIO, TEXAS	95,960
DALLAS-FORT WORTH, T	PHOENIX, ARIZONA	116,660	RALEIGH/DURHAM, NORT	WASHINGTON, D. C.	95,960
BOSTON, MASSACHUSETT	DENVER, COLORADO	116,500	INDIANAPOLIS, INDIAN	WASHINGTON, D. C.	95,050
BOSTON, MASSACHUSETT	DALLAS-FORT WORTH,TX	115,360	HOUSTON, TEXAS	MIDLAND/ODESSA,TEXAS	94,960
SAN DIEGO, CALIFORNI	WASHINGTON, D. C.	115,350	BOSTON, MASSACHUSETT	ROCHESTER, NEW YORK	94,680
HOUSTON, TEXAS	OKLAHOMA CITY, OKLA.	115,060	KANSAS CITY, MISSOUR	LAS VEGAS, NEVADA	94,610
ATLANTA, GEORGIA	CLEVELAND, OHIO	114,820	ALBUQUERQUE, NEW MEX	SAN FRANCISCO,CALIF.	94,550
DETROIT&ANN ARBOR, M	PHOENIX, ARIZONA	114,700	DAYTONA BEACH, FLORI	NEW YORK, NEW YORK	94,160
DENVER, COLORADO	MIAMI, FLORIDA	112,700	DALLAS-FORT WORTH, T	LITTLE ROCK,ARKANSAS	94,120
CHICAGO, ILLINOIS	NASHVILLE, TENNESSEE	112,670	DENVER, COLORADO	PORTLAND, OREGON	93,750
CLEVELAND, OHIO	TAMPA, FLORIDA	112,220	MINNEAPOLIS/ST. PAUL	OMAHA, NEBRASKA	93,400
ATLANTA, GEORGIA	ST. LOUIS, MISSOURI	111,100	BOSTON, MASSACHUSETT	WEST PALM BEACH,FLA.	92,960
COLUMBUS, OHIO	WASHINGTON, D. C.	111,080	LOS ANGELES, CALIFOR	TULSA, OKLAHOMA	92,910
LOS ANGELES, CALIFOR	OKLAHOMA CITY, OKLA.	110,960	ALBANY, NEW YORK	BUFFALO, NEW YORK	92,850
MIAMI, FLORIDA	ST. LOUIS, MISSOURI	110,850	NEW YORK, N.Y./NEWAR	PORTLAND, MAINE	92,560
NORFOLK, VIRGINIA	WASHINGTON, D. C.	110,560	INDIANAPOLIS, INDIAN	LOS ANGELES, CALIF.	92,450
DALLAS-FORT WORTH, T	MINNEAPOLIS, MINN.	109,450	SAN JOSE, CALIFORNIA	SEATTLE, WASHINGTON	92,250
NEW ORLEANS, LOUISIA	WASHINGTON, D. C.	109,440	CHICAGO, ILLINOIS	SALT LAKE CITY, UTAH	92,180
BOSTON, MASSACHUSETT	BUFFALO, NEW YORK	109,010	OAKLAND, CALIFORNIA	SEATTLE, WASHINGTON	92,060
CHARLESTON, SOUTH CA	NEW YORK, NEW YORK	108,850	ATLANTA, GEORGIA	BIRMINGHAM, ALABAMA	91,530
KANSAS CITY, MISSOUR	SAN FRANCISCO,CALIF.	108,290	DALLAS-FORT WORTH, T	SAN DIEGO,CALIFORNIA	91,250
DALLAS-FORT WORTH, T	SAN ANTONIO, TEXAS	108,180	ATLANTA, GEORGIA	LOUISVILLE, KENTUCKY	91,240
ALBUQUERQUE, NEW MEX	DALLAS &FT. WORTH, T	107,840	DENVER, COLORADO	PHILADELPHIA, PENNA	91,190
ATLANTA, GEORGIA	DENVER, COLORADO	107,120	PHILADELPHIA, PA./CA	ST. LOUIS, MISSOURI	91,080
ATLANTA, GEORGIA	SAVANNAH, GEORGIA	106,870	DAYTON, OHIO	WASHINGTON, D. C.	90,860
ATLANTA, GEORGIA	PITTSBURGH, PENNA.	105,670	FORT LAUDERDALE, FLO	HARTFORD,CONNECTICUT	90,800
DALLAS&FT. WORTH, TE	MEMPHIS, TENNESSEE	105,630	LAS VEGAS, NEVADA	ONTARIO, CALIFORNIA	90,370
CHICAGO, ILLINOIS	WEST PALM BEACH,FLA.	105,110	ATLANTA, GEORGIA	GREENSBORO, N. C.	90,340
CINCINNATI, OHIO	DETROIT, MICHIGAN	105,010	LAS VEGAS, NEVADA	MINNEAPOLIS, MINN.	90,330
LOS ANGELES, CALIFOR	SAN ANTONIO, TEXAS	104,100	ATLANTA, GEORGIA	WEST PALM BEACH,FLA.	89,490
BIRMINGHAM, ALABAMA	NEW YORK, NEW YORK	102,600	HOUSTON, TEXAS	KANSAS CITY,MISSOURI	89,450
ORLANDO, FLORIDA	PITTSBURGH, PENNA.	102,600	PORTLAND, OREGON	SAN JOSE, CALIFORNIA	89,310
CLEVELAND, OHIO	FORT LAUDERDALE,FLA.	102,420	MINNEAPOLIS/ST. PAUL	SEATTLE, WASHINGTON	89,220
KANSAS CITY, MISSOUR	WASHINGTON, D. C.	102,290	HOUSTON, TEXAS	PITTSBURGH, PENNA.	88,590
BOSTON, MASSACHUSETT	ST. LOUIS, MISSOURI	102,070	OAKLAND, CALIFORNIA	RENO, NEVADA	88,430
NEW ORLEANS, LOUISIA	SAN FRANCISCO,CALIF.	101,830	CHICAGO, ILLINOIS	TULSA, OKLAHOMA	88,390
CHICAGO, ILLINOIS	TUCSON, ARIZONA	101,700	HARTFORD/SPRNGFLD/WE	PHILADELPHIA, PENNA	88,180

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 4
DENVER, COLORADO	OKLAHOMA CITY, OKLA.	87,930	ATLANTA, GEORGIA	RICHMOND, VIRGINIA	77,990
LAS VEGAS, NEVADA	ST. LOUIS, MISSOURI	87,600	CLEVELAND, OHIO	DALLAS-FORT WORTH,TX	77,990
BOSTON, MASSACHUSETT	SYRACUSE, NEW YORK	87,410	ATLANTA, GEORGIA	KANSAS CITY,MISSOURI	77,980
ATLANTA, GEORGIA	MINNEAPOLIS, MINN.	87,330	BALTIMORE, MARYLAND	PITTSBURGH, PENNA.	77,910
CHICAGO, ILLINOIS	ROCHESTER, NEW YORK	87,260	HOUSTON, TEXAS	MEMPHIS, TENNESSEE	77,750
ATLANTA, GEORGIA	COLUMBIA, S. C.	87,040	NASHVILLE, TENNESSEE	WASHINGTON, D. C.	77,610
DENVER, COLORADO	OMAHA, NEBRASKA	86,360	CINCINNATI, OHIO	TAMPA, FLORIDA	76,640
MEMPHIS, TENNESSEE	NEW ORLEANS, LA.	86,250	BOISE, IDAHO	SEATTLE, WASHINGTON	76,600
NORFOLK, VIRGINIA	PHILADELPHIA, PENNA	85,180	BALTIMORE, MARYLAND	ORLANDO, FLORIDA	76,470
HONOLULU, OAHU, HAWA	PORTLAND, OREGON	85,050	CHARLOTTE, NORTH CAR	WASHINGTON, D. C.	76,240
BOSTON, MASSACHUSETT	HOUSTON, TEXAS	84,530	DETROIT&ANN ARBOR, M	HARTFORD,CONNECTICUT	76,120
MEMPHIS, TENNESSEE	NASHVILLE, TENNESSEE	84,400	NEW YORK, N.Y./NEWAR	TULSA, OKLAHOMA	76,070
ROCHESTER, NEW YORK	WASHINGTON, D. C.	84,200	PORTLAND, OREGON	SPOKANE, WASHINGTON	75,690
DENVER, COLORADO	WICHITA, KANSAS	83,860	INDIANAPOLIS, INDIAN	TAMPA, FLORIDA	75,550
PHOENIX, ARIZONA	WASHINGTON, D. C.	83,810	FORT LAUDERDALE, FLO	WASHINGTON, D. C.	75,380
ALBANY, NEW YORK	WASHINGTON, D. C.	83,680	MEMPHIS, TENNESSEE	ST. LOUIS, MISSOURI	75,360
ATLANTA, GEORGIA	CINCINNATI, OHIO	83,660	SAN FRANCISCO, CALIF	SPOKANE, WASHINGTON	75,320
DENVER, COLORADO	NEW ORLEANS, LA.	83,390	HARTFORD/SPRNGFLD/WE	TAMPA, FLORIDA	75,140
DETROIT&ANN ARBOR, M	WEST PALM BEACH,FLA.	83,180	ST. LOUIS, MISSOURI	TAMPA, FLORIDA	75,050
NEW YORK, N.Y./NEWAR	SALT LAKE CITY, UTAH	83,160	BOISE, IDAHO	PORTLAND, OREGON	74,880
PHOENIX, ARIZONA	SALT LAKE CITY, UTAH	82,830	CHICAGO, ILLINOIS	SYRACUSE, NEW YORK	74,870
NEW YORK, N.Y./NEWAR	TUCSON, ARIZONA	82,770	PHOENIX, ARIZONA	ST. LOUIS, MISSOURI	74,830
HARTFORD/SPRNGFLD/WE	ORLANDO, FLORIDA	82,380	COLUMBUS, OHIO	PHILADELPHIA, PENNA	74,800
LOS ANGELES, CALIFOR	TAMPA, FLORIDA	82,230	OAKLAND, CALIFORNIA	PORTLAND, OREGON	74,130
BURBANK, CALIFORNIA	PHOENIX, ARIZONA	82,060	LOS ANGELES, CALIFOR	SPOKANE, WASHINGTON	73,870
BALTIMORE, MARYLAND	SAN FRANCISCO,CALIF.	81,950	MINNEAPOLIS/ST. PAUL	TAMPA, FLORIDA	73,860
NEW YORK, N.Y./NEWAR	SAVANNAH, GEORGIA	81,820	CHICAGO, ILLINOIS	SARASOTA, FLORIDA	73,680
PITTSBURGH, PENNSYLV	SAN FRANCISCO,CALIF.	81,750	ATLANTA, GEORGIA	CHARLESTON, S. C.	73,630
ALBUQUERQUE, NEW MEX	PHOENIX, ARIZONA	81,690	BUFFALO&NIAGARA FALL	PHILADELPHIA, PENNA	73,520
NEW YORK, N.Y./NEWAR	PHILADELPHIA, PENNA	81,670	DENVER, COLORADO	ONTARIO, CALIFORNIA	73,460
LOS ANGELES, CALIFOR	OMAHA, NEBRASKA	81,380	FORT MYERS, FLORIDA	NEW YORK, NEW YORK	73,460
CHICAGO, ILLINOIS	OKLAHOMA CITY, OKLA.	81,340	CHICAGO, ILLINOIS	HARRISBURG/YORK, PA.	73,160
ATLANTA, GEORGIA	JACKSON, MISSISSIPPI	81,090	ATLANTA, GEORGIA	COLUMBUS, OHIO	73,090
BUFFALO&NIAGARA FALL	DETROIT, MICHIGAN	80,630	CHICAGO, ILLINOIS	EVANSVILLE, INDIANA	73,080
DENVER, COLORADO	TULSA, OKLAHOMA	80,330	CHICAGO, ILLINOIS	RALEIGH/DURHAM, N.C.	72,950
SALT LAKE CITY, UTAH	SEATTLE, WASHINGTON	80,100	AKRON/CANTON, OHIO	CHICAGO, ILLINOIS	72,710
CHICAGO, ILLINOIS	ONTARIO, CALIFORNIA	80,080	AUSTIN, TEXAS	HOUSTON, TEXAS	72,640
PHOENIX, ARIZONA	SEATTLE, WASHINGTON	80,080	BURLINGTON, VERMONT	NEW YORK, NEW YORK	72,210
CHICAGO, ILLINOIS	TOLEDO, OHIO	79,910	HARTFORD/SPRNGFLD/WE	MIAMI, FLORIDA	72,040
DETROIT&ANN ARBOR, M	LAS VEGAS, NEVADA	79,880	DAYTON, OHIO	LOS ANGELES, CALIF.	71,930
ATLANTA, GEORGIA	HARTFORD,CONNECTICUT	79,850	CLEVELAND, OHIO	HOUSTON, TEXAS	71,860
BALTIMORE, MARYLAND	FORT LAUDERDALE,FLA.	79,470	ATLANTA, GEORGIA	INDIANAPOLIS,INDIANA	71,460
LOS ANGELES, CALIFOR	MEMPHIS, TENNESSEE	79,210	DENVER, COLORADO	TUCSON, ARIZONA	71,130
NEW ORLEANS, LOUISIA	PHILADELPHIA, PENNA	79,130	DALLAS-FORT WORTH, T	NASHVILLE, TENNESSEE	71,090
CLEVELAND, OHIO	ST. LOUIS, MISSOURI	79,000	CHICAGO, ILLINOIS	PEORIA, ILLINOIS	70,840
NEW ORLEANS, LOUISIA	ST. LOUIS, MISSOURI	78,860	PITTSBURGH, PENNSYLV	ST. LOUIS, MISSOURI	70,760
HONOLULU, OAHU, HAWA	SAN DIEGO,CALIFORNIA	78,810	WASHINGTON, D. C.	WEST PALM BEACH,FLA.	70,460
MIAMI, FLORIDA	MINNEAPOLIS, MINN.	78,710	COLUMBUS, OHIO	LOS ANGELES, CALIF.	70,420
CINCINNATI, OHIO	CLEVELAND, OHIO	78,650	LOS ANGELES, CALIFOR	ORLANDO, FLORIDA	70,340
NEW YORK, N.Y./NEWAR	OKLAHOMA CITY, OKLA.	78,570	DALLAS-FORT WORTH, T	TAMPA, FLORIDA	70,120
BOSTON, MASSACHUSETT	CINCINNATI, OHIO	78,550	MEMPHIS, TENNESSEE	WASHINGTON, D. C.	69,980
SYRACUSE, NEW YORK	WASHINGTON, D. C.	78,540	NEW ORLEANS, LOUISIA	SHREVEPORT,LOUISIANA	69,970
NEW YORK, N.Y./NEWAR	PORTLAND, OREGON	78,500	PHILADELPHIA, PA./CA	WEST PALM BEACH,FLA.	69,950
CHICAGO, ILLINOIS	MOLINE, ILLINOIS	78,410	ALBUQUERQUE, NEW MEX	NEW YORK, NEW YORK	69,940
CINCINNATI, OHIO	LOS ANGELES, CALIF.	78,270	DALLAS-FORT WORTH, T	SEATTLE, WASHINGTON	69,570
MINNEAPOLIS/ST. PAUL	PHILADELPHIA, PENNA	78,080	NEW ORLEANS, LOUISIA	TAMPA, FLORIDA	69,400

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
BOSTON, MASSACHUSETT	PHOENIX, ARIZONA	69,250	ATLANTA, GEORGIA	MOBILE, ALABAMA	61,810
DETROIT&ANN ARBOR, M	KANSAS CITY,MISSOURI	69,210	BALTIMORE, MARYLAND	DETROIT, MICHIGAN	61,790
DETROIT&ANN ARBOR, M	NASHVILLE, TENNESSEE	69,210	COLUMBUS, OHIO	DETROIT, MICHIGAN	61,540
JACKSONVILLE, FLORID	MIAMI, FLORIDA	68,800	LAS VEGAS, NEVADA	NEW ORLEANS, LA.	61,220
CHARLOTTE, NORTH CAR	PHILADELPHIA, PENNA	68,770	FORT LAUDERDALE, FLO	ORLANDO, FLORIDA	61,180
HARTFORD/SPRNGFLD/WE	PITTSBURGH, PENNA.	68,770	BOSTON, MASSACHUSETT	SAN DIEGO,CALIFORNIA	61,050
BOISE, IDAHO	SAN FRANCISCO,CALIF.	68,460	INDIANAPOLIS, INDIAN	MIAMI, FLORIDA	60,890
PHOENIX, ARIZONA	SAN JOSE, CALIFORNIA	68,330	BUFFALO&NIAGARA FALL	FORT LAUDERDALE,FLA.	60,800
SACRAMENTO, CALIFORN	SEATTLE, WASHINGTON	68,320	HOUSTON, TEXAS	MINNEAPOLIS, MINN.	60,650
ALBANY, NEW YORK	CHICAGO, ILLINOIS	68,230	LAS VEGAS, NEVADA	SEATTLE, WASHINGTON	60,450
CINCINNATI, OHIO	PHILADELPHIA, PENNA	68,110	ATLANTA, GEORGIA	KNOXVILLE, TENNESSEE	60,260
CINCINNATI, OHIO	MIAMI, FLORIDA	67,930	MILWAUKEE, WISCONSIN	WASHINGTON, D. C.	60,010
CLEVELAND, OHIO	HARTFORD,CONNECTICUT	67,790	BUFFALO&NIAGARA FALL	TAMPA, FLORIDA	59,840
CLEVELAND, OHIO	PHOENIX, ARIZONA	67,720	OKLAHOMA CITY, OKLAH	SAN FRANCISCO,CALIF.	59,770
DES MOINES, IOWA	MINNEAPOLIS, MINN.	67,630	CHICAGO, ILLINOIS	FORT WAYNE, INDIANA	59,720
DETROIT&ANN ARBOR, M	NEW ORLEANS, LA.	67,540	KANSAS CITY, MISSOUR	PHOENIX, ARIZONA	59,710
LAS VEGAS, NEVADA	SALT LAKE CITY, UTAH	67,380	ATLANTA, GEORGIA	NORFOLK, VIRGINIA	59,670
DETROIT&ANN ARBOR, M	SAN DIEGO,CALIFORNIA	67,080	BOSTON, MASSACHUSETT	NORFOLK, VIRGINIA	59,560
PORTLAND, OREGON	SAN DIEGO,CALIFORNIA	66,970	CHICAGO, ILLINOIS	MADISON, WISCONSIN	59,410
DALLAS&FT. WORTH, TE	PITTSBURGH, PENNA.	66,960	ONTARIO&SAN BERNARDI	PHOENIX, ARIZONA	59,390
LOUISVILLE, KENTUCKY	WASHINGTON, D. C.	66,740	ONTARIO&SAN BERNARDI	SACRAMENTO, CALIF.	59,330
COLUMBUS, OHIO	TAMPA, FLORIDA	66,650	SAN ANTONIO, TEXAS	SAN FRANCISCO,CALIF.	59,210
DALLAS-FORT WORTH, T	INDIANAPOLIS,INDIANA	66,640	SAN ANTONIO, TEXAS	WASHINGTON, D. C.	59,120
NEW YORK, N.Y./NEWAR	ROANOKE, VIRGINIA	66,420	CHICAGO, ILLINOIS	JACKSONVILLE,FLORIDA	58,890
BOSTON, MASSACHUSETT	NEW ORLEANS, LA.	66,280	CHICAGO, ILLINOIS	SAGINAW/BAY CTY,MICH	58,480
BUFFALO&NIAGARA FALL	LOS ANGELES, CALIF.	66,190	CHICAGO, ILLINOIS	ROCHESTER, MINNESOTA	58,250
HOUSTON, TEXAS	TAMPA, FLORIDA	66,150	CLEVELAND, OHIO	MINNEAPOLIS, MINN.	58,110
CHICAGO, ILLINOIS	LITTLE ROCK,ARKANSAS	65,750	EUGENE, OREGON	LOS ANGELES, CALIF.	58,090
ALBUQUERQUE, NEW MEX	CHICAGO, ILLINOIS	65,680	KANSAS CITY, MISSOUR	OMAHA, NEBRASKA	58,050
MINNEAPOLIS/ST. PAUL	SAN DIEGO,CALIFORNIA	65,350	BALTIMORE, MARYLAND	DALLAS-FORT WORTH,TX	57,990
DETROIT&ANN ARBOR, M	MEMPHIS, TENNESSEE	65,210	PHILADELPHIA, PA./CA	SYRACUSE, NEW YORK	57,820
DENVER, COLORADO	TAMPA, FLORIDA	65,000	DENVER, COLORADO	SAN ANTONIO, TEXAS	57,550
CHICAGO, ILLINOIS	SAN JOSE, CALIFORNIA	64,740	CHARLESTON/DUNBAR, W	NEW YORK, NEW YORK	57,270
FORT LAUDERDALE, FLO	LOS ANGELES, CALIF.	64,590	PHILADELPHIA, PA./CA	ROCHESTER, NEW YORK	57,270
SAN FRANCISCO, CALIF	TUCSON, ARIZONA	64,560	NEW YORK, N.Y./NEWAR	OMAHA, NEBRASKA	57,150
DENVER, COLORADO	SAN JOSE, CALIFORNIA	64,520	CHICAGO, ILLINOIS	JACKSON, MISSISSIPPI	56,890
CLEVELAND, OHIO	DENVER, COLORADO	64,490	CLEVELAND, OHIO	COLUMBUS, OHIO	56,830
DETROIT&ANN ARBOR, M	LOUISVILLE, KENTUCKY	64,490	DALLAS&FT. WORTH, TE	WICHITA, KANSAS	56,450
CHICAGO, ILLINOIS	WICHITA, KANSAS	64,400	ALBUQUERQUE, NEW MEX	WASHINGTON, D. C.	56,250
BUFFALO&NIAGARA FALL	HARTFORD,CONNECTICUT	64,390	KNOXVILLE, TENNESSEE	NEW YORK, NEW YORK	55,980
ISLIP, LONG ISLAND,	WASHINGTON, D. C.	64,350	CLEVELAND, OHIO	MILWAUKEE, WISCONSIN	55,900
CINCINNATI, OHIO	ST. LOUIS, MISSOURI	64,290	BOSTON, MASSACHUSETT	SEATTLE, WASHINGTON	55,890
DENVER, COLORADO	PITTSBURGH, PENNA.	64,240	KANSAS CITY, MISSOUR	PHILADELPHIA, PENNA	55,750
CHARLOTTE, NORTH CAR	CHICAGO, ILLINOIS	64,210	ALLENTOWN/BETHLEHEM/	CHICAGO, ILLINOIS	55,550
BOSTON, MASSACHUSETT	COLUMBUS, OHIO	64,090	DES MOINES, IOWA	LOS ANGELES, CALIF.	55,430
PHILADELPHIA, PA./CA	PHOENIX, ARIZONA	64,060	DALLAS-FORT WORTH, T	SHREVEPORT,LOUISIANA	55,410
BIRMINGHAM, ALABAMA	CHICAGO, ILLINOIS	63,660	COLUMBUS, OHIO	MIAMI, FLORIDA	55,400
INDIANAPOLIS, INDIAN	PHILADELPHIA, PENNA	63,630	LAS VEGAS, NEVADA	SAN JOSE, CALIFORNIA	55,360
CLEVELAND, OHIO	ORLANDO, FLORIDA	63,570	BALTIMORE, MARYLAND	DENVER, COLORADO	55,330
DENVER, COLORADO	MILWAUKEE, WISCONSIN	63,270	AUSTIN, TEXAS	NEW YORK, NEW YORK	55,200
CHICAGO, ILLINOIS	GREENSBORO, N. C.	63,130	BALTIMORE, MARYLAND	NEW ORLEANS, LA.	54,860
DAYTON, OHIO	DETROIT, MICHIGAN	62,450	MILWAUKEE, WISCONSIN	SAN FRANCISCO,CALIF.	54,840
INDIANAPOLIS, INDIAN	ST. LOUIS, MISSOURI	62,390	ALLENTOWN/BETHLEHEM/	PITTSBURGH, PENNA.	54,700
JACKSONVILLE, FLORID	WASHINGTON, D. C.	62,090	DAYTON, OHIO	TAMPA, FLORIDA	54,550
HARTFORD/SPRNGFLD/WE	SAN FRANCISCO,CALIF.	61,980	CHICAGO, ILLINOIS	NORFOLK, VIRGINIA	54,460
HOUSTON, TEXAS	PHOENIX, ARIZONA	61,910	ATLANTA, GEORGIA	DAYTON, OHIO	54,210

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 6
GREENSBORO/HIGH POIN	WASHINGTON, D. C.	54,150	MADISON, WISCONSIN	MINNEAPOLIS, MINN.	49,670
BOSTON, MASSACHUSETT	LAS VEGAS, NEVADA	53,950	CHICAGO, ILLINOIS	FORT MYERS, FLORIDA	49,590
ATLANTA, GEORGIA	DAYTONA BEACH, FLA.	53,790	GRAND RAPIDS, MICHIG	NEW YORK, NEW YORK	49,560
BALTIMORE, MARYLAND	CLEVELAND, OHIO	53,590	DALLAS&FT. WORTH, TE	LOUISVILLE, KENTUCKY	49,530
ROANOKE, VIRGINIA	WASHINGTON, D. C.	53,460	PHOENIX, ARIZONA	TUCSON, ARIZONA	49,410
CHICAGO, ILLINOIS	EL PASO, TEXAS	53,430	CORPUS CHRISTI, TEXA	DALLAS-FORT WORTH,TX	49,260
KANSAS CITY, MISSOUR	MIAMI, FLORIDA	53,320	ONTARIO&SAN BERNARDI	PORTLAND, OREGON	49,210
PHOENIX, ARIZONA	PORTLAND, OREGON	53,310	LAS VEGAS, NEVADA	OAKLAND, CALIFORNIA	49,160
ALBANY, NEW YORK	PHILADELPHIA, PENNA	53,290	DENVER, COLORADO	EL PASO, TEXAS	49,080
CLEVELAND, OHIO	INDIANAPOLIS, INDIANA	53,260	DENVER, COLORADO	RENO, NEVADA	48,740
MILWAUKEE, WISCONSIN	ST. LOUIS, MISSOURI	53,190	MILWAUKEE, WISCONSIN	TAMPA, FLORIDA	48,640
DALLAS-FORT WORTH, T	ORLANDO, FLORIDA	53,060	ONTARIO&SAN BERNARDI	SAN FRANCISCO,CALIF.	48,500
BUFFALO&NIAGARA FALL	PITTSBURGH, PENNA.	52,940	BATON ROUGE, LOUISIA	HOUSTON, TEXAS	48,430
LAS VEGAS, NEVADA	PHILADELPHIA, PENNA	52,920	DALLAS-FORT WORTH, T	JACKSON, MISSISSIPPI	48,300
CINCINNATI, OHIO	DALLAS-FORT WORTH,TX	52,840	BILLINGS, MONTANA	DENVER, COLORADO	48,130
CHARLESTON/DUNBAR, W	WASHINGTON, D. C.	52,760	MEMPHIS, TENNESSEE	MIAMI, FLORIDA	47,960
DENVER, COLORADO	SACRAMENTO, CALIF.	52,720	HOUSTON, TEXAS	ORLANDO, FLORIDA	47,930
BALTIMORE, MARYLAND	NORFOLK, VIRGINIA	52,690	DETROIT&ANN ARBOR, M	SARASOTA, FLORIDA	47,850
MINNEAPOLIS/ST. PAUL	SIOUX FALLS, S. D.	52,600	CHARLESTON, SOUTH CA	WASHINGTON, D. C.	47,810
PORTLAND, OREGON	SACRAMENTO, CALIF.	52,540	LOS ANGELES, CALIFOR	NASHVILLE, TENNESSEE	47,790
LOS ANGELES, CALIFOR	WICHITA, KANSAS	52,510	DALLAS-FORT WORTH, T	HONOLULU,OAHU,HAWAII	47,590
ATLANTA, GEORGIA	SEATTLE, WASHINGTON	52,450	MOBILE, ALA./PASCAGO	NEW YORK, NEW YORK	47,570
ONTARIO&SAN BERNARDI	SEATTLE, WASHINGTON	52,390	HARTFORD/SPRNGFLD/WE	WEST PALM BEACH,FLA.	47,430
KANSAS CITY, MISSOUR	OKLAHOMA CITY, OKLA.	52,380	SAN FRANCISCO, CALIF	TAMPA, FLORIDA	47,400
BIRMINGHAM, ALABAMA	NEW ORLEANS, LA.	52,280	BATON ROUGE, LOUISIA	DALLAS-FORT WORTH,TX	47,310
HOUSTON, TEXAS	SAN DIEGO,CALIFORNIA	52,120	BEAUMONT/PORT ARTHUR	DALLAS-FORT WORTH,TX	47,280
SALT LAKE CITY, UTAH	SAN DIEGO,CALIFORNIA	52,080	COLUMBUS, OHIO	DALLAS-FORT WORTH,TX	47,220
LEXINGTON, KENTUCKY	NEW YORK, NEW YORK	52,040	BOSTON, MASSACHUSETT	KANSAS CITY,MISSOURI	47,100
NEW YORK, N.Y./NEWAR	TOLEDO, OHIO	52,030	BIRMINGHAM, ALABAMA	DETROIT, MICHIGAN	47,080
HOUSTON, TEXAS	SHREVEPORT,LOUISIANA	51,790	CINCINNATI, OHIO	PITTSBURGH, PENNA.	47,020
BOSTON, MASSACHUSETT	INDIANAPOLIS,INDIANA	51,780	BIRMINGHAM, ALABAMA	MOBILE, ALABAMA	46,970
PORTLAND, OREGON	SALT LAKE CITY, UTAH	51,620	COLUMBUS, OHIO	FORT LAUDERDALE,FLA.	46,830
BOISE, IDAHO	LOS ANGELES, CALIF.	51,550	FAIRBANKS, ALASKA	SEATTLE, WASHINGTON	46,800
HONOLULU, OAHU, HAWA	LAS VEGAS, NEVADA	51,550	AUGUSTA, GEORGIA	NEW YORK, NEW YORK	46,730
INDIANAPOLIS, INDIAN	SAN FRANCISCO,CALIF.	51,530	CLEVELAND, OHIO	LAS VEGAS, NEVADA	46,670
ATLANTA, GEORGIA	MILWAUKEE, WISCONSIN	51,410	KANSAS CITY, MISSOUR	WICHITA, KANSAS	46,610
KNOXVILLE, TENNESSEE	WASHINGTON, D. C.	51,190	LITTLE ROCK, ARKANSA	NEW YORK, NEW YORK	46,600
ST. LOUIS, MISSOURI	SAN DIEGO,CALIFORNIA.	51,050	AKRON/CANTON, OHIO	NEW YORK, NEW YORK	46,590
CHICAGO, ILLINOIS	LANSING, MICHIGAN	51,030	LITTLE ROCK, ARKANSA	ST. LOUIS, MISSOURI	46,590
SAN DIEGO, CALIFORNI	TUCSON, ARIZONA	51,020	DENVER, COLORADO	INDIANAPOLIS,INDIANA	46,540
CHICAGO, ILLINOIS	PROVIDENCE, R. I.	50,760	ORLANDO, FLORIDA	ST. LOUIS, MISSOURI	46,500
AMARILLO, TEXAS	HOUSTON, TEXAS	50,730	HOUSTON, TEXAS	SEATTLE, WASHINGTON	46,370
PHILADELPHIA, PA./CA	SAN DIEGO,CALIFORNIA	50,710	MIAMI, FLORIDA	SEATTLE, WASHINGTON	46,300
ALBUQUERQUE, NEW MEX	EL PASO, TEXAS	50,540	DES MOINES, IOWA	NEW YORK, NEW YORK	46,290
CHICAGO, ILLINOIS	LEXINGTON, KENTUCKY	50,510	PORTLAND, OREGON	WASHINGTON, D. C.	46,260
MIAMI, FLORIDA	TALLAHASSEE, FLORIDA	50,380	CINCINNATI, OHIO	SAN FRANCISCO,CALIF.	46,220
OKLAHOMA CITY, OKLAH	WASHINGTON, D. C.	50,210	CHICAGO, ILLINOIS	RICHMOND, VIRGINIA	46,020
ROCHESTER, NEW YORK	TAMPA, FLORIDA	50,120	ORLANDO, FLORIDA	TALLAHASSEE, FLORIDA	45,820
SALT LAKE CITY, UTAH	WASHINGTON, D. C.	50,090	NASHVILLE, TENNESSEE	PHILADELPHIA, PENNA	45,730
CHARLOTTE, NORTH CAR	MIAMI, FLORIDA	50,060	DAYTON, OHIO	PHILADELPHIA, PENNA	45,720
MINNEAPOLIS/ST. PAUL	PORTLAND, OREGON	50,030	NEW ORLEANS, LOUISIA	ORLANDO, FLORIDA	45,700
MADISON, WISCONSIN	NEW YORK, NEW YORK	49,950	BALTIMORE, MARYLAND	TAMPA, FLORIDA	45,650
DENVER, COLORADO	EL PASO, TEXAS	49,800	LAS VEGAS, NEVADA	OKLAHOMA CITY, OKLA.	45,630
DENVER, COLORADO	DES MOINES, IOWA	49,790	DALLAS-FORT WORTH, T	DAYTON, OHIO	45,620
JACKSONVILLE, FLORID	PHILADELPHIA, PENNA	49,790	DALLAS-FORT WORTH, T	SAN JOSE, CALIFORNIA	45,600
MELBOURNE, FLORIDA	NEW YORK, NEW YORK	49,710	ANCHORAGE, ALASKA	SAN FRANCISCO,CALIF.	45,560
			DES MOINES, IOWA	ST. LOUIS, MISSOURI	45,560

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
BOSTON, MASSACHUSETT	DAYTON, OHIO	45,460	BURBANK, CALIFORNIA	SALT LAKE CITY, UTAH	41,540
BOSTON, MASSACHUSETT	PORTLAND, MAINE	45,420	OMAHA, NEBRASKA	SAN FRANCISCO,CALIF.	41,530
ST. LOUIS, MISSOURI	SEATTLE, WASHINGTON	45,420	CLEVELAND, OHIO	DAYTON, OHIO	41,490
DALLAS-FORT WORTH, T	FORT LAUDERDALE,FLA.	45,350	CLEVELAND, OHIO	WEST PALM BEACH,FLA.	41,430
PHOENIX, ARIZONA	PITTSBURGH, PENNA.	45,280	CHICAGO, ILLINOIS	INDIO, CALIFORNIA	41,390
CHICAGO, ILLINOIS	MILWAUKEE, WISCONSIN	45,180	KNOXVILLE, TENNESSEE	MEMPHIS, TENNESSEE	41,370
HUNTSVILLE&DECATUR,	WASHINGTON, D. C.	45,180	FORT LAUDERDALE, FLO	ST. LOUIS, MISSOURI	41,310
COLUMBUS, OHIO	PITTSBURGH, PENNA.	45,100	BOSTON, MASSACHUSETT	RALEIGH/DURHAM, N.C.	41,270
EL PASO, TEXAS	PHOENIX, ARIZONA	45,050	INDIANAPOLIS, INDIAN	PHOENIX, ARIZONA	41,160
LITTLE ROCK, ARKANSA	LOS ANGELES, CALIF.	45,000	DENVER, COLORADO	OAKLAND, CALIFORNIA	41,110
INDIANAPOLIS, INDIAN	PITTSBURGH, PENNA.	44,860	PHILADELPHIA, PA./CA	PROVIDENCE, R. I.	41,050
ATLANTA, GEORGIA	TALLAHASSEE, FLORIDA	44,820	SACRAMENTO, CALIFORN	SAN FRANCISCO,CALIF.	40,960
BOSTON, MASSACHUSETT	MILWAUKEE, WISCONSIN	44,540	CHICAGO, ILLINOIS	RENO, NEVADA	40,940
LOS ANGELES, CALIFOR	ROCHESTER, NEW YORK	44,480	EL PASO, TEXAS	NEW YORK, NEW YORK	40,940
HOUSTON, TEXAS	LITTLE ROCK,ARKANSAS	44,380	KANSAS CITY, MISSOUR	MEMPHIS, TENNESSEE	40,840
DALLAS-FORT WORTH, T	SALT LAKE CITY, UTAH	44,340	DETROIT&ANN ARBOR, M	ROCHESTER, NEW YORK	40,720
ST. LOUIS, MISSOURI	TULSA, OKLAHOMA	44,190	HONOLULU, OAHU, HAWA	MINNEAPOLIS, MINN.	40,690
KANSAS CITY, MISSOUR	SEATTLE, WASHINGTON	44,180	PHILADELPHIA, PA./CA	RALEIGH/DURHAM, N.C.	40,590
CHATTANOOGA, TENNESS	NEW YORK, NEW YORK	44,080	KANSAS CITY, MISSOUR	NEW ORLEANS, LA.	40,580
BURBANK, CALIFORNIA	PORTLAND, OREGON	44,070	BIRMINGHAM, ALABAMA	MIAMI, FLORIDA	40,560
CHICAGO, ILLINOIS	KNOXVILLE, TENNESSEE	44,060	NEW ORLEANS, LOUISIA	SAN ANTONIO, TEXAS	40,540
SALT LAKE CITY, UTAH	SAN JOSE, CALIFORNIA	43,900	NEW ORLEANS, LOUISIA	PITTSBURGH, PENNA.	40,490
INDIANAPOLIS, INDIAN	MINNEAPOLIS, MINN.	43,890	CHICAGO, ILLINOIS	SACRAMENTO, CALIF.	40,300
HONOLULU, OAHU, HAWA	WASHINGTON, D. C.	43,880	DETROIT&ANN ARBOR, M	SYRACUSE, NEW YORK	40,290
PHILADELPHIA, PA./CA	SEATTLE, WASHINGTON	43,820	ALBUQUERQUE, NEW MEX	HOUSTON, TEXAS	40,200
SAN FRANCISCO, CALIF	TULSA, OKLAHOMA	43,810	DALLAS-FORT WORTH, T	MILWAUKEE, WISCONSIN	40,190
CHICAGO, ILLINOIS	OAKLAND, CALIFORNIA	43,780	CHICAGO, ILLINOIS	YOUNGSTOWN, OHIO	40,170
BUFFALO&NIAGARA FALL	MIAMI, FLORIDA	43,560	EL PASO, TEXAS	SAN FRANCISCO,CALIF.	40,150
COLORADO SPRINGS, CO	LOS ANGELES, CALIF.	43,440	LOS ANGELES, CALIFOR	SYRACUSE, NEW YORK	40,120
CHICAGO, ILLINOIS	COLORADO SPRNGS,COLO	43,420	HONOLULU, OAHU, HAWA	SAN JOSE, CALIFORNIA	40,100
ATLANTA, GEORGIA	BUFFALO, NEW YORK	43,340	ATLANTA, GEORGIA	SARASOTA, FLORIDA	40,070
LOS ANGELES, CALIFOR	LOUISVILLE, KENTUCKY	43,070	INDIANAPOLIS, INDIAN	ORLANDO, FLORIDA	40,050
BOISE, IDAHO	SPOKANE, WASHINGTON	43,060	ALBANY, NEW YORK	BOSTON,MASSACHUSETTS	40,040
DENVER, COLORADO	HONOLULU,OAHU,HAWAII	42,920	MIAMI, FLORIDA	NASHVILLE, TENNESSEE	39,950
PITTSBURGH, PENNSYLV	WEST PALM BEACH,FLA.	42,840	DES MOINES, IOWA	KANSAS CITY,MISSOURI	39,930
ATLANTA, GEORGIA	SAN ANTONIO, TEXAS	42,830	LAS VEGAS, NEVADA	WASHINGTON, D. C.	39,930
COLUMBUS, OHIO	ORLANDO, FLORIDA	42,750	ATLANTA, GEORGIA	LEXINGTON, KENTUCKY	39,910
OMAHA, NEBRASKA	ST. LOUIS, MISSOURI	42,740	HOUSTON, TEXAS	NASHVILLE, TENNESSEE	39,850
ANCHORAGE, ALASKA	LOS ANGELES, CALIF.	42,660	CINCINNATI, OHIO	HOUSTON, TEXAS	39,780
OKLAHOMA CITY, OKLAH	ST. LOUIS, MISSOURI	42,650	HOUSTON, TEXAS	INDIANAPOLIS,INDIANA	39,680
COLUMBUS, OHIO	ST. LOUIS, MISSOURI	42,460	LAS VEGAS, NEVADA	PITTSBURGH, PENNA.	39,640
LOUISVILLE, KENTUCKY	ST. LOUIS, MISSOURI	42,380	MIAMI, FLORIDA	RALEIGH/DURHAM, N.C.	39,590
CHARLOTTE, NORTH CAR	PITTSBURGH, PENNA.	42,310	INDIO/PALM SPRINGS,	LOS ANGELES, CALIF.	39,540
MIAMI, FLORIDA	MILWAUKEE, WISCONSIN	42,300	ATLANTA, GEORGIA	PENSACOLA, FLORIDA	39,530
MINNEAPOLIS/ST. PAUL	ORLANDO, FLORIDA	42,250	COLUMBIA, SOUTH CARO	WASHINGTON, D. C.	39,320
KANSAS CITY, MISSOUR	TULSA, OKLAHOMA	42,230	JACKSON/VICKSBURG, M	NEW YORK, NEW YORK	39,310
BIRMINGHAM, ALABAMA	DALLAS-FORT WORTH,TX	42,180	LOUISVILLE, KENTUCKY	PHILADELPHIA, PENNA	39,310
HILO, HAWAII, HAWAII	LOS ANGELES, CALIF.	42,040	DALLAS-FORT WORTH, T	PORTLAND, OREGON	39,090
BOSTON, MASSACHUSETT	HONOLULU,OAHU,HAWAII	42,030	MIAMI, FLORIDA	PROVIDENCE, R. I.	39,010
DALLAS-FORT WORTH, T	ONTARIO, CALIFORNIA	42,000	TULSA, OKLAHOMA	WASHINGTON, D. C.	39,010
BOISE, IDAHO	DENVER, COLORADO	41,990	RENO, NEVADA	SALT LAKE CITY, UTAH	38,950
CLEVELAND, OHIO	PITTSBURGH, PENNA.	41,990	TAMPA&ST.PTSBG/CLWTR	WEST PALM BEACH,FLA.	38,900
LEXINGTON, KENTUCKY	WASHINGTON, D. C.	41,790	LAS VEGAS, NEVADA	OMAHA, NEBRASKA	38,860
CINCINNATI, OHIO	FORT LAUDERDALE,FLA.	41,750	NASHVILLE, TENNESSEE	ST. LOUIS, MISSOURI	38,860
AUSTIN, TEXAS	WASHINGTON, D. C.	41,590	AUSTIN, TEXAS	LOS ANGELES, CALIF.	38,610
BALTIMORE, MARYLAND	HOUSTON, TEXAS	41,550	DALLAS-FORT WORTH, T	OMAHA, NEBRASKA	38,440

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 8
DETROIT&ANN ARBOR, M	HONOLULU,OAHU,HAWAII	38,420	NEW YORK, N.Y./NEWAR	WICHITA, KANSAS	35,030
CLEVELAND, OHIO	KANSAS CITY,MISSOURI	38,410	ATLANTA, GEORGIA	LAS VEGAS, NEVADA	34,980
BIRMINGHAM, ALABAMA	WASHINGTON, D. C.	38,220	LAS VEGAS, NEVADA	MIAMI, FLORIDA	34,860
ASHEVILLE, NORTH CAR	NEW YORK, NEW YORK	38,200	BIRMINGHAM, ALABAMA	MEMPHIS, TENNESSEE	34,760
MINNEAPOLIS/ST. PAUL	NEW ORLEANS, LA.	38,140	AUSTIN, TEXAS	CHICAGO, ILLINOIS	34,750
DETROIT&ANN ARBOR, M	SEATTLE, WASHINGTON	38,090	BOSTON, MASSACHUSETT	BURLINGTON, VERMONT	34,720
CLEVELAND, OHIO	NEW ORLEANS, LA.	38,060	ATLANTA, GEORGIA	TULSA, OKLAHOMA	34,690
BISMARCK/MANDAN, NOR	MINNEAPOLIS, MINN.	37,870	OAKLAND, CALIFORNIA	PHOENIX, ARIZONA	34,640
CINCINNATI, OHIO	ORLANDO, FLORIDA	37,830	CINCINNATI, OHIO	MINNEAPOLIS, MINN.	34,590
BOSTON, MASSACHUSETT	CHARLOTTE, N. C.	37,800	MINNEAPOLIS/ST. PAUL	PITTSBURGH, PENNA.	34,590
BUFFALO/NIAGARA FALL	CLEVELAND, OHIO	37,690	DENVER, COLORADO	SPOKANE, WASHINGTON	34,530
BIRMINGHAM, ALABAMA	LOS ANGELES, CALIF.	37,650	HONOLULU, OAHU, HAWA	PHILADELPHIA, PENNA	34,490
ATLANTA, GEORGIA	PHOENIX, ARIZONA	37,600	CHICAGO, ILLINOIS	SPRINGFIELD,MISSOURI	34,460
OMAHA, NEBRASKA	WASHINGTON, D. C.	37,500	ATLANTA, GEORGIA	OKLAHOMA CITY, OKLA.	34,430
LAS VEGAS, NEVADA	TUCSON, ARIZONA	37,440	MONTGOMERY, ALABAMA	NEW YORK, NEW YORK	34,420
EL PASO, TEXAS	LUBBOCK, TEXAS	37,410	EL PASO, TEXAS	MIDLAND/ODESSA,TEXAS	34,350
ORLANDO, FLORIDA	PROVIDENCE, R. I.	37,400	BOSTON, MASSACHUSETT	ISLIP, NEW YORK	34,300
ATLANTA, GEORGIA	ROANOKE, VIRGINIA	37,390	KANSAS CITY, MISSOUR	TAMPA, FLORIDA	34,230
MEMPHIS, TENNESSEE	PHILADELPHIA, PENNA	37,270	NEW ORLEANS, LOUISIA	TULSA, OKLAHOMA	34,180
CLEVELAND, OHIO	LOUISVILLE, KENTUCKY	37,230	MIAMI, FLORIDA	SYRACUSE, NEW YORK	34,160
ATLANTA, GEORGIA	MONTGOMERY, ALABAMA	37,070	BIRMINGHAM, ALABAMA	HOUSTON, TEXAS	34,020
LAS VEGAS, NEVADA	PORTLAND, OREGON	36,910	DENVER, COLORADO	ORLANDO, FLORIDA	33,940
GREENVILLE&SPARTANBU	WASHINGTON, D. C.	36,900	BOSTON, MASSACHUSETT	SARASOTA, FLORIDA	33,930
LOUISVILLE, KENTUCKY	TAMPA, FLORIDA	36,900	CHICAGO, ILLINOIS	SOUTH BEND, INDIANA	33,930
GREENSBORO/HIGH POIN	MIAMI, FLORIDA	36,820	NEW YORK, N.Y./NEWAR	SACRAMENTO, CALIF.	33,870
KANSAS CITY, MISSOUR	SAN DIEGO,CALIFORNIA	36,770	HARTFORD/SPRNGFLD/WE	ST. LOUIS, MISSOURI	33,860
INDIANAPOLIS, INDIAN	KANSAS CITY,MISSOURI	36,750	RENO, NEVADA	SAN DIEGO,CALIFORNIA	33,850
MILWAUKEE, WISCONSIN	PHILADELPHIA, PENNA	36,730	CHICAGO, ILLINOIS	COLUMBIA, S. C.	33,820
DAYTON, OHIO	ST. LOUIS, MISSOURI	36,670	NORFOLK, VIRGINIA	PITTSBURGH, PENNA.	33,800
ST. LOUIS, MISSOURI	SAN ANTONIO, TEXAS	36,620	FORT LAUDERDALE, FLO	MINNEAPOLIS, MINN.	33,790
FORT LAUDERDALE, FLO	INDIANAPOLIS,INDIANA	36,590	DALLAS-FORT WORTH, T	HARTFORD,CONNECTICUT	33,750
COLUMBUS, OHIO	SAN FRANCISCO,CALIF.	36,560	CHICAGO, ILLINOIS	KALAMAZOO, MICHIGAN	33,730
RENO, NEVADA	SAN JOSE, CALIFORNIA	36,500	HOUSTON, TEXAS	WICHITA, KANSAS	33,650
DALLAS-FORT WORTH, T	TUCSON, ARIZONA	36,450	CHICAGO, ILLINOIS	FLINT, MICHIGAN	33,570
ATLANTA, GEORGIA	FORT MYERS, FLORIDA	36,360	HONOLULU, OAHU, HAWA	PITTSBURGH, PENNA.	33,550
SYRACUSE, NEW YORK	TAMPA, FLORIDA	36,340	ALBANY, NEW YORK	ROCHESTER, NEW YORK	33,530
KANSAS CITY, MISSOUR	MILWAUKEE, WISCONSIN	36,320	BRISTOL/KNGSPRT/JHNS	NEW YORK, NEW YORK	33,450
LOUISVILLE, KENTUCKY	MIAMI, FLORIDA	36,220	HUNTSVILLE&DECATUR,	NEW YORK, NEW YORK	33,320
DAYTON, OHIO	PITTSBURGH, PENNA.	36,200	MIAMI, FLORIDA	PHOENIX, ARIZONA	33,300
EVANSVILLE, INDIANA	INDIANAPOLIS,INDIANA	36,130	JACKSON/VICKSBURG, M	MEMPHIS, TENNESSEE	33,250
MEMPHIS, TENNESSEE	ORLANDO, FLORIDA	36,110	PHOENIX, ARIZONA	SACRAMENTO, CALIF.	33,230
BURBANK, CALIFORNIA	SEATTLE, WASHINGTON	36,070	MINNEAPOLIS/ST. PAUL	SALT LAKE CITY, UTAH	33,220
CLEVELAND, OHIO	SAN DIEGO,CALIFORNIA	36,010	LOS ANGELES, CALIFOR	SHREVEPORT,LOUISIANA	33,170
DENVER, COLORADO	HARTFORD,CONNECTICUT	35,920	MIAMI, FLORIDA	SARASOTA, FLORIDA	33,160
ST. LOUIS, MISSOURI	WICHITA, KANSAS	35,870	LOS ANGELES, CALIFOR	MEDFORD, OREGON	33,120
FORT WAYNE, INDIANA	NEW YORK, NEW YORK	35,860	BOSTON, MASSACHUSETT	NASHVILLE, TENNESSEE	33,110
INDIO/PALM SPRINGS,	SAN FRANCISCO,CALIF.	35,830	MILWAUKEE, WISCONSIN	PHOENIX, ARIZONA	33,080
MIAMI, FLORIDA	ROCHESTER, NEW YORK	35,690	CHICAGO, ILLINOIS	SAVANNAH, GEORGIA	33,050
CHICAGO, ILLINOIS	DAYTONA BEACH, FLA.	35,680	NASHVILLE, TENNESSEE	NEW ORLEANS, LA.	33,030
ATLANTA, GEORGIA	LITTLE ROCK,ARKANSAS	35,530	LITTLE ROCK, ARKANSA	WASHINGTON, D. C.	32,940
BOSTON, MASSACHUSETT	JACKSONVILLE,FLORIDA	35,480	PORTLAND, MAINE	WASHINGTON, D. C.	32,910
HONOLULU, OAHU, HAWA	OAKLAND, CALIFORNIA	35,440	MIAMI, FLORIDA	SAN ANTONIO, TEXAS	32,890
CHATTANOOGA, TENNESS	CHICAGO, ILLINOIS	35,290	DENVER, COLORADO	MEMPHIS, TENNESSEE	32,810
ATLANTA, GEORGIA	BRISTOL, TENNESSEE	35,210	FORT LAUDERDALE, FLO	HOUSTON, TEXAS	32,780
BALTIMORE, MARYLAND	HARTFORD,CONNECTICUT	35,200	DENVER, COLORADO	RAPID CITY, S. D.	32,770
AUSTIN, TEXAS	EL PASO, TEXAS	35,170	DETROIT&ANN ARBOR, M	GRAND RAPIDS, MICH.	32,750

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
BUFFALO&NIAGARA FALL	SAN FRANCISCO,CALIF.	32,700	BURLINGTON, VERMONT	WASHINGTON, D. C.	29,740
HARTFORD/SPRNGFLD/WE	MINNEAPOLIS, MINN.	32,650	AKRON/CANTON, OHIO	TAMPA, FLORIDA	29,640
NEW YORK, N.Y./NEWAR	SOUTH BEND, INDIANA	32,410	NEW YORK, N.Y./NEWAR	YOUNGSTOWN, OHIO	29,530
ONTARIO&SAN BERNARDI	SALT LAKE CITY, UTAH	32,350	PHOENIX, ARIZONA	RENO, NEVADA	29,530
HARTFORD/SPRNGFLD/WE	HOUSTON, TEXAS	32,250	BUFFALO&NIAGARA FALL	HOUSTON, TEXAS	29,320
CHARLOTTE, NORTH CAR	DETROIT, MICHIGAN	32,240	AUSTIN, TEXAS	DENVER, COLORADO	29,300
ATLANTA, GEORGIA	SAN DIEGO,CALIFORNIA	32,210	LAS VEGAS, NEVADA	TULSA, OKLAHOMA	29,300
TUCSON, ARIZONA	WASHINGTON, D. C.	32,210	ALLENTOWN/BETHLEHEM/	BOSTON,MASSACHUSETTS	29,200
MILWAUKEE, WISCONSIN	ORLANDO, FLORIDA	32,190	COLUMBUS, GEORGIA	NEW YORK, NEW YORK	29,070
BALTIMORE, MARYLAND	CINCINNATI, OHIO	32,160	PITTSBURGH, PENNSYLV	SYRACUSE, NEW YORK	29,060
MEMPHIS, TENNESSEE	SAN FRANCISCO,CALIF.	32,150	BOSTON, MASSACHUSETT	PORTLAND, OREGON	28,900
ORLANDO, FLORIDA	SAN FRANCISCO,CALIF.	32,140	BOSTON, MASSACHUSETT	RICHMOND, VIRGINIA	28,890
MEMPHIS, TENNESSEE	TAMPA, FLORIDA	32,100	NASHVILLE, TENNESSEE	PITTSBURGH, PENNA.	28,840
PITTSBURGH, PENNSYLV	ROCHESTER, NEW YORK	32,040	GRAND JUNCTION, COLO	LOS ANGELES, CALIF.	28,770
ATLANTA, GEORGIA	AUGUSTA, GEORGIA	31,930	INDIANAPOLIS, INDIAN	MILWAUKEE, WISCONSIN	28,730
ATLANTA, GEORGIA	HUNTSVILLE, ALABAMA	31,810	DALLAS-FORT WORTH, T	JACKSONVILLE,FLORIDA	28,680
CINCINNATI, OHIO	DENVER, COLORADO	31,740	HYANNIS, MASSACHUSET	NEW YORK, NEW YORK	28,650
ANCHORAGE, ALASKA	HONOLULU,OAHU,HAWAII	31,680	JACKSON/VICKSBURG, M	WASHINGTON, D. C.	28,650
SACRAMENTO, CALIFORN	SALT LAKE CITY, UTAH	31,640	MADISON, WISCONSIN	WASHINGTON, D. C.	28,540
BUFFALO&NIAGARA FALL	MINNEAPOLIS, MINN.	31,580	DALLAS-FORT WORTH, T	DES MOINES, IOWA	28,530
HOUSTON, TEXAS	JACKSON, MISSISSIPPI	31,570	BOSTON, MASSACHUSETT	GREENSBORO, N. C.	28,490
LAS VEGAS, NEVADA	SACRAMENTO, CALIF.	31,560	CHICAGO, ILLINOIS	SIOUX FALLS, S. D.	28,460
DAYTON, OHIO	MIAMI, FLORIDA	31,550	CHARLOTTE, NORTH CAR	LOS ANGELES, CALIF.	28,440
BALTIMORE, MARYLAND	ST. LOUIS, MISSOURI	31,430	CINCINNATI, OHIO	MILWAUKEE, WISCONSIN	28,430
COLUMBUS, OHIO	MINNEAPOLIS, MINN.	31,400	CLEVELAND, OHIO	NASHVILLE, TENNESSEE	28,430
PHILADELPHIA, PA./CA	WASHINGTON, D. C.	31,400	DAYTON, OHIO	SAN FRANCISCO,CALIF.	28,400
LOUISVILLE, KENTUCKY	PITTSBURGH, PENNA.	31,390	PHILADELPHIA, PA./CA	SAN ANTONIO, TEXAS	28,380
TALLAHASSEE, FLORIDA	TAMPA, FLORIDA	31,290	KANSAS CITY, MISSOUR	PORTLAND, OREGON	28,330
ATLANTA, GEORGIA	GREENVILLE, S. C.	31,270	PITTSBURGH, PENNSYLV	SCRANTON, PENNA.	28,330
COLUMBUS, OHIO	DENVER, COLORADO	31,250	FORT LAUDERDALE, FLO	ROCHESTER, NEW YORK	28,250
HUNTSVILLE&DECATUR,	LOS ANGELES, CALIF.	31,240	NEW ORLEANS, LOUISIA	SAN DIEGO,CALIFORNIA	28,200
BOSTON, MASSACHUSETT	LOUISVILLE, KENTUCKY	31,150	ATLANTA, GEORGIA	SHREVEPORT,LOUISIANA	28,180
DAYTON, OHIO	ORLANDO, FLORIDA	30,890	HOUSTON, TEXAS	LUBBOCK, TEXAS	28,180
MILWAUKEE, WISCONSIN	PITTSBURGH, PENNA.	30,840	DES MOINES, IOWA	WASHINGTON, D. C.	28,070
BIRMINGHAM, ALABAMA	ORLANDO, FLORIDA	30,790	NEW ORLEANS, LOUISIA	SEATTLE, WASHINGTON	28,010
ALBANY, NEW YORK	DETROIT, MICHIGAN	30,770	DAYTON, OHIO	FORT LAUDERDALE,FLA.	28,000
ORLANDO, FLORIDA	SYRACUSE, NEW YORK	30,690	CINCINNATI, OHIO	NASHVILLE, TENNESSEE	27,990
ATLANTA, GEORGIA	SYRACUSE, NEW YORK	30,620	SARASOTA/BRADENTON,	WASHINGTON, D. C.	27,900
LAS VEGAS, NEVADA	MILWAUKEE, WISCONSIN	30,610	AUSTIN, TEXAS	MIDLAND/ODESSA,TEXAS	27,790
CHARLOTTE, NORTH CAR	DALLAS-FORT WORTH,TX	30,600	DAYTONA BEACH, FLORI	PITTSBURGH, PENNA.	27,600
NEW ORLEANS, LOUISIA	OKLAHOMA CITY, OKLA.	30,520	NEW YORK, N.Y./NEWAR	PENSACOLA, FLORIDA	27,590
DENVER, COLORADO	SIOUX FALLS, S. D.	30,500	INDIANAPOLIS, INDIAN	NEW ORLEANS, LA.	27,580
ATLANTA, GEORGIA	BATON ROUGE, LA.	30,460	ATLANTA, GEORGIA	PORTLAND, OREGON	27,550
DETROIT&ANN ARBOR, M	JACKSONVILLE,FLORIDA	30,460	KANSAS CITY, MISSOUR	PITTSBURGH, PENNA.	27,550
HOUSTON, TEXAS	SALT LAKE CITY, UTAH	30,420	LOS ANGELES, CALIFOR	NORFOLK, VIRGINIA	27,550
MIAMI, FLORIDA	SAN DIEGO,CALIFORNIA	30,340	CINCINNATI, OHIO	KANSAS CITY,MISSOURI	27,500
EUGENE, OREGON	SEATTLE, WASHINGTON	30,260	ALBUQUERQUE, NEW MEX	TUCSON, ARIZONA	27,380
MINNEAPOLIS/ST. PAUL	MOLINE, ILLINOIS	30,240	NASHVILLE, TENNESSEE	ORLANDO, FLORIDA	27,320
OKLAHOMA CITY, OKLAH	PHOENIX, ARIZONA	30,240	MIAMI, FLORIDA	OKLAHOMA CITY, OKLA.	27,310
COLUMBUS, OHIO	HOUSTON, TEXAS	30,230	LANSING, MICHIGAN	NEW YORK, NEW YORK	27,270
CEDAR RAPIDS/IOWA CI	MINNEAPOLIS, MINN.	30,150	DALLAS-FORT WORTH, T	OAKLAND, CALIFORNIA	27,240
CHARLOTTE, NORTH CAR	NASHVILLE, TENNESSEE	30,100	EVANSVILLE, INDIANA	NEW YORK, NEW YORK	27,230
CHICAGO, ILLINOIS	ROANOKE, VIRGINIA	30,060	CLEVELAND, OHIO	MEMPHIS, TENNESSEE	27,150
GREENSBORO/HIGH POIN	PHILADELPHIA, PENNA	30,060	NEW YORK, N.Y./NEWAR	RENO, NEVADA	27,140
DETROIT&ANN ARBOR, M	TUCSON, ARIZONA	29,920	DETROIT&ANN ARBOR, M	KNOXVILLE, TENNESSEE	27,070
ALBANY, NEW YORK	PITTSBURGH, PENNA.	29,880	LOS ANGELES, CALIFOR	RALEIGH/DURHAM, N.C.	27,060

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 10
ST. LOUIS, MISSOURI	SPRINGFIELD,MISSOURI	27,030	DES MOINES, IOWA	PHOENIX, ARIZONA	25,120
BATON ROUGE, LOUISIA	SHREVEPORT,LOUISIANA	27,000	BALTIMORE, MARYLAND	KANSAS CITY,MISSOURI	25,110
BOSTON, MASSACHUSETT	MEMPHIS, TENNESSEE	26,990	DAYTON, OHIO	MINNEAPOLIS, MINN.	25,080
SEATTLE, WASHINGTON	WICHITA, KANSAS	26,990	PORTLAND, OREGON	ST. LOUIS, MISSOURI	25,080
NEW YORK, N.Y./NEWAR	SAGINAW/BAY CITY,MICH	26,920	CHARLOTTE, NORTH CAR	HOUSTON, TEXAS	25,010
MIAMI, FLORIDA	RICHMOND, VIRGINIA	26,880	AUSTIN, TEXAS	LUBBOCK, TEXAS	24,980
FORT LAUDERDALE, FLO	SAN FRANCISCO,CALIF.	26,860	COLORADO SPRINGS, CO	DALLAS-FORT WORTH,TX	24,960
DENVER, COLORADO	FORT LAUDERDALE,FLA.	26,840	TAMPA&ST.PTSBG/CLWTR	TOLEDO, OHIO	24,870
HARTFORD/SPRNGFLD/WE	ROCHESTER, NEW YORK	26,820	LOS ANGELES, CALIFOR	PEORIA, ILLINOIS	24,860
COLUMBUS, OHIO	MILWAUKEE, WISCONSIN	26,790	LOUISVILLE, KENTUCKY	SAN FRANCISCO,CALIF.	24,840
CHARLOTTE, NORTH CAR	TAMPA, FLORIDA	26,760	KANSAS CITY, MISSOUR	SAN ANTONIO, TEXAS	24,820
CHARLESTON, SOUTH CA	PHILADELPHIA, PENNA	26,730	CHARLOTTE, NORTH CAR	NORFOLK, VIRGINIA	24,810
MINNEAPOLIS/ST. PAUL	RAPID CITY, S. D.	26,730	MOLINE,ILLINOIS/DAVE	ST. LOUIS, MISSOURI	24,810
JACKSONVILLE, FLORID	NEW ORLEANS, LA.	26,700	DES MOINES, IOWA	SAN FRANCISCO,CALIF.	24,750
BOSTON, MASSACHUSETT	DAYTONA BEACH, FLA.	26,690	CLEVELAND, OHIO	SYRACUSE, NEW YORK	24,720
BOSTON, MASSACHUSETT	HARTFORD,CONNECTICUT	26,670	CHICAGO, ILLINOIS	SHREVEPORT,LOUISIANA	24,710
ATLANTA, GEORGIA	MELBOURNE, FLORIDA	26,630	BILLINGS, MONTANA	SEATTLE, WASHINGTON	24,690
CHARLESTON, SOUTH CA	CHICAGO, ILLINOIS	26,540	BOSTON, MASSACHUSETT	SAN ANTONIO, TEXAS	24,690
DETROIT&ANN ARBOR, M	NORFOLK, VIRGINIA	26,500	CHICAGO, ILLINOIS	SIOUX CITY, IOWA	24,680
JACKSONVILLE, FLORID	LOS ANGELES, CALIF.	26,490	LITTLE ROCK, ARKANSA	MEMPHIS, TENNESSEE	24,620
PHILADELPHIA, PA./CA	PORTLAND, MAINE	26,430	HONOLULU, OAHU, HAWA	PHOENIX, ARIZONA	24,590
INDIANAPOLIS, INDIAN	MEMPHIS, TENNESSEE	26,320	GRAND RAPIDS, MICHIG	LOS ANGELES, CALIF.	24,560
NASHVILLE, TENNESSEE	TAMPA, FLORIDA	26,140	CHICAGO, ILLINOIS	SCRANTON, PENNA.	24,540
DETROIT&ANN ARBOR, M	FORT MYERS, FLORIDA	26,130	ATLANTA, GEORGIA	ROCHESTER, NEW YORK	24,530
PHOENIX, ARIZONA	SAN ANTONIO, TEXAS	26,130	CHARLESTON, SOUTH CA	NORFOLK, VIRGINIA	24,520
CHICAGO, ILLINOIS	MUSKEGON, MICHIGAN	26,110	KNOXVILLE, TENNESSEE	LOS ANGELES, CALIF.	24,520
CINCINNATI, OHIO	MEMPHIS, TENNESSEE	26,030	HONOLULU, OAHU, HAWA	ST. LOUIS, MISSOURI	24,450
DAYTONA BEACH, FLORI	DETROIT, MICHIGAN	26,020	HUNTSVILLE&DECATUR,	ORLANDO, FLORIDA	24,420
BUFFALO&NIAGARA FALL	PHOENIX, ARIZONA	26,010	ASHLAND, KY./HUNTING	NEW YORK, NEW YORK	24,380
CLEVELAND, OHIO	SARASOTA, FLORIDA	25,990	MIAMI, FLORIDA	TULSA, OKLAHOMA	24,380
CLEVELAND, OHIO	GRAND RAPIDS, MICH.	25,960	SAN FRANCISCO, CALIF	SYRACUSE, NEW YORK	24,380
ROCHESTER, NEW YORK	SAN FRANCISCO,CALIF.	25,920	NASHVILLE, TENNESSEE	SAN FRANCISCO,CALIF.	24,370
FORT LAUDERDALE, FLO	NEW ORLEANS, LA.	25,890	JACKSON/VICKSBURG, M	LOS ANGELES, CALIF.	24,350
SAVANNAH, GEORGIA	WASHINGTON, D. C.	25,850	BIRMINGHAM, ALABAMA	TAMPA, FLORIDA	24,340
ALBANY, NEW YORK	LOS ANGELES, CALIF.	25,830	CHICAGO, ILLINOIS	ISLIP, NEW YORK	24,330
OKLAHOMA CITY, OKLAH	SAN ANTONIO, TEXAS	25,780	AMARILLO, TEXAS	AUSTIN, TEXAS	24,280
DETROIT&ANN ARBOR, M	SAN ANTONIO, TEXAS	25,760	NEW YORK, N.Y./NEWAR	TALLAHASSEE, FLORIDA	24,280
FORT LAUDERDALE, FLO	PROVIDENCE, R. I.	25,760	BIRMINGHAM, ALABAMA	PITTSBURGH, PENNA.	24,270
PITTSBURGH, PENNSYLV	SAN DIEGO,CALIFORNIA	25,740	CHARLOTTE, NORTH CAR	RICHMOND, VIRGINIA	24,250
CEDAR RAPIDS/IOWA CI	LOS ANGELES, CALIF.	25,730	HARTFORD/SPRNGFLD/WE	INDIANAPOLIS,INDIANA	24,210
BALTIMORE, MARYLAND	INDIANAPOLIS,INDIANA	25,720	OMAHA, NEBRASKA	SEATTLE, WASHINGTON	24,200
OAKLAND, CALIFORNIA	SALT LAKE CITY, UTAH	25,670	FRESNO, CALIFORNIA	LAS VEGAS, NEVADA	24,170
BIRMINGHAM, ALABAMA	JACKSONVILLE,FLORIDA	25,660	ASHLAND, KY./HUNTING	PITTSBURGH, PENNA.	24,070
CINCINNATI, OHIO	NEW ORLEANS, LA.	25,660	ATLANTA, GEORGIA	CHARLESTON, W. VA.	24,070
MIAMI, FLORIDA	NORFOLK, VIRGINIA	25,640	INDIO/PALM SPRINGS,	LAS VEGAS, NEVADA	24,020
ALBUQUERQUE, NEW MEX	KANSAS CITY,MISSOURI	25,600	LAS VEGAS, NEVADA	TAMPA, FLORIDA	24,000
HOUSTON, TEXAS	JACKSONVILLE,FLORIDA	25,550	COLUMBUS, OHIO	PHOENIX, ARIZONA	23,960
OMAHA, NEBRASKA	PHOENIX, ARIZONA	25,510	HONOLULU, OAHU, HAWA	HOUSTON, TEXAS	23,920
BATON ROUGE, LOUISIA	NEW YORK, NEW YORK	25,500	JACKSONVILLE, FLORID	NORFOLK, VIRGINIA	23,880
NEW YORK, N.Y./NEWAR	SHREVEPORT,LOUISIANA	25,500	PHILADELPHIA, PA./CA	SARASOTA, FLORIDA	23,880
HOUSTON, TEXAS	MOBILE, ALABAMA	25,470	RAPID CITY, SOUTH DA	SIOUX FALLS, S. D.	23,840
HOUSTON, TEXAS	LOUISVILLE, KENTUCKY	25,380	ALBUQUERQUE, NEW MEX	SAN DIEGO,CALIFORNIA	23,740
BOSTON, MASSACHUSETT	SCRANTON, PENNA.	25,360	FORT LAUDERDALE, FLO	JACKSONVILLE,FLORIDA	23,740
AKRON/CANTON, OHIO	ATLANTA, GEORGIA	25,330	GREENSBORO/HIGH POIN	LOS ANGELES, CALIF.	23,740
CHICAGO, ILLINOIS	MOBILE, ALABAMA	25,250	DENVER, COLORADO	NASHVILLE, TENNESSEE	23,640
LOS ANGELES, CALIFOR	MIDLAND/ODESSA,TEXAS	25,250	MOLINE,ILLINOIS/DAVE	NEW YORK, NEW YORK	23,640

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 11
ASHEVILLE, NORTH CAR	ATLANTA, GEORGIA	23,620	HARTFORD/SPRNGFLD/WE	NEW ORLEANS, LA.	21,800
LOS ANGELES, CALIFOR	LUBBOCK, TEXAS	23,610	DETROIT&ANN ARBOR, M	TULSA, OKLAHOMA	21,790
ATLANTA, GEORGIA	PROVIDENCE, R. I.	23,550	LOS ANGELES, CALIFOR	SIOUX FALLS, S. D.	21,780
BALTIMORE, MARYLAND	BUFFALO, NEW YORK	23,550	KANSAS CITY, MISSOUR	ORLANDO, FLORIDA	21,750
CHARLOTTE, NORTH CAR	CLEVELAND, OHIO	23,510	TOLEDO, OHIO	WASHINGTON, D. C.	21,750
CHATTANOOGA, TENNESS	MEMPHIS, TENNESSEE	23,510	DALLAS-FORT WORTH, T	ROCHESTER, NEW YORK	21,740
FORT LAUDERDALE, FLO	TALLAHASSEE, FLORIDA	23,430	MOBILE, ALA./PASCAGO	WASHINGTON, D. C.	21,730
FORT LAUDERDALE, FLO	MILWAUKEE, WISCONSIN	23,370	BOSTON, MASSACHUSETT	SALT LAKE CITY, UTAH	21,680
CLEVELAND, OHIO	SEATTLE, WASHINGTON	23,340	SAN FRANCISCO, CALIF	WICHITA, KANSAS	21,650
HARTFORD/SPRNGFLD/WE	SYRACUSE, NEW YORK	23,260	BUFFALO&NIAGARA FALL	CINCINNATI, OHIO	21,640
CHICAGO, ILLINOIS	GREENVILLE, S. C.	23,240	CHICAGO, ILLINOIS	HUNTSVILLE, ALABAMA	21,640
CINCINNATI, OHIO	HARTFORD,CONNECTICUT	23,150	CHICAGO, ILLINOIS	SPOKANE, WASHINGTON	21,630
CHARLESTON/DUNBAR, W	PITTSBURGH, PENNA.	23,140	MEMPHIS, TENNESSEE	PITTSBURGH, PENNA.	21,580
ALBANY, NEW YORK	ISLIP, NEW YORK	23,110	DENVER, COLORADO	MIDLAND/ODESSA,TEXAS	21,570
NEW YORK, N.Y./NEWAR	ONTARIO, CALIFORNIA	23,110	MINNEAPOLIS/ST. PAUL	SAN JOSE, CALIFORNIA	21,530
KANSAS CITY, MISSOUR	LITTLE ROCK,ARKANSAS	23,100	MEMPHIS, TENNESSEE	SHREVEPORT,LOUISIANA	21,520
NEW YORK, N.Y./NEWAR	SAN JOSE, CALIFORNIA	23,090	BRISTOL/KNGSPRT/JHNS	CHICAGO, ILLINOIS	21,410
PHOENIX, ARIZONA	TULSA, OKLAHOMA	23,070	LAS VEGAS, NEVADA	SAN ANTONIO, TEXAS	21,280
COLUMBIA, SOUTH CARO	PHILADELPHIA, PENNA	23,060	ALBUQUERQUE, NEW MEX	OKLAHOMA CITY, OKLA.	21,270
DENVER, COLORADO	MOLINE, ILLINOIS	23,000	CHARLOTTE, NORTH CAR	ORLANDO, FLORIDA	21,270
BIRMINGHAM, ALABAMA	JACKSON, MISSISSIPPI	22,970	RICHMOND, VIRGINIA	ROANOKE, VIRGINIA	21,240
GRAND RAPIDS, MICHIG	TAMPA, FLORIDA	22,940	CINCINNATI, OHIO	PHOENIX, ARIZONA	21,230
BALTIMORE, MARYLAND	SEATTLE, WASHINGTON	22,930	OKLAHOMA CITY, OKLAH	SAN DIEGO,CALIFORNIA	21,230
HONOLULU, OAHU, HAWA	SACRAMENTO, CALIF.	22,930	DALLAS-FORT WORTH, T	MONROE, LOUISIANA	21,200
NEW YORK, N.Y./NEWAR	PEORIA, ILLINOIS	22,890	DALLAS-FORT WORTH, T	GREENSBORO, N. C.	21,170
DENVER, COLORADO	GRAND RAPIDS, MICH.	22,870	CHICAGO, ILLINOIS	FARGO, NORTH DAKOTA	21,150
JACKSONVILLE, FLORID	PITTSBURGH, PENNA.	22,850	PITTSBURGH, PENNSYLV	RALEIGH/DURHAM, N.C.	21,150
CEDAR RAPIDS/IOWA CI	NEW YORK, NEW YORK	22,820	BOSTON, MASSACHUSETT	CHARLESTON, S. C.	21,140
COLUMBUS, OHIO	KANSAS CITY,MISSOURI	22,810	SACRAMENTO, CALIFORN	WASHINGTON, D. C.	21,120
BIRMINGHAM, ALABAMA	PHILADELPHIA, PENNA	22,790	CHICAGO, ILLINOIS	MONTGOMERY, ALABAMA	21,090
BOSTON, MASSACHUSETT	OKLAHOMA CITY, OKLA.	22,700	ALLENTOWN/BETHLEHEM/	WASHINGTON, D. C.	21,080
CLEVELAND, OHIO	ROCHESTER, NEW YORK	22,690	HOUSTON, TEXAS	TUCSON, ARIZONA	21,080
CHARLOTTE, NORTH CAR	MEMPHIS, TENNESSEE	22,680	ALBANY, NEW YORK	SAN FRANCISCO,CALIF.	21,070
DETROIT&ANN ARBOR, M	GREENSBORO, N. C.	22,660	CHARLOTTE, NORTH CAR	SAN FRANCISCO,CALIF.	21,050
HARTFORD/SPRNGFLD/WE	SAN DIEGO,CALIFORNIA	22,650	INDIANAPOLIS, INDIAN	LAS VEGAS, NEVADA	21,050
CHARLESTON/DUNBAR, W	PHILADELPHIA, PENNA	22,640	LOUISVILLE, KENTUCKY	ORLANDO, FLORIDA	21,050
NEW ORLEANS, LOUISIA	PHOENIX, ARIZONA	22,640	PHILADELPHIA, PA./CA	TOLEDO, OHIO	21,030
EL PASO, TEXAS	WASHINGTON, D. C.	22,590	ATLANTA, GEORGIA	TOLEDO, OHIO	21,010
HILO, HAWAII, HAWAII	SAN FRANCISCO,CALIF.	22,580	MINNEAPOLIS/ST. PAUL	OKLAHOMA CITY, OKLA.	21,010
INDIANAPOLIS, INDIAN	SAN DIEGO,CALIFORNIA	22,540	NANTUCKET, MASSACHUS	NEW YORK, NEW YORK	20,980
BALTIMORE, MARYLAND	SAN DIEGO,CALIFORNIA	22,530	GREENVILLE&SPARTANBU	PHILADELPHIA, PENNA	20,890
DAYTON, OHIO	MILWAUKEE, WISCONSIN	22,470	BUFFALO&NIAGARA FALL	SYRACUSE, NEW YORK	20,860
HARTFORD/SPRNGFLD/WE	PHOENIX, ARIZONA	22,470	BUFFALO&NIAGARA FALL	INDIANAPOLIS,INDIANA	20,820
DAYTON, OHIO	DENVER, COLORADO	22,460	AMARILLO, TEXAS	LOS ANGELES, CALIF.	20,790
WASHINGTON, D. C.	WICHITA, KANSAS	22,460	PITTSBURGH, PENNSYLV	PROVIDENCE, R. I.	20,750
HONOLULU, OAHU, HAWA	SALT LAKE CITY, UTAH	22,380	PHOENIX, ARIZONA	WICHITA, KANSAS	20,730
LOS ANGELES, CALIFOR	MOLINE, ILLINOIS	22,370	ALLENTOWN/BETHLEHEM/	ORLANDO, FLORIDA	20,720
CLEVELAND, OHIO	NORFOLK, VIRGINIA	22,330	BUFFALO&NIAGARA FALL	COLUMBUS, OHIO	20,720
MINNEAPOLIS/ST. PAUL	RENO, NEVADA	22,320	FORT LAUDERDALE, FLO	SYRACUSE, NEW YORK	20,720
BUFFALO&NIAGARA FALL	DALLAS-FORT WORTH,TX	22,310	ATLANTA, GEORGIA	CHATTANOOGA, TENN.	20,710
HOUSTON, TEXAS	PORTLAND, OREGON	22,240	BALTIMORE, MARYLAND	MINNEAPOLIS, MINN.	20,700
BUFFALO&NIAGARA FALL	ST. LOUIS, MISSOURI	22,230	DAYTON, OHIO	HOUSTON, TEXAS	20,700
MEMPHIS, TENNESSEE	MINNEAPOLIS, MINN.	22,230	DAYTONA BEACH, FLORI	WASHINGTON, D. C.	20,600
LOUISVILLE, KENTUCKY	MINNEAPOLIS, MINN.	21,890	LITTLE ROCK, ARKANSA	SAN FRANCISCO,CALIF.	20,580
DAYTON, OHIO	PHOENIX, ARIZONA	21,860	ALBANY, NEW YORK	FORT LAUDERDALE,FLA.	20,550
MONTGOMERY, ALABAMA	WASHINGTON, D. C.	21,850	BUFFALO&NIAGARA FALL	DENVER, COLORADO	20,550

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 12
BALTIMORE, MARYLAND	COLUMBUS, OHIO	20,540	EL PASO, TEXAS	SAN DIEGO,CALIFORNIA	19,530
LOUISVILLE, KENTUCKY	NEW ORLEANS, LA.	20,520	SAN JOSE, CALIFORNIA	WASHINGTON, D. C.	19,500
DENVER, COLORADO	ROCHESTER, NEW YORK	20,500	CEDAR RAPIDS/IOWA CI	DENVER, COLORADO	19,470
ATLANTA, GEORGIA	PANAMA CITY, FLORIDA	20,490	DALLAS-FORT WORTH, T	SACRAMENTO, CALIF.	19,450
DALLAS-FORT WORTH, T	KNOXVILLE, TENNESSEE	20,490	RALEIGH/DURHAM, NORT	SAN FRANCISCO,CALIF.	19,450
SALT LAKE CITY, UTAH	SPOKANE, WASHINGTON	20,490	FORT WAYNE, INDIANA	TAMPA, FLORIDA	19,380
DENVER, COLORADO	SIOUX CITY, IOWA	20,480	SAN ANTONIO, TEXAS	SAN DIEGO,CALIFORNIA	19,380
DALLAS-FORT WORTH, T	RALEIGH/DURHAM, N.C.	20,470	MINNEAPOLIS/ST. PAUL	SAN ANTONIO, TEXAS	19,370
DETROIT&ANN ARBOR, M	RALEIGH/DURHAM, N.C.	20,470	BUFFALO&NIAGARA FALL	DAYTON, OHIO	19,360
INDIO/PALM SPRINGS,	NEW YORK, NEW YORK	20,470	KANSAS CITY, MISSOUR	SALT LAKE CITY, UTAH	19,360
ALBUQUERQUE, NEW MEX	SEATTLE, WASHINGTON	20,460	PHILADELPHIA, PA./CA	SALT LAKE CITY, UTAH	19,320
CHARLESTON/DUNBAR, W	CHICAGO, ILLINOIS	20,430	LOS ANGELES, CALIFOR	SOUTH BEND, INDIANA	19,310
COLUMBUS, OHIO	HARTFORD,CONNECTICUT	20,430	SCRANTON/WILKES-BARR	WASHINGTON, D. C.	19,310
OKLAHOMA CITY, OKLAH	SEATTLE, WASHINGTON	20,430	CHARLOTTE, NORTH CAR	JACKSONVILLE,FLORIDA	19,300
JACKSONVILLE, FLORID	MEMPHIS, TENNESSEE	20,420	AMARILLO, TEXAS	DENVER, COLORADO	19,290
LOUISVILLE, KENTUCKY	MEMPHIS, TENNESSEE	20,390	CHATTANOOGA, TENNESS	WASHINGTON, D. C.	19,270
BALTIMORE, MARYLAND	LAS VEGAS, NEVADA	20,370	ST. LOUIS, MISSOURI	SALT LAKE CITY, UTAH	19,250
HOUSTON, TEXAS	MILWAUKEE, WISCONSIN	20,330	BILLINGS, MONTANA	MINNEAPOLIS, MINN.	19,190
MILWAUKEE, WISCONSIN	NEW ORLEANS, LA.	20,310	DENVER, COLORADO	PEORIA, ILLINOIS	19,180
DETROIT&ANN ARBOR, M	PEORIA, ILLINOIS	20,250	GREAT FALLS, MONTANA	SEATTLE, WASHINGTON	19,180
CHARLOTTE, NORTH CAR	CHATTANOOGA, TENN.	20,220	FORT LAUDERDALE, FLO	LOUISVILLE, KENTUCKY	19,170
MINNEAPOLIS/ST. PAUL	NASHVILLE, TENNESSEE	20,220	LANSING, MICHIGAN	WASHINGTON, D. C.	19,150
EL PASO, TEXAS	TUCSON, ARIZONA	20,180	DETROIT&ANN ARBOR, M	MADISON, WISCONSIN	19,130
PHILADELPHIA, PA./CA	TULSA, OKLAHOMA	20,170	BALTIMORE, MARYLAND	HONOLULU,OAHU,HAWAII	19,120
HOUSTON, TEXAS	OMAHA, NEBRASKA	20,140	AUSTIN, TEXAS	NEW ORLEANS, LA.	19,100
FORT MYERS, FLORIDA	WASHINGTON, D. C.	20,130	ALBUQUERQUE, NEW MEX	SAN ANTONIO, TEXAS	19,080
BISMARCK/MANDAN, NOR	DENVER, COLORADO	20,120	COLUMBUS, OHIO	NEW ORLEANS, LA.	19,080
JACKSONVILLE, FLORID	SAN FRANCISCO,CALIF.	20,120	IDAHO FALLS, IDAHO	SALT LAKE CITY, UTAH	19,080
EL PASO, TEXAS	LAS VEGAS, NEVADA	20,090	BIRMINGHAM, ALABAMA	ST. LOUIS, MISSOURI	19,070
ALBUQUERQUE, NEW MEX	BOSTON,MASSACHUSETTS	20,070	FORT LAUDERDALE, FLO	MEMPHIS, TENNESSEE	19,030
JACKSONVILLE, FLORID	TAMPA, FLORIDA	20,060	INDIANAPOLIS, INDIAN	SARASOTA, FLORIDA	18,990
CLEVELAND, OHIO	HONOLULU,OAHU,HAWAII	20,030	RENO, NEVADA	SPOKANE, WASHINGTON	18,980
MIAMI, FLORIDA	OMAHA, NEBRASKA	20,030	DETROIT&ANN ARBOR, M	LITTLE ROCK,ARKANSAS	18,970
BOSTON, MASSACHUSETT	TUCSON, ARIZONA	20,020	HONOLULU, OAHU, HAWA	KANSAS CITY,MISSOURI	18,960
DENVER, COLORADO	GREAT FALLS, MONTANA	19,980	CHARLOTTE, NORTH CAR	NEW ORLEANS, LA.	18,950
LAS VEGAS, NEVADA	WICHITA, KANSAS	19,980	CHARLOTTE, NORTH CAR	ST. LOUIS, MISSOURI	18,930
MIAMI, FLORIDA	PORTLAND, OREGON	19,960	DALLAS-FORT WORTH, T	RENO, NEVADA	18,870
ALBANY, NEW YORK	CLEVELAND, OHIO	19,910	BIRMINGHAM, ALABAMA	NASHVILLE, TENNESSEE	18,860
DENVER, COLORADO	MADISON, WISCONSIN	19,870	DETROIT&ANN ARBOR, M	PORTLAND, OREGON	18,860
GRAND RAPIDS, MICHIG	MINNEAPOLIS, MINN.	19,860	CLEVELAND, OHIO	SOUTH BEND, INDIANA	18,830
PHILADELPHIA, PA./CA	PORTLAND, OREGON	19,850	SEATTLE, WASHINGTON	TUCSON, ARIZONA	18,830
PHILADELPHIA, PA./CA	SAVANNAH, GEORGIA	19,830	RALEIGH/DURHAM, NORT	ST. LOUIS, MISSOURI	18,800
ASHEVILLE, NORTH CAR	WASHINGTON, D. C.	19,790	TULSA, OKLAHOMA	WICHITA, KANSAS	18,750
ATLANTA, GEORGIA	OMAHA, NEBRASKA	19,760	NASHVILLE, TENNESSEE	RALEIGH/DURHAM, N.C.	18,740
ALBANY, NEW YORK	TAMPA, FLORIDA	19,740	BOISE, IDAHO	CHICAGO, ILLINOIS	18,710
ATLANTA, GEORGIA	HONOLULU,OAHU,HAWAII	19,730	DENVER, COLORADO	FRESNO, CALIFORNIA	18,710
ALBANY, NEW YORK	ATLANTA, GEORGIA	19,690	PITTSBURGH, PENNSYLV	SEATTLE, WASHINGTON	18,700
MILWAUKEE, WISCONSIN	SEATTLE, WASHINGTON	19,650	DAYTONA BEACH, FLORI	PHILADELPHIA, PENNA.	18,690
BIRMINGHAM, ALABAMA	CLEVELAND, OHIO	19,640	CLEVELAND, OHIO	PROVIDENCE, R. I.	18,640
FORT MYERS, FLORIDA	INDIANAPOLIS,INDIANA	19,640	ST. LOUIS, MISSOURI	TUCSON, ARIZONA	18,520
INDIO/PALM SPRINGS,	SEATTLE, WASHINGTON	19,640	CLEVELAND, OHIO	SAGINAW/BAY CITY,MICH	18,490
MONROE, LOUISIANA	NEW ORLEANS, LA.	19,610	JACKSONVILLE, FLORID	ST. LOUIS, MISSOURI	18,480
DES MOINES, IOWA	MILWAUKEE, WISCONSIN	19,600	MINNEAPOLIS/ST. PAUL	TULSA, OKLAHOMA	18,480
DETROIT&ANN ARBOR, M	SALT LAKE CITY, UTAH	19,580	ALLENTOWN/BETHLEHEM/	MIAMI, FLORIDA	18,460
CHARLOTTE, NORTH CAR	RALEIGH/DURHAM, N.C.	19,570	DAYTON, OHIO	HARTFORD,CONNECTICUT	18,460
DETROIT&ANN ARBOR, M	OKLAHOMA CITY, OKLA.	19,560	BRISTOL/KNGSPRT/JHNS	WASHINGTON, D. C.	18,430

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 13
DENVER, COLORADO	LITTLE ROCK,ARKANSAS	18,430	ALBANY, NEW YORK	ORLANDO, FLORIDA	17,310
COLUMBUS, GEORGIA	WASHINGTON, D. C.	18,400	SALT LAKE CITY, UTAH	TUCSON, ARIZONA	17,310
COLORADO SPRINGS, CO	NEW YORK, NEW YORK	18,390	CLEVELAND, OHIO	JACKSONVILLE,FLORIDA	17,270
HARTFORD/SPRNGFLD/WE	SEATTLE, WASHINGTON	18,300	KNOXVILLE, TENNESSEE	TAMPA, FLORIDA	17,240
INDIANAPOLIS, INDIAN	WEST PALM BEACH,FLA.	18,300	AKRON/CANTON, OHIO	WASHINGTON, D. C.	17,220
KNOXVILLE, TENNESSEE	NASHVILLE, TENNESSEE	18,300	BUFFALO&NIAGARA FALL	WEST PALM BEACH,FLA.	17,220
CHARLESTON, SOUTH CA	CHARLOTTE, N. C.	18,290	DETROIT&ANN ARBOR, M	SAVANNAH, GEORGIA	17,220
FLINT, MICHIGAN	NEW YORK, NEW YORK	18,290	CHARLOTTE, NORTH CAR	HARTFORD,CONNECTICUT	17,210
MARTHA'S VINEYRD,MAS	NEW YORK, NEW YORK	18,250	GREENSBORO/HIGH POIN	NASHVILLE, TENNESSEE	17,070
KNOXVILLE, TENNESSEE	PITTSBURGH, PENNA.	18,230	RICHMOND, VIRGINIA	WASHINGTON, D. C.	17,060
DENVER, COLORADO	LOUISVILLE, KENTUCKY	18,220	ASHLAND, KY./HUNTING	CHICAGO, ILLINOIS	17,010
KANSAS CITY, MISSOUR	NASHVILLE, TENNESSEE	18,210	MIAMI, FLORIDA	WEST PALM BEACH,FLA.	17,010
DENVER, COLORADO	TOLEDO, OHIO	18,180	CHICAGO, ILLINOIS	NEWPORT NEWS, VA.	17,000
LOS ANGELES, CALIFOR	WEST PALM BEACH,FLA.	18,180	DENVER, COLORADO	LUBBOCK, TEXAS	17,000
DETROIT&ANN ARBOR, M	JACKSON, MISSISSIPPI	18,160	ALBANY, NEW YORK	MIAMI, FLORIDA	16,990
KNOXVILLE, TENNESSEE	MIAMI, FLORIDA	18,150	DETROIT&ANN ARBOR, M	SOUTH BEND, INDIANA	16,980
BIRMINGHAM, ALABAMA	SAN FRANCISCO,CALIF.	18,130	COLUMBUS, OHIO	INDIANAPOLIS,INDIANA	16,940
NEWPORT NEWS/HAMPTON	WASHINGTON, D. C.	18,110	LOS ANGELES, CALIFOR	TOLEDO, OHIO	16,900
BIRMINGHAM, ALABAMA	BOSTON,MASSACHUSETTS	18,080	HONOLULU, OAHU, HAWA	ONTARIO, CALIFORNIA	16,890
PHOENIX, ARIZONA	TAMPA, FLORIDA	18,070	BOSTON, MASSACHUSETT	FORT MYERS, FLORIDA	16,880
PITTSBURGH, PENNSYLV	SARASOTA, FLORIDA	18,040	ORLANDO, FLORIDA	RALEIGH/DURHAM, N.C.	16,880
NORFOLK, VIRGINIA	SAN DIEGO,CALIFORNIA	18,030	CHARLOTTE, NORTH CAR	LOUISVILLE, KENTUCKY	16,850
OMAHA, NEBRASKA	PORTLAND, OREGON	18,030	MIAMI, FLORIDA	SCRANTON, PENNA.	16,840
ALBUQUERQUE, NEW MEX	SALT LAKE CITY, UTAH	18,010	SAN ANTONIO, TEXAS	SEATTLE, WASHINGTON	16,830
ORLANDO, FLORIDA	TAMPA, FLORIDA	18,000	CHATTANOOGA, TENNESS	PHILADELPHIA, PENNA	16,820
KANSAS CITY, MISSOUR	LOUISVILLE, KENTUCKY	17,990	FRESNO, CALIFORNIA	SEATTLE, WASHINGTON	16,820
BOISE, IDAHO	IDAHO FALLS, IDAHO	17,970	RALEIGH/DURHAM, NCRT	TAMPA, FLORIDA	16,810
NEWPORT NEWS/HAMPTON	NEW YORK, NEW YORK	17,960	LINCOLN, NEBRASKA	LOS ANGELES, CALIF.	16,800
TALLAHASSEE, FLORIDA	WASHINGTON, D. C.	17,960	FORT WAYNE, INDIANA	LOS ANGELES, CALIF.	16,780
AMARILLO, TEXAS	SAN ANTONIO, TEXAS	17,900	DES MOINES, IOWA	DETROIT, MICHIGAN	16,760
AUGUSTA, GEORGIA	PHILADELPHIA, PENNA	17,900	LOS ANGELES, CALIFOR	MADISON, WISCONSIN	16,760
CLEVELAND, OHIO	FORT WAYNE, INDIANA	17,850	LOUISVILLE, KENTUCKY	MILWAUKEE, WISCONSIN	16,760
ALLENTOWN/BETHLEHEM/	CLEVELAND, OHIO	17,840	ALBUQUERQUE, NEW MEX	ST. LOUIS, MISSOURI	16,740
FORT LAUDERDALE, FLO	NASHVILLE, TENNESSEE	17,820	BALTIMORE, MARYLAND	JACKSONVILLE,FLORIDA	16,740
LOS ANGELES, CALIFOR	PROVIDENCE, R. I.	17,810	PROVIDENCE, RHODE IS	TAMPA, FLORIDA	16,730
LOS ANGELES, CALIFOR	RICHMOND, VIRGINIA	17,810	PENSACOLA, FLORIDA	WASHINGTON, D. C.	16,700
AKRON/CANTON, OHIO	MIAMI, FLORIDA	17,800	KANSAS CITY, MISSOUR	LINCOLN, NEBRASKA	16,670
DAYTON, OHIO	SAN DIEGO,CALIFORNIA	17,670	MINNEAPOLIS/ST. PAUL	TUCSON, ARIZONA	16,670
DETROIT&ANN ARBOR, M	EVANSVILLE, INDIANA	17,670	MEMPHIS, TENNESSEE	PHOENIX, ARIZONA	16,660
HARTFORD/SPRNGFLD/WE	MILWAUKEE, WISCONSIN	17,670	NORFOLK, VIRGINIA	SAN FRANCISCO,CALIF.	16,600
FORT MYERS, FLORIDA	PHILADELPHIA, PENNA	17,640	BALTIMORE, MARYLAND	SAN ANTONIO, TEXAS	16,560
MACON, GEORGIA	NEW YORK, NEW YORK	17,640	NORFOLK, VIRGINIA	ROANOKE, VIRGINIA	16,560
HARTFORD/SPRNGFLD/WE	NORFOLK, VIRGINIA	17,620	ORLANDO, FLORIDA	SAN DIEGO,CALIFORNIA	16,560
SAN DIEGO, CALIFORNI	SPOKANE, WASHINGTON	17,600	SACRAMENTO, CALIFORN	SAN DIEGO,CALIFORNIA	16,540
DETROIT&ANN ARBOR, M	PROVIDENCE, R. I.	17,470	BUFFALO&NIAGARA FALL	NEW ORLEANS, LA.	16,520
MEMPHIS, TENNESSEE	OKLAHOMA CITY, OKLA.	17,470	ONTARIO&SAN BERNARDI	ST. LOUIS, MISSOURI	16,520
PHOENIX, ARIZONA	SIOUX FALLS, S. D.	17,470	LOUISVILLE, KENTUCKY	RICHMOND, VIRGINIA	16,510
SEATTLE, WASHINGTON	TAMPA, FLORIDA	17,470	CHICAGO, ILLINOIS	PORTLAND, MAINE	16,440
MILWAUKEE, WISCONSIN	SAN DIEGO,CALIFORNIA	17,440	COLORADO SPRINGS, CO	SAN FRANCISCO,CALIF.	16,440
FRESNO, CALIFORNIA	PHOENIX, ARIZONA	17,430	OMAHA, NEBRASKA	SAN DIEGO,CALIFORNIA	16,430
GRAND RAPIDS, MICHIG	WASHINGTON, D. C.	17,410	MIAMI, FLORIDA	TOLEDO, OHIO	16,360
DALLAS-FORT WORTH, T	SYRACUSE, NEW YORK	17,400	DALLAS-FORT WORTH, T	FORT SMITH, ARKANSAS	16,340
DETROIT&ANN ARBOR, M	OMAHA, NEBRASKA	17,400	MINNEAPOLIS/ST. PAUL	SPOKANE, WASHINGTON	16,300
LOS ANGELES, CALIFOR	MOBILE, ALABAMA	17,400	COLUMBIA, SOUTH CARO	LOS ANGELES, CALIF.	16,290
BALTIMORE, MARYLAND	LOUISVILLE, KENTUCKY	17,350	CINCINNATI, OHIO	WEST PALM BEACH,FLA.	16,270
ANCHORAGE, ALASKA	DENVER, COLORADO	17,320	MELBOURNE, FLORIDA	WASHINGTON, D. C.	16,240

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
MEMPHIS, TENNESSEE	SAN DIEGO,CALIFORNIA	16,230	NEWPORT NEWS/HAMPTON	PHILADELPHIA, PENNA	15,340
ATLANTA, GEORGIA	NEWPORT NEWS, VA.	16,220	ATLANTA, GEORGIA	AUSTIN, TEXAS	15,320
DES MOINES, IOWA	HOUSTON, TEXAS	16,150	CHATTANOOGA, TENNESS	DETROIT, MICHIGAN	15,310
ONTARIO&SAN BERNARDI	WASHINGTON, D. C.	16,140	BALTIMORE, MARYLAND	WEST PALM BEACH,FLA.	15,280
SAN JOSE, CALIFORNIA	TUCSON, ARIZONA	16,140	CINCINNATI, OHIO	LAS VEGAS, NEVADA	15,280
PHILADELPHIA, PA./CA	TUCSON, ARIZONA	16,130	COLUMBUS, OHIO	WEST PALM BEACH,FLA.	15,260
COLUMBUS, OHIO	LAS VEGAS, NEVADA	16,080	GREENSBORO/HIGH POIN	TAMPA, FLORIDA	15,250
ASHEVILLE, NORTH CAR	CHICAGO, ILLINOIS	16,070	CHICAGO, ILLINOIS	CORPUS CHRISTI,TEXAS	15,240
KANSAS CITY, MISSOUR	ONTARIO, CALIFORNIA	16,060	DAYTON, OHIO	KANSAS CITY,MISSOURI	15,230
HARTFORD/SPRNGFLD/WE	KANSAS CITY,MISSOURI	16,040	SAN ANTONIO, TEXAS	TULSA, OKLAHOMA	15,210
ASHLAND, KY./HUNTING	WASHINGTON, D. C.	16,010	OKLAHOMA CITY, OKLAH	PHILADELPHIA, PENNA	15,200
TAMPA&ST.PTSBG/CLWTR	TULSA, OKLAHOMA	16,010	MEDFORD, OREGON	SEATTLE, WASHINGTON	15,190
DAYTONA BEACH, FLORI	HARTFORD,CONNECTICUT	15,990	MINNEAPOLIS/ST. PAUL	SACRAMENTO, CALIF.	15,160
PEORIA, ILLINOIS	ST. LOUIS, MISSOURI	15,970	BIRMINGHAM, ALABAMA	DENVER, COLORADO	15,150
CHARLOTTE, NORTH CAR	FORT LAUDERDALE,FLA.	15,960	HONOLULU, OAHU, HAWA	MIAMI, FLORIDA	15,120
BOSTON, MASSACHUSETT	OMAHA, NEBRASKA	15,940	HOUSTON, TEXAS	RALEIGH/DURHAM, N.C.	15,110
CINCINNATI, OHIO	SAN DIEGO,CALIFORNIA	15,930	NORFOLK, VIRGINIA	ST. LOUIS, MISSOURI	15,080
CHATTANOOGA, TENNESS	DALLAS-FORT WORTH,TX	15,920	CLEVELAND, OHIO	LANSING, MICHIGAN	15,050
CLEVELAND, OHIO	TUCSON, ARIZONA	15,910	KNOXVILLE, TENNESSEE	ORLANDO, FLORIDA	15,050
SEATTLE, WASHINGTON	TULSA, OKLAHOMA	15,860	AUGUSTA, GEORGIA	CHICAGO, ILLINOIS	15,030
ORLANDO, FLORIDA	SCRANTON, PENNA.	15,800	AUSTIN, TEXAS	PHOENIX, ARIZONA	15,030
ALLENTOWN/BETHLEHEM/	ATLANTA, GEORGIA	15,770	DETROIT&ANN ARBOR, M	LEXINGTON, KENTUCKY	15,030
BOSTON, MASSACHUSETT	TULSA, OKLAHOMA	15,760	DETROIT&ANN ARBOR, M	MOLINE, ILLINOIS	15,020
AUSTIN, TEXAS	SAN FRANCISCO,CALIF.	15,750	BOSTON, MASSACHUSETT	GRAND RAPIDS, MICH.	15,010
BOSTON, MASSACHUSETT	NANTUCKET, MASS.	15,740	DES MOINES, IOWA	LAS VEGAS, NEVADA	15,000
DALLAS-FORT WORTH, T	SPRINGFIELD,MISSOURI	15,730	COLUMBUS, OHIO	SAN DIEGO,CALIFORNIA	14,980
DETROIT&ANN ARBOR, M	HARRISBURG/YORK, PA.	15,730	DENVER, COLORADO	SOUTH BEND, INDIANA	14,970
JACKSON/VICKSBURG, M	ST. LOUIS, MISSOURI	15,730	DALLAS&FT. WORTH, TE	RICHMOND, VIRGINIA	14,950
MEMPHIS, TENNESSEE	MILWAUKEE, WISCONSIN	15,680	CHARLESTON/DUNBAR, W	CLEVELAND, OHIO	14,880
BALTIMORE, MARYLAND	PHOENIX, ARIZONA	15,670	NEW YORK, N.Y./NEWAR	SPOKANE, WASHINGTON	14,880
MIAMI, FLORIDA	MOBILE, ALABAMA	15,660	PEORIA, ILLINOIS	WASHINGTON, D. C.	14,880
KALAMAZOO, MICHIGAN	NEW YORK, NEW YORK	15,590	ALEXANDRIA, LOUISIAN	DALLAS-FORT WORTH,TX	14,870
BOSTON, MASSACHUSETT	SAVANNAH, GEORGIA	15,560	BUFFALO&NIAGARA FALL	LAS VEGAS, NEVADA	14,870
COLUMBIA, SOUTH CARO	DALLAS-FORT WORTH,TX	15,560	GREENSBORO/HIGH POIN	MEMPHIS, TENNESSEE	14,860
DALLAS-FORT WORTH, T	NORFOLK, VIRGINIA	15,540	MADISON, WISCONSIN	ST. LOUIS, MISSOURI	14,860
ATLANTA, GEORGIA	WICHITA, KANSAS	15,530	OMAHA, NEBRASKA	PHILADELPHIA, PENNA	14,820
DETROIT&ANN ARBOR, M	ONTARIO, CALIFORNIA	15,510	HARTFORD/SPRNGFLD/WE	JACKSONVILLE,FLORIDA	14,810
CHATTANOOGA, TENNESS	LOS ANGELES, CALIF.	15,480	CHARLOTTE, NORTH CAR	COLUMBUS, OHIO	14,800
DENVER, COLORADO	SPRINGFIELD,MISSOURI	15,480	PITTSBURGH, PENNSYLV	ROANOKE, VIRGINIA	14,780
PITTSBURGH, PENNSYLV	SAN ANTONIO, TEXAS	15,480	DAYTON, OHIO	LAS VEGAS, NEVADA	14,770
SAN DIEGO, CALIFORNI	TULSA, OKLAHOMA	15,470	LITTLE ROCK, ARKANSA	OKLAHOMA CITY, OKLA.	14,730
BALTIMORE, MARYLAND	RALEIGH/DURHAM, N.C.	15,460	PITTSBURGH, PENNSYLV	TOLEDO, OHIO	14,730
INDIO/PALM SPRINGS,	PORTLAND, OREGON	15,460	MOLINE,ILLINOIS/DAVE	WASHINGTON, D. C.	14,710
CORPUS CHRISTI, TEXA	NEW YORK, NEW YORK	15,450	LEXINGTON, KENTUCKY	PITTSBURGH, PENNA.	14,640
ANCHORAGE, ALASKA	CHICAGO, ILLINOIS	15,440	SYRACUSE, NEW YORK	WEST PALM BEACH,FLA.	14,620
BUFFALO&NIAGARA FALL	SAN DIEGO,CALIFORNIA	15,440	ATLANTA, GEORGIA	SALT LAKE CITY, UTAH	14,610
AKRON/CANTON, OHIO	PHILADELPHIA, PENNA	15,420	DETROIT&ANN ARBOR, M	MONTGOMERY, ALABAMA	14,600
MINNEAPOLIS/ST. PAUL	WICHITA, KANSAS	15,410	GREENSBORO/HIGH POIN	PITTSBURGH, PENNA.	14,590
ST. LOUIS, MISSOURI	SYRACUSE, NEW YORK	15,410	OKLAHOMA CITY, OKLAH	PORTLAND, OREGON	14,580
SAN DIEGO, CALIFORNI	TAMPA, FLORIDA	15,410	BOSTON, MASSACHUSETT	MELBOURNE, FLORIDA	14,570
SOUTH BEND, INDIANA	WASHINGTON, D. C.	15,400	COLUMBIA, SOUTH CARO	DETROIT, MICHIGAN	14,570
NEW ORLEANS, LOUISIA	RALEIGH/DURHAM, N.C.	15,370	DALLAS-FORT WORTH, T	MOLINE, ILLINOIS	14,560
BATON ROUGE, LOUISIA	WASHINGTON, D. C.	15,360	KNOXVILLE, TENNESSEE	SAN FRANCISCO,CALIF.	14,560
FORT LAUDERDALE, FLO	KANSAS CITY,MISSOURI	15,360	NEW ORLEANS, LOUISIA	OMAHA, NEBRASKA	14,550
JACKSONVILLE, FLORID	NASHVILLE, TENNESSEE	15,360	MEMPHIS, TENNESSEE	NORFOLK, VIRGINIA	14,530
BATON ROUGE, LOUISIA	CHICAGO, ILLINOIS	15,350	OKLAHOMA CITY, OKLAH	TAMPA, FLORIDA	14,520

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
BILLINGS, MONTANA	SALT LAKE CITY, UTAH	14,510	NEW YORK, N.Y./NEWAR	PARKERSBURG, W. VA.	13,750
MEMPHIS, TENNESSEE	SAN ANTONIO, TEXAS	14,510	COLORADO SPRINGS, CO	WASHINGTON, D. C.	13,730
AKRON/CANTON, OHIO	INDIANAPOLIS, INDIANA	14,490	ALBANY, NEW YORK	BALTIMORE, MARYLAND	13,710
FRESNO, CALIFORNIA	PORTLAND, OREGON	14,490	AMARILLO, TEXAS	LAS VEGAS, NEVADA	13,710
HARTFORD/SPRNGFLD/WE	NASHVILLE, TENNESSEE	14,470	GREAT FALLS, MONTANA	LOS ANGELES, CALIF.	13,710
HARTFORD/SPRNGFLD/WE	SARASOTA, FLORIDA	14,460	BALTIMORE, MARYLAND	ROCHESTER, NEW YORK	13,700
MEMPHIS, TENNESSEE	MOBILE, ALABAMA	14,460	CHATTANOOGA, TENNESS	TAMPA, FLORIDA	13,680
CEDAR RAPIDS/IOWA CI	WASHINGTON, D. C.	14,450	LOS ANGELES, CALIFOR	SPRINGFIELD, MISSOURI	13,680
DAYTON, OHIO	SEATTLE, WASHINGTON	14,420	BOISE, IDAHO	NEW YORK, NEW YORK	13,670
DENVER, COLORADO	SYRACUSE, NEW YORK	14,420	BOSTON, MASSACHUSETT	HUNTSVILLE, ALABAMA	13,660
AMARILLO, TEXAS	CHICAGO, ILLINOIS	14,400	COLUMBUS, OHIO	NORFOLK, VIRGINIA	13,630
IDAHO FALLS, IDAHO	SEATTLE, WASHINGTON	14,390	MIDLAND/ODESSA, TEXA	TULSA, OKLAHOMA	13,620
DAYTON, OHIO	WEST PALM BEACH, FLA.	14,340	NORFOLK, VIRGINIA	ORLANDO, FLORIDA	13,620
MIAMI, FLORIDA	WICHITA, KANSAS	14,340	IDAHO FALLS, IDAHO	LOS ANGELES, CALIF.	13,610
HOUSTON, TEXAS	KNOXVILLE, TENNESSEE	14,300	PHOENIX, ARIZONA	ROCHESTER, NEW YORK	13,600
OKLAHOMA CITY, OKLAH	TULSA, OKLAHOMA	14,300	SAN DIEGO, CALIFORNI	WICHITA, KANSAS	13,560
BIRMINGHAM, ALABAMA	CINCINNATI, OHIO	14,260	LOUISVILLE, KENTUCKY	NORFOLK, VIRGINIA	13,510
PHOENIX, ARIZONA	SPOKANE, WASHINGTON	14,260	MIDLAND/ODESSA, TEXA	OKLAHOMA CITY, OKLA.	13,510
SAN FRANCISCO, CALIF	STOCKTON, CALIFORNIA	14,260	LAS VEGAS, NEVADA	MEMPHIS, TENNESSEE	13,500
CHARLESTON, SOUTH CA	LOS ANGELES, CALIF.	14,250	BOSTON, MASSACHUSETT	COLUMBIA, S. C.	13,490
GREENVILLE&SPARTANBU	MIAMI, FLORIDA	14,220	DES MOINES, IOWA	SAN DIEGO, CALIFORNIA	13,490
PHOENIX, ARIZONA	SYRACUSE, NEW YORK	14,220	CHARLESTON, SOUTH CA	PITTSBURGH, PENNA.	13,470
MINNEAPOLIS/ST. PAUL	SYRACUSE, NEW YORK	14,210	ATLANTA, GEORGIA	FORT WAYNE, INDIANA	13,450
DAYTON, OHIO	NEW ORLEANS, LA.	14,190	BOSTON, MASSACHUSETT	MADISON, WISCONSIN	13,440
FORT MYERS, FLORIDA	TAMPA, FLORIDA	14,190	JACKSONVILLE, FLORID	LOUISVILLE, KENTUCKY	13,440
MINNEAPOLIS/ST. PAUL	PEORIA, ILLINOIS	14,190	FORT LAUDERDALE, FLO	SAN DIEGO, CALIFORNIA	13,430
BIRMINGHAM, ALABAMA	CHARLOTTE, N. C.	14,170	CHARLESTON, SOUTH CA	DETROIT, MICHIGAN	13,420
CHICAGO, ILLINOIS	FRESNO, CALIFORNIA	14,170	GRAND RAPIDS, MICHIG	MIAMI, FLORIDA	13,420
KANSAS CITY, MISSOUR	TUCSON, ARIZONA	14,160	LAS VEGAS, NEVADA	SPOKANE, WASHINGTON	13,420
COLORADO SPRINGS, CO	DENVER, COLORADO	14,150	AUSTIN, TEXAS	MIAMI, FLORIDA	13,410
HARTFORD/SPRNGFLD/WE	LAS VEGAS, NEVADA	14,150	DETROIT&ANN ARBOR, M	KALAMAZOO, MICHIGAN	13,410
CLEVELAND, OHIO	SAN ANTONIO, TEXAS	14,130	FRESNO, CALIFORNIA	NEW YORK, NEW YORK	13,400
ALLENTOWN/BETHLEHEM/	DETROIT, MICHIGAN	14,120	COLUMBUS, OHIO	MEMPHIS, TENNESSEE	13,390
BOSTON, MASSACHUSETT	GREENVILLE, S. C.	14,120	MINNEAPOLIS/ST. PAUL	SIOUX CITY, IOWA	13,390
BOSTON, MASSACHUSETT	EL PASO, TEXAS	14,030	SHPEVEPORT, LOUISIAN	WASHINGTON, D. C.	13,380
BRISTOL/KNGSPRT/JHNS	NASHVILLE, TENNESSEE	14,000	SANTA BARBARA, CALIF	SEATTLE, WASHINGTON	13,350
CHARLOTTE, NORTH CAR	DENVER, COLORADO	13,990	LEXINGTON, KENTUCKY	TAMPA, FLORIDA	13,330
HOUSTON, TEXAS	RICHMOND, VIRGINIA	13,970	MADISON, WISCONSIN	SAN FRANCISCO, CALIF.	13,320
HOUSTON, TEXAS	NORFOLK, VIRGINIA	13,960	ST. LOUIS, MISSOURI	WEST PALM BEACH, FLA.	13,310
RICHMOND, VIRGINIA	TAMPA, FLORIDA	13,960	TAMPA&ST.PTSBG/CLWTR	YOUNGSTOWN, OHIO	13,290
CHARLESTON, SOUTH CA	DALLAS-FORT WORTH, TX	13,950	BOSTON, MASSACHUSETT	NEWPORT NEWS, VA.	13,280
ORLANDO, FLORIDA	SEATTLE, WASHINGTON	13,940	NORFOLK, VIRGINIA	PROVIDENCE, R. I.	13,280
ATLANTA, GEORGIA	DES MOINES, IOWA	13,920	SAGINAW/BAY CITY/MID	TAMPA, FLORIDA	13,270
ANCHORAGE, ALASKA	MINNEAPOLIS, MINN.	13,910	ALBUQUERQUE, NEW MEX	PHILADELPHIA, PENNA.	13,260
BALTIMORE, MARYLAND	CHARLOTTE, N. C.	13,910	DES MOINES, IOWA	OMAHA, NEBRASKA	13,260
KNOXVILLE, TENNESSEE	PHILADELPHIA, PENNA	13,900	LAS VEGAS, NEVADA	SANTA BARBARA, CALIF.	13,230
LITTLE ROCK, ARKANSA	NASHVILLE, TENNESSEE	13,900	HOUSTON, TEXAS	ROCHESTER, NEW YORK	13,220
HOUSTON, TEXAS	SYRACUSE, NEW YORK	13,880	DAYTON, OHIO	SAN ANTONIO, TEXAS	13,180
HOUSTON, TEXAS	SAN JOSE, CALIFORNIA	13,860	LEXINGTON, KENTUCKY	MIAMI, FLORIDA	13,180
BOISE, IDAHO	POCATELLO, IDAHO	13,850	JACKSON/VICKSBURG, M	NEW ORLEANS, LA.	13,170
FORT WAYNE, INDIANA	WASHINGTON, D. C.	13,850	ROCHESTER, NEW YORK	ST. LOUIS, MISSOURI	13,170
MEMPHIS, TENNESSEE	RALEIGH/DURHAM, N.C.	13,840	FORT LAUDERDALE, FLO	TOLEDO, OHIO	13,160
FORT MYERS, FLORIDA	MINNEAPOLIS, MINN.	13,830	GREENSBORO/HIGH POIN	ORLANDO, FLORIDA	13,160
NASHVILLE, TENNESSEE	RICHMOND, VIRGINIA	13,780	CINCINNATI, OHIO	KNOXVILLE, TENNESSEE	13,140
MISSOULA, MONTANA	SEATTLE, WASHINGTON	13,770	COLORADO SPRINGS, CO	KANSAS CITY, MISSOURI	13,140
CHARLESTON, SOUTH CA	SAN FRANCISCO, CALIF.	13,760	CORPUS CHRISTI, TEXA	NEW ORLEANS, LA.	13,140

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 16
ALLENTOWN/BETHLEHEM/	LOS ANGELES, CALIF.	13,130	GREAT FALLS, MONTANA	SALT LAKE CITY, UTAH	12,520
MIAMI, FLORIDA	ROANOKE, VIRGINIA	13,130	BOISE, IDAHO	PHOENIX, ARIZONA	12,510
COLORADO SPRINGS, CO	PHOENIX, ARIZONA	13,120	LEXINGTON, KENTUCKY	LOS ANGELES, CALIF.	12,510
INDIANAPOLIS, INDIAN	SEATTLE, WASHINGTON	13,120	ALBUQUERQUE, NEW MEX	DETROIT, MICHIGAN	12,500
ST. LOUIS, MISSOURI	SHREVEPORT,LOUISIANA	13,110	MINNEAPOLIS/ST. PAUL	NORFOLK, VIRGINIA	12,500
CHATTANOOGA, TENNESS	MIAMI, FLORIDA	13,100	COLUMBIA, SOUTH CARO	PITTSBURGH, PENNA.	12,480
BURBANK, CALIFORNIA	TUCSON, ARIZONA	13,070	BUFFALO/NIAGARA FALL	PROVIDENCE, R. I.	12,470
DETROIT&ANN ARBOR, M	HUNTSVILLE, ALABAMA	13,070	BILLINGS, MONTANA	CHICAGO, ILLINOIS	12,460
NEW ORLEANS, LOUISIA	PORTLAND, OREGON	13,070	BATON ROUGE, LOUISIA	MEMPHIS, TENNESSEE	12,450
RICHMOND, VIRGINIA	SAN FRANCISCO,CALIF.	13,070	HARTFORD/SPRNGFLD/WE	LOUISVILLE, KENTUCKY	12,450
BURLINGTON, VERMONT	CHICAGO, ILLINOIS	13,060	JACKSON/VICKSBURG, M	NASHVILLE, TENNESSEE	12,450
BIRMINGHAM, ALABAMA	FORT LAUDERDALE,FLA.	13,050	ALBUQUERQUE, NEW MEX	ATLANTA, GEORGIA	12,440
DES MOINES, IOWA	SEATTLE, WASHINGTON	13,050	NASHVILLE, TENNESSEE	NORFOLK, VIRGINIA	12,420
EVANSVILLE, INDIANA	WASHINGTON, D. C.	13,040	BAKERSFIELD, CALIFOR	LAS VEGAS, NEVADA	12,400
MIAMI, FLORIDA	SAVANNAH, GEORGIA	13,030	CLEVELAND, OHIO	DAYTONA BEACH, FLA.	12,390
SAN FRANCISCO, CALIF	WEST PALM BEACH,FLA.	13,030	CLEVELAND, OHIO	RALEIGH/DURHAM, N.C.	12,390
NORFOLK, VIRGINIA	TAMPA, FLORIDA	13,000	BIRMINGHAM, ALABAMA	LOUISVILLE, KENTUCKY	12,380
BALTIMORE, MARYLAND	CHARLESTON, W. VA.	12,980	ATLANTA, GEORGIA	MONROE, LOUISIANA	12,360
BALTIMORE, MARYLAND	MEMPHIS, TENNESSEE	12,980	ATLANTA, GEORGIA	EVANSVILLE, INDIANA	12,340
LITTLE ROCK, ARKANSA	MIAMI, FLORIDA	12,980	CHARLESTON/DUNBAR, W	HOUSTON, TEXAS	12,330
DENVER, COLORADO	JACKSONVILLE,FLORIDA	12,960	CHICAGO, ILLINOIS	QUINCY, ILLINOIS	12,330
ALBANY, NEW YORK	MINNEAPOLIS, MINN.	12,950	DES MOINES, IOWA	PHILADELPHIA, PENNA	12,330
HARRISBURG/YORK, PEN	LOS ANGELES, CALIF.	12,950	LOUISVILLE, KENTUCKY	PHOENIX, ARIZONA	12,330
DENVER, COLORADO	FARGO, NORTH DAKOTA	12,940	CHARLOTTE, NORTH CAR	CINCINNATI, OHIO	12,320
HONOLULU, OAHU, HAWA	RENO, NEVADA	12,940	MILWAUKEE, WISCONSIN	OMAHA, NEBRASKA	12,320
NEW ORLEANS, LOUISIA	NORFOLK, VIRGINIA	12,940	DETROIT&ANN ARBOR, M	GREENVILLE, S. C.	12,310
PORTLAND, MAINE	TAMPA, FLORIDA	12,830	GRAND RAPIDS, MICHIG	PHILADELPHIA, PENNA	12,310
PENSACOLA, FLORIDA	TAMPA, FLORIDA	12,820	NASHVILLE, TENNESSEE	PHOENIX, ARIZONA	12,300
BIRMINGHAM, ALABAMA	PENSACOLA, FLORIDA	12,810	DES MOINES, IOWA	INDIANAPOLIS,INDIANA	12,270
ORLANDO, FLORIDA	RICHMOND, VIRGINIA	12,800	LAS VEGAS, NEVADA	LOUISVILLE, KENTUCKY	12,260
COLUMBUS, OHIO	JACKSONVILLE,FLORIDA	12,780	PITTSBURGH, PENNSYLV	SALT LAKE CITY, UTAH	12,250
HOUSTON, TEXAS	WEST PALM BEACH,FLA.	12,780	BILLINGS, MONTANA	PORTLAND, OREGON	12,240
MILWAUKEE, WISCONSIN	PORTLAND, OREGON	12,780	FORT MYERS, FLORIDA	ST. LOUIS, MISSOURI	12,240
CINCINNATI, OHIO	NORFOLK, VIRGINIA	12,700	COLUMBUS, OHIO	SEATTLE, WASHINGTON	12,230
PITTSBURGH, PENNSYLV	TULSA, OKLAHOMA	12,690	DALLAS-FORT WORTH, T	GREENVILLE, S. C.	12,230
ATLANTA, GEORGIA	GRAND RAPIDS, MICH.	12,680	GREENSBORO/HIGH POIN	HOUSTON, TEXAS	12,230
CHICAGO, ILLINOIS	COLUMBUS, GEORGIA	12,680	NEW YORK, N.Y./NEWAR	ROCHESTER, MINNESOTA	12,230
COLUMBUS, OHIO	HARRISBURG/YORK, PA.	12,680	INDIO/PALM SPRINGS,	PHOENIX, ARIZONA	12,220
LOS ANGELES, CALIFOR	SAGINAW/BAY CTY,MICH	12,680	NEW ORLEANS, LOUISIA	WEST PALM BEACH,FLA.	12,220
FORT MYERS, FLORIDA	MIAMI, FLORIDA	12,660	SAN ANTONIO, TEXAS	TAMPA, FLORIDA	12,220
CINCINNATI, OHIO	JACKSONVILLE,FLORIDA	12,650	ALBUQUERQUE, NEW MEX	MINNEAPOLIS, MINN.	12,200
BALTIMORE, MARYLAND	SYRACUSE, NEW YORK	12,640	AUSTIN, TEXAS	KANSAS CITY,MISSOURI	12,170
COLUMBUS, OHIO	LOUISVILLE, KENTUCKY	12,640	HONOLULU, OAHU, HAWA	MILWAUKEE, WISCONSIN	12,170
ALBANY, NEW YORK	DENVER, COLORADO	12,630	ALBUQUERQUE, NEW MEX	PORTLAND, OREGON	12,150
BALTIMORE, MARYLAND	MILWAUKEE, WISCONSIN	12,580	DALLAS-FORT WORTH, T	MOBILE, ALABAMA	12,150
INDIANAPOLIS, INDIAN	JACKSONVILLE,FLORIDA	12,580	INDIANAPOLIS, INDIAN	TUCSON, ARIZONA	12,150
DAYTONA BEACH, FLORI	MIAMI, FLORIDA	12,570	MINNEAPOLIS/ST. PAUL	WEST PALM BEACH,FLA.	12,140
DENVER, COLORADO	RALEIGH/DURHAM, N.C.	12,570	PITTSBURGH, PENNSYLV	TUCSON, ARIZONA	12,140
LEXINGTON, KENTUCKY	ORLANDO, FLORIDA	12,570	ATLANTA, GEORGIA	HARRISBURG/YORK, PA.	12,130
MEMPHIS, TENNESSEE	TULSA, OKLAHOMA	12,570	CORPUS CHRISTI, TEXA	DENVER, COLORADO	12,130
MIDLAND/ODESSA, TEXA	SAN ANTONIO, TEXAS	12,570	INDIANAPOLIS, INDIAN	SAN ANTONIO, TEXAS	12,090
ALBUQUERQUE, NEW MEX	TULSA, OKLAHOMA	12,560	SAGINAW/BAY CITY/MID	WASHINGTON, D. C.	12,090
INDIANAPOLIS, INDIAN	NASHVILLE, TENNESSEE	12,540	NEW ORLEANS, LOUISIA	RICHMOND, VIRGINIA	12,060
DALLAS-FORT WORTH, T	MADISON, WISCONSIN	12,530	GREAT FALLS, MONTANA	SPOKANE, WASHINGTON	12,050
MINNEAPOLIS/ST. PAUL	ROCHESTER, NEW YORK	12,530	BALTIMORE, MARYLAND	BIRMINGHAM, ALABAMA	12,040
OKLAHOMA CITY, OKLAH	WICHITA, KANSAS	12,530	CHICAGO, ILLINOIS	JOPLIN, MISSOURI	12,000

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
MELBOURNE, FLORIDA	PHILADELPHIA, PENNA	11,990	DAYTONA BEACH, FLORI	INDIANAPOLIS,INDIANA	11,370
BUFFALO&NIAGARA FALL	ISLIP, NEW YORK	11,980	CHARLOTTE, NORTH CAR	MINNEAPOLIS, MINN.	11,360
KNOXVILLE, TENNESSEE	NEW ORLEANS, LA.	11,980	HARTFORD/SPRNGFLD/WE	HONOLULU,OAHU,HAWAII	11,360
ANCHORAGE, ALASKA	DALLAS-FORT WORTH,TX	11,960	BOISE, IDAHO	SAN DIEGO,CALIFORNIA	11,350
CHICAGO, ILLINOIS	TALLAHASSEE, FLORIDA	11,950	BOSTON, MASSACHUSETT	ONTARIO, CALIFORNIA	11,340
CLEVELAND, OHIO	PORTLAND, OREGON	11,950	ALBUQUERQUE, NEW MEX	MIDLAND/ODESSA,TEXAS	11,320
COLUMBIA, SOUTH CARO	TAMPA, FLORIDA	11,920	DETROIT&ANN ARBOR, M	SHREVEPORT,LOUISIANA	11,320
GREENSBORO/HIGH POIN	LOUISVILLE, KENTUCKY	11,900	GREENSBORO/HIGH POIN	ST. LOUIS, MISSOURI	11,320
AKRON/CANTON, OHIO	LOS ANGELES, CALIF.	11,890	BOSTON, MASSACHUSETT	ROANOKE, VIRGINIA	11,310
AUSTIN, TEXAS	OKLAHOMA CITY, OKLA.	11,880	CLEVELAND, OHIO	SALT LAKE CITY, UTAH	11,310
LANSING, MICHIGAN	LOS ANGELES, CALIF.	11,880	DETROIT&ANN ARBOR, M	RICHMOND, VIRGINIA	11,290
MIAMI, FLORIDA	SALT LAKE CITY, UTAH	11,880	ROCHESTER, NEW YORK	WEST PALM BEACH,FLA.	11,270
NEW ORLEANS, LOUISIA	WICHITA, KANSAS	11,870	LAS VEGAS, NEVADA	ORLANDO, FLORIDA	11,260
EL PASO, TEXAS	MIAMI, FLORIDA	11,860	PROVIDENCE, RHODE IS	WEST PALM BEACH,FLA.	11,260
MIAMI, FLORIDA	MONTGOMERY, ALABAMA	11,860	ORLANDO, FLORIDA	PORTLAND, MAINE	11,250
HYANNIS, MASSACHUSET	NANTUCKET, MASS.	11,850	ALBUQUERQUE, NEW MEX	NEW ORLEANS, LA.	11,240
JACKSON/VICKSBURG, M	MIAMI, FLORIDA	11,850	COLUMBIA, SOUTH CARO	SAN FRANCISCO,CALIF.	11,220
KANSAS CITY, MISSOUR	SACRAMENTO, CALIF.	11,850	HONOLULU, OAHU, HAWA	NEW ORLEANS, LA.	11,210
CINCINNATI, OHIO	SEATTLE, WASHINGTON	11,840	HONOLULU, OAHU, HAWA	SPOKANE, WASHINGTON	11,210
COLUMBUS, OHIO	FORT MYERS, FLORIDA	11,830	DAYTONA BEACH, FLORI	SYRACUSE, NEW YORK	11,200
GRAND RAPIDS, MICHIG	SAN FRANCISCO,CALIF.	11,820	AMARILLO, TEXAS	NEW YORK, NEW YORK	11,160
CHICAGO, ILLINOIS	MONROE, LOUISIANA	11,810	CLEVELAND, OHIO	HARRISBURG/YORK, PA.	11,150
HOUSTON, TEXAS	MONROE, LOUISIANA	11,790	COLORADO SPRINGS, CO	HOUSTON, TEXAS	11,100
PHILADELPHIA, PA./CA	ROANOKE, VIRGINIA	11,790	DALLAS-FORT WORTH, T	SAVANNAH, GEORGIA	11,100
ALBANY, NEW YORK	DALLAS &FT. WORTH, T	11,780	INDIANAPOLIS, INDIAN	OKLAHOMA CITY, OKLA.	11,100
BOSTON, MASSACHUSETT	HYANNIS, MASS.	11,770	BILLINGS, MONTANA	LOS ANGELES, CALIF.	11,080
EVANSVILLE, INDIANA	PITTSBURGH, PENNA.	11,760	DENVER, COLORADO	SAGINAW/BAY CTY,MICH	11,080
BOSTON, MASSACHUSETT	SACRAMENTO, CALIF.	11,710	SAN FRANCISCO, CALIF	SHREVEPORT,LOUISIANA	11,080
MOBILE, ALA./PASCAGO	PHILADELPHIA, PENNA	11,710	LUBBOCK, TEXAS	NEW YORK, NEW YORK	11,070
CLEVELAND, OHIO	TULSA, OKLAHOMA	11,700	SAN DIEGO, CALIFORNI	SYRACUSE, NEW YORK	11,050
LOS ANGELES, CALIFOR	MONTGOMERY, ALABAMA	11,700	BOSTON, MASSACHUSETT	DES MOINES, IOWA	11,040
EL PASO, TEXAS	ST. LOUIS, MISSOURI	11,690	BOSTON, MASSACHUSETT	SOUTH BEND, INDIANA	11,040
JACKSON/VICKSBURG, M	SAN FRANCISCO,CALIF.	11,690	GRAND JUNCTION, COLO	SAN FRANCISCO,CALIF.	11,040
INDIANAPOLIS, INDIAN	NORFOLK, VIRGINIA	11,680	PORTLAND, OREGON	WICHITA, KANSAS	11,030
DALLAS-FORT WORTH, T	LEXINGTON, KENTUCKY	11,670	BURBANK, CALIFORNIA	DENVER, COLORADO	11,020
DALLAS-FORT WORTH, T	MONTGOMERY, ALABAMA	11,640	BATON ROUGE, LOUISIA	LOS ANGELES, CALIF.	11,010
DENVER, COLORADO	MISSOULA, MONTANA	11,640	COLORADO SPRINGS, CO	SEATTLE, WASHINGTON	11,010
LOS ANGELES, CALIFOR	MONROE, LOUISIANA	11,640	CHICAGO, ILLINOIS	LUBBOCK, TEXAS	11,000
COLUMBIA, SOUTH CARO	HOUSTON, TEXAS	11,620	POCATELLO, IDAHO	SALT LAKE CITY, UTAH	11,000
COLUMBIA, SOUTH CARO	MEMPHIS, TENNESSEE	11,600	PORTLAND, OREGON	TUCSON, ARIZONA	10,990
BOSTON, MASSACHUSETT	KNOXVILLE, TENNESSEE	11,560	CHARLESTON, SOUTH CA	HOUSTON, TEXAS	10,980
DAYTONA BEACH, FLORI	ST. LOUIS, MISSOURI	11,550	CLEVELAND, OHIO	KNOXVILLE, TENNESSEE	10,980
DAYTON, OHIO	SYRACUSE, NEW YORK	11,530	LANSING, MICHIGAN	MINNEAPOLIS, MINN.	10,970
CHATTANOOGA, TENNESS	HOUSTON, TEXAS	11,520	LEXINGTON, KENTUCKY	PHILADELPHIA, PENNA	10,940
DETROIT&ANN ARBOR, M	EL PASO, TEXAS	11,520	MOBILE, ALA./PASCAGO	TAMPA, FLORIDA	10,940
BALTIMORE, MARYLAND	NASHVILLE, TENNESSEE	11,510	ALLENTOWN/BETHLEHEM/	TAMPA, FLORIDA	10,930
KANSAS CITY, MISSOUR	SHREVEPORT,LOUISIANA	11,500	AUSTIN, TEXAS	ST. LOUIS, MISSOURI	10,900
MIAMI, FLORIDA	TUCSON, ARIZONA	11,480	OKLAHOMA CITY, OKLAH	PITTSBURGH, PENNA.	10,900
ORLANDO, FLORIDA	TOLEDO, OHIO	11,480	ALBANY, NEW YORK	ST. LOUIS, MISSOURI	10,890
CLEVELAND, OHIO	GREENSBORO, N. C.	11,460	EL PASO, TEXAS	NEW ORLEANS, LA.	10,890
GREENSBORO/HIGH POIN	SAN FRANCISCO,CALIF.	11,460	PHILADELPHIA, PA./CA	SOUTH BEND, INDIANA	10,880
HUNTSVILLE&DECATUR,	NEW ORLEANS, LA.	11,460	AUSTIN, TEXAS	BOSTON,MASSACHUSETTS	10,860
MINNEAPOLIS/ST. PAUL	RALEIGH/DURHAM, N.C.	11,460	LOS ANGELES, CALIFOR	SAVANNAH, GEORGIA	10,860
MOLINE,ILLINOIS/DAVE	PHOENIX, ARIZONA	11,450	ONTARIO&SAN BERNARDI	TUCSON, ARIZONA	10,840
JACKSONVILLE, FLORID	MINNEAPOLIS, MINN.	11,440	BIRMINGHAM, ALABAMA	SHREVEPORT,LOUISIANA	10,820
HARRISBURG/YORK, PEN	ST. LOUIS, MISSOURI	11,420	BOSTON, MASSACHUSETT	LITTLE ROCK,ARKANSAS	10,810

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
DALLAS-FORT WORTH, T	WEST PALM BEACH,FLA.	10,800	BOSTON, MASSACHUSETT	LANSING, MICHIGAN	10,380
KALISPELL, MONTANA	SEATTLE, WASHINGTON	10,790	CHARLESTON, SOUTH CA	ST. LOUIS, MISSOURI	10,380
GREENSBORO/HIGH POIN	NORFOLK, VIRGINIA	10,780	DETROIT&ANN ARBOR, M	SAN JOSE, CALIFORNIA	10,370
CHARLESTON, SOUTH CA	NEW ORLEANS, LA.	10,750	BURLINGTON, VERMONT	PHILADELPHIA, PENNA	10,360
AMARILLO, TEXAS	PHOENIX, ARIZONA	10,730	JACKSONVILLE, FLORID	KANSAS CITY,MISSOURI	10,360
CLEVELAND, OHIO	FLINT, MICHIGAN	10,730	HOUSTON, TEXAS	RENO, NEVADA	10,350
DALLAS-FORT WORTH, T	PEORIA, ILLINOIS	10,730	ALBANY, NEW YORK	CINCINNATI, OHIO	10,340
EVANSVILLE, INDIANA	LOS ANGELES, CALIF.	10,730	ONTARIO&SAN BERNARDI	PHILADELPHIA, PENNA	10,340
OMAHA, NEBRASKA	SALT LAKE CITY, UTAH	10,730	ALBANY, NEW YORK	COLUMBUS, OHIO	10,330
BUFFALO&NIAGARA FALL	NORFOLK, VIRGINIA	10,720	COLUMBUS, OHIO	SYRACUSE, NEW YORK	10,330
MEMPHIS, TENNESSEE	SEATTLE, WASHINGTON	10,720	FORT LAUDERDALE, FLO	RALEIGH/DURHAM, N.C.	10,330
HARTFORD/SPRNGFLD/WE	MEMPHIS, TENNESSEE	10,710	JACKSONVILLE, FLORID	SAN DIEGO,CALIFORNIA	10,330
PITTSBURGH, PENNSYLV	PORTLAND, OREGON	10,710	BALTIMORE, MARYLAND	PHILADELPHIA, PENNA	10,320
WASHINGTON, D. C.	YOUNGSTOWN, OHIO	10,680	SAN ANTONIO, TEXAS	TUCSON, ARIZONA	10,320
BOSTON, MASSACHUSETT	TOLEDO, OHIO	10,670	ALBANY, NEW YORK	WEST PALM BEACH,FLA.	10,310
RENO, NEVADA	WASHINGTON, D. C.	10,660	FORT MYERS, FLORIDA	HARTFORD,CONNECTICUT	10,310
LOS ANGELES, CALIFOR	PENSACOLA, FLORIDA	10,640	KEENE, NEW HAMPSHIRE	NEW YORK, NEW YORK	10,310
DENVER, COLORADO	HELENA, MONTANA	10,630	FRESNO, CALIFORNIA	SACRAMENTO, CALIF.	10,300
SOUTH BEND, INDIANA	TAMPA, FLORIDA	10,630	GREENSBORO/HIGH POIN	RICHMOND, VIRGINIA	10,300
ALBUQUERQUE, NEW MEX	MIAMI, FLORIDA	10,620	BRISTOL/KNGSPRT/JHNS	PITTSBURGH, PENNA.	10,280
LITTLE ROCK, ARKANSA	SHREVEPORT,LOUISIANA	10,610	CINCINNATI, OHIO	SARASOTA, FLORIDA	10,280
BOSTON, MASSACHUSETT	SAN JOSE, CALIFORNIA	10,600	HYANNIS, MASSACHUSET	WASHINGTON, D. C.	10,270
GREENVILLE&SPARTANBU	LOS ANGELES, CALIF.	10,600	DENVER, COLORADO	FORT WAYNE, INDIANA	10,250
ORLANDO, FLORIDA	PHOENIX, ARIZONA	10,600	PHILADELPHIA, PA./CA	WICHITA, KANSAS	10,250
DETROIT&ANN ARBOR, M	RENO, NEVADA	10,590	BALTIMORE, MARYLAND	DAYTON, OHIO	10,230
MONTGOMERY, ALABAMA	ORLANDO, FLORIDA	10,590	LOUISVILLE, KENTUCKY	WEST PALM BEACH,FLA.	10,230
ONTARIO&SAN BERNARDI	PITTSBURGH, PENNA.	10,590	LUBBOCK, TEXAS	WASHINGTON, D. C.	10,230
NASHVILLE, TENNESSEE	OKLAHOMA CITY, OKLA.	10,580	MINNEAPOLIS/ST. PAUL	ONTARIO, CALIFORNIA	10,230
FLINT, MICHIGAN	TAMPA, FLORIDA	10,550	BALTIMORE, MARYLAND	COLUMBIA, S. C.	10,220
HONOLULU, OAHU, HAWA	TAMPA, FLORIDA	10,550	COLORADO SPRINGS, CO	SAN DIEGO,CALIFORNIA	10,220
LITTLE ROCK, ARKANSA	SAN ANTONIO, TEXAS	10,550	PENSACOLA, FLORIDA	SAN FRANCISCO,CALIF.	10,220
ALBANY, NEW YORK	PHOENIX, ARIZONA	10,540	SACRAMENTO, CALIFORN	SPOKANE, WASHINGTON	10,220
ALBUQUERQUE, NEW MEX	LUBBOCK, TEXAS	10,540	DAYTON, OHIO	WICHITA, KANSAS	10,190
MILWAUKEE, WISCONSIN	SALT LAKE CITY, UTAH	10,540	GREENVILLE&SPARTANBU	MEMPHIS, TENNESSEE	10,190
NASHVILLE, TENNESSEE	SAN ANTONIO, TEXAS	10,540	ONTARIO&SAN BERNARDI	RENO, NEVADA	10,190
FORT LAUDERDALE, FLO	KNOXVILLE, TENNESSEE	10,520	SACRAMENTO, CALIFORN	ST. LOUIS, MISSOURI	10,190
HOUSTON, TEXAS	TOLEDO, OHIO	10,510	MIDLAND/ODESSA, TEXA	PHOENIX, ARIZONA	10,180
CLEVELAND, OHIO	OKLAHOMA CITY, OKLA.	10,500	ATLANTA, GEORGIA	PORTLAND, MAINE	10,170
HOUSTON, TEXAS	SAVANNAH, GEORGIA	10,500	MILWAUKEE, WISCONSIN	NASHVILLE, TENNESSEE	10,170
LAS VEGAS, NEVADA	NASHVILLE, TENNESSEE	10,500	OKLAHOMA CITY, OKLAH	SACRAMENTO, CALIF.	10,160
MINNEAPOLIS/ST. PAUL	SOUTH BEND, INDIANA	10,500	DAYTON, OHIO	MEMPHIS, TENNESSEE	10,150
BISMARCK/MANDAN, NOR	FARGO, NORTH DAKOTA	10,490	FORT LAUDERDALE, FLO	LAS VEGAS, NEVADA	10,150
INDIANAPOLIS, INDIAN	LOUISVILLE, KENTUCKY	10,470	KNOXVILLE, TENNESSEE	ST. LOUIS, MISSOURI	10,150
COLUMBUS, OHIO	ROCHESTER, NEW YORK	10,440	MOBILE, ALA./PASCAGO	NASHVILLE, TENNESSEE	10,150
LUBBOCK, TEXAS	SAN ANTONIO, TEXAS	10,430	DENVER, COLORADO	HARRISBURG/YORK, PA.	10,130
PORTLAND, OREGON	TULSA, OKLAHOMA	10,430	ATLANTA, GEORGIA	EL PASO, TEXAS	10,120
COLUMBIA, SOUTH CARO	NEW ORLEANS, LA.	10,420	SHREVEPORT, LOUISIAN	TULSA, OKLAHOMA	10,120
HOUSTON, TEXAS	SAGINAW/BAY CTY,MICH	10,420	ALLENTOWN/BETHLEHEM/	SAN FRANCISCO,CALIF.	10,110
CINCINNATI, OHIO	RICHMOND, VIRGINIA	10,410	DALLAS-FORT WORTH, T	HILO, HAWAII, HAWAII	10,110
DENVER, COLORADO	KNOXVILLE, TENNESSEE	10,410	AUSTIN, TEXAS	LAS VEGAS, NEVADA	10,100
HARTFORD/SPRNGFLD/WE	RALEIGH/DURHAM, N.C.	10,410	HUNTSVILLE&DECATUR,	ST. LOUIS, MISSOURI	10,100
ALBUQUERQUE, NEW MEX	AUSTIN, TEXAS	10,400	MONROE, LOUISIANA	NEW YORK, NEW YORK	10,080
BRISTOL/KNGSPRT/JHNS	RICHMOND, VIRGINIA	10,400	EVANSVILLE, INDIANA	HOUSTON, TEXAS	10,070
BALTIMORE, MARYLAND	DAYTONA BEACH, FLA.	10,390	FORT WAYNE, INDIANA	MIAMI, FLORIDA	10,070
OKLAHOMA CITY, OKLAH	OMAHA, NEBRASKA	10,390	NASHVILLE, TENNESSEE	TULSA, OKLAHOMA	10,050
ROCHESTER, NEW YORK	SAN DIEGO,CALIFORNIA	10,390	DES MOINES, IOWA	MIAMI, FLORIDA	10,040

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 19
HOUSTON, TEXAS	LEXINGTON, KENTUCKY	10,030	GREENVILLE&SPARTANBU	HOUSTON, TEXAS	9,670
SPOKANE, WASHINGTON	WASHINGTON, D. C.	10,030	MIAMI, FLORIDA	PENSACOLA, FLORIDA	9,670
MEMPHIS, TENNESSEE	RICHMOND, VIRGINIA	10,020	CINCINNATI, OHIO	SYRACUSE, NEW YORK	9,660
AMARILLO, TEXAS	SAN FRANCISCO,CALIF.	10,010	IDAHO FALLS, IDAHO	SAN FRANCISCO,CALIF.	9,660
BOSTON, MASSACHUSETT	FORT WAYNE, INDIANA	10,010	PARKERSBURG,W.VA/MAR	PHILADELPHIA, PENNA	9,660
LOUISVILLE, KENTUCKY	SAN DIEGO,CALIFORNIA	10,010	HARTFORD/SPRNGFLD/WE	RICHMOND, VIRGINIA	9,640
GREENSBORO/HIGH POIN	NEW ORLEANS, LA.	10,000	LITTLE ROCK, ARKANSA	PHILADELPHIA, PENNA	9,640
ST. LOUIS, MISSOURI	SARASOTA, FLORIDA	10,000	AMARILLO, TEXAS	WICHITA, KANSAS	9,630
JACKSONVILLE, FLORID	PENSACOLA, FLORIDA	9,990	MINNEAPOLIS/ST. PAUL	TOLEDO, OHIO	9,630
DAYTON, OHIO	JACKSONVILLE,FLORIDA	9,970	SAN FRANCISCO, CALIF	TOLEDO, OHIO	9,630
EL PASO, TEXAS	KANSAS CITY,MISSOURI	9,970	NEW ORLEANS, LOUISIA	SALT LAKE CITY, UTAH	9,610
DENVER, COLORADO	NORFOLK, VIRGINIA	9,960	DALLAS-FORT WORTH, T	HUNTSVILLE, ALABAMA	9,590
HOUSTON, TEXAS	SACRAMENTO, CALIF.	9,960	DETROIT&ANN ARBOR, M	PORTLAND, MAINE	9,590
BIRMINGHAM, ALABAMA	KANSAS CITY,MISSOURI	9,950	BALTIMORE, MARYLAND	SALT LAKE CITY, UTAH	9,560
DAYTON, OHIO	ROCHESTER, NEW YORK	9,930	BOISE, IDAHO	WASHINGTON, D. C.	9,560
PITTSBURGH, PENNSYLV	SAVANNAH, GEORGIA	9,910	LOS ANGELES, CALIFOR	YOUNGSTOWN, OHIO	9,560
KANSAS CITY, MISSOUR	SIOUX CITY, IOWA	9,900	MOLINE,ILLINOIS/DAVE	PHILADELPHIA, PENNA	9,530
AUSTIN, TEXAS	MINNEAPOLIS, MINN.	9,890	OMAHA, NEBRASKA	ORLANDO, FLORIDA	9,530
ALBANY, NEW YORK	NORFOLK, VIRGINIA	9,880	ANCHORAGE, ALASKA	NEW YORK, NEW YORK	9,520
DETROIT&ANN ARBOR, M	MOBILE, ALABAMA	9,880	COLUMBIA, SOUTH CARO	ORLANDO, FLORIDA	9,520
ANCHORAGE, ALASKA	HOUSTON, TEXAS	9,860	INDIANAPOLIS, INDIAN	OMAHA, NEBRASKA	9,520
CORPUS CHRISTI, TEXA	LOS ANGELES, CALIF.	9,860	LITTLE ROCK, ARKANSA	SAN DIEGO,CALIFORNIA	9,520
NEW YORK, N.Y./NEWAR	SPRINGFIELD,MISSOURI	9,860	COLUMBUS, OHIO	HONOLULU,OAHU,HAWAII	9,510
EUGENE, OREGON	SAN DIEGO,CALIFORNIA	9,850	COLUMBUS, OHIO	SAN ANTONIO, TEXAS	9,510
LITTLE ROCK, ARKANSA	PHOENIX, ARIZONA	9,850	AMARILLO-BORGER, TEX	KANSAS CITY,MISSOURI	9,500
MADISON, WISCONSIN	PHILADELPHIA, PENNA	9,850	CHARLESTON, SOUTH CA	CLEVELAND, OHIO	9,500
MOLINE,ILLINOIS/DAVE	OMAHA, NEBRASKA	9,850	BEAUMONT/PORT ARTHUR	NEW YORK, NEW YORK	9,490
OKLAHOMA CITY, OKLAH	SALT LAKE CITY, UTAH	9,850	EL PASO, TEXAS	OKLAHOMA CITY, OKLA.	9,490
DETROIT&ANN ARBOR, M	WICHITA, KANSAS	9,830	TAMPA&ST.PTSBG/CLWTR	WICHITA, KANSAS	9,490
BUFFALO&NIAGARA FALL	CHARLOTTE, N. C.	9,820	CINCINNATI, OHIO	ROCHESTER, NEW YORK	9,480
DENVER, COLORADO	PIERRE, SOUTH DAKOTA	9,820	COLUMBIA, SOUTH CARO	ST. LOUIS, MISSOURI	9,480
GREAT FALLS, MONTANA	SAN FRANCISCO,CALIF.	9,820	HILO, HAWAII, HAWAII	SEATTLE, WASHINGTON	9,470
DES MOINES, IOWA	TAMPA, FLORIDA	9,810	LUBBOCK, TEXAS	PHOENIX, ARIZONA	9,470
FORT LAUDERDALE, FLO	GRAND RAPIDS, MICH.	9,810	FORT WAYNE, INDIANA	PHILADELPHIA, PENNA	9,460
JACKSON/VICKSBURG, M	SHREVEPORT,LOUISIANA	9,810	GRAND RAPIDS, MICHIG	ST. LOUIS, MISSOURI	9,460
MILWAUKEE, WISCONSIN	WEST PALM BEACH,FLA.	9,810	HUNTSVILLE&DECATUR,	MIAMI, FLORIDA	9,450
ISLIP, LONG ISLAND,	ROCHESTER, NEW YORK	9,800	INDIANAPOLIS, INDIAN	SYRACUSE, NEW YORK	9,450
JOPLIN, MISSOURI	ST. LOUIS, MISSOURI	9,800	ALBUQUERQUE, NEW MEX	COLORADO SPRNGS,COLO	9,440
FORT LAUDERDALE, FLO	LEXINGTON, KENTUCKY	9,790	DENVER, COLORADO	SANTA BARBARA,CALIF.	9,440
AUSTIN, TEXAS	PHILADELPHIA, PENNA	9,770	DETROIT&ANN ARBOR, M	SCRANTON, PENNA.	9,440
OMAHA, NEBRASKA	TULSA, OKLAHOMA	9,760	ALBANY, NEW YORK	HOUSTON, TEXAS	9,430
AUSTIN, TEXAS	DETROIT, MICHIGAN	9,750	BALTIMORE, MARYLAND	CHARLESTON, S. C.	9,430
GRAND RAPIDS, MICHIG	PHOENIX, ARIZONA	9,750	BALTIMORE, MARYLAND	PORTLAND, MAINE	9,420
LOUISVILLE, KENTUCKY	NASHVILLE, TENNESSEE	9,750	DALLAS-FORT WORTH, T	GRAND RAPIDS, MICH.	9,420
EL PASO, TEXAS	PHILADELPHIA, PENNA	9,740	DENVER, COLORADO	LEXINGTON, KENTUCKY	9,410
MOBILE, ALA./PASCAGO	ORLANDO, FLORIDA	9,740	DETROIT&ANN ARBOR, M	SACRAMENTO, CALIF.	9,410
FORT LAUDERDALE, FLO	GREENSBORO, N. C.	9,730	KANSAS CITY, MISSOUR	SIOUX FALLS, S. D.	9,410
HARRISBURG/YORK, PEN	SAN FRANCISCO,CALIF.	9,730	LITTLE ROCK, ARKANSA	TULSA, OKLAHOMA	9,400
COLORADO SPRINGS, CO	LAS VEGAS, NEVADA	9,720	PROVIDENCE, RHODE IS	SAN FRANCISCO,CALIF.	9,400
CHARLESTON, SOUTH CA	MEMPHIS, TENNESSEE	9,710	ASHEVILLE, NORTH CAR	TAMPA, FLORIDA	9,390
DALLAS-FORT WORTH, T	PROVIDENCE, R. I.	9,710	DENVER, COLORADO	LANSING, MICHIGAN	9,390
DENVER, COLORADO	JACKSON, MISSISSIPPI	9,710	ALEXANDRIA, LOUISIAN	ATLANTA, GEORGIA	9,370
EL PASO, TEXAS	SEATTLE, WASHINGTON	9,700	CHICAGO, ILLINOIS	GRAND FORKS, N. D.	9,370
JACKSONVILLE, FLORID	RALEIGH/DURHAM, N.C.	9,700	OKLAHOMA CITY, OKLAH	ONTARIO, CALIFORNIA	9,360
COLORADO SPRINGS, CO	MINNEAPOLIS, MINN.	9,690	CINCINNATI, OHIO	RALEIGH/DURHAM, N.C.	9,350
BISMARCK/MANDAN, NOR	CHICAGO, ILLINOIS	9,680	CLEVELAND, OHIO	RICHMOND, VIRGINIA	9,340

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A	PAGE 20
CHARLOTTE, NORTH CAR	INDIANAPOLIS,INDIANA	9,330	DES MOINES, IOWA	PORTLAND, OREGON	8,950	
FRESNO, CALIFORNIA	SALT LAKE CITY, UTAH	9,330	MIAMI, FLORIDA	PORTLAND, MAINE	8,950	
ST. LOUIS, MISSOURI	SAN JOSE, CALIFORNIA	9,310	MINNEAPOLIS/ST. PAUL	PROVIDENCE, R. I.	8,950	
GRAND JUNCTION, COLO	LAS VEGAS, NEVADA	9,300	MONTGOMERY, ALABAMA	PHILADELPHIA, PENNA	8,950	
HOUSTON, TEXAS	ONTARIO, CALIFORNIA	9,300	KALAMAZOO, MICHIGAN	LOS ANGELES, CALIF.	8,940	
OMAHA, NEBRASKA	TAMPA, FLORIDA	9,300	LAS VEGAS, NEVADA	LINCOLN, NEBRASKA	8,930	
AUSTIN, TEXAS	TULSA, OKLAHOMA	9,290	NASHVILLE, TENNESSEE	SAN DIEGO,CALIFORNIA	8,930	
FRESNO, CALIFORNIA	HONOLULU,OAHU,HAWAII	9,280	COLORADO SPRINGS, CO	SAN ANTONIO, TEXAS	8,920	
ORLANDO, FLORIDA	TULSA, OKLAHOMA	9,280	DES MOINES, IOWA	NEW ORLEANS, LA.	8,920	
PHILADELPHIA, PA./CA	SACRAMENTO, CALIF.	9,270	NEW ORLEANS, LOUISIA	SAVANNAH, GEORGIA	8,920	
CHATTANOOGA, TENNESS	ORLANDO, FLORIDA	9,260	CASPER, WYOMING	HOUSTON, TEXAS	8,910	
CINCINNATI, OHIO	GREENSBORO, N. C.	9,260	MEMPHIS, TENNESSEE	MONTGOMERY, ALABAMA	8,890	
FLINT, MICHIGAN	LOS ANGELES, CALIF.	9,260	BALTIMORE, MARYLAND	SARASOTA, FLORIDA	8,880	
ANCHORAGE, ALASKA	WASHINGTON, D. C.	9,250	CHARLESTON/DUNBAR, W	CINCINNATI, OHIO	8,880	
HUNTSVILLE&DECATUR,	SAN FRANCISCO,CALIF.	9,240	LOUISVILLE, KENTUCKY	RALEIGH/DURHAM, N.C.	8,880	
DENVER, COLORADO	SHREVEPORT,LOUISIANA	9,230	ALBUQUERQUE, NEW MEX	WICHITA, KANSAS	8,870	
HONOLULU, OAHU, HAWA	OKLAHOMA CITY, OKLA.	9,200	MADISON, WISCONSIN	MIAMI, FLORIDA	8,870	
LANSING, MICHIGAN	TAMPA, FLORIDA	9,200	NEW YORK, N.Y./NEWAR	OAKLAND, CALIFORNIA	8,870	
COLUMBUS, OHIO	SARASOTA, FLORIDA	9,190	GREENVILLE&SPARTANBU	PITTSBURGH, PENNA.	8,860	
JACKSON/VICKSBURG, M	ORLANDO, FLORIDA	9,190	PENSACOLA, FLORIDA	PHILADELPHIA, PENNA	8,860	
JACKSON/VICKSBURG, M	KANSAS CITY,MISSOURI	9,180	HARTFORD/SPRNGFLD/WE	PORTLAND, OREGON	8,850	
MISSOULA, MONTANA	PORTLAND, OREGON	9,180	PORTLAND, OREGON	TAMPA, FLORIDA	8,850	
CHARLESTON, SOUTH CA	TAMPA, FLORIDA	9,170	CHARLESTON/DUNBAR, W	LOS ANGELES, CALIF.	8,840	
LOS ANGELES, CALIFOR	SARASOTA, FLORIDA	9,170	CLEVELAND, OHIO	TOLEDO, OHIO	8,840	
NORFOLK, VIRGINIA	SYRACUSE, NEW YORK	9,160	GREENSBORO/HIGH POIN	JACKSONVILLE,FLORIDA	8,840	
ALBUQUERQUE, NEW MEX	PITTSBURGH, PENNA.	9,150	NORFOLK, VIRGINIA	SEATTLE, WASHINGTON	8,840	
DENVER, COLORADO	ROCHESTER, MINNESOTA	9,150	BIRMINGHAM, ALABAMA	MINNEAPOLIS, MINN.	8,830	
CEDAR RAPIDS/IOWA CI	SAN FRANCISCO,CALIF.	9,140	AKRON/CANTON, OHIO	BOSTON,MASSACHUSETTS	8,820	
ANCHORAGE, ALASKA	PHOENIX, ARIZONA	9,130	INDIANAPOLIS, INDIAN	ROCHESTER, NEW YORK	8,800	
ATLANTA, GEORGIA	SCRANTON, PENNA.	9,120	LOS ANGELES, CALIFOR	MELBOURNE, FLORIDA	8,800	
BUFFALO&NIAGARA FALL	MILWAUKEE, WISCONSIN	9,110	ATLANTA, GEORGIA	MADISON, WISCONSIN	8,790	
DES MOINES, IOWA	TULSA, OKLAHOMA	9,110	CLEVELAND, OHIO	ONTARIO, CALIFORNIA	8,790	
AKRON/CANTON, OHIO	CHARLOTTE, N. C.	9,100	INDIO/PALM SPRINGS,	MINNEAPOLIS, MINN.	8,790	
KNOXVILLE, TENNESSEE	LOUISVILLE, KENTUCKY	9,100	MOBILE, ALA./PASCAGO	SAN FRANCISCO,CALIF.	8,790	
ASHLAND, KY./HUNTING	ATLANTA, GEORGIA	9,090	COLORADO SPRINGS, CO	ONTARIO, CALIFORNIA	8,780	
BOSTON, MASSACHUSETT	LEXINGTON, KENTUCKY	9,090	CORPUS CHRISTI, TEXA	WASHINGTON, D. C.	8,780	
GRAND RAPIDS, MICHIG	PITTSBURGH, PENNA.	9,090	ORLANDO, FLORIDA	SAN ANTONIO, TEXAS	8,780	
GREENVILLE&SPARTANBU	TAMPA, FLORIDA	9,090	CHARLOTTE, NORTH CAR	KANSAS CITY,MISSOURI	8,770	
OMAHA, NEBRASKA	SAN ANTONIO, TEXAS	9,060	DAYTON, OHIO	OKLAHOMA CITY, OKLA.	8,770	
COLUMBUS, OHIO	RALEIGH/DURHAM, N.C.	9,040	INDIANAPOLIS, INDIAN	TULSA, OKLAHOMA	8,770	
HARTFORD/SPRNGFLD/WE	SAN ANTONIO, TEXAS	9,040	PITTSBURGH, PENNSYLV	RICHMOND, VIRGINIA	8,770	
CLEVELAND, OHIO	OMAHA, NEBRASKA	9,030	CHICAGO, ILLINOIS	HILO, HAWAII, HAWAII	8,750	
COLORADO SPRINGS, CO	ST. LOUIS, MISSOURI	9,030	SAN ANTONIO, TEXAS	WICHITA, KANSAS	8,750	
FORT MYERS, FLORIDA	MILWAUKEE, WISCONSIN	9,030	ANCHORAGE, ALASKA	SAN DIEGO,CALIFORNIA	8,730	
HONOLULU, OAHU, HAWA	INDIANAPOLIS,INDIANA	9,030	CLEVELAND, OHIO	PEORIA, ILLINOIS	8,730	
BUFFALO&NIAGARA FALL	KANSAS CITY,MISSOURI	9,020	MOBILE, ALA./PASCAGO	ST. LOUIS, MISSOURI	8,730	
BOISE, IDAHO	LAS VEGAS, NEVADA	9,000	ANCHORAGE, ALASKA	SPOKANE, WASHINGTON	8,720	
BALTIMORE, MARYLAND	PORTLAND, OREGON	8,990	AUGUSTA, GEORGIA	MIAMI, FLORIDA	8,720	
BILLINGS, MONTANA	SAN FRANCISCO,CALIF.	8,990	CHATTANOOGA, TENNESS	FORT LAUDERDALE,FLA.	8,710	
HONOLULU, OAHU, HAWA	SAN ANTONIO, TEXAS	8,990	CHARLOTTE, NORTH CAR	KNOXVILLE, TENNESSEE	8,700	
MINNEAPOLIS/ST. PAUL	SAGINAW/BAY CTY,MICH	8,990	DENVER, COLORADO	GREENSBORO, N. C.	8,690	
BALTIMORE, MARYLAND	PROVIDENCE, R. I.	8,980	HARRISBURG/YORK, PEN	INDIANAPOLIS,INDIANA	8,690	
BOSTON, MASSACHUSETT	SAGINAW/BAY CTY,MICH	8,970	SAN DIEGO, CALIFORNI	SIOUX FALLS, S. D.	8,690	
CEDAR RAPIDS/IOWA CI	DETROIT, MICHIGAN	8,960	AKRON/CANTON, OHIO	FORT LAUDERDALE,FLA.	8,670	
DALLAS-FORT WORTH, T	INDIO, CALIFORNIA	8,960	DALLAS-FORT WORTH, T	TOLEDO, OHIO	8,670	
DALLAS-FORT WORTH, T	FRESNO, CALIFORNIA	8,950	FORT LAUDERDALE, FLO	SEATTLE, WASHINGTON	8,660	

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
SACRAMENTO, CALIFORN	TUCSON, ARIZONA	8,660	ALBUQUERQUE, NEW MEX	CLEVELAND, OHIO	8,260
ALBUQUERQUE, NEW MEX	AMARILLO, TEXAS	8,650	CHICAGO, ILLINOIS	RAPID CITY, S. D.	8,260
ATLANTA, GEORGIA	TUCSON, ARIZONA	8,650	MOLINE, ILLINOIS/DAVE	TAMPA, FLORIDA	8,260
CHATTANOOGA, TENNESS	NEW ORLEANS, LA.	8,640	DAYTON, OHIO	SALT LAKE CITY, UTAH	8,250
HONOLULU, OAHU, HAWA	OMAHA, NEBRASKA	8,640	BUFFALO&NIAGARA FALL	LOUISVILLE, KENTUCKY	8,240
OMAHA, NEBRASKA	WICHITA, KANSAS	8,640	CHARLOTTE, NORTH CAR	WEST PALM BEACH, FLA.	8,240
PEORIA, ILLINOIS	PHOENIX, ARIZONA	8,640	HONOLULU, OAHU, HAWA	MEMPHIS, TENNESSEE	8,240
CLEVELAND, OHIO	SAVANNAH, GEORGIA	8,620	BALTIMORE, MARYLAND	GREENSBORO, N. C.	8,230
NEW ORLEANS, LOUISIA	SYRACUSE, NEW YORK	8,620	CHICAGO, ILLINOIS	MACON, GEORGIA	8,230
CINCINNATI, OHIO	DAYTONA BEACH, FLA.	8,610	BOSTON, MASSACHUSETT	KALAMAZOO, MICHIGAN	8,210
FORT LAUDERDALE, FLO	RICHMOND, VIRGINIA	8,610	CINCINNATI, OHIO	GRAND RAPIDS, MICH.	8,210
LAS VEGAS, NEVADA	SIOUX FALLS, S. D.	8,610	EVANSVILLE, INDIANA	ST. LOUIS, MISSOURI	8,210
CHICAGO, ILLINOIS	GRAND JUNCTION, COLO.	8,600	BOZEMAN, MONTANA	DENVER, COLORADO	8,190
COLUMBUS, OHIO	TUCSON, ARIZONA	8,590	CHICAGO, ILLINOIS	FORT SMITH, ARKANSAS	8,190
ONTARIO&SAN BERNARDI	TULSA, OKLAHOMA	8,590	COLUMBUS, OHIO	NASHVILLE, TENNESSEE	8,170
SAN ANTONIO, TEXAS	SHREVEPORT, LOUISIANA	8,590	EVANSVILLE, INDIANA	MEMPHIS, TENNESSEE	8,170
CLEVELAND, OHIO	ROANOKE, VIRGINIA	8,580	FORT LAUDERDALE, FLO	NORFOLK, VIRGINIA	8,170
LEXINGTON, KENTUCKY	ST. LOUIS, MISSOURI	8,580	RALEIGH/DURHAM, NORT	WEST PALM BEACH, FLA.	8,170
MIAMI, FLORIDA	SACRAMENTO, CALIF.	8,580	RENO, NEVADA	SACRAMENTO, CALIF.	8,160
PHILADELPHIA, PA./CA	SHREVEPORT, LOUISIANA	8,580	AUGUSTA, GEORGIA	BOSTON, MASSACHUSETTS	8,150
NEW ORLEANS, LOUISIA	OAKLAND, CALIFORNIA	8,570	DAYTONA BEACH, FLORI	LOUISVILLE, KENTUCKY	8,150
LUBBOCK, TEXAS	OKLAHOMA CITY, OKLA.	8,560	LOS ANGELES, CALIFOR	SIOUX CITY, IOWA	8,150
BRISTOL/KNGSPRT/JHNS	MEMPHIS, TENNESSEE	8,540	HOUSTON, TEXAS	MONTGOMERY, ALABAMA	8,140
ALLENTOWN/BETHLEHEM/	HOUSTON, TEXAS	8,520	FORT WAYNE, INDIANA	ORLANDO, FLORIDA	8,130
MOLINE, ILLINOIS/DAVE	SAN FRANCISCO, CALIF.	8,520	BIRMINGHAM, ALABAMA	LAS VEGAS, NEVADA	8,120
MACON, GEORGIA	WASHINGTON, D, C.	8,500	KANSAS CITY, MISSOUR	RALEIGH/DURHAM, N.C.	8,120
MILWAUKEE, WISCONSIN	RENO, NEVADA	8,500	COLUMBIA, SOUTH CARO	NORFOLK, VIRGINIA	8,110
NASHVILLE, TENNESSEE	WEST PALM BEACH, FLA.	8,500	MINNEAPOLIS/ST. PAUL	SARASOTA, FLORIDA	8,110
BUFFALO&NIAGARA FALL	SEATTLE, WASHINGTON	8,490	NEW ORLEANS, LOUISIA	SAN JOSE, CALIFORNIA	8,080
CHATTANOOGA, TENNESS	ST. LOUIS, MISSOURI	8,480	SAN FRANCISCO, CALIF	SIOUX FALLS, S. D.	8,080
BIRMINGHAM, ALABAMA	RALEIGH/DURHAM, N.C.	8,460	MADISON, WISCONSIN	TAMPA, FLORIDA	8,070
LEXINGTON, KENTUCKY	SAN FRANCISCO, CALIF.	8,460	MILWAUKEE, WISCONSIN	SARASOTA, FLORIDA	8,070
MILWAUKEE, WISCONSIN	SYRACUSE, NEW YORK	8,440	MONTGOMERY, ALABAMA	NEW ORLEANS, LA.	8,070
BOSTON, MASSACHUSETT	WICHITA, KANSAS	8,430	BOSTON, MASSACHUSETT	CHATTANOOGA, TENN.	8,060
GREENSBORO/HIGH POIN	MINNEAPOLIS, MINN.	8,430	INDIANAPOLIS, INDIAN	ONTARIO, CALIFORNIA	8,050
KANSAS CITY, MISSOUR	MADISON, WISCONSIN	8,410	SAN FRANCISCO, CALIF	SOUTH BEND, INDIANA	8,050
COLORADO SPRINGS, CO	OKLAHOMA CITY, OKLA.	8,400	SALT LAKE CITY, UTAH	TULSA, OKLAHOMA	8,040
OMAHA, NEBRASKA	SACRAMENTO, CALIF.	8,400	DALLAS-FORT WORTH, T	SOUTH BEND, INDIANA	8,030
ATLANTA, GEORGIA	MOLINE, ILLINOIS	8,390	GRAND RAPIDS, MICHIG	ORLANDO, FLORIDA	8,030
CHARLESTON/DUNBAR, W	TAMPA, FLORIDA	8,390	GREENVILLE&SPARTANBU	NASHVILLE, TENNESSEE	8,030
AMARILLO, TEXAS	TULSA, OKLAHOMA	8,370	BOSTON, MASSACHUSETT	RENO, NEVADA	8,020
GREAT FALLS, MONTANA	MINNEAPOLIS, MINN.	8,370	GREENSBORO/HIGH POIN	HARTFORD, CONNECTICUT	8,020
NASHVILLE, TENNESSEE	SEATTLE, WASHINGTON	8,370	MIDLAND/ODESSA, TEXA	NEW ORLEANS, LA.	8,020
INDIANAPOLIS, INDIAN	PORTLAND, OREGON	8,360	DENVER, COLORADO	EUGENE, OREGON	8,010
ALLENTOWN/BETHLEHEM/	DENVER, COLORADO	8,350	HOUSTON, TEXAS	PROVIDENCE, R. I.	8,010
DENVER, COLORADO	WEST PALM BEACH, FLA.	8,350	MILWAUKEE, WISCONSIN	TUCSON, ARIZONA	8,010
IDAHO FALLS, IDAHO	PORTLAND, OREGON	8,350	NEW BEDFORD/FALL RIV	NEW YORK, NEW YORK	8,010
INDIANAPOLIS, INDIAN	LITTLE ROCK, ARKANSAS	8,330	AUGUSTA, GEORGIA	LOS ANGELES, CALIF.	8,000
BALTIMORE, MARYLAND	SAVANNAH, GEORGIA	8,320	CHATTANOOGA, TENNESS	SAN FRANCISCO, CALIF.	8,000
DALLAS-FORT WORTH, T	SPOKANE, WASHINGTON	8,320	ALBUQUERQUE, NEW MEX	DAYTON, OHIO	7,990
MEMPHIS, TENNESSEE	SAVANNAH, GEORGIA	8,320	BURBANK, CALIFORNIA	SAN JOSE, CALIFORNIA	7,990
BURLINGTON, VERMONT	DETROIT, MICHIGAN	8,310	CHATTANOOGA, TENNESS	PITTSBURGH, PENNA.	7,990
BOSTON, MASSACHUSETT	COLORADO SPRNGS, COLO	8,290	ASHLAND, KY./HUNTING	PHILADELPHIA, PENNA	7,960
FORT LAUDERDALE, FLO	PHOENIX, ARIZONA	8,290	DES MOINES, IOWA	HONOLULU, OAHU, HAWAII	7,950
GRAND RAPIDS, MICHIG	LAS VEGAS, NEVADA	8,280	FARGO, N.D./MOORHEAD,	LOS ANGELES, CALIF.	7,950
BIRMINGHAM, ALABAMA	KNOXVILLE, TENNESSEE	8,270	BIRMINGHAM, ALABAMA	SAVANNAH, GEORGIA	7,940

RESTRICTED	MARKETS		RESTRICTED	MARKETS	APPENDIX A PAGE 22
CLEVELAND, OHIO	DES MOINES, IOWA	7,940	ALBANY, NEW YORK	SAN DIEGO,CALIFORNIA	7,680
COLUMBUS, OHIO	RICHMOND, VIRGINIA	7,940	PHILADELPHIA, PA./CA	SAGINAW/BAY CTY,MICH	7,670
LOS ANGELES, CALIFOR	RAPID CITY, S. D.	7,930	ALBUQUERQUE, NEW MEX	HONOLULU,OAHU,HAWAII	7,660
LAS VEGAS, NEVADA	SHREVEPORT,LOUISIANA	7,920	MINNEAPOLIS/ST. PAUL	RICHMOND, VIRGINIA	7,660
LOS ANGELES, CALIFOR	NEWPORT NEWS, VA.	7,920	MOLINE,ILLINOIS/DAVE	PITTSBURGH, PENNA.	7,660
PHOENIX, ARIZONA	SOUTH BEND, INDIANA	7,920	BRISTOL/KNGSPRT/JHNS	DETROIT, MICHIGAN	7,650
BISMARCK/MANDAN, NOR	SEATTLE, WASHINGTON	7,910	CINCINNATI, OHIO	COLUMBIA, S. C.	7,650
BUFFALO&NIAGARA FALL	JACKSONVILLE,FLORIDA	7,910	BUFFALO&NIAGARA FALL	ROCHESTER, NEW YORK	7,640
CHARLESTON/DUNBAR, W	MIAMI, FLORIDA	7,910	ATLANTA, GEORGIA	CORPUS CHRISTI,TEXAS	7,630
AUGUSTA, GEORGIA	DALLAS-FORT WORTH,TX	7,900	LAS VEGAS, NEVADA	MOLINE, ILLINOIS	7,630
BUFFALO&NIAGARA FALL	HONOLULU,OAHU,HAWAII	7,900	AUSTIN, TEXAS	MEMPHIS, TENNESSEE	7,620
MADISON, WISCONSIN	PHOENIX, ARIZONA	7,900	MEMPHIS, TENNESSEE	WEST PALM BEACH,FLA.	7,620
SAGINAW/BAY CITY/MID	SAN FRANCISCO,CALIF.	7,900	COLUMBIA, SOUTH CARG	LOUISVILLE, KENTUCKY	7,610
AMARILLO, TEXAS	OKLAHOMA CITY, OKLA.	7,890	BALTIMORE, MARYLAND	TUCSON, ARIZONA	7,600
CLEVELAND, OHIO	MADISON, WISCONSIN	7,890	MILWAUKEE, WISCONSIN	SAN ANTONIO, TEXAS	7,600
GREAT FALLS, MONTANA	PORTLAND, OREGON	7,890	AKRON/CANTON, OHIO	DENVER, COLORADO	7,590
SARASOTA/BRADENTON,	TAMPA, FLORIDA	7,890	JACKSONVILLE, FLORID	KNOXVILLE, TENNESSEE	7,590
CHARLOTTE, NORTH CAR	LAS VEGAS, NEVADA	7,880	ATLANTA, GEORGIA	SAGINAW/BAY CTY,MICH	7,580
DES MOINES, IOWA	OKLAHOMA CITY, OKLA.	7,880	FORT LAUDERDALE, FLO	PORTLAND, MAINE	7,580
CLEVELAND, OHIO	KALAMAZOO, MICHIGAN	7,870	DENVER, COLORADO	RICHMOND, VIRGINIA	7,570
DETROIT&ANN ARBOR, M	ROCHESTER, MINNESOTA	7,870	INDIANAPOLIS, INDIAN	RALEIGH/DURHAM, N.C.	7,570
BIRMINGHAM, ALABAMA	GREENSBORO, N. C.	7,860	SIOUX CITY, IOWA	WASHINGTON, D. C.	7,570
NEW YORK, N.Y./NEWAR	PANAMA CITY, FLORIDA	7,860	CLEVELAND, OHIO	SAN JOSE, CALIFORNIA	7,560
LAS VEGAS, NEVADA	MIDLAND/ODESSA,TEXAS	7,850	NEW ORLEANS, LOUISIA	ROCHESTER, NEW YORK	7,560
SARASOTA/BRADENTON,	SYRACUSE, NEW YORK	7,850	ALBANY, NEW YORK	INDIANAPOLIS,INDIANA	7,550
HARTFORD/SPRNGFLD/WE	SOUTH BEND, INDIANA	7,840	BOSTON, MASSACHUSETT	CHARLESTON, W. VA.	7,550
OKLAHOMA CITY, OKLAH	TUCSON, ARIZONA	7,840	CHARLOTTE, NORTH CAR	SAN DIEGO,CALIFORNIA	7,550
ATLANTA, GEORGIA	YOUNGSTOWN, OHIO	7,820	FORT SMITH, ARKANSAS	LOS ANGELES, CALIF.	7,550
DALLAS-FORT WORTH, T	PENSACOLA, FLORIDA	7,820	CINCINNATI, OHIO	SAN ANTONIO, TEXAS	7,540
HILO, HAWAII, HAWAII	PORTLAND, OREGON	7,820	POCATELLO, IDAHO	SEATTLE, WASHINGTON	7,540
OMAHA, NEBRASKA	SIOUX FALLS, S. D.	7,820	CINCINNATI, OHIO	SAVANNAH, GEORGIA	7,530
PHILADELPHIA, PA./CA	TALLAHASSEE, FLORIDA	7,820	MIAMI, FLORIDA	YOUNGSTOWN, OHIO	7,530
BRISTOL/KNGSPRT/JHNS	MIAMI, FLORIDA	7,810	ALBANY, NEW YORK	LOUISVILLE, KENTUCKY	7,520
BRISTOL/KNGSPRT/JHNS	PHILADELPHIA, PENNA	7,810	COLUMBUS, OHIO	TULSA, OKLAHOMA	7,520
KANSAS CITY, MISSOUR	RENO, NEVADA	7,810	LAS VEGAS, NEVADA	LITTLE ROCK,ARKANSAS	7,500
CINCINNATI, OHIO	LOUISVILLE, KENTUCKY	7,800	BATON ROUGE, LOUISIA	MONROE, LOUISIANA	7,490
LOS ANGELES, CALIFOR	POCATELLO, IDAHO	7,800	BALTIMORE, MARYLAND	FORT MYERS, FLORIDA	7,480
LOUISVILLE, KENTUCKY	SAN ANTONIO, TEXAS	7,800	BILLINGS, MONTANA	PHOENIX, ARIZONA	7,470
RALEIGH/DURHAM, NORT	SEATTLE, WASHINGTON	7,800	CINCINNATI, OHIO	FORT MYERS, FLORIDA	7,470
DENVER, COLORADO	INDIO, CALIFORNIA	7,790	DETROIT&ANN ARBOR, M	INDIO, CALIFORNIA	7,470
JACKSONVILLE, FLORID	RICHMOND, VIRGINIA	7,790	NASHVILLE, TENNESSEE	ROANOKE, VIRGINIA	7,470
BIRMINGHAM, ALABAMA	COLUMBUS, OHIO	7,790	OKLAHOMA CITY, OKLAH	SHREVEPORT,LOUISIANA	7,470
COLUMBUS, OHIO	TOLEDO, OHIO	7,780	COLUMBIA, SOUTH CARO	DENVER, COLORADO	7,460
JACKSON/VICKSBURG, M	TAMPA, FLORIDA	7,770	DETROIT&ANN ARBOR, M	ROANOKE, VIRGINIA	7,450
CHATTANOOGA, TENNESS	CLEVELAND, OHIO	7,760	CINCINNATI, OHIO	ROANOKE, VIRGINIA	7,440
DAYTON, OHIO	HARRISBURG/YORK, PA.	7,760	CLEVELAND, OHIO	LEXINGTON, KENTUCKY	7,440
PORTLAND, OREGON	SAN ANTONIO, TEXAS	7,760	DAYTON, OHIO	TUCSON, ARIZONA	7,430
GREENVILLE&SPARTANBU	ST. LOUIS, MISSOURI	7,740	BOSTON, MASSACHUSETT	MARTHA'S VINYRD,MASS	7,410
HARTFORD/SPRNGFLD/WE	TUCSON, ARIZONA	7,730	COLUMBUS, GEORGIA	LOS ANGELES, CALIF.	7,410
SAN FRANCISCO, CALIF	SAVANNAH, GEORGIA	7,730	COLUMBUS, OHIO	OKLAHOMA CITY, OKLA.	7,400
ATLANTA, GEORGIA	LANSING, MICHIGAN	7,710	KANSAS CITY, MISSOUR	NORFOLK, VIRGINIA	7,400
CINCINNATI, OHIO	INDIANAPOLIS,INDIANA	7,710	NEW YORK, N.Y./NEWAR	SIOUX CITY, IOWA	7,400
JACKSON/VICKSBURG, M	PHILADELPHIA, PENNA	7,710	ORLANDO, FLORIDA	PENSACOLA, FLORIDA	7,400
MEMPHIS, TENNESSEE	MONROE, LOUISIANA	7,700	DALLAS-FORT WORTH, T	EVANSVILLE, INDIANA	7,370
MIAMI, FLORIDA	SHREVEPORT,LOUISIANA	7,700	GRAND RAPIDS, MICHIG	HOUSTON, TEXAS	7,370
PHILADELPHIA, PA./CA	SAN JOSE, CALIFORNIA	7,700	HARTFORD/SPRNGFLD/WE	SALT LAKE CITY, UTAH	7,360

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
LANSING, MICHIGAN	PHILADELPHIA, PENNA	7,360	PROVIDENCE, RHODE IS	ST. LOUIS, MISSOURI	7,060
LOS ANGELES, CALIFOR	SCRANTON, PENNA.	7,350	DALLAS-FORT WORTH, T	WICHITA FALLS, TEXAS	7,040
BALTIMORE, MARYLAND	EL PASO, TEXAS	7,340	HUNTSVILLE&DECATUR,	MEMPHIS, TENNESSEE	7,030
BALTIMORE, MARYLAND	OMAHA, NEBRASKA	7,340	INDIANAPOLIS, INDIAN	WICHITA, KANSAS	7,030
BOSTON, MASSACHUSETT	MOBILE, ALABAMA	7,330	CLEVELAND, OHIO	COLUMBIA, S. C.	7,000
CHARLESTON, SOUTH CA	HARTFORD,CONNECTICUT	7,330	FAIRBANKS, ALASKA	PORTLAND, OREGON	7,000
GRAND RAPIDS, MICHIG	SEATTLE, WASHINGTON	7,330	LINCOLN, NEBRASKA	SAN FRANCISCO,CALIF.	7,000
LITTLE ROCK, ARKANSA	MINNEAPOLIS, MINN.	7,330	ORLANDO, FLORIDA	PANAMA CITY, FLORIDA	7,000
CLEVELAND, OHIO	MOLINE, ILLINOIS	7,320	HONOLULU, OAHU, HAWA	TUCSON, ARIZONA	6,990
NEW ORLEANS, LOUISIA	PROVIDENCE, R. I.	7,320	OMAHA, NEBRASKA	ONTARIO, CALIFORNIA	6,980
ALBUQUERQUE, NEW MEX	TAMPA, FLORIDA	7,300	CHATTANOOGA, TENNESS	CINCINNATI, OHIO	6,970
LAS VEGAS, NEVADA	ROCHESTER, NEW YORK	7,300	HILO, HAWAII, HAWAII	NEW YORK, NEW YORK	6,960
DENVER, COLORADO	EVANSVILLE, INDIANA	7,290	MIDLAND/ODESSA, TEXA	SAN FRANCISCO,CALIF.	6,960
PANAMA CITY, FLORIDA	WASHINGTON, D. C.	7,290	BOSTON, MASSACHUSETT	JACKSON, MISSISSIPPI	6,950
PARKERSBURG,W.VA/MAR	PITTSBURGH, PENNA.	7,290	CLEVELAND, OHIO	GREENVILLE, S. C.	6,950
ATLANTA, GEORGIA	SOUTH BEND, INDIANA	7,280	CHICAGO, ILLINOIS	GREAT FALLS, MONTANA	6,910
MONTGOMERY, ALABAMA	TAMPA, FLORIDA	7,280	CINCINNATI, OHIO	TULSA, OKLAHOMA	6,910
CHARLESTON, SOUTH CA	LOUISVILLE, KENTUCKY	7,270	BATON ROUGE, LOUISIA	PHILADELPHIA, PENNA	6,900
FLINT, MICHIGAN	WASHINGTON, D. C.	7,270	PITTSBURGH, PENNSYLV	SOUTH BEND, INDIANA	6,900
HOUSTON, TEXAS	SPRINGFIELD,MISSOURI	7,260	AMARILLO/BORGER, TEX	WASHINGTON, D. C.	6,890
HARRISBURG/YORK, PEN	PHOENIX, ARIZONA	7,250	COLUMBUS, OHIO	PORTLAND, OREGON	6,890
BALTIMORE, MARYLAND	MELBOURNE, FLORIDA	7,240	MONTGOMERY, ALABAMA	SAN FRANCISCO,CALIF.	6,890
BOSTON, MASSACHUSETT	PENSACOLA, FLORIDA	7,240	COLUMBUS, GEORGIA	PHILADELPHIA, PENNA	6,880
INDIANAPOLIS, INDIAN	SHREVEPORT,LOUISIANA	7,230	NORFOLK, VIRGINIA	RALEIGH/DURHAM, N.C.	6,870
BOISE, IDAHO	RENO, NEVADA	7,220	BILLINGS, MONTANA	HELENA, MONTANA	6,830
ATLANTA, GEORGIA	PEORIA, ILLINOIS	7,210	KANSAS CITY, MISSOUR	WEST PALM BEACH,FLA.	6,830
CASPER, WYOMING	LOS ANGELES, CALIF.	7,210	ATLANTA, GEORGIA	SPRINGFIELD,MISSOURI	6,810
CLEVELAND, OHIO	LITTLE ROCK,ARKANSAS	7,210	BATON ROUGE, LOUISIA	SAN FRANCISCO,CALIF.	6,810
DENVER, COLORADO	GRAND FORKS, N. D.	7,210	DES MOINES, IOWA	WICHITA, KANSAS	6,810
FARGO,N.D./MOORHEAD,	SEATTLE, WASHINGTON	7,210	ATLANTA, GEORGIA	SAN JOSE, CALIFORNIA	6,800
CHATTANOOGA, TENNESS	JACKSONVILLE,FLORIDA	7,200	CINCINNATI, OHIO	TOLEDO, OHIO	6,770
DAYTON, OHIO	NORFOLK, VIRGINIA	7,200	LEXINGTON, KENTUCKY	RALEIGH/DURHAM, N.C.	6,770
POCATELLO, IDAHO	PORTLAND, OREGON	7,200	BOSTON, MASSACHUSETT	CEDAR RAPIDS, IOWA	6,750
PHILADELPHIA, PA./CA	RENO, NEVADA	7,190	INDIANAPOLIS, INDIAN	SALT LAKE CITY, UTAH	6,750
DENVER, COLORADO	FLINT, MICHIGAN	7,180	DAYTONA BEACH, FLORI	LOS ANGELES, CALIF.	6,740
INDIANAPOLIS, INDIAN	KNOXVILLE, TENNESSEE	7,180	RENO, NEVADA	TUCSON, ARIZONA	6,740
KALAMAZOO, MICHIGAN	MINNEAPOLIS, MINN.	7,160	FORT LAUDERDALE, FLO	MIAMI, FLORIDA	6,730
OAKLAND, CALIFORNIA	WASHINGTON, D. C.	7,160	COLUMBIA, SOUTH CARO	KANSAS CITY,MISSOURI	6,720
SALT LAKE CITY, UTAH	SAN ANTONIO, TEXAS	7,160	ATLANTA, GEORGIA	BURLINGTON, VERMONT	6,710
HARTFORD/SPRNGFLD/WE	OKLAHOMA CITY, OKLA.	7,150	MEMPHIS, TENNESSEE	WICHITA, KANSAS	6,710
BIRMINGHAM, ALABAMA	INDIANAPOLIS,INDIANA	7,140	DES MOINES, IOWA	PITTSBURGH, PENNA.	6,690
OMAHA, NEBRASKA	PITTSBURGH, PENNA.	7,140	ST. LOUIS, MISSOURI	SIOUX FALLS, S. D.	6,690
BIRMINGHAM, ALABAMA	RICHMOND, VIRGINIA	7,130	CHARLESTON/DUNBAR, W	DALLAS-FORT WORTH,TX	6,630
MIAMI, FLORIDA	SOUTH BEND, INDIANA	7,130	MINNEAPOLIS/ST. PAUL	ROCHESTER, MINNESOTA	6,620
JACKSON/VICKSBURG, M	LAS VEGAS, NEVADA	7,120	LOUISVILLE, KENTUCKY	PADUCAH, KENTUCKY	6,600
COLUMBUS, OHIO	SAVANNAH, GEORGIA	7,100	BRISTOL/KNGSPRT/JHNS	LOUISVILLE, KENTUCKY	6,580
FRESNO, CALIFORNIA	WASHINGTON, D. C.	7,100	BAKERSFIELD, CALIFOR	DENVER, COLORADO	6,560
HARRISBURG/YORK, PEN	KANSAS CITY,MISSOURI	7,100	MEMPHIS, TENNESSEE	SPRINGFIELD,MISSOURI	6,560
LITTLE ROCK, ARKANSA	ORLANDO, FLORIDA	7,100	PITTSBURGH, PENNSYLV	WICHITA, KANSAS	6,550
ATLANTA, GEORGIA	CEDAR RAPIDS, IOWA	7,090	BUTTE, MONTANA	DENVER, COLORADO	6,520
BIRMINGHAM, ALABAMA	PHOENIX, ARIZONA	7,090	CHATTANOOGA, TENNESS	LOUISVILLE, KENTUCKY	6,520
EVANSVILLE, INDIANA	MIAMI, FLORIDA	7,090	DAYTON, OHIO	HONOLULU,OAHU,HAWAII	6,510
LITTLE ROCK, ARKANSA	TAMPA, FLORIDA	7,070	COLUMBUS, GEORGIA	DALLAS-FORT WORTH,TX	6,480
LUBBOCK, TEXAS	SAN FRANCISCO,CALIF.	7,070	CHARLESTON, SOUTH CA	JACKSONVILLE,FLORIDA	6,410
BOSTON, MASSACHUSETT	BRISTOL, TENNESSEE	7,060	CHARLOTTE, NORTH CAR	SEATTLE, WASHINGTON	6,400
BOSTON, MASSACHUSETT	MOLINE, ILLINOIS	7,060	HELENA, MONTANA	SALT LAKE CITY, UTAH	6,400

RESTRICTED	MARKETS		RESTRICTED	MARKETS	
ORLANDO, FLORIDA	WEST PALM BEACH,FLA.	6,390	CINCINNATI, OHIO	LEXINGTON, KENTUCKY	1,850
DES MOINES, IOWA	SIOUX CITY, IOWA	6,380	NEW YORK, N.Y./NEWAR	SCRANTON, PENNA.	1,690
CHARLESTON, SOUTH CA	DENVER, COLORADO	6,360	ASHEVILLE, NORTH CAR	CHARLOTTE, N. C.	1,470
CHICAGO, ILLINOIS	PARKERSBURG, W. VA.	6,340	DETROIT&ANN ARBOR, M	TOLEDO, OHIO	1,250
HONOLULU, OAHU, HAWA	NASHVILLE, TENNESSEE	6,340	COLUMBUS, OHIO	PARKERSBURG, W. VA.	1,220
DES MOINES, IOWA	SIOUX FALLS, S. D.	6,320	HARRISBURG/YORK, PEN	WASHINGTON, D. C.	570
FORT MYERS, FLORIDA	LOS ANGELES, CALIF.	6,320			
BURLINGTON, VERMONT	CLEVELAND, OHIO	6,300			
COLUMBUS, OHIO	ROANOKE, VIRGINIA	6,280			
CORPUS CHRISTI, TEXA	KANSAS CITY,MISSOURI	6,280			
BATON ROUGE, LOUISIA	ST. LOUIS, MISSOURI	6,210			
LOUISVILLE, KENTUCKY	ROANOKE, VIRGINIA	6,160			
DALLAS-FORT WORTH, T	LAWTON/FT.SILL,OKLA.	6,090			
BUTTE, MONTANA	SALT LAKE CITY, UTAH	6,030			
CHATTANOOGA, TENNESS	DENVER, COLORADO	5,960			
BRISTOL/KNGSPRT/JHNS	CINCINNATI, OHIO	5,900			
PADUCAH, KENTUCKY	ST. LOUIS, MISSOURI	5,860			
EL PASO, TEXAS	MEMPHIS, TENNESSEE	5,800			
MISSOULA, MONTANA	SALT LAKE CITY, UTAH	5,740			
ASHLAND, KY./HUNTING	CINCINNATI, OHIO	5,710			
ATLANTA, GEORGIA	BEAUMONT, TEXAS	5,700			
CHICAGO, ILLINOIS	MINOT, NORTH DAKOTA	5,690			
DENVER, COLORADO	MONTGOMERY, ALABAMA	5,670			
KANSAS CITY, MISSOUR	ROCHESTER, MINNESOTA	5,640			
DENVER, COLORADO	KALISPELL, MONTANA	5,440			
MILWAUKEE, WISCONSIN	ROCHESTER, MINNESOTA	5,440			
ATLANTA, GEORGIA	FLINT, MICHIGAN	5,250			
EL PASO, TEXAS	HONOLULU,OAHU,HAWAII	5,220			
DALLAS-FORT WORTH, T	TALLAHASSEE, FLORIDA	5,120			
KALISPELL, MONTANA	SPOKANE, WASHINGTON	5,120			
BOSTON, MASSACHUSETT	MONTPELIER/BARRE,VT.	5,070			
BOISE, IDAHO	HONOLULU,OAHU,HAWAII	5,040			
FORT SMITH, ARKANSAS	ST. LOUIS, MISSOURI	5,040			
ROCHESTER, NEW YORK	SYRACUSE, NEW YORK	4,950			
CHICAGO, ILLINOIS	MISSOULA, MONTANA	4,940			
SALT LAKE CITY, UTAH	SIOUX FALLS, S. D.	4,790			
GRAND JUNCTION, COLO	SALT LAKE CITY, UTAH	4,760			
CHARLOTTE, NORTH CAR	COLUMBIA, S. C.	4,750			
RALEIGH/DURHAM, NORT	RICHMOND, VIRGINIA	4,690			
DAYTON, OHIO	LOUISVILLE, KENTUCKY	4,580			
DALLAS-FORT WORTH, T	HOT SPRINGS,ARKANSAS	4,460			
JOPLIN, MISSOURI	KANSAS CITY,MISSOURI	4,340			
CINCINNATI, OHIO	COLUMBUS, OHIO	4,270			
DENVER, COLORADO	HILO, HAWAII, HAWAII	4,240			
DENVER, COLORADO	LAWTON/FT.SILL,OKLA.	4,030			
NORFOLK, VIRGINIA	RICHMOND, VIRGINIA	3,550			
DAYTON, OHIO	INDIANAPOLIS,INDIANA	3,540			
EVANSVILLE, INDIANA	LOUISVILLE, KENTUCKY	3,540			
CHARLOTTE, NORTH CAR	GREENSBORO, N. C.	3,160			
BOZEMAN, MONTANA	SALT LAKE CITY, UTAH	3,110			
KALISPELL, MONTANA	SALT LAKE CITY, UTAH	3,000			
LOS ANGELES, CALIFOR	ONTARIO, CALIFORNIA	2,820			
BALTIMORE, MARYLAND	WASHINGTON, D. C.	2,780			
PHILADELPHIA, PA./CA	SCRANTON, PENNA.	2,670			
QUINCY, ILLINOIS/HAN	ST. LOUIS, MISSOURI	2,440			
LEXINGTON, KENTUCKY	LOUISVILLE, KENTUCKY	2,210			

[FR Doc. 25812 Filed 8-20-79; 8:45 am]
BILLING CODE 6320-01-C

federal register

Tuesday
August 21, 1979

Part IV

Department of the Interior

Fish and Wildlife Service

Listing of Grevy's Zebra and Hartmann's Mountain Zebra as Threatened Species; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing of Grevy's Zebra and Hartmann's Mountain Zebra as Threatened Species

AGENCY: Fish and Wildfish Service, Interior.

ACTION: Final rule.

SUMMARY: Pursuant to the Endangered Species Act of 1973, as amended, the Service determines that Grevy's zebra (*Equus grevyi*) and Hartmann's mountain zebra (*Equus zebra hartmannae*) are Threatened species. Both of these species were originally proposed for listing as Endangered, but data received during the comment period of the proposal indicate that a Threatened listing is more appropriate. This rule will provide needed protection for both Grevy's zebra and Hartmann's mountain zebra and will contribute to their continued survival and recovery in the wild.

DATES: This rule will become effective on September 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202/343–4646.

SUPPLEMENTARY INFORMATION:

Background

Grevy's zebra is distributed in northern Kenya; it formerly occurred in southern Ethiopia and Somalia, but is probably extirpated there at the present time. It is the largest of the zebras and because of some structural and behavioral differences from other zebras, it is placed in a separate subgenus (*Dolichohippus*).

The Cape Mountain zebra (*Equus zebra zebra*) is already on the Endangered list. The present rulemaking therefore deals only with the other subspecies of this species, Hartmann's mountain zebra (*E. z. hartmannae*). Hartmann's mountain zebra lives in the mountainous escarpment zone which forms the eastern boundary of the Namib Desert. Its range formerly extended north into Angola and south to Namaqualand, Cape Province, South Africa.

On December 23, 1977, the Service published a proposed rulemaking in the **Federal Register** (42 FR 64382) to list Grevy's zebra and Hartmann's mountain zebra as Endangered species under the Endangered Species Act of 1973. Since that proposal, the Endangered Species Act Amendments of 1978 have been enacted. The amendments did not effect the status of the proposal and the Service is now proceeding with a final rulemaking relative to these two species. This final rulemaking determines Hartmann's mountain zebra and Grevy's zebra to be Threatened rather than Endangered. The reason for this change is that new data, obtained during the comment period of the proposal, have shown that neither species is in danger of extinction throughout all or a significant portion of its range as was believed at the time of the proposal. The decrease in the known magnitude of the threat to these species is discussed in detail later in this rulemaking in the section titled "Summary of Factors Affecting the Species". The Service is permitting importation and other activities involving Grevy's zebra (parts, products or live animals) only under the provisions of 50 CFR 17.32, i.e., under a permit for scientific purposes, or the enhancement or propagation or survival, economic hardship, zoological exhibition, eductional purposes, or special purposes consistent with the purposes of the Act. It should be noted that since Grevy's zebra is listed in Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora there can be no importation of sport-hunting trophies.

With the Hartmann's mountain zebra, the Service is likewise requiring permits under 50 CFR 17.32. However, because the Hartmann's zebra is listed in Appendix II to the Convention, legally-taken, sport hunting trophies of this species may be imported. Importation of trophies must be consistent with the Act, including the provisions of Section 9(c)(2) and the definition of conservation, 16 U.S.C. 1532(3), 1538(c)(2). The Service is willing to allow the importation of legally taken sport hunting trophies because it is convinced that to do otherwise would be detrimental to the survivual of the species. Hartmann's mountain zebra occurs over vast areas of privately owned ranches. On these private ranches, the zebras compete directly with the rancher's cattle and sheep. Comments received from knowledgeable individuals emphasize that almost without exception these ranchers would not permit the zebras to exist on their property if they could not derive a profit from their presence by permitting sportsmen to hunt them. These ranchers have allowed the zebras to survive and breed on their property in order to provide a trophy for visiting sport hunters. One correspondent relates that the sportman boards with the rancher, is usually guided by the rancher, pays the rancher a daily fee, and also pays the rancher a substantial fee for each animal taken. This revenue makes up an important part of the rancher's income, and the survival of the zebra in South West Africa/Namibia may very well depend upon the ranchers maintaining this income. It should be emphasized that the South West African/Namibian government strictly controls the hunts on the private ranches and will issue permits for a hunt only if a rancher demonstrates excessive populations that are damaging his property.

Summary of Comments

A total of 21 letters and telegrams was received in response to the December 23, 1977, Proposed Rulemaking. Of these responses, 10 supported a listing as proposed, and the remainder recommended modifications to the proposal. Organizations that wholly supported the proposal were: African Equids Group, International Union for the Conservation of Nature and Natural Resources' Survival Service Commission; Elsa Wildlife Animal Appeal, North Hollywood, California; American Association of Zoological Parks and Aquariums; National Health and Human Services, Inc., Las Vegas, Nevada; and Ecology Center of Southern California, Los Angeles, California. Five individuals also supported the proposal.

Three organizations generally supported the proposal (Catskill Game Farm, Inc.; Mount Kenya Game Ranch, Nanyuki, Kenya; and Riverbanks Zoological Park, Columbia, South Carolina), but felt that some sort of measures should be adopted to ease restrictions on captive stocks so that captive propagation could be facilitated. Such measures have been adopted in the present rulemaking.

Four letters from two individuals and one organization (Basie Maartens Safari, Windhoek, South West Africa/Namibia) had reservations about Hartmann's mountain zebra while approving of, or not mentioning, the Grevy's zebra proposal. Basically the reservations on Hartmann's mountain zebra concerned the fact that the population of these species has remained stable since 1968, and that it is totally protected in game reserves covering large regions. In areas where Hartmann's mountain zebra occurs on private lands, the animals cause damage to fences and crops, and are generally unwanted. Ranchers,

however, tolerate and breed the zebras because government regulated hunting brings them revenue. The three respondents to the proposal expressed grave concern that a ban on import of sport-hunted trophies into the United States would remove this economic value and would lead the ranchers to destroy zebras on sight. This possible repercussion is addressed in the present rulemaking.

Safari Club International, in a letter dated February 14, 1978, endorsed the proposal to list Grevy's zebra as Endangered, but did not agree with the proposal on Hartmann's mountain zebra. This organization claimed that listing this zebra as Endangered would remove the primary incentive for conserving the animals by eliminating economic benefits to the ranchers of sport hunting. It further questioned the population estimates for this species used in our proposal; this has been corrected in the present rulemaking.

In a letter dated March 7, 1978, Safari Club International contacted the Service again and reported that new information had become available to it which indicated that the population of Grevy's zebra might be as high as 20,000 animals, and therefore, a Threatened rather than Endangered status might be more appropriate for the species. The Service has now obtained this new information from Kenya and it is discussed in detail below and in the "Summary of Factors Affecting the Species" section of this rulemaking.

The Service, at the time of the proposed rulemaking, contacted the countries in which these zebras are resident, and requested any data, views or comments on the proposed listing; only the Government of Kenya responded. That Government reported that it put the population of Grevy's zebra at 14,000 animals which indicated considerable potential for the species' conservation. However, Kenya cautioned that the rate of decline of this zebra over the past seven years is sufficient to demand strong conservation action; it recommended Endangered status for Grevy's zebra. The Service, however, is listing the species as Threatened for reasons outlined elsewhere in this rulemaking.

Only a single letter was received which was entirely negative to the proposed rulemaking. This letter, however, contained no data or pertinent comments and is not considered further in this rulemaking.

Section 4(a) of the Act states: "General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence."

This authority has been delegated to the Director.

Summary of Factors Affecting the Species

Grevy's Zebra

With the Grevy's zebra, factors (2) and (4) above are operational, but the threat to the species is not as great as had been believed at the time of the proposal. The major factors that have moved the Service to designate this species as Threatened rather than Endangered are new and more accurate census data, and recent moves on the part of Kenya to conserve its game animals.

When the Service proposed Grevy's zebra as Endangered, it was believed that the species had been reduced through legal and illegal hunting for hides to less than 1,500 animals (Thornback and Burton, New Scientist, July 28, 1977). This estimate, however, was based on only minimal information. Recently, through a survey by the Kenya Rangeland Ecological Monitoring Unit (Aerial Survey Technical Report Series No. 4, February, 1978), it has been shown that the numbers of these zebras are actually in the neighborhood of some 13,718 individuals scattered thinly throughout the northeastern third of the country. This new and more accurate figure indicates considerable potential for the species' conservation. The Kenya Minister for Tourism and Wildlife, however, points out, in a February 28, 1978, press release, that while the number of Grevy's zebra is far greater than had been believed, there is still need for urgent action. He states that the Kenya Wildlife Planning Unit was able to show through a comparison of past and present figures from Samburu District, a key part of the Grevy's range, that the species had declined from 7000 in 1976 to 2,500 in 1977. The Kenya Minister of Tourism and Wildlife further states that: "While the remaining numbers give greater scope for conserving the species than was realized, there is little time left".

The second factor that leads the service to believe that Grevy's zebra is Threatened rather than Endangered is that Kenya, now conscious of the plight of the species, is determined to institute conservation measures, and has banned sport hunting since May of 1977. One of the major purposes of this rulemaking is to provide assistance to Kenya in conserving the Grevy's zebra by assuring that illegally taken hides and other zebra products do not find a market in the United States.

Hartmann's Mountain Zebra

With regard to Hartmann's mountain zebra, the Service incorrectly cited Joubert (Modoqua, ser. 1, No. 7, p. 5, 1973) as stating that there were only 2000 animals in South West Africa/Namibia; actually, Joubert gave a population estimate of 7,000 as of 1967. The South West African/Namibian Director of Nature Conservation and Tourism (Communication dated July 26, 1977), estimates that there are 7000 Hartmann's mountain zebra in the country as of 1977. Therefore, the species has shown no decline in numbers during the past decade.

The Director of Nature Conservation and Tourism states that of the 7000 Hartmann's mountain zebra, 4200 are protected in game reserves; the remainder occur on privately owned ranches. These zebra would not be tolerated on the privately owned ranches if there were not incentive to keep them since they directly compete with cattle and sheep. Such an incentive is provided by sport hunting; other alternatives to relieve the population pressure have proved too costly to be practical.

Sport hunting of Hartmann's mountain zebra is controlled by the South West African/Namibian Government which issues a small number of permits to hunt a restricted number. The South West African/Namibian Government feels that if this zebra did not have an economic value to the ranchers, they would destroy them on sight; given, however, the economic value of the species, the ranchers themselves are protecting them.

The facts that (1) Hartmann's mountain zebra has maintained its population level over the past decade, and that (2) it is strictly protected by the South West African/Namibian Government, lead the Service to believe that an Endangered classification is not warranted. However, the numbers remaining are quite small (7,000 animals left from a population that once numbered between 50,000 and 75,000) and the political stability of the region is

uncertain. Therefore, the Service feels that a Threatened determination under the Act is justifiable.

Effects of the rulemaking

This rulemaking will prohibit the importation and other activities involving Grevy's zebra (live animals or parts and products) into the United States except under permit for scientific purposes, or the enhancement of propagation or survival, economic hardship, zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act (50 CFR 17.31(a), 17.32). Importation and other activities involving Hartmann's mountain zebra (live animals or parts and products) will be prohibited as with the Grevy's zebra except importation of legally taken sport hunting trophies shall be allowed.

This rulemaking may also make funds and expertise available, if requested, to assist in conservation programs for both Hartmann's mountain zebra and Grevy's zebra. Under Section 7 of the Act, no Federal agency may authorize, fund, or carry out any action which would jeopardize the survival of either species.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 specify that the following be added at the end of subsection 9(a)(1) of the Endangered Species Act of 1973, as amended:

At the time any such regulation (any proposal to determine a species to be an Endangered or Threatened species) is proposed, the Secretary shall by regulation, to the maximum extend prudent, specify any habitat of such species which is then considered to be critical habitat.

Since the two species under consideration in this rulemaking are foreign species no critical habitat designation is appropriate, and this amendment does not apply.

Dated: August 10, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

1. Accordingly, § 17.11 of Part 17 of Chapter I of Title 50 of the Code of Federal Regualtions is amended by adding Grevy's zebra and Hartmann's mountain zebra alphabetically under "Mammals", as follows:

§ 17.11 [Amended]

* * * * *

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion endangered			
Mammals:							
Zebra, Grevy's	Equus grevyi	N/A	Kenya, Ethiopia, Somalia	Entire	T		
Zebra, Hartmann's mountain	Equus Zebra hartmannae	N/A	South West Africa/Namibia	Entire	T		

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves Grevy's zebra and Hartmann's mountain zebra. The assessment is the basis for a decision that issuance of these regulations is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

[FR Doc. 79-25834 Filed 8-20-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Tuesday
August 21, 1979

Part V

Environmental Protection Agency

Priority List and Additions to the List of Categories of Stationary Sources

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1276-3]

Priority List and Additions to the List of Categories of Stationary Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action contains EPA's promulgated list of major source categories for which standards of performance for new stationary sources are to be promulgated by August 1982. The Clean Air Act Amendments of 1977 specify that the Administrator publish a list of the categories of major stationary sources which have not been previously listed as source categories for which standards of performance will be established. The promulgated list implements the Clean Air Act and reflects the Administrator's determination that, based on preliminary assessments, emissions from the listed source categories contribute significantly to air pollution. The intended effect of this promulgation is to identify major source categories for which standards of performance are to be promulgated. The standards would apply only to new or modified stationary sources of air pollution.

EFFECTIVE DATE: August 21, 1979.

ADDRESSES: The background document for the promulgated priority list may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number 919–541–2777. Please refer to "Revised Prioritized List of Source Categories for New Source Performance Standards," EPA–450/3–79–023. The prioritization methodology is explained in the background document for the proposed priority list. This document, "Priorities for New Source Performance Standards under the Clean Air Act Amendments of 1977," EPA–450/3–78–019, can also be obtained from the Research Triangle Park EPA Library. Copies of all comment letters received from interested persons participating in this rulemaking, a summary of these comments, and a summary of the September 29, 1978, public hearing are available for inspection and copying during normal business hours at EPA's Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Gary D. McCutchen, Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number (919) 541–5421.

SUPPLEMENTARY INFORMATION: On August 31, 1978 (43 FR 38872), EPA proposed a priority list of major source catagories for which standards of performance would be promulgated by August 1982, and invited public comment on the list and the methodology used to prioritize the source categories. Promulgation of this list is required by section 111(f) of the Clean Air Act as amended August 7, 1977. The significant comments that were received during the public comment period, including those made at a September 29, 1978, public hearing, have been carefully reviewed and considered and, where determined by the Administrator to be appropriate, changes have been included in this notice of final rulemaking.

Background

The program to establish standards of performance for new stationary sources (also called New Source Performance Standards or NSPS) began on December 1970, when the Clean Air Act was signed into law. Authorized under section 111 of the Act, NSPS were to require the best control system (considering cost) for new facilities, and were intended to complement the other air quality management approaches authorized by the 1970 Act. A total of 27 source categories are regulated by NSPS, with NSPS for an additional 25 source categories under development.

During the 1977 hearings on the Clean Air Act, Congress received testimony on the need for more rapid development of NSPS. There was concern that not all sources which had the potential to endanger public health or welfare were controlled by NSPS and that the potential existed for "environmental blackmail" from source categories not subject to NSPS. These concerns were reflected in the Clean Air Act Amendments of 1977, specifically in section 111(f).

Section 111(f) requires that the Administrator publish a list of major stationary sources of air pollution not listed, as of August 7, 1977, under section 111(b)(1)(A), which in effect meant those sources for which NSPS had not yet been proposed or promulgated. Before promulgating this list, the Administrator was to provide notice of and opportunity for a public hearing and consult with Governors and State air pollution control agencies. In developing priorities, section 111(f) specifies that the Administrator consider (1) the quantity of emissions from each source category, (2) the extent to which each pollutant endangers public health or welfare, and (3) the mobility and competitive nature of each stationary source category, e.g., the capability of a new or existing source to locate in areas with less stringent air pollution control regulations. Governors may at any time submit applications under section 111(g) to add major source categories to the list, add any source category to the list which may endanger public health or welfare, change the priority ranking, or revise promulgated NSPS.

Development of the Priority List

Development of the priority list was initiated by compiling data on a large number of source categories from literature resources. The data were first analyzed to determine major source categories, those categories for which an average size plant has the potential to emit 100 tons or more per year of any one pollutant. These major source categories were then subjected to a priority ranking procedure using the three criteria specified in section 111(f) of the Act.

The procedure used first ranks source categories on a pollutant by pollutant basis. This resulted in nine lists (one for each pollutant—volatile organic compounds (VOC), nitrogen oxides, particulate matter, sulfur dioxide, carbon monoxide, lead, fluorides, acid mist, and hydrogen sulfide) with each list ranked using the criteria in the Act. In this ranking, first priority was given to quantity of emissions, second priority to potential impact on health or welfare, and third priority to mobility. Thus, sources with the greatest growth rates and emission reduction potential were high on each list; sources with limited choice of location, low growth and small emission reduction potential were low on each list.

The nine lists were combined into one by selecting pollutant goals—a procedure which, in effect, assigned a relative priority to pollutants based upon the potential impact of NSPS. After the pollutant goals were selected, the final priority list was established through the selection of source categories which have maximum impact on attaining the selected goals. The effect of this procedure was to emphasize control of all criteria pollutants except carbon monoxide and to give carbon monoxide and non-criteria pollutants a lower priority.

In the background reports and in the preamble to the proposed priority list, the term "hydrocarbon" was used even though the emissions referred to were VOC which, unlike hydrocarbon compounds, can contain elements other than carbon and hydrogen. A VOC is defined by EPA as any organic compound that, when released to the atmosphere, can remain long enough to participate in photochemical reactions. Since VOC contribute to ambient levels of photochemical oxidants, they are considered a criteria pollutant.

The ranking of source categories on the list and the differentiation between major and minor sources was sensitive to the accuracy of the data utilized. The data base used to establish the priority list was obtained from a number of literature sources including EPA screening studies. However, screening studies were not available for all source categories. Therefore, if new information becomes available after promulgation of the list, the Administrator may delete from or add to the list in response to this new information.

Additional detail on the prioritization methodology, the input factors used, and the ranking of individual source categories is available in the two background documents (see "ADDRESSES").

Significance of Priority List

The promulgated list is essentially an advance notice of future standard development activity. It identifies major source categories and the approximate order in which NSPS development would be initiated. However, if further study indicates that an NSPS would have little or no effect on emissions, or that an NSPS would be impractical, a source category would be given a lower priority or removed from the list. Similarly, new information may increase the priority of a source category. The Administrator may also concurrently develop standards for sources which are not on the priority list, especially certain "minor" sources which, in aggregate, represent a large quantity of emissions.

The distinction between major and minor source categories is defined only for the purpose of determining NSPS priorities and should not be used to determine sources subject to New Source Review, which is conducted on a case-by-case basis. Moreover, some New Source Review programs, such as prevention of significant deterioration, have separate and distinct criteria for defining a major source (e.g., 100 tons per year potential for certain source types and 250 tons per year for others).

Identification of Source Categories

Two groups of sources in addition to minor sources are not included on the promulgated list. One group includes sources which could not be evaluated due to insufficient information. This lack of data suggests that these sources, which are identified in the background report, "Priorities for NSPS under the Clean Air Act of 1977," have not previously been regulated or studied and, therefore, are probably not major sources. Nevertheless, the Administrator will continue to investigate these sources and will consider development of NSPS for any which are identified as being significant sources of air pollution.

The second group of source categories not on the priority list consists of those listed under section 111(b)(1)[A) on or before August 7, 1977. These are:

Fossil-fuel-fired steam generators
Incinerators
Portland Cement Plants
Nitric Acid Plants
Sulfuric Acid Plants
Asphalt Concrete Plants
Petroleum Refineries
Storage Vessels for Petroleum Liquids
Secondary Lead Smelters
Secondary Brass and Bronze Ingot Production Plants
Iron and Steel Plants
Sewage Treatment Plants
Primary Copper Smelters
Primary Zinc Smelters
Primary Lead Smelters
Primary Aluminum Reduction Plants
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants
Phosphate Fertilizer Industry: Superphosphoric Acid Plants
Phosphate Fertilizer Industry: Diammonium Phosphate Plants
Phosphate Fertilizer Industry: Triple Superphosphate Plants
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
Coal Preparation Plants
Ferroalloy Production Facilities
Steel Plants: Electric Arc Furnaces
Kraft Pulp Mills
Lime Plants
Grain Elevators

There are, however, some facilities (or subcategories) within these source categories for which NSPS have not been developed, but which may by themselves be significant sources of air pollution. A number of these facilities were evaluated as if they were separate source categories; three which rank high in priority are included on the promulgated list to indicate that the Administrator plans to develop standards for them: Petroleum refinery fugitive emissions, industrial fossil-fuel-fired steam generators, and non-municipal incinerators. In addition to these, the Administrator will continue to evaluate affected facilities within listed source categories and may from time to time develop NSPS for such facilities. The iron and steel industry provides an example of a category which is already listed (so does not appear on the priority list), but in which an active interest remains. Although the growth rate for new sintering capacity is presently very low, the Administrator is continuing to assess emission control and measurement technology with a view toward possible development of an NSPS for sintering plants at a later date. A project is also underway to update emission factors for all steelmaking processes, including fugitive emissions, in an effort to determine the relative significance of emissions from each process. In addition, byproduct coke ovens, nearly always associated with steel mills, are included on the priority list and are undergoing standard development studies.

There are some differences between the format of the list in the background report, "Revised Prioritized List of Source Categories for NSPS Promulgation" and the format of the list which appears here. These differences are primarily a result of aggregation of subcategories which had been subdivided for size classification and priority ranking analysis. Non-metallic mineral processing, for example, had been subdivided into nine subcategories for prioritization, eight of which were analyzed separately (stone, sand and gravel, clay, gypsum lime, borax, fluorspar, and phosphate rock mining) and one of which is considered a minor source (mica mining). EPA plans to study the entire non-metallic mineral processing industry at one time, since many of the processes and control techniques are similar. For this reason, the industry is identified by a single aggregated listing. This does not necessarily imply that a single standard would apply to all sources within the listed category. Rather, as described below in the case of the synthetic organic chemical manufacturing industry, the nature and scope of standards will be determined only after a detailed study of sources within the category.

In addition to the major sources, three source categories not identified as being major source categories have been added to the list: organic solvent cleaning, industrial surface coating of metal furniture, and lead acid battery manufacture.

Organic solvent cleaning was chosen for study because this source category accounts for some 5 percent of stationary source VOC emissions in

typical air quality control region. Thus, although individual facilities typically emit less than 100 tons per year, this is a significant source of VOC emissions and the Administrator considers it prudent to continue the development of a standard for this source category.

The metal furniture coating industry is also a significant source of VOC emissions, and there are over 300 existing facilities with the potential to emit more than 100 tons per year.

Lead acid battery manufacture is a significant source of lead emissions. An NSPS for this source category is expected to assist in attainment of the National Ambient Air Quality Standard for lead.

Stationary gas turbines are included on this list because this source category had not been listed by August 7, 1977, when the Clean Air Act Amendments were enacted. However, this source category has not been prioritized, since it was listed under section 111(b)(1)(A) and NSPS were proposed October 3, 1977.

One listed source category which deserves special attention is the synthetic organic chemical manufacturing industry (SOCMI). Preliminary estimates indicate that there may be over 600 different processes included in this source category, but only 27 of these processes have been evaluated. For the others, there was not enough information available. As is the case with several other aggregated source categories, generic standards will be used to cover as many of the sources as possible, so separate NSPS for each of the 600 processes are unlikely.

Based on an effort which has been underway within EPA for two years to study this complex source category, the generic standards could regulate nearly all emissions by covering four broad areas: Process facilities, storage facilities, leakage, and transport and handling losses. Also, since a number of the pollutants emitted are potentially toxic or carcinogenic, regulation under section 112, National Emission Standards for Hazardous Air Pollutants (NESHAP), rather than NSPS may be more appropriated. Therefore, SOCMI is listed as a single source category. The 27 processes considered the most likely candidates for NSPS or NESHAP coverage through generic standards are listed in the preamble to the proposed priority list and discussed in the background documents.

Additional information has resulted in the exclusion from the list of some source categories which are shown in the background reports. Mixed fuel boilers and feed and grain milling are regulated by the NSPS for fossil-fuel steam generators and grain elevators, respectively. Beer manufacture has a much lower emission level than had been assumed in the background report, and whiskey manufacture was deleted due to a lack of any demonstrated control technology.

Public Participation

The Clean Air Act requires that the Administrator, prior to promulgating this list of source categories, consult with Governors and State air pollution control agencies. An invitation was extended on February 28, 1978, to the State and Territorial Air Pollution Program Administrators (STAPPA) and the National Governors' Association (NGA) to attend the first Working Group meeting, March 16, 1978, and review the draft background report and the methods used to apply the priority criteria. On March 24, 1978, each Governor and the director of each State air pollution control agency was notified by letter of this project, including an invitation to participate or comment:

(1) At the April 5–6, 1978, National Air Pollution Control Techniques Advisory Committee (NAPCTAC) meeting in Alexandria, Virginia;

(2) When the final background report was mailed to them;

(3) When the list was proposed in the **Federal Register**; or

(4) At a public hearing to be held on the proposed list. The draft background report for the proposed list was mailed to all NAPCTAC members, five of which represent State or local agencies, two of which represent environmental groups, and eight of which represent industry. Copies were mailed to six environmental groups and three consumer groups at the same time, and to a representative of the NGA. Copies of the final background report for the proposed list were sent to the Governors, State and local air pollution control agencies, NAPCTAC members, environmental groups, the NGA, and other requesters in July 1978.

The public comment period on the proposed list, published in the August 31, 1978, **Federal Register**, extended through October 30, 1978. There were 18 comment letters received, 10 from industry and 8 from various regulatory agencies. Several comments resulted in changes to the proposed priority list.

A public hearing was held on September 29, 1978, to discuss the proposed priority list in accordance with section 111(g)(8) of the Clean Air Act. There were no written comments and only one verbal statement resulting from the public hearing.

Significant Comments and Changes to the Proposed Priority List

As a result of public comments and the availability of new screening studies and reports, 34 major and 11 minor source category data sets were reevaluated. This reexamination resulted in data changes for 29 major and 9 minor source categories.

Ten source categories have been removed from the proposed priority list. Eight of these source category deletions are a result of new data indicating that NSPS would have little or no effect. These source categories are: Varnish, carbon black, explosives, acid sulfite wood pulping, NSSC wood pulping, gasoline additives manufacturing, alfalfa dehydrating, and hydrofluoric acid manufacturing. Printing ink manufacturing was reclassified from a major to a minor source category. In addition, two source categories, gray iron and steel foundries, were combined into one source category. Finally, fuel conversion was removed from the list due to uncertainties regarding the approach and scheduled involved in developing environmental standards for the various processes. Likely candidates for NSPS include coal gasification (both low and high pressure), coal liquefaction, and oil shale and tar sand processing. These actions reduce the final priority list to 59 source categories.

The most significant comments and changes made to the proposed regulations are discussed below:

1. *Definition of "Mobility."* Several commenters felt that the treatment of source category mobility (movability) was too broad. Mobility in the prioritization analysis refers to the feasibility a stationary source has to relocate to, or locate new facilities in, areas with less stringent air pollution control regulations. Non-movable stationary source categories were identified on the basis of being firmly tied either to the market (e.g., dry cleaners) or to a supply of materials (e.g., mining operations). The Administrator recognizes that there are many other factors which would be considered in plant siting situations, but considers the approach used in determining the priority list sufficient for the purposes of this study.

2. *Source Category Aggregation.* Several commenters indicated that there were discrepancies between the source categories named in the priority list and those in the background document. The differences between the priority listing in the **Federal Register** and the background document list is a result of aggregation of sources which had been

subcategorized for size classification and priority ranking analysis in the background document. Aggregation indicates that all source categories under a generic industry heading, such as non-metallic mineral processing, will be evaluated at the same time, although this does not necessarily imply that a single standard would apply to all sources within the listed category.

3. *Control Costs.* Two commenters felt that the cost of pollution control to meet NSPS limitations should have been included in the criteria for prioritization. The Clean Air Act priority list criteria do not include the cost of pollution control, but pollution control costs were considered during the determination of control technology assumed for the priority list study. Control costs are examined in more detail during NSPS development studies for each source category, and must be considered in determining each NSPS.

4. *Minor Source Categories.* One commenter felt that the Administrator lacks statutory authority to make a policy decision to develop NSPS for a minor source category until after the major sources have been dealt with, since Congress indicated major sources must be given priority. The Administrator, in promulgating this list, is placing an almost exclusive emphasis on NSPS for major source categories. However, the Clean Air Act does not prohibit concurrent promulgation of NSPS for minor, but significant, source categories. For the three minor source categories listed in this regulation, NSPS development had been initiated before the priority list was available, and completion of standards development for these sources is considered justified.

5. *Stationary Fuel Combustion/Waste Incineration.* Two State agencies felt that stationary fuel combustion and waste incineration should have a high priority because of source activity growth in their respective States. In the promulgated list, both of these source categories are given high priority based on the most recent growth rates available. Given the concern expressed by these agencies, the Administrator has already initiated standard development studies for these source categories.

6. *Chemical Products Manufacture/Fuel Conversion.* One commenter felt that the growth rate and, therefore, the need for coal gasification plant NSPS is overestimated. High Btu coal gasification was reexamined; although no commercial-scale plants currently exist in this country, environmental programs need to keep pace with the emphasis on energy programs. The fuel conversion processes have been removed from the priority list for special study.

7. *Chemical Products Manufacture/Printing Ink Manufacture.* One commenter indicated that neither existing conditions within the printing ink industry nor projections of future growth of the industry justify its categorization as a major source. The Administrator has examined the new data provided, and has reclassified printing ink manufacturing plants as a minor source category. As was discussed earlier, however, the Administrator may still develop standards for "minor" source categories, especially those which, in aggregate, represent a significant quantity of emissions.

8. *Wood Processing/NSSC and Acid Sulfite Pulping.* One commenter indicated that acid sulfite pulp production is a declining growth industry and therefore should not be included in the priority list. The Administrator agrees with this comment, based on examination of acid sulfite pulp production projections in a new screening study. In addition, the screening study indicates that NSSC pulping is, in effect, controlled by the promulgated NSPS for Kraft pulp mills, resulting in little or no further emission reduction from promulgation of an NSSC NSPS. Therefore, both acid sulfite and NSSC pulping have been removed from the list.

Development of Standards

The Administrator has undertaken a program to promulgate NSPS for the source categories on this priority list by August 7, 1982. Development of standards has already been initiated for nearly two-thirds of the source categories listed; work on the remaining source categories will be initiated within the next year.

The priority ranking is indicated by the number to the left of each source category and will be used to decide the order in which new projects are initiated, although this is not necessarily an indication of the order in which projects will be completed. In fact, higher priority source categories often present difficult technical and regulatory problems, and may be among the later source categories for which standards are promulgated.

It should be pointed out that several of the source categories listed could be subject to standards which may be adopted under section 112 of the Clean Air Act, national emission standards for hazardous air pollutants (NESHAP). Included are byproduct coke ovens and several source categories within the petroleum transport and marketing industry. If standards are developed under section 112 for these or any other source categories on the promulgated list, then standards may not be developed for those source categories under section 111.

Promulgation of this list not only fulfills the section 111(f) requirements concerning establishment of priorities, but also constitutes notice that all source categories on the priority list are considered significant sources of air pollution and are hereby listed in accordance with section 111(b)(1)(A). It should be noted, however, that the source categories identified on this priority list, even though listed in accordance with section 111(b)(1)(A), are not subject to the provisions of section 111(b)(1)(B), which would require proposal of an NSPS for each listed source category within 120 days of adoption of the list. Rather, the promulgation of standards for sources contained on this priority list will be undertaken in accordance with the time schedule prescribed in section 111(f)(1) of the Clean Air Act Amendments. That is, NSPS for 25 percent of these source categories are to be promulgated by August 1980, 75 percent by August 1981, and all of the NSPS by August 1982.

Dated: August 15, 1979.

Douglas M. Costle,

Administrator.

Part 60 of Chapter I of Title 40 of the Code of Federal Regulations is amended by adding § 60.16 to Subpart A as follows:

§ 60.16 Priority list.

Prioritized Major Source Categories

*Priority Number**

Source Category

1. Synthetic Organic Chemical Manufacturing
   (a) Unit processes
   (b) Storage and handling equipment
   (c) Fugitive emission sources
   (d) Secondary sources
2. Industrial Surface Coating: Cans
3. Petroleum Refineries: Fugitive Sources
4. Industrial Surface Coating: Paper
5. Dry Cleaning
   (a) Perchloroethylene
   (b) Petroleum solvent
6. Graphic Arts
7. Polymers and Resins: Acrylic Resins
8. Mineral Wool
9. Stationary Internal Combustion Engines
10. Industrial Surface Coating: Fabric
11. Fossil-Fuel-Fired Steam Generators: Industrial Boilers
12. Incineration: Non-Municipal
13. Non-Metallic Mineral Processing
14. Metallic Mineral Processing

* Low numbers have highest priority; e.g., N high priority, No. 59 is low priority.

15. Secondary Copper
16. Phosphate Rock Preparation
17. Foundries: Steel and Gray Iron
18. Polymers and Resins: Polyethylene
19. Charcoal Production
20. Synthetic Rubber
    (a) Tire manufacture
    (b) SBR production
21. Vegetable Oil
22. Industrial Surface Coating: Metal Coil
23. Petroleum Transportation and Marketing
24. By-Product Coke Ovens
25. Synthetic Fibers
26. Plywood Manufacture
27. Industrial Surface Coating: Automobiles
28. Industrial Surface Coating: Large Appliances
29. Crude Oil and Natural Gas Production
30. Secondary Aluminum
31. Potash
32. Sintering: Clay and Fly Ash
33. Glass
34. Gypsum
35. Sodium Carbonate
36. Secondary Zinc
37. Polymers and Resins: Phenolic
38. Polymers and Resins: Urea—Melamine
39. Ammonia
40. Polymers and Resins: Polystyrene
41. Polymers and Resins: ABS–SAN Resins
42. Fiberglass
43. Polymers and Resins: Polypropylene
44. Textile Processing
45. Asphalt Roofing Plants
46. Brick and Related Clay Products
47. Ceramic Clay Manufacturing
48. Ammonium Nitrate Fertilizer
49. Castable Refractories
50. Borax and Boric Acid
51. Polymers and Resins: Polyester Resins
52. Ammonium Sulfate
53. Starch
54. Perlite
55. Phosphoric Acid: Thermal Process
56. Uranium Refining
57. Animal Feed Defluorination
58. Urea (for fertilizer and polymers)
59. Detergent

Other Source Categories

Lead acid battery manufacture**
Organic solvent cleaning**
Industrial surface coating: metal furniture**
Stationary gas turbines***

(Sec. 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411, 7601))

[FR Doc. 79-25856 Filed 8-20-79; 8:45 am]

BILLING CODE 6560-01-M

** Minor source category, but included on list since an NSPS is being developed for that source category.

*** Not prioritized, since an NSPS for this major source category has already been proposed.

federal register

Tuesday
August 21, 1979

Part VI

Office of Management and Budget

Budget Deferrals and Rescissions

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals and Rescissions

To The Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferrals of budget authority totalling $204.5 million. These items involve economic support fund assistance for Egypt, the White House Conference on Aging, the National Alcohol Fuels Commission, and the National Commission on the International Year of the Child.

The details of the deferrals are contained in the attached reports.

Jimmy Carter.

The White House, August 16, 1979.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Funds Appropriated to the President:	
	International Security Assistance	
D79-59	Economic Support Fund.....	200,000
	Department of Health, Education and Welfare:	
	Human Development Services	
D79-60	White House Conference on Aging.....	2,700
	Other Independent Agencies:	
D79-61	National Alcohol Fuels Commission.....	1,350
	National Commission on the International Year	
D79-62	of the Child.....	485
	Total, deferrals....	204,535

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	Rescissions	Deferrals
Eleventh special message:		
New items.....	---	204,535
Effect of eleventh special message.....	---	204,535
Previous special messages.....	908,692	4,380,010
Total amount proposed in special messages.....	908,692	4,584,545 1/
	(in 11 rescission proposals)	(in 62 deferrals)

1/ This amount represents budget authority except for $15,809,478 in two Treasury Department deferrals of outlays only (D79-40A and D79-25B).

Deferral No: D79-59

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 96-38) $ 300,000,000
Bureau International Security Assistance	Other budgetary resources 2,021,158,000
Appropriation title & symbol	Total budgetary resources 2,321,158,000
Economic Support Fund 11X1037	Amount to be deferred: Part of year $ — Entire year 200,000,000
OMB identification code: 11-1006-0-1-151	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to "furnish assistance to friendly countries.... on such terms as he may determine, in order to support or promote economic or political stability."

The Supplemental Appropriations Act, 1979, (P.L. 96-38) provided $300 million in economic assistance for Egypt as part of a package in support of the Treaty of Peace between Egypt and Israel. As presented to the Congress in testimony on the peace package, the special assistance for Egypt would be programmed for delivery over a three-year period. Thus, the $300 million will be obligated in equal annual installments of $100 million through FY 1981. Accordingly, $200 million is deferred for the remainder of FY 1979.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

This deferral will have no budgetary or programmatic impact.

Outlay Effects:

There is no outlay effect resulting from this deferral.

Deferral No: D79-60

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education & Welfare	New budget authority (P.L. 96-38) $ 3,000,000 Other budgetary resources --- Total budgetary resources 3,000,000
Bureau Human Development Services	
Appropriation title & symbol 75X1636 - Human Development Services (White House Conference on Aging)	Amount to be deferred: Part of year $ --- Entire year 2,700,000
OMB identification code: 75-1636-0-1-500	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: The 1981 White House Conference on Aging Act (P.L. 95-478) was enacted on October 18, 1978, authorizing the President to call a conference in 1981 for the purpose of developing recommendations for a comprehensive national policy on aging. The conference is scheduled to be held in December, 1981. Public Law 96-38, the Supplemental Appropriations Act, 1979, enacted on July 25, 1979, included a supplemental appropriation of $3,000,000 which is to remain available until expended for the White House Conference on Aging. These funds are intended to cover the entire costs of planning and carrying out the conference through 1981. Start-up costs of the conference during the remainder of FY 1979 are estimated to be $300,000, with the remaining $2.7 million deferred for obligation in subsequent years.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: There is no programmatic or budgetary effect resulting from this deferral.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: D79-61

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: National Alcohol Fuels Commission	New budget authority (P.L. 96-38): $ 1,500,000
Bureau:	Other budgetary resources: ---
Appropriation title & symbol: Salaries and expenses 48X1700	Total budgetary resources: 1,500,000
	Amount to be deferred: Part of year: $ ---
	Entire year: 1,350,000
OMB identification code: 48-1700-0-1-271	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Authorized by P.L. 95-599, the Federal-Aid Highway Act of 1978, the National Alcohol Fuels Commission will undertake a thorough investigation of the long and short-term potential of alcohol fuels from various sources as a way to meet the nation's energy needs. The Commission will recommend policies and assess the associated costs and benefits of these policies.

The Supplemental Appropriations Act, 1979 (P.L. 96-38) provided $1.5 million to establish the Commission and begin its operations. Of this amount, only $150,000 is necessary for obligation in FY 1979 to establish the Commission. Therefore, $1,350,000 is deferred for the remainder of this fiscal year.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral will have no budgetary or programmatic impact.

Outlay Effects: There is no outlay effect resulting from this deferral.

Deferral No: D79-62

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency National Commission on the International Year of the Child	New budget authority (P.L. 96-38) $ 685,000
Bureau	Other budgetary resources —
Appropriation title & symbol Salaries and Expenses 48X2000	Total budgetary resources 685,000
	Amount to be deferred: Part of year $ — Entire year $485,000
CMB identification code: 48-2000-0-1-506	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program ☐ Yes [X] No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation ☐ Contract authority ☐ Other

The National Commission on the International Year of the Child is authorized by the Education Amendments of 1978 (P.L. 95-561) to promote in the United States the observance of the International Year of the Child (calendar year 1979).

The Supplemental Appropriations Act, 1979 (P.L. 96-38), enacted on July 25, 1979, appropriated $685,000 to remain available until expended for the salaries and expenses of the Commission. Of this amount, $200,000 will be needed by the Commission in FY 1979. The remaining $485,000 will be needed to support Commission activities in the first two quarters of 1980, at the end of which the Commission expires. This obligation pattern is in keeping with the intent of Congress as expressed in Senate Report No. 96-224 accompanying the Supplemental Appropriations Act, 1979.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

There is no programmatic or budgetary effect resulting from this deferral.

Outlay Effect:

There is no outlay effect resulting from this deferral.

[FR Doc. 79-25977 Filed 8-20-79; 8:45 am]
BILLING CODE 3110-01-C

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Federal Register

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Tuesday, August 21, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
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DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

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 August 17, 1979.

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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(Revised as of January 1, 1979)

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[A Cumulative checklist of CFR issuances for 1978 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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