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Thursday
September 20, 1979

Highlights

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54449 **Veterans Day, 1979** Presidential proclamation

54447 **National Forest Products Week, 1979** Presidential proclamation

54467 **Airport Development Aid Program** DOT/FAA issues amendment to rule concerning allowable project costs; effective 9–20–79, comments by 11–20–79

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Highlights

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Presidential Documents

Title 3—

The President

Proclamation 4687 of September 18, 1979

National Forest Products Week, 1979

By the President of the United States of America

A Proclamation

Our Nation's forests are one of our greatest resources, covering nearly one-third of our land. The forests are "lands of many uses" providing wood for a multitude of products, protection of watersheds, forage for livestock, food and shelter for wildlife, wilderness areas, and a tremendous range of recreation opportunities for people of every age and income.

In these times of worldwide inflation and energy shortages, we can turn to our forests for relief. Forests offer numerous opportunities for low-cost vacations.

Forest products can have even greater inflation-fighting and energy-saving roles. I recently directed two Federal agencies to examine their forested lands to see what could be done to provide more timber so that the cost of housing could be reduced.

Discoveries from forest product research are being applied to help fight inflation and save energy. A new house developed by Forest Service scientists will allow us to build houses with 30 percent less structural lumber than is used now for similar structures. New processing techniques reduce the amount of energy needed to make paper and also allow manufacture of more paper from less wood.

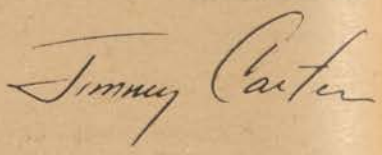
In addition, America's forests make direct contributions to reducing our dependence on foreign sources of energy. This country once ran on the energy provided by burning wood, and we can obtain energy from that resource again. Every year, more and more Americans are turning to efficient wood-burning stoves and furnaces to help in their fight against rising energy costs.

Wise use of our Nation's forest products results in turn from wise and efficient management of the forests themselves. Planning carefully for all forest uses, minimizing waste, and replenishing harvested trees will sustain our forests and insure the continuity of this tremendous renewable asset.

In recognition of the value of forests for energy, wood products, and recreation, Congress has designated the third week of October as National Forest Products Week. It is important that we pause to reflect upon the value of our forests to our national well-being.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of October 21 through October 27, 1979, as National Forest Products Week and ask all Americans to demonstrate their awareness of the value of forests through suitable activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.



[FR Doc. 79-29346
Filed 9-18-79; 2:29 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4688 of September 18, 1979

Veterans Day, 1979

By the President of the United States of America

A Proclamation

No Americans have done more to win and protect the peace than the men and women of our Armed Forces, past and present.

Veterans Day affords each of us the opportunity to join our fellow citizens, in communities across the Nation, in honoring those whose love of country knew no bounds—those to whom patriotism was principle, not mere sentiment. Without the sacrifices which our brave veterans made so freely and so generously, our cherished freedom would long ago have vanished.

On this historic day, let us resolve anew to keep faith with those who have done so much to shape this Nation with their honor and valor. The flag under which they served is the emblem of our unity, our power, our purpose as a Nation. It has no other character than that which we give it from generation to generation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby invite citizens everywhere to join with me in observing Veterans Day on Sunday, November 11, 1979. Let the past and present unite in prayer that America will ever seek the ways of peace, and, by her example at home and throughout the world, hasten the return of goodwill among men.

This is a particularly appropriate time to remember with respect and affection our sick and disabled veterans. I urge their families and friends to visit with them and reassure them of their country's enduring gratitude.

I call upon the press, radio and television and other media of public information to participate in this observance to help realize the full purpose and meaning of this important commemoration.

I ask that Federal, State and local government officials arrange for the display of the flag of the United States on this day, and encourage the public's involvement in appropriate ceremonies throughout our land.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 79-29347
Filed 9-18-79; 2:30 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12158 of September 18, 1979

Awards for Special Capability in the Visual and Performing Arts and in Creative Writing

By the authority vested in me as President by the Constitution and statutes of the United States of America, Section 2 of Executive Order No. 11155 is hereby amended by adding thereto the following paragraph:

"(5) In addition to the Presidential Scholars provided for in paragraphs (3) and (4) above, the Commission may choose other Presidential Scholars not exceeding twenty in any one year. These Scholars shall be chosen at large, from the jurisdictions referred to in paragraph (3), on the basis of outstanding scholarship and demonstrated ability and accomplishment in the visual and performing arts or in creative writing.".

THE WHITE HOUSE,
September 18, 1979.

Jimmy Carter

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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 630]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 21–27, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: September 21, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amend (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on September 18, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia Oranges is improving.

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

Further, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accord with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, (202) 447–5975.

§ 908.930 Valencia orange regulation 630.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 21, 1979, through September 27, 1979, are established as follows:

(1) District 1: 371,000 cartons;

(2) District 2: 329,000 cartons;

(3) District 3: Unlimited.

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

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

Dated: September 19, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-29494 Filed 9-19-79; 12:23 pm]

BILLING CODE 3410-02-M

Federal Crop Insurance Corporation

7 CFR Parts 401 and 420

Grain Sorghum Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring grain sorghum crops effective with the 1980 crop year. The rule combines provisions from previous regulations for insuring grain sorghum in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: September 20, 1979.

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

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the **Federal Register** on July 18, 1979 (44 FR 41809), outlining prescribed procedures for insuring grain sorghum crops effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 420 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring grain sorghum crops effective with the 1980 crop year to be known as 7 CFR Part 420 Grain Sorghum Crop Insurance.

All previous regulations applicable to insuring grain sorghum crops, as found in 7 CFR 401.101–401.111, and 401.129, are not applicable to 1980 and succeeding grain sorghum crops but remain in effect for FCIC grain sorghum

insurance policies issued for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring grain sorghum crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, 7 CFR Part 420 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) for the consolidation of termination for indebtedness dates to the extent possible, (3) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (4) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (5) that the 60-day time period for filing a claim be eliminated, (6) that three coverage level options be offered in each county, (7) that the Actuarial Table shall provide the level which will be applicable to a contract unless a different level is selected by the insured and the conversion level will be the one closest to the present percent level offered in each county, and (8) for an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR 420.5 of these regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The Grain Sorghum Crop Insurance regulations provide a September 30 cancellation date for certain south Texas counties. These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date.

Under the provisions of Executive Order No. 12044, and the Administrative Procedures Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and views on the proposed regulations, but none were received.

Therefore, with the exception of minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be in effect starting with the 1980 crop year.

In addition, there is hereby added to the final rule an Appendix "B", which lists the counties where such insurance is available in accordance with the provisions of 7 CFR 420.1 outlined below which state in part that before insurance is offered in any county there shall be published by appendix to this chapter the names of the counties in which such insurance shall be offered.

Inasmuch as the publication of the list of counties and crops insured by the Federal Crop Insurance Corporation as contained in Appendix "B" below merely provides guidance for the general public and has no effect on the provisions of the insurance plan, the Corporation has determined that compliance with the procedure for notice and public participation in the proposed rulemaking process would be impracticable, unnecessary, and contrary to the public interest. Therefore, this Appendix "B" is issued without compliance with such procedure.

Final Rule

PART 401—FEDERAL CROP INSURANCE

§ 401.129 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.129, with such regulations as are contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 420 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 420) to be known as the Grain Sorghum Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 420—GRAIN SORGHUM CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

420.1 Availability of Grain Sorghum Insurance.
420.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
420.3 Public notice of indemnities paid.
420.4 Creditors.
420.5 Good faith reliance on misrepresentation.
420.6 The contract.
420.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 78, as amended, 77, as amended (7 U.S.C. 1506, 1516)

§ 420.1 Availability of grain sorghum insurance.

Insurance shall be offered under the provisions of this subpart on grain sorghum in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which grain sorghum insurance will be offered.

§ 420.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for grain sorghum which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price election at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 420.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 420.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 420.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the grain sorghum insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000,

finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 420.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the grain sorghum crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 420.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the grain sorghum crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract form provided for under this subpart will come into effect as a continuation of a grain sorghum contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Grain Sorghum Insurance policy for the 1980 and succeeding crop years, and the Appendix to the Grain Sorghum Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corp.

Application for 19— and Succeeding Crop Years

GRAIN SORGHUM

Crop Insurance Contract

_____

_____

_____

(Name and address) (Zip Code)

Type of Entity _____

_____

(Contract Number)

_____

(Identification Number)

_____

(County)

_____

(State)

Applicant is over 18 Yes——; No——

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the grain sorghum planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

LEVEL ELECTION _____

PRICE ELECTION _____

Example: For the 19— Crop Year Only (100% Share)

Location Farm No.	Guarantee Per Acre*	Premium Per Acre**	Practice

*Your guarantee will be on a unit basis (acres X per acre guarantee X share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following grain sorghum insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

_____

(Code No./Witness to signature)

_____

(Signature of Applicant)

_____

_____

19

(Date)

Address of office for county:

_____

_____

Phone

Location of farm headquarters:

_____

_____

Phone

Grain Sorghum Crop Insurance Policy

Terms and conditions

Subject to the provisions in the attached appendix:

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and acreage insured.* (a) The crop insured shall be grain sorghum which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre, and which is initially planted (1) to a combined-type hybrid grain sorghum for harvest as grain, as determined by the Corporation, and (2) in rows far enough apart to permit cultivation if planted on land not insured on an irrigated basis; *however,* if such acreage is destroyed and replanted, after the final planting date, to any grain producing type grain sorghum or in any planting pattern, it shall be regarded as insured acreage and not as acreage put to another use.

(b) The acreage insured for each crop year shall be that acreage planted to grain sorghum on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to

have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) which is destroyed and after such destruction it was practical to replant to grain sorghum and such acreage was not replanted, (4) initially planted after the date on file in the office for the county which as been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (5) of volunteer grain sorghum, (6) on which it is determined by the Corporation that the sorghum is a forage sorghum or initially thick planted for silage or fodder, (7) which is nonirrigated and from which a hay crop was harvested or a small grain crop reached the heading stage in the same calendar year, or (8) planted to a type or variety of grain sorghum not established as adapted to the area or shown as noninsurable on the actuarial table.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is planted for the development or production of hybrid seed or for experimental purposes.

3. *Responsibility of insured to report acreage and share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of grain sorghum planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production guarantees, coverage levels, and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by the lesser of 5 bushels or 20 percent for any unharvested acreage.

5. *Annual premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE

	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance period.* Insurance on insured acreage shall attach at the time the grain sorghum is *planted* and shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, threshing, or removal of the grain sorghum from the field, (c) total destruction of the insured grain sorghum crop, or (d) the applicable date as set forth below immediately following the beginning of the normal harvest period:

Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, Texas, and all Texas counties lying south thereof—Sep. 30.

All other counties—Dec. 31.

7. *Notice of damage or loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the grain sorghum on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the

potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to grain sorghum. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire grain sorghum crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of grain sorghum on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of grain sorghum on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of grain sorghum to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Mature production which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.0 percent; and if, due to insurable causes, any grain sorghum does not grade No. 4 or better in accordance with the Official U.S. Grain Standards, the production shall be adjusted by (i) dividing the value per bushel of the damaged grain sorghum (as determined by the Corporation) by the price per bushel of U.S. No. 2 grain sorghum and (ii) multiplying the result by the number of bushels of such grain sorghum. The applicable price for No. 2 grain sorghum shall be the local market price on the earlier of: the day the loss is adjusted or the day the damaged grain sorghum was sold.

(2) Appraised production to be counted shall include: (i) Any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (ii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iii) only the appraisal in excess of the lesser of 5 bushels or 20 percent of the production guarantee for all other unharvested acreage.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determine that any such acreage (1) is not put to another use before harvest of grain sorghum becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of insured share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. Records and access to farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all grain sorghum produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. Life of contract: Cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5 (d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

County	Cancellation date	Termination date for indebtedness
Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, Texas, and all Texas counties lying south thereof.	September 30	January 31.
All other counties	December 31	March 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix (Additional Terms and Conditions)

1. *Meaning of Terms.* For the purposes of grain sorghum crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding grain sorghum insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the grain sorghum crop is normally grown and shall be designated by the calendar year in which the grain sorghum crop is normally harvested.

(d) "Harvest" means the severance of mature grain sorghum from the land for combining or threshing.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(h) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured grain sorghum crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(j) "Tenant" means a person who rents land from another person for a share of the grain sorghum crop or proceeds therefrom.

(k) "Unit" means all insurable acreage of grain sorghum in the county of the date of planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the grain sorghum crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage insured.* (a) The Corporation reserves the right to limit the insured acreage of grain sorghum to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the "planting" of grain sorghum.

(b) If the insured does not submit an acreage report on or before the "acreage reporting" date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated acreage.* (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, "as determined by the corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment of facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. *Annual premium.* (a) if there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereater apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and payment of indemnity.* (a) Any claim for indemnity on a unit shall "be" submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured grain sorghum acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation, under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However, in no event shall the Corporation "be" liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.*

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the grain sorghum is "planted" for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage level and price election.* (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix "B"

Counties Designated for Grain Sorghum Crop Insurance—7 CFR Part 420

In accordance with the provisions of 7 CFR 420.1, the following counties are designated for grain sorghum insurance:

Arizona

Maricopa	Yuma
Pinal	

California

Colusa	Solano
Madera	Yolo
Sacramento	

Colorado

Baca	Prowers
Kit Carson	

Kansas

Allen	Marshall
Anderson	McPherson
Atchison	Meade
Barton	Miami
Bourbon	Mitchell
Brown	Montgomery
Butler	Morris
Chase	Morton
Cherokee	Nemaha
Cheyenne	Neosho
Clay	Osage
Cloud	Osborne
Coffey	Ottawa
Cowley	Pawnee
Crawford	Phillips
Dickinson	Pottawatomie
Doniphan	Pratt
Douglas	Reno
Elk	Republic
Ellis	Rice
Ellsworth	Riley
Finney	Rooks
Ford	Rush
Franklin	Russell
Geary	Saline
Grant	Scott
Gray	Sedgwick
Greenwood	Seward
Harvey	Shawnee
Haskell	Sheridan
Jackson	Smith
Jefferson	Stafford
Jewel	Stanton
Johnson	Stevens
Kearny	Sumner
Kingman	Wabaunsee
Labette	Wallace
Leavenworth	Washington
Lincoln	Wichita
Linn	Wilson
Lyon	Woodson
Marion	

Missouri

Atchison	Jasper
Barton	Johnson
Bates	Monroe
Cass	Platte
Cooper	Vernon
Henry	

Nebraska

Adams	Kearney
Boone	Lancaster
Butler	Madison
Cass	Nance
Clay	Nemaha
Colfax	Nuckolls
Dodge	Otoe
Dundy	Pawnee
Fillmore	Platte
Franklin	Polk
Frontier	Red Willow
Furnas	Richardson
Gage	Saline
Gosper	Saunders
Hall	Seward
Hamilton	Thayer
Harlan	Thurston
Hitchcock	Webster
Jefferson	York
Johnson	

New Mexico

Curry	Roosevelt
Lea	

Oklahoma

Caddo	Mayes
Cimarron	Nowata
Craig	Ottawa
Delaware	Texas
Kay	Washita

South Dakota

Bon Homme	Hanson
Charles Mix	Hutchison
Davison	Lyman
Douglas	Sanborn
Gregory	Tripp

Tennessee

Obion

Texas

Bailey	Hockley
Bell	Hunt
Bosque	Hutchinson
Brazos	Jones
Briscoe	Knox
Burleson	Lamb
Calhoun	Lubbock
Cameron	Lynn
Carson	Matagorda
Castro	McLennan
Cochran	Milam
Collins	Moore
Collingsworth	Navarro
Crosby	Nueces
Dallam	Ochiltree
Deaf Smith	Oldham
Denton	Parmer
Ellis	Randall
Falls	Refugio
Fannin	Robertson
Floyd	San Patricio
Fort Bend	Sherman
Gaines	Starr
Grayson	Swisher
Guadalupe	Terry
Hale	Travis
Hansford	Victoria
Hartley	Wharton
Haskell	Willacy
Hildalgo	Williamson
Hill	Yoakum

These regulations have been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria. A Final Impact Analysis has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Note.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A–40.

Approved by the Board of Directors on July 10, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: September 12, 1979.

Approved by:

W. Otto Johnson,

Acting Manager.

[FR Doc. 79–29135 Filed 9–19–79; 8:45 am]

BILLING CODE 3410–08–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79–NE–09; Amdt. 39–3567]

Airworthiness Directives; Avco Lycoming Division LTS101 –600A, –600B, –600A–2, –650A–2, and –650B–1A Turboshaft and LTP101 –600, –600A, and –600A–1A Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On August 4, 1979, an emergency telegraphic Airworthiness Directive (AD) was issued requiring removal from service certain engine fuel control and fuel pump and oil pump accessory drive gears. These gears, manufactured by powder-metal forming, are suspected to be susceptible to fatigue failure. On August 8, 1979, an emergency telegraphic AD Amendment to the original AD was issued to correct minor errors in the original issue. The AD, as amended, is now being published in the **Federal Register** as an amendment to the Federal Aviation Regulations.

DATE: Effective date—September 26, 1979. Compliance schedule—as prescribed in the text of AD.

ADDRESSES: To obtain copies of the Alert Notice referenced in the AD, contact Customer Service Department, Avco Lycoming Division, 550 South Main Street, Stratford, Connecticut 06514. Copies of the Alert Notice are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Propulsion Section (ANE–214), Engineering and Manufacturing Branch, Flight Standards Division, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273–7337.

SUPPLEMENTARY INFORMATION: The telegraphic AD adopted and made effective to all known U.S. operators of Avco Lycoming Division LTS101 –600A, –600B, –600A–2, –650A–2, and –650B–1A turboshaft and LTP101 –600, –600A, and –600A–1A turboprop engines on August 4, 1979, as amended on August 8, 1979, was required as a result of failures of engine accessory drive gears driving the fuel control and fuel pump and oil pump, causing in-flight engine shutdowns. These gears, manufactured by powder-metal forming, are suspected to have failed due to fatigue. The suspect gears

are known to be installed in all engines of the above models.

The telegraphic AD, as amended, required that engine fuel control and fuel pump and oil pump accessory drive gears be removed from service and replaced prior to further flight.

These conditions still exist, and this AD, as amended, is now being published in the **Federal Register** as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations.

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

Adoption of the Amendment

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

AVOC LYCOMING DIVISION: Applies to LTS101 –600A, –600B, –600A–2, –650A–2, and –650B–1A turboshaft and LTP101 – 600, –600A, and –600A–1A turboprop engines.

Compliance required prior to further flight, unless already accomplished.

To prevent failure of the fuel control and fuel pump and oil pump drive gears accomplish the following:

1. LTS101 turboshaft model engines: Remove from service engine fuel control and fuel pump and oil pump accessory drive gears, both P/N 4–081–080–04, and replace with gears, both P/N 4–081–080–05. Avco Lycoming Division Alert Notice, 3V–W733, dated July 31, 1979, refers to this subject.

2. LTP101 turboprop model engines:

a. Remove from service engine fuel control and fuel pump accessory drive gears, P/N 4–083–020–01, and replace with P/N 4–083–020–02 gear.

b. Remove from service engine oil pump accessory drive gear, P/N 4–081–080–02, and replace with P/N 4–081–080–06 gear.

Note.—Issuance of special flight permits in accordance with FAR Part 21.197, not to exceed 2 additional hours in service, is authorized.

The manufacturer's Alert Notice identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Customer Service Department, Avco Lycoming Division, 550 South Main Street, Stratford, Connecticut 06514. This document may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. This amendment becomes effective on September 26, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1345(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this action is an emergency nonsignificant regulation under Executive Order 12044 as implemented by Department of Transportation policies and procedures (44 FR 11034, February 24, 1979). The action is therefore excepted from the requirements for an evaluation.

Issued in Burlington, Massachusetts, on September 12, 1979.

Robert E. Whittington,

Director, New England Region.

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

[FR Doc. 79–29020 Filed 9–19–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 79–NW–30–AD; Amdt. 39–3563]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: FAA Airworthiness Directive (AD) 79–17–02 (Amdt. 39–3526; August 9, 1979, 44 FR 46782) requires inspection and replacement, as required, of the lower cargo door sill truss and latch support fittings. The AD is amended herein to allow truss fittings to continue in service with minor cracks with frequent inspection intervals until replacement parts are installed.

DATES: Effective date October 1, 1979. Compliance required within 300 hours time-in-service after the effective date of this AD unless already accomplished.

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

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

SUPPLEMENTARY INFORMATION: Since issuance of Amendment 39–3526, it has been determined that truss fittings can continue in service with cracks not exceeding the limits specified in Boeing Service Bulletin 747–53–2200 Revision 1, provided they are reinspected at intervals not to exceed 300 flight hours and provided no adjacent fittings are cracked. Since this amendment relieves a restriction and imposes no additional burden on any person, it is found that notice and public procedure hereon are unnecessary, and this amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Paragraph B of Airworthiness Directive 79–17–02 (Amdt. 39–3526, August 9, 1979, 44 FR 46782), to read as follows:

B. Clear all blocked drainage paths, replace cracked latch support fittings, replace or repair corroded or cracked truss fittings in accordance with Boeing Service Bulletin 747–53–2200 Revision 1, before further flight. Cracked truss fittings may continue in service provided: cracks do not exceed limits in Service Bulletin 747–53–2200 Revision 1, no adjacent fittings are cracked, and provided the cracked fittings are visually inspected at intervals not to exceed 300 hours time-in-service.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective October 1, 1979

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

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

Issued in Seattle, Washington, September 10, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

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

[FR Doc. 79-29021 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 18723; Amdt. 39-3571]

Airworthiness Directives; Fokker Model F-27, Mks 100, 200, 300, 400, 500, 600, 700 airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires a one-time inspection of the nose wheel axles installed on Fokker Model F-27 airplanes, including axles held as spares or installed in certain spare nose landing gears, to detect incorrect machining of the bore, rework or removal from service of those axles found to be improperly machined, and application of an identifying mark on those found to be properly machined. This AD is needed to prevent development of fatigue failure of improperly machined axles which could result in an accident upon landing or during ground operation of the airplane.

DATES: Effective October 19, 1979. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from:

Dowty Rotol Ltd., Staverton West, Sully Road, Sterling, VA 22170; or
Dowty Rotol Ltd., Cheltenham Road, Gloucester, England GL29QH; and
Fokker-VFW b.v., P.O. Box 7600, Schiphol Oost, The Netherlands.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D.C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection of the nose wheel axles installed on Fokker Model F-27 airplanes, including axles held as spares or installed in certain spare nose landing gears to detect incorrect machining of the bore, rework or removal from service of those axles found to be improperly machined, and application of an identifying mark on those found to be properly machined was published in the **Federal Register** at 44 FR 9764.

The proposal was prompted by reports of improper machining of the bore of the Dowty Rotol nose wheel axle installed on certain Fokker Model F-27 airplanes that could result in axle failure and cause an accident while operating the airplane on the ground.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the proposal is adopted without substantive change. Clarifying language has been added concerning the FAA-approved equivalent to the manufacturer's service bulletin. Clarification of which spare parts must be inspected has also been made.

Adoption of the Amendment

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

FOKKER-VFW. Applies to Model F-27 Mark 100, 200, 300, 400, 500, 600, 700 airplanes, certificated in all categories, all aircraft serial numbers up to and including 10569 which have Dowty Rotol nose landing gear assembly other than type 200565001, 200568001, or 200678001 installed, except aircraft serial numbers 10549, 10561, 10562, and 10563.

Compliance is required as indicated, unless already accomplished.

To prevent fatigue failure of improperly machined nose wheel axles, accomplish the following:

(a) Within the next 500 hours time in service after the effective date of this AD or at the next nose wheel change, whichever occurs first, inspect the bore of the nose wheel axle (Dowty Rotol P/N 9009Y12) in accordance with Section 2, "Accomplishment Instructions", of Fokker Service Bulletin No. F27/32-129 dated May 1, 1978, and Section 2, "Accomplishment Instructions" of Dowty Rotol Service Bulletin No. 32-100B, dated April 25, 1978 or Dowty Rotol Service Bulletin No. 32-30S, dated April 25, 1978, as appropriate, (hereinafter referred to as the Dowty Rotol Service Bulletin) or an FAA-approved equivalent, and—

(1) If no undercut is found and the change in section from the central bore to the threaded bore is a 0.25 inch maximum radius or a 20 degree tapered chamfer, identify the axle in accordance with item 2.B.(1) of the Dowty Rotol Service Bulletin, or an FAA-approved equivalent, and return the axle to service.

(2) If an undercut is found and both ends have a smooth transition to the adjacent area and provided the axle wall thickness is 0.115 inches or more, identify the axles in accordance with paragraph item 2.B.(1) of the Dowty Rotol Service Bulletin or an FAA-approved equivalent, and return the axle to service.

(3) If an undercut is found and the axle wall thickness is less than 0.115 inches, or if either or both ends of the undercut do not have a smooth transition to the adjacent area, remove the axle from service and replace with an axle which is identified in accordance with paragraph (a)(1) or (a)(2) of this AD.

(b) Before releasing to service any nose wheel axles (Dowty Rotol P/N 9009Y12) held as spares, inspect each nose wheel axle and if it is not already identified in accordance with paragraph 2.B.(1) of the Dowty Rotol Service Bulletin or an FAA-approved equivalent, inspect the axle, and identify it or remove it from sevice in accordance with paragraph (a) of this AD.

(c) Before releasing to service any spare nose wheel landing gears assemblies other than type 200565001, 200568001, or 200678001, inspect the nose axle (Dowty Rotol P/N 9009Y12) installed in such nose wheel landing gear assembly and if it is not already identified in accordance with paragraph 2.B.(1) of the Dowty Rotol Service Bulletin or an FAA-approved equivalent, inspect the axle, and identify it or remove it from service and replace it in accordance with paragraph (a) of this AD.

(d) For purposes of this AD, and FAA-approved equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belguim.

Note.—Dowty Rotol Service Bulletin 32-30S is identical to Dowty Rotol Service Bulletin No. 32-100B but applies only to Fokker Model F-27 Mk 500.

This amendment becomes effective October 19, 1979.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington. D.C. 20591.

Issued in Washington, D.C. on September 12, 1979.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 79-29018 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-24-AD; Amdt. 39-3566]

Airworthiness Directives; McDonnell Douglas Model DC-8 Series 62 and 63 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires repetitive inspections of the wing front spar pylon support fittings for stress corrosion cracks to preclude failure of the fittings which could result in the loss of the engine pod/pylon assembly from the aircraft.

DATES: Effective September 27, 1979. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from:

The McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attn: Director, Publications & Training C1-750 54-60.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There have been several cases of cracked pylon front spar support fittings reported since March 1970. This cracking is attributed to the stress corrosion of the 7079-T6 aluminum forging material. Fittings which have been replaced with 7075-T73 aluminum forgings have not exhibited any stress corrosion cracking. This AD calls for repetitive inspections of those support fittings which have not been changed to 7075-T73 aluminum material. McDonnell Douglas has issued DC-8 Alert Service Bulletin A57-87, Revision 1, dated September 10, 1979, containing procedures for determining the heat treat of the fitting, performing optical inspection of the critical areas of the support fittings, and accomplishing repairs for some of the cracks which have been discovered.

Since this condition exists on other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections, and repair or replacement if necessary, of the wing front spar pylon support fittings.

Adoption of the Amendment

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

McDonnell Douglas. Applies to the McDonnell Douglas DC-8-62, -62F and DC-8-63, -63F Series airplanes certificated in all categories, incorporating 7079-T6 aluminum wing front spar pylon support fittings, (P/N) 5753054-1/-2 and 5753055-1/-2.

Note.—This AD is not applicable to 7075-T73 aluminum fittings (P/N) 5753054-501/-502 and 5753055-501/-502. Operators who are unable to verify part numbers visually, may ascertain the fitting material by NDT methods presented in the McDonnell Douglas DC-8 Alert Service Bulletin A57-87, Revision 1, dated September 10, 1979.

Compliance required as indicated.

To detect cracks and prevent failure of the wing front spar pylon support fittings, accomplish the following:

(a) Within the next 300 hours' time in service after the effective date of this AD, unless already accomplished within the last 2,700 hours' time in service in an approved equivalent manner:

(1) Before inspection, thoroughly clean each wing front spar pylon support fitting in accordance with the procedures outlined in McDonnell Douglas DC-8 Alert Service Bulletin A57-87, Revision 1, dated September 10, 1979.

(2) Conduct a visual inspection of all four wing front spar pylon support fittings in accordance with the procedures outlined in McDonnell Douglas DC-8 Alert Service Bulletin A57-87, Revision 1, dated September 10, 1979.

(b) If no cracks are found during the inspections per paragraph (a), conduct repetitive inspections in accordance with paragraph (a) at intervals not to exceed 3,000 hours' time in service or one (1) year, whichever comes first.

(c) If cracks are found which are repairable as defined in McDonnell Douglas DC-8 Alert Service Bulletin A57-87, Revision 1, dated September 10, 1979, make repairs per DC-8 Structural Repair Manual, Chapter 54 or McDonnell Douglas DC-8 Alert Service Bulletin A57-87, Revision 1, as applicable prior to further flight, and revert to the repetitive inspection requirements of paragraph (b).

(d) If cracks are found which are defined as non-repairable in McDonnell Douglas DC-8 Alert Service Bulletin A57-87, Revision 1, dated September 10, 1979, remove and replace the fitting prior to further flight.

(e) If a cracked fitting is replaced with a 7079-T6 aluminum fitting, inspect the replacement fitting in accordance with the repetitive inspection requirements of paragraph (b).

(f) Within 24 hours after the inspection, report the results of the inspection per paragraph (a) to the Chief, Aircraft Engineering Division, FAA Western Region, through the principal maintenance inspector for the operator.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(h) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective September 27, 1979.

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

Issued in Los Angeles, California on September 11, 1979.

Leon C. Dougherty,

Director, FAA Western Region.

[FR Doc. 79-29017 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 77-NE-10; Amdt. 39-3562]

Airworthiness Directives; Sikorsky Models S-61L, S-61N, S-61NM and S-61A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Airworthiness Directive 78-12-05, applicable to Sikorsky S-61L, S-61N, S-61NM, and S-61A helicopters with fixed S-61L type landing gear, requires the inspection and replacement of landing gear fittings, tube assemblies, and cylinder assemblies. This amendment revises the Airworthiness Directive (AD) in accordance with recently developed engineering data to require the inspections and, if necessary, the replacement of landing gear cylinders to begin at an earlier service time.

DATES: Effective date—September 20, 1979. Compliance schedule—As precribed in the body of the AD.

ADDRESSES: To obtain copies of the service bulletin referenced in the AD, contact Sikorsky Aircraft, Division of

United Technologies Corporation, Stratford, Connecticut 06602.

FOR FURTHER INFORMATION CONTACT: William E. Garlock, Airframe Section, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION: The failure of a main landing gear fitting caused the collapse of the landing gear and resulted in an S-61 helicopter rolling over on its side. Therefore, a telegraphic AD was issued on May 19, 1977, requiring inspections of landing gear fittings of Sikorsky S-61L, S-61N, and S-61A helicopters. Then, AD 77-16-06 was issued, effective August 18, 1977, requiring new inspections and the removal from service of certain fittings, based upon engineering evaluation of the inboard fitting assemblies. AD 78-12-05 was issued June 7, 1978, superseding AD 77-16-06, to require inspections of additional landing gear components and the replacement of some tube assemblies after a specified number of landings.

This amendment revises Amendment 39-3240 (43 FR 25803) which currently requires the inspection and replacement of landing gear fittings, tube assemblies, and cylinder assemblies. After issuing Amendment 39-3240, the FAA has determined, based upon recently completed engineering analysis and evaluation, that the inspections of the landing gear cylinder assemblies must be initiated earlier in the service of these assemblies.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising AD 78-12-05 as follows:

1. Delete Paragraph 9 and insert in its place:

9. Within 50 landings after the effective date of this amendment, unless already accomplished, and thereafter at intervals not to exceed 2,000 landings from the last inspection, inspect and replace, if cracked, cylinder assemblies, P/Ns S6125-50304-1 and S6125-50304-2, with 45,000 or more landings in accordance with Paragraph J.

2. Delete Paragraph 10 and insert in its place:

10. Within 50 landings after the effective date of this amendment, unless already accomplished, and thereafter at intervals not to exceed 2,000 landings from the last inspection, inspect and replace, if cracked, cylinder assemblies, P/Ns S6125-50304-1 and S6125-50304-2, with 98,000 or more landings in accordance with Paragraph K.

This amendment becomes effective September 20, 1979.

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

The Federal Aviation Administration has determined that this action is an emergency nonsignificant regulation under Executive Order 12044 as implemented by Department of Transportation policies and procedures (44 FR 11034, February 26, 1979). The action is therefore excepted from the requirements for an evaluation.

Issued in Burlington, Massachusetts, on September 7, 1979.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 79-29019 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-29-AD; Amdt. 39-3564]

Airworthiness Directives; McDonnell Douglas DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires modification of McDonnell Douglas Astronautics Company dual brake control valves, by replacing the existing swaged collar and bolt which retain the input shaft roller and sleeve with a monel rivet. This airworthiness directive is necessary to assure that the dual brake control valve does not become jammed in the partially "on" position as a result of a separated improperly swaged bolt collar.

DATES: Effective September 24, 1979. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1-750 (54-60). Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591; or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: During recent functional tests at McDonnell Douglas Astronautics Company (MDAC) one side of the dual brake control valve (P/N BYG 7004-5509 or -5511) jammed in the brakes "on" position. Brake control valves were manufactured by Weston Hydraulics Company until recently when this function was taken over by MDAC. Investigation revealed that an improperly swaged bolt collar which retains the input shaft, roller and sleeve had separated from the bolt and jammed the shaft. This condition resulted from the use of a swaging tool of improper type. Douglas Aircraft Company records indicate that a total of seventy-three BYG 7004-5509 or -5511 dual brake control valves manufactured by MDAC are suspected of having improperly swaged collars on input shaft bolts. Although no operators have reported any instances of a dual brake control valve being jammed in a partially "on" position, this condition is possible and could result in dragging the brakes at anytime during taxi and/or takeoff. In addition, a valve could jam in the "off" position resulting in approximately twice normal brake pedal force being required to obtain full brake application.

Since this condition exists on other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the existing swaged collar and bolt with a monel rivet in all suspect valves, thus eliminating the possibility of those valves jamming due to separation of an improperly swaged collar.

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas DC-10 -10, -10F, -30, -30F and -40 airplanes certificated in all categories.

Compliance required within the next 350 hours' time-in-service after the effective date of this AD, unless already accomplished.

To eliminate the possibility of one side of the dual brake control valve jamming due to a separated improperly swaged retaining bolt collar accomplish the following:

(a) Inspect the nameplate on the dual brake control valves, located in the left and right wheel wells above and aft of the brake system accumulators, to ascertain whether valves were manufactured by Weston Hydraulics or McDonnell Douglas Astronautics Company. Valves manufactured by Weston Hydraulics Company require no further action.

(b) Modify and reidentify McDonnell Douglas Astronautics Company dual brake control valves in accordance with Subpart 2, Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin No. A32-169, dated August 27, 1979.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(d) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective September 24, 1979.

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

Issued in Los Angeles, Calif. on September 10, 1979.

William R. Krieger,

Acting Director FAA Western Region.

[FR Doc. 79-29196 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-15-AD; Amdt. 39-3565]

Airworthiness Directives; McDonnell Douglas DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This notice amends a currently effective airworthiness directive (AD) which requires repetitive inspections of the Model DC-10 series airplane wing leading edge slats mechanical drive system and establishes a service life limitation on certain slat drive cables. This amendment is required to change hours time-in-service to landings since the life of slat cables is related to number of slat operations rather than hours time-in-service.

DATES: Effective September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3514, (44 FR 45376), AD 79-15-4, which currently requires repetitive inspections of Model DC-10 series airplane wing leading edge slats mechanical drive system, and establishes a service life limitation on certain slat drive cables.

After the issuance of Amendment 39-3514 various operators have indicated to the FAA that cycles of slat operation or landings would be a more rational criterion for establishing inspection intervals and/or service lives than the hours' time-in-service presently specified in the AD. The FAA agrees that slat system life is related to cycles of slat operation rather than hours time-in-service. Also, cycles of slat operation can be approximated as a function of number of landings. The AD is being amended to reflect this and certain other clarifying changes.

Since this amendment corrects the inspection intervals and/or service lives by relating them to a function of cycles of slat operation, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than thirty (30) days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3514, (44 FR 45376), AD 79-15-4, by adding a new paragraph (h) and amending paragraphs (a), (b), (c), (d) and (e) to read in pertinent part as follows:

* * * * *

(a) * * * and thereafter at intervals not to exceed 325 landings since the last inspection.

(a) 5.(2) Total landings at inspection.

(b) For #2 and #3 position, slat drive cables, except "zinc coated 6x31 or 7 flex premium cables," before accumulating an additional 810 landings on any individual cable, after the effective date of this AD, unless a new cable was installed within the last 5,700 landings, and thereafter at intervals not to exceed 6,500 total landings on any individual cable, replace the affected drive cable with a new cable of the same part number or an FAA approved replacement cable. If a cable is replaced with a "zinc coated 6x31 or 7 flex premium cable," the cable replacement limits specified in paragraph (c) become effective for the replacement cable.

(c) For #2 and #3 position, slat "zinc coated 6x31 or 7 flex premium" type drive cables, before accumulating an additional 810 landings on any individual cable after the effective date of this AD, unless a new cable was installed within the last 10,000 landings, and thereafter at intervals not to exceed 10,800 total landings on any individual cable, replace the affected drive cable with a new cable of the same part number of an FAA approved replacement part.

(d) Part numbers of "zinc coated 6x31 or 7 flex premium cables" which are approved replacement cables for compliance with either paragraphs (b) or (c) are identified by McDonnell Douglas All Operators Letters, (AOL), 10-1333A dated October 26, 1978 and 10-1379 dated January 8, 1979.

(e) The repetitive inspections required by paragraph (a) may be discontinued after the inspections and modifications required by paragraph (b) of AD 78-20-04 (Amendment 39-3308) have been accomplished and after it has been determined that #2 and #3 slat position drive cables are within the limits of 6,500 total landings or the 10,800 total landings specified in paragraphs (b) or (c) respectively, of this AD.

(h) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time-in-service by the operator's fleet average time from takeoff to landing for the airplane type.

Amendment 39-3514 became effective July 13, 1979.

This amendment becomes effective September 24, 1979.

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

Issued in Los Angeles, Calif., on September 10, 1979.

William R. Krieger,

Acting Director, FAA Western Region.

[FR Doc. 79-29197 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-SO-18]

Designation of Lakeland, Fla., Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Air to ground communications and weather reporting are now available at the Lakeland Municipal Airport. In order to provide additional protection for IFR operations at the Lakeland Municipal Airport, a part-time control zone is hereby established.

EFFECTIVE DATE: 0901 G.M.T., November 29, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic

Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Thursday, April 12, 1979, (44 FR 21812), outlining the details of the proposal to establish a control zone at the Lakeland Municipal Airport. In response to this circular, comments and/or objections were received from Mr. John E. Roberts, Roberts Flying Service, and Mr. Bruce John Micek.

Mr. Roberts objected to the control zone because of the confusion that would be generated as to which control facility to contact during IFR weather conditions and suggested that an Airport Traffic Control Tower is needed at this airport. Mr. Micek objected to the proposed control zone on the basis that there was no reason for the added expense and procedures.

The communications facilities and frequencies will be appropriately notated in the Airport/Facility Directory as well as the hours the control zone is effective. When the control zone is effective and the reported weather conditions are a ceiling of less than 1000 feet AGL and visibility less than 3 miles, an air traffic control clearance will be required to operate in the control zone. At all other times aircraft operating conditions to or from the Lakeland Municipal Airport are unchanged from those now in existence.

Mr. John Engles, owner of the Circle X Airport, located approximately 4.5 miles south of the Lakeland Municipal Airport, did not object to the proposal but requested that the Circle X Airport be excluded from the control zone. Since the location of the Circle X Airport meets criteria for exclusion, his request is being complied with and the Circle X Airport is being excluded from the control zone description.

Adoption of the Amendment

Accordingly, Subpart F, § 71.171 (44 FR 353) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.M.T., November 29, 1979, by adding the following:

Lakeland Fla.

Within a five-mile radius of the Lakeland Municipal Airport (Lat. 27°59'20" N., Long. 82°00'53" W.); excluding that airspace within a 1.5-mile radius of the Circle X Airport (Lat. 27°55'59" N., Long. 82°02'39" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

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

Issued in East Point, Ga., on September 7, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-29195 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 19501; Amdt. No. 1147]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Gary W. Wirt, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure

identification and the amendment number.

This amendment to Part 97 is effective on September 20, 1979, and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

§ 97.23 [Amended]

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * Effective November 29, 1979:

Clarion, PA—Clarion County, VOR-A, Original.

* * * Effective November 1, 1979:

Mena, AR—Intermountain Regional, VOR/DME-A, Amdt. 3.
Bishop, CA—Bishop, VOR-A, Amdt. 3.
Bishop, CA—Bishop, VOR/DME-B, Original.
Plainfield, IL—Clow Intl, VOR-A, Original.
Reed City, MI—Miller Field, VOR Rwy 17, Amdt. 4, cancelled.
Ft. Leonard Wood, MO—Forney AAF, VOR Rwy 14, Amdt. 1.
Ft. Leonard Wood, MO—Forney AAF, VOR Rwy 32, Amdt. 1.
Fostoria, OH—Fostoria Metropolitan, VOR-A, Amdt. 2.
Tiffin, OH—Seneca County, VOR Rwy 6, Amdt. 4.
Winner, SD—Bob Wiley Field, VOR-A, Amdt. 3.
Houston, TX—Houston Intercontinental, VOR/DME Rwy 14, Admt. 8.
Houston, TX—Houston Intercontinental, VOR/DME Rwy 32, Amdt. 7.
Houston, TX—William P. Hobby, VOR/DME or TACAN Rwy 4, Amdt. 13.
Houston, TX—William P. Hobby, VOR Rwy 13 (TAC), Amdt. 11.
Houston, TX—William P. Hobby, VOR/DME 1 Rwy 31, Amdt. 9.
Parkersburg, WV—Wood County Airport Gill Robb Wilson Field, VOR Rwy 21, Amdt. 12.

* * * Effective October 4, 1979:

Manhattan, KS—Manhattan Muni, VOR Rwy 3, Amdt. 11.

* * * Effective September 5, 1979:

Fort Wayne, IN—Fort Wayne Muni (Baer Field), VOR Rwy 4 (TAC), Amdt. 14.

§ 97.25 [Amended]

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * Effective November 1, 1979:

Auburn-Lewiston, ME—Auburn-Lewiston Muni, LOC Rwy 4, Amdt. 2.
Muskegon, MI—Muskegon County, LOC Rwy 23, Amdt. 1.

* * * Effective October 4, 1979:

Portland, OR—Portland Intl, LOC BC Rwy 10L, Amdt. 10.
Vancouver, WA—Pearson Airpark, LDA BC Rwy 8, Amdt. 2.

§ 97.27 [Amended]

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * Effective November 1, 1979:

Mena, AR—Intermountain Regional, NDB-B, Amdt. 1.
Paragould, AR—Paragould Muni, NDB Rwy 5, Amdt. 6.
Taylorville, IL—Taylorville Muni, NDB Rwy 18, Original.
Angola, IN—Tri-State Steuben County, NDB Rwy 5, Amdt. 4.
Auburn-Lewiston, ME—Auburn-Lewiston Muni, NDB Rwy 4, Amdt. 2.
Ft. Leonard Wood, MO—Forney AAF, NDB Rwy 32, Amdt. 1.
Portales, NM—Portales Muni, NDB Rwy 2, Amdt. 2.
Bismarck, ND—Bismarck Muni, NDB Rwy 31, Amdt. 27.
Columbus, OH—Bolton Field, NDB Rwy 3, Amdt. 4.
Fostoria, OH—Fostoria Metropolitan, NDB Rwy 27, Amdt. 2.
Marysville, OH—Union County, NDB Rwy 27, Amdt. 3.
Ottawa, OH—Putnam County, NDB Rwy 27, Amdt. 2.
Tiffin, OH—Seneca County, NDB Rwy 24, Amdt. 2.
Medford, WI—Taylor County, NDB Rwy 33, Amdt. 3.
Parkersburg, WV—Wood County Airport Gill Robb Wilson Field, NDB Rwy 3, Amdt. 4.

* * * Effective October 4, 1979:

Homer, AK—Homer, NDB Rwy 3, Original.
Homer, AK—Homer Municipal, NDB-A, Amdt. 1, cancelled.

§ 97.29 [Amended]

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * Effective November 1, 1979:

St. Louis, MO—Lambert-St. Louis Int'l, ILS Rwy 30L, Amdt. 3.
Bismarck, ND—Bismarck Muni, ILS Rwy 31, Amdt. 28.
Columbus, OH—Bolton Field, ILS Rwy 3, Amdt. 2.
Parkersburg, WV—Wood County Airport Gill Robb Wilson Field, ILS Rwy 3, Amdt. 7.

* * * Effective October 18, 1979:

Cedar Rapids, IA—Cedar Rapids Muni, ILS Rwy 27, Original.

* * * Effective October 4, 1979:

Manhattan, KS—Manhattan Muni, ILS Rwy 3, Original.
Portland, OR—Portland Intl, ILS Rwy 28R, Amdt. 9.

* * * Effective September 6, 1979:

San Francisco, CA—San Francisco Intl, ILS Rwy 28L, Amdt. 15.

* * * Effective September 5, 1979:

Fort Wayne, IN—Fort Wayne Muni (Baer Field), ILS Rwy 4, Amdt. 5.

§ 97.31 [Amended]

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * Effective November 1, 1979:

Ft. Leonard Wood, MO—Forney AAF, RADAR-1, Amdt. 1.
St. Louis, MO—Lambert-St. Louis Int'l, RADAR-1, Amdt. 22.

* * * Effective October 18, 1979:

Cedar Rapids, IA—Cedar Rapids Muni, RADAR-1, Amdt. 4.

* * * Effective September 5, 1979:

Fort Wayne, IN—Fort Wayne Muni (Baer Field), RADAR-1, Amdt. 15.

§ 97.33 [Amended]

6. by amending § 97.33 RNAV SIAPs identified as follows:

* * * Effective November 1, 1979:

Port Huron, MI—St. Clair County Intl, RNAV Rwy 4, Amdt. 3.
St. Louis, MO—Lambert-St. Louis Int'l, RNAV Rwy 30L, Amdt. 5.

* * * Effective October 18, 1979:

Cedar Rapids, IA—Cedar Rapids Muni, RNAV Rwy 27, Amdt. 3, cancelled.

(Secs. 307, 313(a), 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and

Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

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

James M. Vines,

Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 79-29190 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 121 and 129

[Docket No. 18310; Amdt. Nos. 121-153 and 129-10]

Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft and Operations of Foreign Air Carriers Radiation Surveys of Airport X-Ray Inspection Cabinets; Extension of Time

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the regulation pertaining to surveys of baggage X-ray Inspection Cabinets by extending the time required for such surveys from six months to one year. Experience has shown that the reliability of these devices is excellent, the radiation hazard to employees negligible, and the extension fully justified.

DATE: Effective date is October 19, 1979.

FOR FURTHER INFORMATION CONTACT: Theo P. Tsacoumis, Technical Security Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 755-8715.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1978, the Air Transport Association of America (ATA) petitioned the FAA for expedited rule making to amend Part 121 of the Federal Aviation Regulations (FARs), by extending the time required for surveys of baggage X-ray inspection cabinets from six calendar months to one year.

On March 15, 1979, after review and pursuant to the ATA petition, the FAA published a Notice of Proposed Rule Making (Notice No. 79-5) in the Federal Register (44 FR 15732) which proposed to amend Parts 121 and 129 of the FARs in accordance with the ATA petition.

Discussion

Three comments were received in response to the petition. Two commenters supported the proposal and a third commenter stated that the change should be made without endangering the traveling public, airport and airline employees. This commenter urged the FAA to study carefully all available information on the amounts of radiation emitted by X-ray inspection cabinets and amend the regulations only after a careful analysis of this data indicates that the survey time can be extended without endangering the traveling public, airport and airline employees.

As stated in the Notice, the FAA receives a copy of each six-month X-ray survey. After an analysis of these records, it has concluded that there is no excessive leakage emanating from these X-rays, the reliability of these devices is excellent, and the public and airport and airline employees would not be endangered by an extension of the survey time.

The Amendment

Accordingly, Parts 121 and 129 of the Federal Aviation Regulations (14 CFR Parts 121 and 129) are amended effective October 19, 1979, as follows:

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

§ 121.538a [Amended]

(1) By amending paragraph (b) of § 121.538a by deleting the number "6" and substituting the number "12" in its place.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

§ 129.26 [Amended]

(2) By amending paragraph (b)(1) of 129.26 by deleting the number "6" and substituting the number "12" in its place.

(Secs. 313(a), 315, 316 and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357 and 1421), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

Issued in Washington, D.C. on September 11, 1979.

Langhorne Bond,

Administrator.

[FR Doc. 79-28829 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 152]

[Docket No. 19499; Amdt. No. 152-8]

Allowable Project Costs Under Airport Development Projects

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment permits the inclusion of indirect costs in computing allowable project costs under the Airport Development Aid Program (ADAP). It is needed to correct an inconsistency in the Federal Aviation Regulations. This amendment is intended to conform the computation of allowable costs under the Airport Aid Program to Federal grant policy and the Airport and Airway Development Act of 1970.

DATES: Effective date: September 20, 1979. Comments by November 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Cole, APP-510, Office of Airports Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone (202) 426-3050.

SUPPLEMENTARY INFORMATION:

Background

Federal Management Circular (FMC) 74-4 (39 FR 27133; July 25, 1974), formerly Office of Management Budget Circular (OMB) A-87, sets forth principles for determining costs applicable to grants and contracts with State and local governments. Under FMC 74-4 a cost must be necessary and reasonable to be allowable under a grant program. Its guidelines are designed to provide the basis for a uniform and efficient approach to determining costs in Federal grant administration.

Section 20 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720) sets forth conditions under which a project cost incurred in carrying out a project for airport development is allowable. A project cost is allowable under that section if it was necessary, reasonable, not included in a planning project, and, in most cases, incurred subsequent to the execution of the grant agreement.

Subpart B of Part 152 of the Federal Aviation Regulations (14 CFR Part 152) contains the rules and procedures for airport development projects. In particular, Sections 152.47(a)(8) and 152.47(c)(6), as well as Appendix J to Part 152, specifically provide that indirect costs are not allowable costs for airport development projects. On the other hand, indirect costs are allowable under Section 152.137 for airport planning projects. Therefore, a situation is created whereby indirect costs may be allowable for airport planning projects and not for airport development projects.

The FAA has reviewed these regulations and has concluded that, in accordance with Federal grant policy as expressed in FMC 74–4, indirect costs may be appropriately considered in calculating allowable project costs of airport development projects. Therefore, the affected regulations are being amended to conform to this policy. The amendment is prospective in nature and does not apply to grant agreements executed prior to its effective date.

Need for Immediate Adoption

Since this amendment relieves a restriction, does not impose an additional burden on any person, and is necessary to eliminate inconsistencies in the computation of allowable costs under the Airport Aid Programs, I find that notice and public procedure would be contrary to the public interest. However, the FAA intends to review the effects of this amendment.

Consequently, interested persons are invited to submit such written data, views, or arguments as they may deem appropriate regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before November 20, 1979, will be considered by the Administrator and this amendment may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Adoption of the Amendment

Accordingly, Part 152 of the Federal Aviation Regulations (14 CFR Part 152) is amended effective September 20, 1979, as follows:

§ 152.47 [Amended]

1. By amending § 152.47 by: (1) deleting the word "direct" from paragraph (a)(8); (2) deleting the word "and" at the end of paragraph (c)(4); (3) deleting the period at the end of paragraph (c)(5) and substituting for it the phrase "; and"; and (4) deleting the phrase "a direct cost" in paragraph (c)(6).

Appendix J [Amended]

2. By amending Appendix J by deleting the last sentence in paragraph A.1. of Part I, which reads, "Under § 152.47, indirect costs are not allowable costs for Airport Development Projects."

(Sec. 20 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720), and Sec. 1.47(f)(1) of the Regulations of the Office of the Secretary of Transportation (49 CFR § 1.47(f)(1)).)

Note.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of a Regulatory Analysis under Executive Order 12044. In addition, the FAA has determined that the expected impact of this regulation is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on September 11, 1979.

Langhorne Bond,

Administrator.

[FR Doc. 79–28830 Filed 9–19–79; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 950

Type and Availability of Services and Products Available From Environmental Data and Information Service

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Final rule.

SUMMARY: The information that follows describes the type and availability of environmental data, information, and assessment products and services that may be obtained from the Environmental Data and Information Service for use by Federal, State, and local agencies and the general public, including those segments engaged in commerce, industry, science, and engineering.

DATES: This rule becomes effective September 20, 1979.

FOR FURTHER INFORMATION CONTACT: An office location and phone number is provided for each type of product and service covered by the regulation. For general information concerning the entire regulation contact Leon LaPorte, Environmental Data & Information Service, NOAA, Washington, D.C. 20235, 202–634–7305.

SUPPLEMENTARY INFORMATION:

Background

The purpose of this regulation is to update the identification of the types and sources of various data products, services, and information available from the Environmental Data and Information Service. This publication supersedes regulations published on May 20, 1977 (40 CFR 56653), which are presently codified in 15 CFR, Part 950. The republication of this part is necessary to better describe current products and services.

These regulations are a restatement of agency policy, organization practice, and procedure, and are adopted without notice of proposed rulemaking and an accompanying comment period as provided by 5 U.S.C. 553(b)(A) and 5 U.S.C. 553(d)(2).

INFLATIONARY IMPACT STATEMENT: The National Oceanic and Atmospheric Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A–107.

M. P. Snidero,

Acting Assistant Administrator for Administration.

August 1979.

Part 950 is revised to read as follows:

PART 950—ENVIRONMENTAL DATA AND INFORMATION

Sec.

950.1 Scope and purpose.
950.2 Environmental Data and Information Service (EDIS).
950.3 National Climatic Center (NCC).
950.4 National Oceanographic Data Center (NODC).
950.5 National Geophysical and Solar-Terrestrial Data Center (NGSDC).
950.6 Environmental Science Information Center (ESIC).
950.7 Center for Environmental Assessment Services (CEAS).
950.8 Satellite Data Services Division (SDSD).
950.9 Computerized Environmental Data and Information Retrieval Service.

Authority: (5 U.S.C. 552, 553). Reorganization Plan No. 4 of 1970.

§ 950.1 Scope and purpose.

This part describes the Environmental Data and Information Service (EDIS), a major program element of the National

Oceanic and Atmospheric Administration, and EDIS management of environmental data and information.

§ 950.2 Environmental Data and Information Service (EDIS).

The Environmental Data and Information Service is the first Federal organization created specifically to manage environmental data and information. EDIS acquires, processes, archives, analyzes, and disseminates worldwide environmental (atmospheric, marine, solar, and solid Earth) data and information for use by commerce, industry, the scientific and engineering communities, and the general public, as well as by Federal, State, and local governments. It also provides experiment design and data management support to large-scale environmental experiments; assesses the impact of environmental fluctuations on food production, energy production and consumption, environmental quality, and other economic systems; and manages or provides functional guidance for NOAA's scientific and technical publication and library activities. In addition, EDIS operates related World Data Center-A subcenters and participates in other international data and information exchange programs. To carry out this mission, EDIS operates a network of specialized service centers and a computerized environmental data and information retrieval service.

§ 950.3 National Climatic Center (NCC).

The National Climatic Center acquires, processes, archives, analyzes, and disseminates climatological data; develops analytical and descriptive products to meet user requirements; and provides facilities for the World Data Center-A (Meteorology). It is the collection center and custodian of all United States weather records, the largest of the EDIS centers, and the largest climatic center in the world.

(a) Climatic data available from NCC include:

(1) Hourly Surface Observations from Land Stations (ceiling, sky cover, visibility, precipitation or other weather phenomena, obstructions to vision, pressure, temperature, dew point, wind direction, wind speed, gustiness).

(2) Three-Hourly and Six-Hourly Surface Observations from Land Stations, Ocean Weather Stations, and Moving Ships (variable data content).

(3) Upper Air Observations (radiosondes, rawinsondes, rocketsondes, low-level soundings, pilot balloon winds, aircraft reports).

(4) Radar Observations (radar log sheets, radar scope photography).

(5) Selected Maps and Charts (National Meteorological Center products).

(6) Derived and Summary Data (grid points, computer tabulations, digital summary data).

(7) Special Collections (Barbados Oceanographic and Meteorological Experiment meteorological data, Global Atmospheric Research Program basic data set, solar radiation data, many others).

(b) Queries should be addressed to: National Climatic Center, National Oceanic and Atmospheric Administration, Asheville, NC 28801, Tel. 704–258–2850, Ext. 683.

§ 950.4 National Oceanographic Data Center (NODC).

The National Oceanographic Data Center acquires, processes, archives, analyzes, and disseminates oceanographic data; develops analytical and descriptive products to meet user requirements; and provides facilities for the World Data Center–A (Oceanography). It was the first NODC established and houses the world's largest usuable collection of marine data.

(a) Oceanographic data available from NODC include:

(1) Mechanical and expendable bathytheremograph data in analog and digital form.

(2) Oceanographic station data for surface and serial depths, giving values of temperature, salinity, oxygen, inorganic phosphate, total phosphorus, nitrite-nitrogen, nitrate-nitrogen, silicate-silicon, and pH.

(3) Continuously recorded salinity-temperature-depth data in digital form.

(4) Surface current information obtained by using drift bottle or calculated from ship set and drift.

(5) Biological data, giving values of plankton standing crop, chlorophyll concentrations, and rates of primary productivity.

(6) Other marine environmental data obtained by diverse techniques, e.g., instrumented buoy data, and current meter data.

(b) Queries should be addresses to: National Oceanographic Data Center, National Oceanic and Atmospheric Administration, Washington, DC 20235, Tel. 202–634–7500.

§ 950.5 National Geophysical and Solar-Terrestrial Data Center (NGSDC).

The National Geophysical and Solar-Terrestrial Data Center acquires, processes, archives, analyzes, and disseminates solid Earth and marine geophysical data as well as ionospheric, solar, and other space environment data; develops analytical, climatological, and descriptive products to meet user requirements; and provides facilities for World Data Center–A (Solid-Earth Geophysics, Solar Terrestrial Physics, and Glaciology).

(a) Geophysical and solar-terrestrial data available from NGSDC include:

(1) *Marine geology and geophysics.* Bathymetric measurement; seismic reflection profiles; gravimetric measurements; geomagnetic total field measurements; and geological data, including data on heat flow, cores, samples, and sediments.

(2) *Solar-Terrestrial physics.* Ionosphere data, including ionograms, frequency plots, riometer and field-strength strip charts, and tabulations; solar activity data; geomagnetic variation data, including magnetograms; auroral data; cosmic ray data; and airglow data.

(3) *Seismology.* Seismograms; accelerograms; digitized strong-motion accelerograms; earthquake data list (events since January 1900); earthquake data service with updates on a monthly basis.

(4) *Geomagnetic main field.* Magnetic survey data and secular-change data tables.

(b) Queries should be addressed to: National Geophysical and Solar-Terrestrial Data Center, National Oceanic and Atmospheric Administration, Boulder, CO 80303, Tel. 303–499–1000, Ext. 6215.

§ 950.6 Environmental Science Information Center (ESIC).

ESIC is NOAA's information specialist, librarian, and publisher. ESIC coordinates NOAA's library and information services and its participation in the national network of scientific information centers and libraries. Computerized literature searches provide information from over 80 data bases.The complete list of data bases is available on request. All ESIC information facilities provide the normal library tailored information and reference services. As NOAA's publisher of scientific and technical information, ESIC reviews, edits, and processes NOAA manuscripts for publication.

(a) Services available from ESIC include:

(1) *Reference services.* Some services are provided on a cost-recovery basis to non-NOAA individuals.

(2) *Publication Copy Services.* Copies of NOAA publications are provided on request from qualified users, including governments, universities, non-profit organizations, professional societies, chambers of commerce, public

information media, and individuals and organizations having cooperative or exchange agreements with NOAA.

(3) *Bibliographies.* Special bibliographies are prepared on request. When provided to non-NOAA individuals, service is on a full cost-recovery basis.

(4) *Current Awareness Services.* Periodically provides announcements of titles of newly published NOAA scientific and technical publications.

(5) *Lending Services.* Materials are loaned to other libraries and to NOAA employees.

(6) On-site use of library collections.

(7) *Publishing Services.* Includes providing refereeing, reviewing, editing, and publishing services for NOAA authors of manuscripts destined for both NOAA and non-NOAA publication series.

(b) Queries should be addressed to: Environmental Science Information Center, National Oceanic and Atmospheric Administration, Rockville, MD 20852, Tel. 301–443–8137.

§ 950.7 Center for Environmental Assessment Services (CEAS).

EDIS assists National decisionmakers in solving problems by providing data analyses, applications, assessments, and interpretations to meet their particular requirements. Many of these services are provided by the EDIS Center for Environmental Assessment Services (CEAS).

(a) The following are examples of CEAS projects and services:

(1) CEAS prepares data-based studies and weekly assessments of potential effects of climatic fluctuations on National and global grain production.

(2) CEAS provides environmental analyses and assessments to support efficient and effective planning, site selection, design, construction, and operation of supertanker ports and offshore drilling rigs. Such planning depends heavily upon environmental assessments.

(3) During the heating season, CEAS issues monthly and seasonal projections of natural gas demand for multi-State regions of the conterminous United States. Similar projections are made for electricity during the cooling season.

(4) CEAS has developed and makes available when needed a statistical oil spill trajectory risk model based on historical meteorological and oceanographic data.

(5) The center has analyzed the potential ecological effects of the planned disposal of huge volumes of saturated brine into Gulf waters for the National Strategic Petroleum Reserve and may be called on to provide similar services in other subject areas.

(6) CEAS provides experiment design, data analysis, and data management support to project managers and produces merged, validated multidisciplinary data sets for international and national study (such undertakings as the recent key role in the Global Atmospheric Research Program (GARP) experiments).

(7) CEAS provides special data or information as required. Currently the Center is assembling an inventory of cruises and a global oceanographic data base from observations taken during the First GARP Global Experiment (FGGE).

(b) Additional information on these or related services can be obtained by writing: Director, Center for Environmental Assessment Services, National Oceanic and Atmospheric Administration, Washington, DC 20235; or by calling (202) 634–7251.

§ 950.8 Satellite Data Services Division (SDSD).

The Satellite Data Services Division of the EDIS National Climatic Center provides environmental and earth resources satellite data to other users once the original collection purposes (i.e., weather forecasting) have been satisfied. The division also provides photographs collected during NASA's SKYLAB missions.

(a) Satellite data available from SDSD include:

(1) Data from the TIROS (Television InfraRed Observational Satellite) series of experimental spacecraft; much of the imagery gathered by spacecraft of the NASA experimental NIMBUS series; full-earth disc photographs from NASA's Applications Technology Satellites (ATS) I and III geostationary research spacecraft; tens of thousands of images from the original ESSA and current NOAA series of Improved TIROS Operational Satellites; and both full-disc and sectorized images from the Synchronous Meteorological Satellites (SMS) 1 and 2, the current operational geostationary spacecraft. In addition to visible light imagery, infrared data are available from the NIMBUS, NOAA, and SMS satellites. Each day, SDSD receives about 239 negatives from the polar-orbiting NOAA spacecraft, more than 235 SMS–1 and 2 negatives, and several special negatives and movie film loops.

(2) Photographs (both color and black-and-white) taken during the three SKYLAB missions (May–June, 1973, July–September, 1973, and November 1973–February 1974).

(b) Queries should be addressed to: Satellite Data Services Division, World Weather Building, Room 606, Washington, DC 20233, Tel. 301–763–8111.

§ 950.9 Computerized Environmental Data and Information Retrieval Service.

The Environmental Data Index (ENDEX) provides rapid, automated referral to multidiscipline environmental data files of NOAA, other Federal agencies, state and local governments, and universities, research institutes, and private industry. A computerized, information retrieval services provides a parallel subject-author-abstract referral service. A telephone call to any EDIS data or information center or NOAA library will allow a user access to these services.

[FR Doc. 79-29249 Filed 9-19-79; 8:45 am]

BILLING CODE 3510-12-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2988]

Prohibited Trade Practices, and Affirmative Corrective Actions; Howard Johnson Co.

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 order, requires a Boston, Mass. restaurant chain, among other things, to cease requiring its licensees to purchase food products, or other products or services from the company, or from particular sources. The firm is additionally required to cancel or delete from its franchising agreements all provisions which fail to conform with the terms of the order.

DATES: Complaint and order issued August 16, 1979.[1]

FOR FURTHER INFORMATION CONTACT: Lois G. Pines, Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Rm. 1301, Boston, Mass. 02114. (617) 223–6621.

SUPPLEMENTARY INFORMATION: On Tuesday, June 5, 1979, there was published in the **Federal Register**, 44 FR 32231, a proposed consent agreement with analysis In the Matter of Howard Johnson Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments,

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

suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–60 Release of general, specific, or contractual constrictions, requirements or restraints. Subpart-Cutting Off Access To Customers or Market: § 13.543 Franchises. Subpart-Dealing On Exclusive and Tying Basis: § 13.670 Dealing on exclusive and tying basis; 13.670–20 Federal Trade Commission Act.

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

Carol M. Thomas,

Secretary.

[FR Doc. 79–29133 Filed 9–19–79; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket No. C–2986]

Prohibited Trade Practices and Affirmative Corrective Actions; Schering-Plough Corp.

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 order, among other things, requires a Kenilworth, N.J. manufacturer of various drugs, including athlete's foot products, to divest, within one year, the assets acquired as a result of its acquisition of Scholl, Inc. and utilized by Scholl primarily for the manufacture, distribution or sale in the United States of Solvex athlete's foot products. The order also requires the firm to furnish the acquirer with specified assistance, and prohibits the company from acquiring, for ten years, any business engaged in the manufacture, sale or distribution of athlete's foot products.

DATES: Complaint and order issued August 10, 1979.[1]

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

SUPPLEMENTARY INFORMATION: On Thursday, May 31, 1979, there was published in the **Federal Register**, 44 FR 31205, a proposed consent agreement with analysis In the Matter of Schering-Plough Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

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

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

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

Carol M. Thomas,

Secretary.

[FR Doc. 79–29134 Filed 9–19–79; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

Bankers Life & Casualty Co., et at.; Prohibited Trade Practices

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 order, among other things, requires Bankers Life and Casualty Company (Bankers Life), eleven corporate associates and an individual, all engaged in the advertising, promotion and sale of undeveloped land, to cease misrepresenting that undeveloped land purchase is a safe investment; involves little financial risk; and is a means of achieving financial security. The order requires that all advertising, promotional materials and sales contracts include specified disclosures regarding risks involved in undeveloped land investment; the advisability of consulting with a real estate specialist prior to contracting; the availability and cost of utilities; and the identity of lots in flood plain areas. The companies have to provide purchasers with cooling-off periods and information regarding their right to cancellation and refund. The firms are also prohibited from mortgaging any subdivision in the future, without ensuring that paid-up purchasers of lots in that subdivision will receive their warranty deeds, and be permitted to retain their rights. Additionally, the order requires the firms to make prescribed restitution to eligible purchasers who defaulted on their payments; and provide all active and paid-in-full purchasers, who had contracted for land at particular subdivisions during a certain time period, with an opportunity to cancel their contracts and receive specified refunds. Bankers Life will be held responsible for assuring that proper restitution is made.

DATES: Complaint issued Feb. 26, 1976. Decision issued Aug. 27, 1979.[1]

FOR FURTHER INFORMATION CONTACT: Paul C. Daw, Director, 6R, Denver Regional Office, Federal Trade Commission, Suite 2900, 1405 Curtis St., Denver, Colo. 80202. (303) 837–2271.

SUPPLEMENTARY INFORMATION: On Wednesday, May 16, 1979, there was published in the **Federal Register**, 44 FR 28671, a proposed consent agreement with analysis In the Matter of Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, and Estates of the World, Inc., corporations; San Luis Valley Ranches, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Top of the World, Inc., Materic, Inc., and G–R–P Corporation, corporations; Trustees of Colorado Properties, Inc., and Milco Associates, Inc., corporations; Richard Greenberg, an individual, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart-Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1 Availability of merchandise and/or facilities; § 13.15

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

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

Business status, advantages or connections; 13.15–20 Business methods and policies; 13.15–35 Contracts and obligations; 13.15–240 Properties and rights; 13.15–245 Prospects; 13.15–275 Stock, product or service; § 13.35 Condition of goods; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.71 Financing; § 13.90 History of product or offering; § 13.125 Limited offers or supply; § 13.143 Opportunities; § 13.155 Prices; 13.155–5 Additional charges unmentioned; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.185 Refunds, repairs and replacements; § 13.195 Safety; § 13.195–30 Investment; § 13.205 Scientific or other relevant facts; § 13.275 Undertakings, in general; § 13.285 Value. Subpart-Combining or Conspiring: § 13.384 Combining or conspiring. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–55 Refunds, rebates and/or credits; 13.533–60 Release of general, specific, or contractual constrictions, requirements or restraints. Subpart-Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies, and practices; § 13.1435 History; § 13.1560 Stock, product or service.—Goods: § 13.1595 Condition of goods; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1710 Qualities or properties; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760–50 Sales contract; § 13.1765 Undertakings, in general.—Prices: § 13.1778 Additional costs unmentioned.—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1889 Risk of loss; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract. Subpart-Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1935 Earnings and profits; § 13.2013 Offers deceptively made and evaded; § 13.2015 Opportunities in product or service; § 13.2040 Returns and reimbursements; § 13.2063 Scientific or other relevant facts; § 13.2090 Undertakings, in general.

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

Carol M. Thomas,

Secretary.

[FR Doc. 79-29208 Filed 9-19-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM79-34; Order No. 30-A]

Transportation of Fuel Oil Displacement Gas; Order on Rehearing of Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order on Rehearing of Final Rule.

SUMMARY: On May 25, 1979 (44 FR 30323), the Federal Energy Regulatory Commission issued rules under which certain natural gas transportation arrangements for displacing fuel oil could be authorized. Five applications for rehearing were received by the Commission. This document addresses those applications and makes the following changes in the rules:

(1) Deletion of § 284.200(b); (2) revision of the definition of "volumes attributable to local supplies"; (3) inclusion of a section to address the "Hinshaw" issue; (4) inclusion of the words "on behalf of" in § 284.202(a)(2); (5) requiring intrastate pipelines to report to appropriate state body before selling gas to be transported under this subpart; (6) inclusion of interruption of service provision.

EFFECTIVE DATE: September 12, 1979.

ADDRESSES: All filings should reference Docket No. RM79-34 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Philip Yates, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8078.

September 12, 1979.

On May 17, 1979, Order No. 30 [1] was issued in Docket No. RM79-34. Order No. 30 set forth the rules under which certain natural gas transportation arrangements for displacing fuel oil could be authorized.

[1] 44 FR 30323 (May 25, 1979).

I. Applications for Rehearing

Five applications for rehearing of Order No. 30 were submitted to the Federal Energy Regulatory Commission (Commission), by Delhi Gas Pipeline (Delhi), Louisiana Resources Company (LRC), Brooklyn Union Gas Company (BUG), Northern Illinois Gas Company (NI-Gas), and The Process Gas Consumers Group and The Georgia Industrial Group (PGCG). This order addresses those applications for rehearing, as well as a motion for reconsideration by the State of Louisiana (Louisiana).[2]

A. The Necessity of the Program

The petitions for rehearing filed by the Process Gas Consumers Group and the Georgia Industrial Group (PGCG) and by the Brooklyn Union Gas Company (BUG) question the need for a fuel oil displacement program. The Commission finds that the fuel oil displacement program announced in Order No. 30 remains vital to the several important national objectives outlined in Order No. 30.

First, the Nation's security requires a reduced reliance on imported oil products. Total U.S. imports of crude oil and petroleum products for the four weeks ending July 13, 1975 averaged 8.0 million barrels per day.[3] Such a dependence leaves the nation particularly vulnerable to changes stemming from international events. Second, this level of oil imports is a major factor in the Nation's balance of payment deficit, especially after the recent OPEC price increases. When Order No. 30 was issued, the estimated weighted average international price for crude oil was $16.67 per barrel. The price had increased to $20.64 per barrel by July 27.[4] Third, the spot market for refined oil products has grown increasingly tight.[5] However, since Order No. 30 was issued, the Nation's

[2] The comments that were received, and analyzed by the Commission in formulating the fuel oil displacement program raised several issues that were considered but not fully addressed in Order No. 30. These were: (1) That the program should be limited to those cases where a traditional supplier has insufficient system supplies to satisfy the needs of the eligible user, (2) objections to curtailment immunity, and (3) possible reductions in refinery output of middle distillate fuel oil, due to a developing surplus of residual fuel oil. These issues are again raised in the applications for rehearing, and will be fully addressed in this order.

[3] U.S. Department of Energy Weekly Petroleum Status Report, Pub. No. DOE/EPC-0017, July 27, 1979.

[4] On May 18, 1979 The Rotterdam spot market price for middle distillate was $43.90 per barrel, it rose to $48.26 on July 20. The Rotterdam price for 1 percent sulphur residual oil increased from $22.75 per barrel to $25.15. *Id.*

[5] *Id.*

supplies of critical middle distillates has increased to 157 million barrels, which is slightly above the minimum acceptable level for this time of year but still 12 percent lower than a year ago.[6] We take official notice of the July 27, 1979 DOE Report, which demonstrates that the objectives of Order No. 30 continue to warrant a high national priority. We also take official notice of the July 10, 1979, Presidential Proclamation of a National Energy Supply Shortage, in which the President declared: "A severe supply interruption * * * currently exists with respect to the supply of imported crude oil and petroleum products." This Proclamation was based on the Secretary of Energy's finding that "current and projected imports of crude oil and petroleum products, plus available stocks, are not adequate to meet normal demand and the shortages of essential fuels have begun to have a major adverse impact on the economy with the possibility of more severe impacts occurring in the future."

B. Delhi Gas Pipeline

Delhi suggests that the Commission amend § 284.202(b)(1) to allow for section 311(a) transportation authorization for volumes sold by intrastate pipleines at prices higher than the price allowed under section 311(b) of the Natural Gas Policy Act of 1978 (NGPA); *i.e.*, the intrastate pipelines' "weighted average acquisition cost" of natural gas. Further, Delhi would have the Commission delete the last sentence of § 284.208(a), which does not provide for Natural Gas Act section 7(c) certificates to authorize "covered transportation" of natural gas sold by an intrastate pipeline to an eligible user.[7]

Delhi bases theses suggested revisions on policy grounds. Delhi states that it has large quantities of natural gas to sell to eligible users to displace fuel oil, but it will not sell the gas at the NGPA section 311(b) price because that price is less than Delhi's replacement cost. Delhi states that a different price limit, the NGPA section 102 new gas price plus State severance taxes, would cover the replacement cost of Delhi's gas.

While Delhi's position regarding replacement costs may limit the amount of gas moving under Order No. 30,[8] the price limitation will not be changed. As stated in Order No. 30, at page 10, the price limitation was imposed to place eligible users in a bargaining position similar to that of interstate pipelines and local distribution companies served by interstate pipelines, who are subject to a price limitation system imposed by section 311(b) of the NGPA. While the Commission does wish to maximize the amount of fuel oil which can be displaced through the use of natural gas, we do not feel that Order No. 30 should operate to the disadvantage of the high priority users served by interstate pipeline and local distribution company system supply.

C. Brooklyn Union Gas Co.

BUG claims that Order No. 30 is predicated upon two erroneous assumptions: (1) That there is a surplus of natural gas and (2) that there is a shortage of residual fuel oil. The Commission believes that the first assumption is not in error, and that BUG's characterization of Order No. 30's reliance upon a shortage of residual fuel oil reflects a misunderstanding of the purpose of Order No. 30.

First, there does appear to be excess deliverability of natural gas which may be utilized to displace fuel oil. According to Department of Energy estimates, even if all essential agricultural users are given 100 percent of their needs, 341 additional Bcf of natural gas deliverability remain.[9] Second, Order No. 30 was prompted, not by a shortage of residual fuel oil, but by a shortage of middle distillate fuel oil.[10] The distillate shortage has been documented in the record established in Docket No. RM79-34.[11]

However, BUG's suggestion that Order No. 30 authorization be conditioned only upon middle distillate displacement must be rejected. While the objective of Order No. 30 centers upon displacing middle distillate fuel oil, this Commission is unable to determine that this objective would be best advanced by limiting authorization solely to transactions involving the direct displacement of middle distillate fuel oil with natural gas. The refining and distribution of petroleum products is a vast and complex area of which the Commission has imperfect knowledge. Nonetheless, it is clear to us that transactions involving the displacement of residual fuel oil could in some instances have the same ultimate beneficial impact on middle distillate consumers as would a transaction involving the direct displacement of middle distillates. For example, displacing residual oil with natural gas will increase the availability of residual fuel oil to other users. If such other users have the capability to burn either residual fuel oil or middle distillates, the increased supply and/or lower price of residual fuel oil for these users might result in the displacement of middle distillate fuel oil with residual fuel oil.

In addition, residual oil can often be further refined to produce additional distillate fuel oil. Some refiners may find it profitable to reduce yields of residual fuel oil and maximize yields of middle distillate fuel oil, if Order No. 30 reduces demand for residual fuel oil.

These illustrations suggest that there is not a sharp division between residual fuel oil and middle distillate oil, either as to how such products are refined or as to how they are ultimately consumed. Transactions involving the displacement of residual fuel oil may, ultimately, have the same beneficial impact on distillate supplies as transactions involving the direct displacement of middle distillate fuel oil.

Further, the objective of Order No. 30 is not only to displace middle distillate fuel oil, but also to reduce our dependence on imported oil. This dependence has necessitated the President's declaration of the previously mentioned national energy supply shortage. Because roughly one million barrels per day of residual fuel oil are imported, the Order No. 30 program will directly reduce petroleum imports.

Accordingly, the Commission concludes that any decision to narrow the scope of Order No. 30 to permit only direct displacement of middle distillates could inhibit rather than enhance the purposes of the program.[12]

However, Order No. 30 provides the opportunity for interested parties to show that a transaction authorized under Subpart F of Part 284 will not advance these objectives. The Commission would consider whether a

[6] *Id.* Middle distillate stocks must reach 240 million barrels to meet the demands of next winter's heating season. Tr. 19.

[7] "Covered transportation is defined in § 284.201(b) to mean "transportation during the fuel shortage emergency period of natural gas by an intrastate pipeline for ultimate delivery to an eligible user."

[8] Cf Tr. 181 (Statement by Counsel to Lo Vaca Gathering Company that a section 311(b) price ceiling is acceptable).

[9] Further Comments of the Department of Energy submitted May 7, 1979, page 11.

[10] "[M]any residential, commercial and small industrial fuel oil customers will be particularly affected by high-priced and possibly inadequate distillate fuel oil. It is this Commission's responsibility to afford these users, who would be considered 'high priority' if served by natural gas, relief within our discretion so long as this relief does not come at the expense of other high priority users." Order No. 30 at page 7.

[11] Further Comments of the Department of Energy, submitted May 7, 1979, at page 2.

[12] The Commission does not feel that it is necessary to exclude imported natural gas from the program. To the extent that it backs out middle distillate fuel oil, it furthers that policy goal of Order No. 30; to the extent that it backs out imported oil, it benefits our nation's balance of payments problem, (because it must be cheaper than oil to be attractive to users, fewer dollars are exported) and reduces our nation's demand for imported oil at a time of reduced international supplies of oil.

transaction conforms to the purpose of Order No. 30 in either the certification proceeding under § 284.208, or a termination proceeding under § 284.205(d)(2). In either proceeding, the presumption accorded the Economic Regulatory Administration (ERA) certificate holder (that premium fuels or imported products are displaced) may be rebutted.

BUG also objects to the interruptibility provisions contained in Order No. 30. The Commission agrees with BUG's position that natural gas transported under Order No. 30 should be interrupted before *any other* natural gas transported by the pipeline. *See* § 284.205(f).

BUG also seeks the elimination of the § 284.206 curtailment assurance provision. The Commission does not find any of the three arguments advanced by BUG as grounds for deleting § 284.206.

First, BUG considers § 284.206 to be unnecessary for pipelines which employ a fixed base period curtailment plan. While § 284.206 would have no immediate effect upon such plans, customers of pipelines with fixed base period plans have sought the Commission's assurance that should the fixed base period ever be updated, fuel oil displacement transactions occurring during the brief fuel supply emergency period will not be reflected in the revised data.[13] BUG's assertion that § 284.206 is unnecessary is therefore contradicted by other comments in this docket.

Second, BUG alleges that § 284.206 would provide a "premature and wholly piecemeal" determination regarding the treatment of fuel oil displacement volumes in future curtailment plans. While the Commission agrees with BUG that the exact effect of § 284.206 upon individual pipeline curtailment plans must be determined in individual curtailment proceedings, the Commission cannot permit uncertainty to thwart an emergency program to improve the nation's serious fuel supply situation. The Commission takes official notice of the fact that both the buyers and sellers in all three fuel oil displacement hearings conducted to date have conditioned their contracts upon receipt of adequate curtailment assurances.[14] The ERA proposed a curtailment provision to assure participants in a fuel oil displacement transaction that they would not "be penalized in any future curtailment proceeding as a result of such participation."[15] Because the purpose of § 284.206 is to provide necessary present assurances against future adverse consequences, the Commission cannot view § 284.206 as "premature."

Finally, BUG claims that § 284.206 can be misused "to upgrade or artificially restate its actual market requirements and related supply sources."[16] BUG's fears are unfounded. Because the fuel oil displacement volumes will not be reflected in the market profiles of any customers, such volumes cannot be used to inflate any future base period data over pipeline supplier contract demand.

Similarly, in the case of a local distribution company which sells volumes attributable to local supplies, since the fuel oil displacement volumes will be excluded from both his own market profile as well as that of the local distribution company's interstate pipeline suppliers, § 284.206 could not "be used as a sword rather than a shield" as is claimed by BUG. Should some unanticipated combination of events arise in a future curtailment proceeding wherein § 284.206 created an unfair advantage or undue discrimination, BUG or any other potentially aggrieved party remains free to raise the issue in the future proceeding.

Because of the need to provide present assurance to participants in fuel oil displacement transactions, the Commission will not eliminate the provision based upon speculation as to possible unintended results.

D. Northern Illinois Gas Company

NI-Gas has made suggested revisions to the rule which fall into two general categories: (1) Interruptibility and (2) the desirability of using system supply gas whenever possible. NI-Gas's interruptibility suggestion has been adopted in the final rule, in § 284.205(f). The other suggestion is rejected for the reasons set forth below.

NI-Gas claims that the *only* way to assure that a first priority will be given to fuel oil displacement by interstate system supplies is to give local distribution companies a veto over "covered transportation" to eligible users located in the local distribution company's service area. We disagree. NI-Gas's proposal would entrust the Commission's statutory duties to a private company. Instead, the Commission will examine each proposed transaction involving natural gas otherwise available to the interstate market. The Commission will conduct a full inquiry into each transaction to determine whether the transaction is required by the present or future public convenience and necessity.[17] Thus, the extent to which transaction will divert natural gas from the interstate system supplies of another pipeline to the eligible user will be examined in the proceeding conducted under § 284.208.

E. Louisiana Resources Co.

LRC objects to § 284.200(b), which states that Subpart F of Part 284 is the only provision of Part 284 which authorizes section 311(a) transactions involving gas "owned by an end-user or which after such transportation will be sold directly to an end-user." LRC indicates that this provision will eliminate intrastate participation in transportation transactions authorized by Section 7(c)(2) of the Natural Gas Act involving natural gas owned by end-users, as well as intrastate pipeline utilization of interstate pipelines to transport such gas. Section 284.200(b) has been removed to eliminate this concern. Final rules in Part 284 involving section 311(a) transportation have rendered § 294.200(b) superfluous.

Under the final rules implementing section 311(a), transactions involving end-user owned gas, or gas delivered directly to an end-user can still go forward, but only with prior Commission approval. The Commission feels that, except for carefully prescribed emergency programs such as Order No. 30, such transactions should be scrutinized.[18] This requirement is consistent with the rules governing the transportation of gas reserves purchased in-place by an eligible user who is also an essential agricultural user; such a transaction would be subject to the certification requirements of the Natural Gas Act under either Order No. 27 or Order No. 30. The Commission considers consistency in the case by case review of such transactions to be necessary to protect the public interest.

F. The Process Gas Consumers Group and the Georgia Industrial Group

PGCG offers the prepared direct testimony of Dr. Thomas R. Stauffer as part of its application for rehearing. Because Dr. Stauffer's testimony was made after the close of the comment period, our consideration of the

[13] Comments of Consolidated Edison, May 1979 at 2.

[14] Docket Nos. CP79-214, *et al.*, CP79-228, and CP79-304.

[15] Notice of Proposed Rulemaking, 44 FR 17644 (March 27, 1979).

[16] BUG, Application for Rehearing at 7.

[17] Natural Gas Act section 7(e), 15 U.S.C. 717f(e).

[18] A pipeline or distribution company subject to a curtailment plan could sell gas directly to an end-user (a nonjurisdictional sale under the NGA), and have the gas transported under section 311(a). Unless the section 311(a) transaction is examined, the entire transaction could go forward in contravention of the applicable curtailment plan.

testimony would be unfair to other parties which are deprived of an opportunity to respond to it. As a result, Dr. Stauffer's untimely testimony will not be considered with the record in Docket RM79–34. However, if the Commission were to consider Dr. Stauffer's testimony, fairness would dictate that the Commission also consider the cross-examination of Dr. Stauffer and the rebuttal testimony offered in Docket Nos. CP79–214 and CP79–228.

PGCG raises several other issues involving Order No. 30 which must be addressed. First, PGCG alleges that Order No. 30 is defective in that the Commission has failed to determine and consider the impact of the order upon consumers. The Commission has considered the impact of the order on consumers and finds that high-priority users will not be adversely affected by the order.

The natural gas transported under Order No. 30's self-executing provisions is natural gas that is not part of interstate pipeline system supply but is surplus natural gas supplies of intrastate pipelines and the excess local supplies of local distribution companies. Those transactions that do involve interstate system supply gas will be carefully examined before authorization is granted. In that examination process, the impact upon the customers of "natural gas companies" will be scrutinized. Obviously, the Commission cannot at this time precisely gauge the extent of the impact of Order No. 30, because we do not, and cannot, know the extent to which it will be used. However, we feel that the information available to us at this time supports our conclusion that the transactions authorized by Order No. 30 will be in the public interest.

PGCG indicates that this lack of knowledge, which includes not knowing precisely how much fuel oil must be displaced to meet the goal of 240 million barrels of middle distillate fuel oil, means that there is no justification for the one-year period.

We disagree. Precisely because we do not know, at this time, how well Order No. 30 will function in displacing middle distillate fuel oil, we feel that a one year program is necessary to encourage participation. If, as a result of our ongoing review of that Order No. 30 program, we determine that the emergency that engendered Order No. 30 no longer exists, we can refuse to allow additional transactions under the program.

Second, PGCG alleges that the information in the record in Docket No. RM79–34 indicates that middle distillate fuel oil production will be diminished rather than increased by the Order No. 30 program. This allegation is based in part on the comments received from crude oil refiners indicating that they may be induced to cut back their production of all refined products, including middle distillate fuel oil, due to an inability to market the residual fuel oil produced. In view of the fact that the U.S. imports over one million barrels of residual fuel oil a day, the Commission cannot agree that displaced residual fuel oil will result in a nationwide surplus that will cause refineries to cut back production of middle distillate fuel oil. However, regional surpluses may occur that will have that effect. The ERA may wish to consider such regional surpluses in determining the appropriateness of granting certificates of eligible use. If, in our continuing review of the Order No. 30 program, we find that refineries are cutting back middle distillate production due to a surplus of residual fuel oil created by the program, the Commission will act rapidly.

Finally, PGCG claims that Order No. 30 is defective on four separate procedural grounds: Lack of notice, exemption from certificate requirements, inconsistency in filing requirements, and the type of data the Commission requires.

The notice objections involve two points: Failure to provide adequate rulemaking notice and failure to provide adequate notice of specific transactions. PGCG contends that the Commission failed to provide adequate notice of the possibility that the final rule would rely upon section 311(a) of the NGPA to authorize fuel oil displacement transmission on a self-implementing basis. However, the Notice of Proposed Rulemaking upon which comment was sought [19] contemplated the use of section 311(a) of the NGPA to authorize fuel oil displacement transportation by observing that "direct purchase gas" in a targeted fuel oil displacement program could be transported under section 311(a). Thus, the preamble to the Notice of Proposed Rulemaking placed PGCG on notice that self-implementing fuel oil displacement transactions under Section 311(a)(1) were contemplated.

As for specific transactions, there is a period of notice provided in the ERA's certification procedure.[20] Since ERA certification is a prerequisite to Order No. 30 transportation authorization, interested parties can identify possible eligible users prior to the transportation of natural gas, and file protests with ERA. However, the Commission will publish a notice of self-executing transactions on a bi-weekly basis.

The exemption from the requirements of section 7 of the Natural Gas Act stems from the Commission's determination, based on data from the Department of Energy, that the nation is in an emergency situation due to a critical shortage of middle distillate fuel oil and the recent pressure on fuel oil imports. As noted above, the President has declared a national energy supply shortage for this very reason. The exemption applies only to first sales of natural gas which is not "committed or dedicated." The Commission feels that the public interest is well served by the rapid implementation of the Order No. 30 program. By dispensing with unnecessary certification procedures, that rapid implementation may be accomplished.

PGCG questions why a local distribution company, under § 284.202(b)(2), must file notice with its state commission before making a sale of natural gas which will be transported under the program, while an intrastate pipeline does not. Upon reconsideration of this distinction, the Commission finds that it is undesirable. Consequently, intrastate pipelines as well as local distribution companies will be required to notify their state commission before selling such natural gas. The requirement is imposed to assure that state authorities are kept informed, in advance, of the natural gas that is leaving their jurisdiction under Order No. 30.

Finally, the data that is alleged to be "critical" by PGCG is not needed by the Commission as a separate application requirement. Data on the types of fuel oil to be displaced is presently submitted to ERA; § 284.208(b)(9) is amended to require that the data submitted to ERA be included in the application submitted to the Commission. Also, most selling interstate pipelines have already supplied the Commission with supply and curtailment data in FERC Form 16. *See* 18 CFR 260.12. Further, there is no need for intrastate pipelines and local distribution companies to submit curtailment data, since they are not subject to the Commission's curtailment authority.

II. Louisiana's Motion for Reconsideration

On July 13, 1979, the State of Louisiana (Louisiana) filed in this Docket a "Motion for Reconsideration

[19] The ERA proposed the rule at 44 FR 17644 (March 22, 1979). The Commission then established comment procedure on the ERA proposal 44 FR 21682 (April 11, 1979).

[20] Statement of John O'Leary, Tr. at 23.

or, in the Alternative, Petition for the Deletion of § 284.200(b) from the Commission's Rules." Although Louisiana's motion is not an application for rehearing of Order No. 30, the Commission is considering the motion in this order due to its close relationship with the issues raised on rehearing.

First, Louisiana seeks to have § 284.200(b) deleted as its provisions would be better expressed as an amendment to other subparts of Part 284. We agree, and have deleted the section in the final rules in Part 284. Second, Louisiana contends that § 284.200(b) constituted an impermissible rulemaking because of its retroactive effect. Louisiana is incorrect, as the provisions of § 284.200(b) became effective on May 17, 1979, the day that Order No. 30 was issued. The Commission has not applied § 284.200(b) to transactions completed before that date.

III. Section by Section Analysis of Amendments to the Rule

Section 284.200

Paragraph (b) is deleted in light of amendments to Part 284.

Section 284.201

The definition of "volumes attributable to local supplies" is revised to make clear that the molecular flow of natural gas sold by a local distribution company in self-implementing transactions need not be traced to sources other than interstate system supplies.

Paragraphs (h), (i) and (j) are added to indicate that so-called "Hinshaw pipelines" are to be treated as local distribution companies for the purpose of this subpart.[21] This will clarify any ambiguity that may exist pending the outcome of the rulemaking proceeding in RM79–24.

Section 284.202

Paragraph (a)(2) is amended to make clear that covered transportation must be "on behalf of" a local distribution company or intrastate pipeline. This requires a nexus between the selling intrastate pipeline or local distribution company and the transporting interstate pipeline. Paragraph (a)(2) is modified to include section 311(a) of the NGPA or section 7(c)(1)(B) of the Natural Gas Act as the statutory basis for exempting covered transaction from the certification requirements of section 7(c) of the Natural Gas Act.

Paragraph (b)(2) is amended to include intrastate pipelines in the section, thus requiring an intrastate pipeline to report to its appropriate state regulatory agency before selling gas which will be transported under Subpart F.

Section 284.205

Paragraph (f) is added to create a heirarchy of interruption to be applied by an interstate pipeline when required to interrupt transportation as a result of pipeline capacity problems.

The lowest priority, in § 284.205(f)(2)(i), includes both transportation authorized under § 284.208 as well as under certificates resulting from applications which predate Order No. 30. The next priority represents natural gas obtained from sources other than interstate system supplies. Creation of a special capacity curtailment priority for such supplies reflects our stated general policy which favors increasing the total volume of natural gas available to interstate system supplies. Paragraph (f)(2)(iii) subordinates both categories to all other transportation services, including those rendered under Order No. 27, Order Nos. 533 and 2, and section 311(a) of the NGPA, regardless of the end-use of the natural gas.

Section 284.208

Paragraph (a) is amended to permit Hinshaw pipelines which seek to sell volumes in excess of those attributable to local supplies to apply for a certificate of public convenience and necessity under the procedure established by this section.

Paragraph (b) contains additional changes in the application requirements. Both the eligible user's application for an ERA certificate of eligible use as well as the final certificate must be submitted. This will permit the ERA to incorporate by reference application data into the final certificate. Because sales by interstate pipelines raise special issues within the Commission's ratemaking jurisdiction, subparagraph (b)(12) requires interstate pipeline sellers to provide a statement justifying the sales price of the gas. The Commission will review this statement to insure that the other customers of the interstate pipeline are not subsidizing the sale to the eligible user.

Paragraph (d) is amended to clarify the authority of the Presiding Administrative Law Judge to prescribe additional issues for hearing. Subparagraph (d)(4) is added to reflect the Commission's concern that direct sale fuel oil displacement transactions do not interfere with our stated first priority of achieving fuel oil displacement through regular sales of interstate system supplies.

A new paragraph (e) explicitly states that this rule is not intended to shift away from the applicant the burden of establishing that the public convenience and necessity is served by granting the application. However, the Commission will accord great weight to the ERA certificate of eligible use on the question of whether the eligible user will be furthering the public interest objectives of this program when receiving natural gas pursuant to this subpart. The presumption created by paragraph (e) is subject to rebuttal by evidence adduced by any party at the hearing.

The Commission orders: The applications for rehearing are denied.

18 CFR Part 284 is amended as set forth below.

(Natural Gas Act, 15 U.S.C. 717 *et seq.*, Natural Gas Policy Act of 1938, Pub. L. 95–621, Department of Energy Organization Act, Pub. L. 95–91, E.O. 12009, 42 FR 46267).

In consideration of the foregoing, Part 284 of Subchapter I, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below. Because the amendments promulgated herein implement an emergency program, the Commission finds that further notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Consequently, these amendments are effective upon the issuance of this order on rehearing.

By the Commission. Commissioner Holden will have a separate statement to be issued later.

Kenneth F. Plumb,

Secretary.

1. Part 284 is amended by revising § 284.200 to read as follows:

§ 284.200 Applicability.

This subpart authorizes, and provides procedures for the authorization of, the transportation of certain natural gas to eligible users for the displacement of fuel oil consumption.

2. Section 284.201 is amended by revising paragraph (g) and is further amended by adding paragraphs (h), (i) and (j). The amendments read as follows:

§ 284.201 Definitions.

For the purposes of this subpart:

* * * * *

(g) "Volumes attributable to local supplies" means the volumes of natural gas sold by a local distribution company during any month which do not exceed the volumes that are obtained from sources other than interstate system supplies.

[21] *See*, Notice of Proposed Rulemaking issued July 2, 1979 in Docket No. RM79–24.

(h) "Hinshaw pipeline" means a pipeline which is exempt from the Natural Gas Act jurisdiction of the Commission by reason of section 1(c) of the Natural Gas Act.

(i) "Local distribution company" means any pipeline defined as a local distribution company by section 2(17) of the NGPA, including any Hinshaw pipeline.

(j) "Intrastate pipeline" means any pipeline defined as an intrastate pipline by section 2(16) of the NGPA, other than any Hinshaw pipeline.

3. Part 284 is further amended by revising § 284.202 to read as follows:

§ 284.202 Interstate pipeline transportation authorizations.

(a) *General rule.* Subject to paragraph (b) and the conditions specified in § 284.203:

(1) Covered transportation is exempt from the requirements of section 7 of the Natural Gas Act if:

(i) The sale of such natural gas is a first sale as defined in section 2(21) of the NGPA; and

(ii) Such natural gas was not committed or dedicated to interstate commerce on November 8, 1978.

(2) Covered transportation is authorized under section 311(a)(1) of the NGPA and is exempt from the requirements of section 7 of the Natural Gas Act, if such transportation is on behalf of an intrastate pipeline or local distribution company and if the seller of such natural gas is:

(i) A local distribution company, with respect to volumes which are attributable to local supplies; or

(ii) An intrastate pipeline.

(3) Covered transportation not described in subparagraph (1) or (2) of this paragraph is authorized if a certificate of public convenience and necessity is issued under section 7(c) of the Natural Gas Act in accordance with § 284.208.

(b) *Special rules*—(1) *Intrastate pipeline sales.* Paragraph (a)(2) of this section does not authorize covered transportation of natural gas if the seller of such gas is an intrastate pipeline and the price for such natural gas exceeds the maximum price which would lawfully be charged under section 311(b) of the NGPA.

(2) *Local distribution company and intrastate pipeline sales.* (i) Authorization of covered transportation under paragraph (a)(2) of this section shall not become effective unless 15 days has elapsed since the seller making the sale has given notice to the appropriate State regulatory agency.

(ii) No authorization of covered transportation under paragraph (a)(2) of this section shall become effective if the appropriate State regulatory agency which received the notice under clause (i) of this subparagraph serves as an objection upon the Secretary of the Commission and the local distribution company within 15 days after receipt of such notice.

(iii) If a transportation authorization under paragraph (a)(2) of this section does not become effective by reason of an objection made under paragraph (b)(2)(ii), the interstate pipeline may apply for a certificate under § 284.208.

4. Section 284.205 is amended by adding paragraph (f) to read as follows:

§ 284.205 General conditions.

* * * * *

(f) *Capacity interruptions.* (1) All covered transportation shall be subject to interruption as provided in subparagraph (2) of this paragraph.

(2) If an interstate pipeline does not have sufficient transportation capacity to serve all of its customers and where the interruption of certain transactions would restore capacity to enable the interstate pipeline to provide transportation to others of its customers:

(i) Covered transportation authorized under section 7(c) of the Natural Gas Act or § 284.208 shall be interrupted first;

(ii) Covered transportation authorized under § 284.202 (a)(1) or (2) shall be interrupted only after interruption has occurred under subparagraph (2)(i) of this paragraph; and

(iii) No other transportation service on a particular interstate pipeline segment shall be interrupted prior to interruption of all covered transportation under subparagraph (2)(i) and (ii) of this paragraph.

5. Section 284.208 is amended by revising paragraphs (a), (b) and (d) and is further amended by adding paragraph (e).

The amendments read as follows:

§ 284.208 Certificate procedures.

(a) *Applicability.* Covered transportation described in § 284.202(a)(3) may be authorized by a certificate of public convenience and necessity issued under section 7(c) of the Natural Gas Act pursuant to the procedures established by this section. No such certificate may authorize the transportation of natural gas sold to the eligible user by an intrastate pipeline.

(b) *Application requirements.* All applications for transportation certification pursuant to this subpart shall:

(1) Indicate the total quantity of natural gas to be transported under the proposed certificate on a peak day, average day, monthly and annual basis;

(2) Include a statement by the interstate pipeline company that it has capacity sufficient to perform the transportation service without detriment or disadvantage to its existing customers who are dependent on the pipeline's interstate system supplies;

(3) Provide a copy of the proposed transportation agreement and the proposed transportation rate, together with a breakdown and justification of the proposed rate level as required in § 284.106 for interstate pipeline companies or § 284.126 for intrastate pipeline companies;

(4) Include a statement by any local distribution company or intrastate pipeline participating in the transportation of the natural gas to the eligible user that it has capacity sufficient to perform the transportation service without detriment or disadvantage to its existing customers;

(5) Provide a copy of the gas purchase contract with the seller;

(6) Describe any facilities that will be constructed under § 284.204 in order to provide the services, as well as any other facilities that will be utilized, and specify their location;

(7) If an intermediary participates in the transaction between the eligible user and the seller and charges a fee, indicate the amount of the fee and terms of payment and the intermediary's affiliation, if any, with the seller or the interstate pipeline company;

(8) If either the seller or the eligible user assumes the cost of the construction of any facilities in order to consummate the purchase, indicate the cost, terms of payment, ownership, and date of construction of the facilities;

(9) Provide a copy of the application for certification of eligible use filed pursuant to 10 CFR 595.05 as well as a certificate issued by the Administrator;

(10) Describe the source of the natural gas to be sold;

(11) Describe any take-or-pay conditions which apply to the relevant sources of natural gas; and

(12) If the seller is an interstate pipeline, provide a breakdown and *justification* of:

(i) The proposed sales price, and

(ii) The disposition of the revenues received by the seller.

* * * * *

(d) *Hearing.* Upon the issuance of a temporary certificate, the Chief Administrative Law Judge shall set the application for an expedited hearing. The evidentiary hearing shall examine, among other issues prescribed by the Presiding Administrative Law Judge·

(1) Whether any other natural gas company seeks to purchase for system supply the natural gas to be transported;

(2) The price charged for the natural gas and the revenues retained by the seller;

(3) The disposition of the natural gas in the event that certificate authorization is not granted; and

(4) The actual impact of the transaction upon both the seller's other customers as well as the customers of the seller's interstate pipeline suppliers.

(e) *Evidence.* At the hearing, the applicant shall establish that the transaction complies with this subpart as well as the applicable statutory standards. A certificate of eligible use issued by the Administrator shall create a rebuttable presumption that the applicant's use of the natural gas will further the purposes of this subpart.

[FR Doc. 79-29186 Filed 9-19-79; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 15

[Docket No. R-79-712]

Processing Requests for Declassification and Release of Classified Material

AGENCY: Office of Inspector General, HUD.

ACTION: Final rule.

SUMMARY: This rule provides the procedures to be followed for acknowledging, processing and releasing classified information retained in HUD. The rule is necessary in order to announce that all requests for classified documents within HUD must be processed by the Office of Inspector General.

EFFECTIVE DATE: October 22, 1979.

FOR FURTHER INFORMATION CONTACT: Charles R. Gillum, Office of Investigation, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6401. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On June 28, 1978, President Carter signed Executive Order 12065, National Security Information. The Executive Order made a number of changes to the manner in which documents are classified, reduced the time frame for declassifying most documents and require that a request for the release of a document cannot be rejected merely because the document is classified.

A notice and public procedures are unnecessary because this rule involves agency organization procedure and practice. A finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Title 24 of the CFR is amended by adding a new Subpart I to Part 15 as follows:

Table of Contents

Subpart I—Processing Request for Declassification and Release of Classified Material

Sec.
15.81 Authority for Release or Denial of Classified material.

§ 15.81 Authority for release or denial of classified material.

(a) All requests by the public, Government employees, or other Government agencies, for the release of classified information shall be directed to the Inspector General, who will ensure that:

(1) All requests are acknowledged within 10 working days.

(2) The request is immediately coordinated with the original classification authority to determine whether the association of that authority with the classification of the information requires protection.

(3) In those instances when the answer to subparagraph (2) above, is *no*, request will be referred, along with the requested document and if appropriate any recommendations to withhold, for direct handling by the original classification authority. The requester shall be advised in writing of this action.

(4) Whenever it is necessary, by either the original classification authority or HUD to deny the declassification and release, in whole or part, of the requested information, the requester shall be notified in accordance with Executive Order 12065, of:

(i) The reason for the denial,

(ii) The requesters' right to appeal the denial, and

(iii) The name, title, and address of the appellate authority.

Issued at Washington, D.C., September 12, 1979.

Jay Janis,

Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79-29138 Filed 9-19-79; 8:45 am]
BILLING CODE 4210-01-M

Government National Mortgage Association

24 CFR Part 300

[Docket No. R-79-627]

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending Paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: October 22, 1979.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

1. Paragraph (c) of § 300.11 is amended by adding the following names to the current list of attorneys-in-fact:

* * * * *

(c) * * *

Name and region

Craig J. Bromann, Chicago, Ill.
Joyce A. Palgutta, Chicago, Ill.

* * * * *

(Sec. 309(d), National Housing Act, 12 U.S.C. 1723a(d); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., September 12, 1979.

R. Frederick Taylor,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 79-29137 Filed 9-19-79; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 988

Weather Modification

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

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by adding a new part entitled "Weather Modification." The new part establishes policy, procedure, responsibility and reporting requirements for weather modification activities. Guidance is provided on handling requests for operational weather modification support from non-Air Force agencies.

EFFECTIVE DATE: July 5, 1979.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Gary S. Zeigler, telephone: (202) 697-4399.

SUPPLEMENTARY INFORMATION: A new Subchapter T—Environmental Protection, is added to Chapter VII, Title 32 of the CFR, and a new Part 988 is added under the Subchapter. The proposed rule was published in the Federal Register on March 5, 1979 (44 FR 12064) inviting public comment. Comments were received in the form of requests for clarification of certain sections of the rule. Although the responsible Air Force office has responded to these comments directly, §§ 988.5(d)(6); 988.5(f)(3)(iv); 988.5(f)(8); 988.6(a)(1)(i); 988.6(a)(2); and 988.6(a)(3) have been reworded for clarification purposes, but with no significant change in content of the proposed version.

A new § 988.8 is added to the final rule to inform the public where forms referred to in this part can be obtained.

The new rule will read as follows:

PART 988—WEATHER MODIFICATION

Sec.

988.1 Purpose.
988.2 Policy.
988.3 Terms defined.
988.4 Processing initial requests to establish a capability for operational weather modification.
988.5 Responsibilities.
988.6 Notification, records, and reports.
988.7 Daily log information.
988.8 Supply of forms.

Authority: 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 105-7, July 5, 1979.

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

§ 988.1 Purpose.

This part sets up the policy, procedures, responsibilities, and reporting requirements for weather modification activities. It applies to USAF organizations engaged in or actively planning to engage in such activities, whether carried out by employees, agents, or independent contractors.

§ 988.2 Policy.

HQ USAF/XOO will validate all requests for Air Force units to participate in or conduct weather modification activities.

§ 988.3 Terms defined.

(a) *Weather Modification Activity.* Any activity designed to produce artificial changes in the composition, behavior, or dynamics of the atmosphere. This includes:

(1) Seeding or dispersing of any substance into clouds or fog to alter drop size distribution, produce ice crystals or coagulation of droplets, alter the development of hail or lightening, or influence in any way the natural development cycle of clouds or their environment.

(2) Using heat sources to influence convective circulation or to evaporate fog.

(3) Releasing gases, dust, liquids, or aerosols into the atmosphere to modify the solar radiation exchange of the earth or clouds.

(4) Dusting or treating with powders, liquid sprays, dyes, or other materials to modify the energy transfer characteristics of land or water surfaces.

(5) Releasing electrically charged or radioactive particles or ions into the atmosphere to affect the growth of clouds or cloud droplets.

(6) Applying shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere to influence cloud growth, dissipation, or precipitation patterns.

(7) Using aircraft propeller downwash, jet wash, or other sources of artificial wind generation to dissipate fog or stratus clouds.

(8) Using lasers or other sources of electromagnetic radiation to dissipate fog or stratus clouds.

(b) *Project.* A related series of weather modification activities having a common objective.

(c) *Modification Mission.* One or more airborne weather modification activities intended to affect the same target area, or one or more weather modiffication activities carried out by items of ground-based weather modification apparatus intended to affect the same target area. Activities that extend beyond 1 calendar day shall constitute a separate mission for each day they continue.

(d) *Target Area.* The ground area within which the effects of the weather modification activity are expected to be found.

(e) *Control Area.* A preselected, untreated ground area used for comparison.

(f) *Weather Modification Apparatus.* Any apparatus for producing artificial changes in the composition, behavior, or dynamics of the atmosphere; for example, seeding generators, propane devices, flares, rockets, artillery projectiles, or jet engines.

§ 988.4 Processing initial requests to establish a capability for operational weather modification.

If an Air Force activity receives a request for assistance in weather modification from:

(a) A foreign nation or international organization, the requester should be advised to send the request through diplomatic channels to the Department of State.

(b) An individual or organization at a state, county, or local level, the requester should be advised to send the request to the proper federal agency; that is, the Office of Emergency Preparedness in the event of disaster or emergency relief, or the Department of Commerce, or Department of Interior, as applicable.

(c) A Department of Defense (DOD) agency, the requester should be advised to send the request through command channels to HQ USAF/XOO for validation.

§ 988.5 Responsibilities.

Unless otherwise stated in a program management plan or other document, specific responsibilities are as follows:

(a) *Air Force Systems Command (AFSC).* (1) Plans and conducts research and development to improve and expand Air Force capabilities to modify the environment.

(2) Evaluates the technical soundness of new or improved weather modification techniques.

(b) *Air Force Communications Service (AFCS).* Provides or arranges for organizational maintenance and intermediate maintenance for ground-based, Air Force-owned weather modification equipment not integral to research and development.

(c) *Aerospace Rescue and Recovery Service (ARRS).* (1) Manages the airborne, Air Force-owned weather modification equipment.

(2) Provides organizational and intermediate maintenance for airborne, Air Force-owned weather modification equipment not integral to research and development.

(d) *Air Weather Service (AWS).* (1) Provides to Air Force organizations and those US Army organizations, where AWS has weather support responsibility, technical advice and planning assistance in the operational application of weather modification techniques.

(2) Submits statements of need (formerly general operational requirements) (AFR 57–1) for weather modification systems and items of equipment.

(3) Evaluates the scientific soundness of weather modification proposals.

(4) Manages ground-based, Air Force-owned weather modification equipment.

(5) Conducts operational tests and evaluations of new weather modification systems, equipment, or promising techniques for the purpose of adopting them to specific operational support requirements.

(6) Assists the project proponent in the development of an environmental impact analysis document according to AFR 19–2.

(e) *Installation and base commanders.* (1) Determine the legality of weather modification activities and coordinate the legal aspects with the proper agency at the local level (state, county, or municipality).

(2) Provide logistical support to approved weather modification projects.

(3) Administer settlements provided under AFM 112–1 for all claims arising out of noncombat weather modification activities.

(4) Initiate notice to airmen (NOTAM) on modification activities affecting air operations.

(f) *Other Organizations.* Organizations intending to engage in or contract for weather modification activity on an Air Force installation or use Air Force facilities or equipment to conduct such activity.

(1) Plan and implement weather modification activities with the commander or staff weather officer of the AWS unit at the affected Air Force installation.

(2) Get approval of the base commander and proper major command authority before conducting the modification activity.

(3) Request validation, through command channels, from HQ USAF/XOO of new requirements to participate in or conduct weather modification activities 120 days before the desired date of operations. As a minimum, requests should include:

(i) A detailed description of the uses to be made of weather modification.

(ii) The period during which weather modification is required.

(iii) A mission impact statement and justification.

(iv) A statement that the environmental impact analysis process has been completed or that a draft environmental impact statement is required. Either a finding of no significant impact and the supporting environmental assessment or a proposed draft environmental impact statement will accompany the request.

(4) Specify that the vendor in contracted programs provide daily logs and yearly reports. As the lead agency, the contracting Air Force agency must maintain daily logs and submit the yearly activity report.

(5) Arrange for funding of contracted weather modification activities in Military Airlift Command/Air Weather Service-conducted activities, for funding of O&M actions not within the capability of AWS and for equipment not in the Air Force inventory.

(6) Prepare news releases (for local areas, national release, or both). Such releases will be coordinated with the information officer of the installation at which the proposed weather modification activity will take place. In the case of off-base activities, the release will be coordinated with the nearest Air Force information office. Information copies of all news releases will be sent to HQ USAF/XOO and RDP; the Secretary of the Air Force, Office of Information (SAF/OIPC); and HQ MAC/OIP.

(7) Coordinate any proposed procurement of equipment and testing activities with HQ USAF/XOO and RDQSD.

(8) Ensure that the environmental impact of the activity is monitored according to AFR 19–1 and with any commitments made in the analysis documentation. Also, any mitigation procedure agreed to must be carried out and a complete record maintained.

§ 988.6 Notification, records, and reports.

(a) Air Force units conducting weather modification activities will give HQ USAF (X00 for operational activities and RDP for research and development activities):

(1) A notification 30 days before all modification activities are scheduled to begin. This notification will contain all facts relevant to meteorological and operational evaluations. As a minimum, it will consist of:

(i) The completed National Oceanic and Atmospheric Administration (NOAA) Form 17–4, Initial Report on Weather Modification Activities.

(ii) A map showing the approximate size and location of the target and control area, and the location of each item of ground-based weather modification apparatus.

(2) An interim report by January 31 of each year when modification activities were in progress at the end of the previous calendar year. Use NOAA Form 17–4A, Interim Activity Reports and Final Report.

(3) A final report within 45 days after the weather modification activity is completed. Use NOAA Form 17–4A.

(b) Only the lead agency will report the project when more than one Federal agency participates. However, all agencies must be identified.

(c) A daily log of activities will be kept for each weather modification project. this log will contain all facts relevant to meteorological and operational evaluations. See § 988.7 for further information on the daily log. Activity logs will be kept for 5 years and disposed of according to AFM 12–50, Disposition of Air Force Documentation.

§ 988.7 Daily log information.

(a) Record descriptions of the meteorological conditions in target and control areas during the periods of operation (for example, percent of cloud cover, temperature, humidity, the presence of lightning, hail, funnel clouds, heavy rain, or snow, and unusual radar patterns).

(b) Enter all measurements made of precipitation in target and control areas.

(c) Include the position of each aircraft or location of each item of weather modification apparatus during each modification mission. Maps may be used.

(d) Include for each airborne weather modification apparatus run: altitude; air speed; release points of modification agents; method of modification and characteristics of flares, rockets, or other delivery systems employed; and temperature at release altitude. For aircraft: the type of aircraft; identification number; the airport or airports used; and the names and addresses of crew members and the person responsible for operating the weather modification apparatus.

§ 988.8 Supply of forms.

NOAA Forms 17–4 and 17–4A are stocked and issued by the National Oceanic and Atmospheric

Administration (RD–2), Rockville MD 20852.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79–29235 Filed 9–19–79; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79–040]

Drawbridge Operation Regulations; Blackwater River, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisville and Nashville (L&N) Railroad Company, the Coast Guard is changing the regulations governing the L&N railroad bridge across the Blackwater River, Milton, Florida, by requiring 8 hours advance notice be given from 8 p.m. to 4 a.m. This change is being made because of limited requests for openings during this period. This action will relieve the bridge owner of the burden of having a person constantly available to open the draw while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on October 21, 1979.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G–WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–0942).

SUPPLEMENTARY INFORMATION. On May 21, 1979, the Coast Guard published a proposed rule (44 FR 29494) concerning this amendment. The Commander, Eighth Coast Guard District, also published these proposals as a Public Notice dated May 17, 1979. Interested persons were given until June 18, 1979 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

One comment was received which recommended a review of the proposed evening hours be made. This review determined that there would be approximately one opening every four days. The Coast Guard feels that the regulations as proposed will meet the reasonable needs of navigation.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.245(i)(6–b) immediately after § 117.245(i)(6–a) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(6–b) Blackwater River, Florida. The draw of the Louisville and Nashville railroad bridge at Milton shall open on signal from 4 a.m. to 8 p.m. From 8 p.m. to 4 a.m. the draw shall open on signal if at least 8 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

Dated: September 13, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79–29266 Filed 9–19–79; 8:45 am]

BILING CODE 4910–14–M

33 CFR Part 117

[CGD 79–012]

Drawbridge Operation Regulations; Beach Thoroughfare, Ocean City, N.J.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the New Jersey Department of Transportation, the Coast Guard is revising the regulations governing the opration of the drawbridge across Beach Thoroughfare, Ocean City, N.J., to provide periods that will be more restrictive to vessel passages during periods of peak vehicular traffic on weekends and holidays from Memorial Day through Labor Day. This action may accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on October 21, 1979.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G–WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–0942).

SUPPLEMENTARY INFORMATION: On April 2, 1979, the Coast Guard published a proposed rule (44 FR 19208) concerning this amendment. The Commander, Third Coast Guard District, also published these proposals as a Public Notice dated May 9, 1979. Interested persons were given until May 6, 1979 and May 18, 1979, respectively, to submit comments.

Drafting information: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Three comments were received. Two supported the proposal and the third had no objection.

In consideratin of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.220(q) immediately after § 117.220(p) to read as follows:

§ 117.220 New Jersey intracoastal waterway and tributaries; bridges.

* * * * *

(q) The draw of the Route 52 (Ninth Street) bridge across Beach Thoroughfare at Ocean City shall open on signal except that from Memorial Day through Labor Day from 11 a.m. to 5 p.m. on Saturdays, Sundays and holidays, the draw need open only on the hour and half-hour if any vessels are waiting to pass. However, the draw shall open on signal at any time for public vessels of the United States, vessels in distress, or for vessels which have another vessel in tow.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

Dated: September 13, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79–29269 Filed 9–19–79; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[FRL 1319–9]

Delayed Compliance Orders; Delayed Compliance Order for Diamond Crystal Salt Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Diamond Crystal Salt Company. The Order requires the Company to bring air

emissions from its four coal-fired boilers at Akron, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Diamond Crystal Salt Company's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATE: This rule takes effect September 20, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Telephone (312) 353–2082.

SUPPLEMENTARY INFORMATION: On June 22, 1979, the Regional Administrator of U.S. EPA's Region V Office published in the **Federal Register** (44 FR 36435) a notice setting out the provisions of a proposed State Delayed Compliance Order for Diamond Crystal Salt Company. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Diamond Crystal Salt Company by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Diamond Crystal Salt Company on a schedule to bring its four coal-fired boilers at Akron, Ohio into compliance as expeditiously as practicable with Regulations OAC 3745–17–07 and OAC 3745–17–11, a part of the federally approved Ohio State Implementation Plan. Diamond Crystal Salt Company is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Diamond Crystal Salt Company to delay compliance with the SIP regulations covered by the Order until June 22, 1979.

Compliance with the Order by Diamond Crystal Salt Company will preclude Federal Enforcement action under Section 113 of the Act for violations of SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Diamond Crystal Salt Company is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Diamond Crystal Salt Company on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: September 14, 1979.

Douglas M. Costle,

Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By Adding The Following Entry To The Table In § 65.401

§ 65 U.S. EPA approval of State delayed compliance orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under section 113(d) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
* * *	*	*	*	*	*
Diamond Crystal Salt Company	Akron, Ohio	None	6/22/79	OAC 3745–17–07, OAC 3745–17–11.	7/1/79
* * *	*	*	*	*	*

[FR Doc. 79–29289 Filed 9–19–79; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FE 5695]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

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

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

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

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood

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

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

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

Section 64.6 is amended by adding in alphabetical sequence new entires to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Iowa	Dallas	DeSoto, city of	190359	Sept. 1, 1979, emergency.	Sept. 26, 1975 and July 26, 1977.
Kentucky	Pike	Elkhorn City, city of	210356	do	Mar. 16, 1979.
Arkansas	St. Francis	Unincorporated areas	050184-B	Sept. 4, 1979, emergency.	June 28, 1977 and May 8, 1979.
North Carolina	Wayne	Seven Springs, town of	370392	do	July 15, 1977.
Do	Edgecombe	Speed, town of	370093-A	do	Jan. 9, 1974 and Apr. 2, 1976.
Pennsylvania	Lackawanna	West Abington, township of	421760-A	do	Dec. 20, 1974 and June 18, 1976.
Kansas	Labette	Chetopa, city of	200480	Sept. 7, 1979, emergency.	Sept. 19, 1975.
Do	Wabaunsee	Maple Hill, city of	200436	do	Nov. 5, 1976.
Missouri	Scotland	Memphis, city of	290408-A	do	May 24, 1977.
North Carolina	Gaston	McAdenville, town of	370101-A	do	June 21, 1974 and July 16, 1976.
Ohio	Lorain	Grafton, village of	390614	do	Dec. 20, 1974.
Pennsylvania	Bradford	Armenia, township of	421396	do	July 15, 1977.
Do	Columbia	Conyngham, township of	421549	do	Jan. 3, 1975.
Do	Greene	Greene, township of	421670-A	do	Jan. 17, 1975 and May 14, 1976.
Do	Mercer	New Vernon, township of	242485	do	Jan. 31, 1975.
Do	Wyoming	North Branch, township of	422203	do	Nov. 29, 1974.
West Virginia	Raleigh	Rhodell, town of	540173	do	May 21, 1976.
Minnesota	Le Sueur	Cleveland, city of	270560	Sept. 7, 1979, emergency, Sept. 7, 1979, regular	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-29077 Filed 9-19-79; 8:45 am]
BILLING CODE 4210-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-104; RM-3168]

FM Broadcast Station in Riverton, Wyo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A FM channel in Riverton, Wyoming, and modifies the license of petitioner Riverton Broadcasting Company. The Class C channel would provide a substantial first and second FM and nighttime aural service.

EFFECTIVE DATE: October 26, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: September 12, 1979.

Released: September 17, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Riverton, Wyoming), BC Docket No. 79-104, RM-3168.

1. The Commission has under consideration its *Notice of Proposed Rule Making*, adopted May 2, 1979, 44 FR 28023, inviting comments on a proposal to substitute Class C FM Channel 230 for Channel 228A at Riverton, Wyoming. The proceeding was instituted on the basis of a petition filed by Riverton Broadcasting Company ("petitioner"), licensee of Stations KVOW(AM) and KTAK-FM (Channel 228A), Riverton. Petitioner's license for Station KTAK-FM was proposed to be modified to specify Channel 230 if no

other interest in the channel was expressed in comments.[1] Petitioner filed supporting comments reaffirming its interest in the channel, if assigned. No other comments to the proposal were filed.

2. Riverton (pop. 7,995),[2] in Fremont County (pop. 28,352), is located in central Wyoming approximately 460 kilometers (285 miles) northwest of Denver, Colorado, and 380 kilometers (235 miles) northeast of Salt Lake City, Utah. It is served locally by full-time AM Station KVOW and Station KTAK–FM, both licensed to petitioner. It also receives service from noncommercial educational FM Station KCWC (Channel 201A).

3. Petitioner asserts that Riverton is located in a county which is in the center of an accelerated uranium mining industry and oil and natural gas development. It states that the economic outlook for the Riverton area is for future prosperity and continued growth. Petitioner claims that the estimated population of Riverton in 1977 was 10,000 persons with a growth projection to 12,000 by 1980.

4. Channel 230 could be assigned to Riverton, Wyoming, in conformity with the minimum distance separation requirements. Four communities (Glenrock, Greybull, Basin and Lovell) of over 1,000 population and which have neither FM assignments nor AM stations, would be precluded as a result of the proposed assignment. Petitioner did not indicate whether alternate channels are available for assignment to any of these communities.

5. Petitioner asserts that a wide area coverage Class C facility would permit expansion of FM service to a substantial rural area surrounding Riverton, thereby providing service to areas presently unserved and underserved. Petitioner's engineering analysis, using *Roanoke Rapids*, 9 F.C.C. 2d 672 (1967), criteria indicates that a first FM service would be provided to 1,791 persons in a 21,000 square kilometer (796 square miles) area and a second FM service would be provided to 9,658 persons in a 3,600 square kilometer (1,416 square miles) area. The same figures would apply to a first and second nighttime aural service.

6. In view of the above, the Commission believes that the public interest would be served by making the proposed substitution of channels since significant first and second FM and first and second nighttime aural service would be provided to a substantial population. We have also authorized a modification of petition's license for Station KTAK–FM to specify Channel 230 at Riverton.

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. In view of the foregoing, it is ordered, that effective October 26, 1979, § 73.202(b) of the Commission's rules, the FM Table of Assignments, as regards Riverton, Wyoming, is amended as follows:

City	Channel No.
Riverton, Wyoming	230

9. It is further ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Riverton Broadcasting Company, for Station KTAK–FM, Riverton, Wyoming, is modified, effective October 26, 1979, to specify operation on Channel 230 instead of 228A. The licensee shall inform the Commission in writing no later than October 26, 1979, of its acceptance of this modification. Station KTAK–FM may continue to operate on Channel 228A for one year from the effective date of this action or until it is ready to operate on Channel 230, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 230, the licensee of Station KTAK–FM shall submit to the Commission the technical information normally requested of an applicant for Channel 230.

(b) At least 10 days prior to commencing operation on Channel 230, the licensee of Station KTAK–FM shall submit measurement data required of an applicant for a broadcast license; and

(c) The licensee of Station KTAK–FM shall not commence operation on Channel 230 without prior Commission authorization.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79–29212 Filed 9–19–79; 8:45 am]

BILLING CODE 6712–01–M

[1] See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

[2] Population figures are taken from the 1970 U.S. Census.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1280

Handling of National Security Information and Classified Material

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: These regulations supersede the Commission's previous regulations found in 49 CFR Part 1280 which were initially published at 38 FR 1393 on January 12, 1973. These regulations implement Executive Order 12065, 43 FR 28949, June 28, 1978 (hereinafter referred to as the Order), and the Information Security Oversight Office Directive, 43 FR 46280, October 5, 1978 (hereinafter referred to as the Directive), relating to the handling and safeguarding of national security information. The Order increases openness in Government by limiting the classification of documents and accelerating the declassification of other documents, while providing improved protection against unauthorized disclosure of information which requires protection in the interest of national security.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Richard K. Shullaw, Emergency Coordinator and Assistant to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, DC 20423, (202) 275–7639.

SUPPLEMENTARY INFORMATION: The sections in these regulations follow the format of the Directive. The regulations have been submitted to the Information Security Oversight Office in accordance with Section 5–401 of the Order.

It has been determined that this final rule is not subject to the notice and public procedure requirements of Executive Order 12044, March 24, 1978, "Improving Government Regulations." This is because these regulations are required to implement a regulatory action of another agency, and no substantial element of discretion is afforded the rulemaker. Additionally, as these regulations are rules of agency organization, procedure or practice, notice and public comment respecting these regulations are not deemed necessary as appropriate under the Administrative Procedures Act. 5 U.S.C. 553(b)(A).

Part 1280 of Title 49 is revised as follows:

Sec.

1280.1 Purpose.
1280.2 Policy.
1280.3 Authority to classify.

Sec.

1280.4 Responsibility for handling of classified documents.
1280.5 Reproduction of classified material.
1280.6 Storage of classified documents.
1280.7 Education of employees.
1280.8 Requests for mandatory review.

Authority: E.O. 12065.

§ 1280.1 Purpose.

To set forth those provisions of the Interstate Commerce Commission Security Regulations to the extent that they affect the general public.

§ 1280.2 Policy.

It is the policy of the Interstate Commerce Commission to act in accordance with Executive Order 12065, dated June 28, 1978, in matters relating to national security information.

§ 1280.3 Authority to classify.

The Commission does not have authority of its own to classify any of its internally generated documents. The only documents handled by the Commission which are classified as confidential, secret or top secret are those generated by the Federal Emergency Management Administration (FEMA) in connection with emergency planning and preparedness functions in which the Commission participates and those generated by other transportation agencies (e.g., Department of Transportation) which also participate in emergency planning and preparedness functions in the transportation field.

§ 1280.4 Responsibility for handling of classified documents.

(a) *Responsible Official.* Primary responsibility for the handling of classified documents shall rest with the Assistant to the Director, Bureau of Operations, who is also Emergency Coordinator for the Commission. All documents bearing the terms "Top Secret," "Secret," and "Confidential" shall be delivered to the Emergency Coordinator or his alternate immediately upon receipt. All potential recipients of such documents shall be advised of the name of the designee. In the event that the Emergency Coordinator is not available to receive such documents, they shall be turned over to the Assistant Director, Bureau of Operations, and secured, unopened, in the combination safe located in Room 7114 of the Headquarters Building until the Emergency Coordinator is available. All material not immediately deliverable to either the Emergency Coordinator, his designee, or the Assistant Director, Bureau of Operations, shall be delivered at the earliest opportunity. Under no circumstances shall classified material that cannot be delivered to the Emergency Coordinator be stored other than in the two designated safes in Rooms 7114 and 7119 of the ICC Headquarters Building.

(b) The primary alternate to the Emergency Coordinator, and his designee for the receipt and handling of documents mentioned in paragraph (a) of this section, shall be the Assistant to the Director, Bureau of Operations.

§ 1280.5 Reproduction of classified material.

Reproduction of classified material shall take place only when absolutely necessary, and in accordance with Section 4–4 of Executive Order 12065. Should copies be made, they are subject to the same controls as the original document. Records showing the number and distribution of copies shall be maintained by the Emergency Coordinator and the log stored with the original documents.

§ 1280.6 Storage of classified documents.

All classified documents shall be stored in the safes located in Room 7119 of the ICC Headquarters Building. In those instances where the Emergency Coordinator is not available to receive classified documents, they may be stored, unopened, in the safe located in Room 7114.

§ 1280.7 Education of employees.

All employees who have been granted a security clearance and who have occasion to handle classified materials shall be advised of the procedures outlined in 49 CFR Part 1280. They shall also be required to review Executive Order 12065 and appropriate directives of the Information Security Oversight Office (ISOO). This shall be achieved by a memorandum to all affected employees at the time these procedures are implemented, and by appropriate instructions to new employees receiving security clearances in the future.

§ 1280.8 Requests for mandatory review.

Because the Commission does not itself generate classified documents, any requests made for mandatory review shall be coordinated by the Emergency Coordinator with appropriate officials of the Department or Agency responsible for issuance of the document involved.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29189 Filed 9-19-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of the Montezuma National Wildlife Refuge, N.Y.; to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Montezuma National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1979 through February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Gene Hocutt, Montezuma National Wildlife Refuge, RD I, Box 1411, Seneca Falls, New York 13148, Telephone No. 315–568–5987.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Montezuma National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of migratory waterfowl on the Montezuma National Wildlife Refuge, New York, is permitted from October 1, 1979 through December 31, 1979, on the areas designated by signs as open to waterfowl hunting. The

waterfowl hunting area known as the Tschache Pool comprises 1,340 acres.

Hunting shall be in accordance with all State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

1. Hunting is permitted on Tuesdays, Thursdays, and Saturdays.

2. Steel shot shells will be used for all waterfowl hunting. Hunters will be limited to 15 steel shot shells each, with shot size no larger than #1 fine shot. No person shall have lead shot in his possession during the hunt.

3. Applications for hunting reservations must be received no later than two weeks before the opening date of the waterfowl season. Reservations for permits will be selected by random drawing. Hunting will be allowed on the designated days from the opening of the State season to the end of the first part of a split season or until the third Saturday in November—whichever comes first. Successful applicants must appear in person at the refuge waterfowl check station prior to one hour before legal shooting time on the date reserved. Unreserved and forfeited permits will be awarded by a drawing on the morning of the hunt to hunters without reservations.

4. The first Saturday of the season will be reserved for the Young Waterfowler's Training Program hunt. If numbers warrant, the following Sunday will also be set aside.

5. A person with reservations may bring no more than one companion.

6. All hunting ends each hunting day at 12 noon local time, and all hunters must check out at the waterfowl check station no later than 1 p.m. local time.

7. Successful completion of the New York State Waterfowl Identification Course is required to hunt on the refuge.

8. Hunters when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

Administrative needs require that Montezuma Refuge migratory game bird season be held concurrent with the New York State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes and unprotected mammals is permitted from December 17, 1979 through February 29, 1980, on the Montezuma National Wildlife Refuge, New York, except on areas designated by signs as closed.

A permit is required for night hunting of raccoon.

Hunting shall be in accordance with all State regulations governing the hunting of the above mammals.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Montezuma National Wildlife Refuge, New York, is permitted from November 20, 1979 through December 12, 1979, except on the areas designated by signs as closed.

Hunting shall be in accordance with all State regulations covering the hunting of deer subject to the following special conditions:

1. Archery deer hunting is permitted Monday through Friday during the firearm season selected by the State.

2. Only longbows and compound bows may be used. No gun hunting will be allowed.

3. A deer of either sex may be taken.

4. Successful hunters must register their kill at refuge headquarters.

All hunting area maps are available at refuge headquarters and from the Regional Director, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Gordon T. Nightengale,

Acting Regional Director, Fish and Wildlife Service.

September 13, 1979.

[FR Doc. 79-29132 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Opening of Ouray National Wildlife Refuge, Utah, to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to big game hunting of Ouray National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Rifle deer season, October 20 through October 30, 1979, inclusive.

FOR FURTHER INFORMATION CONTACT: Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, Utah 84078, telephone: 801–789–0351.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer is permitted on the Ouray National Wildlife Refuge, Utah, except in those areas designated by signs as closed to hunting. The open areas, comprising 9,500 acres, are delineated on maps available at the refuge headquarters. Big game hunting shall be in accordance with all applicable State regulations, subject to the following conditions:

1. Hunting on land leased from the Ute Indian Tribe east of Green River, as posted by the Ute Tribe, is restricted to enrolled Tribal members.

2. Vehicle travel within the refuge will be restricted to designated routes and parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Ouray National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the

administration of the recreational activities permitted by these regulations.

Herbert G. Troester,

Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

September 11, 1979.

[FR Doc. 79-29131 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

National Wildlife Refuges in Arkansas, Louisiana, and Mississippi

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain national wildlife refuges in Arkansas, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. In addition, managed big game hunts are designed to keep population levels compatible with habitat capabilities. This document establishes special regulations effective for the upcoming hunting seasons for certain migratory birds, upland game, and big game species.

DATES: Period covered—September 1, 1979 to May 30, 1980. See State regulations for waterfowl seasons.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Area Manager, U.S. Fish and Wildlife Service, 200 East Pascagoula St., Suite 300, Jackson, Mississippi 39201. Telephone (601) 969-4900.

Refuge Manager, Felsenthal National Wildlife Refuge, P.O. Box 279, Crossett, AR 71635. Telephone (501) 364-8700.

Refuge Manager, D'Arbonne National Wildlife Refuge, P.O. Box 3065, Monroe, LA 71201. Telephone (318) 325-1735.

Refuge Manager, Hillside National Wildlife Refuge, P.O. Box 107, Yazoo City, MS 39194. Telephone (601) 746-8511.

SUPPLEMENTARY INFORMATION: Alton Dunaway is the primary author of these special regulations.

General Conditions

1. Hunting is permitted on national wildlife refuges indicated below in accordance with 50 CFR Part 32, all applicable state regulations, the general conditions, and the following special regulations:

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which the area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

2. A list of special conditions applying to the individual refuge hunts and a map of the hunt area(s) are available at refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

3. Access points on certain refuges are limited to designated roads or other specified areas. Vehicle use on all refuge areas is restricted to designated roads and lanes.

4. Only steel shot ammunition may be used during refuge migratory waterfowl hunts. Possession of lead or other toxic shot in any gauge is prohibited during such hunts.

5. Persons under age 16 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile, but in no case should one adult have more than two juveniles under his supervision.

6. Retriever dogs are allowed during waterfowl hunts but they must be under the control of the handler at all times. Unless otherwise specified, dogs are not permitted on refuge areas during hunts.

§ 32.12 Special regulations; migratory game bird hunting for individual wildlife refuge areas.

Arkansas

Felsenthal National Wildlife Refuge

(1) Ducks and coots only may be hunted one-half hour before sunrise until noon during regular statewide seasons. Teal may also be hunted during the early State teal season between sunrise and noon. Refuge areas south of Highway 82 and northwest of pipeline (incl. right-of-way) will be opened to hunting.

(2) Only portable blinds are permitted and must be removed from the hunting area daily.

(3) Woodcock may be hunted one-half hour before sunrise until noon, from December 15, 1979, through December 31, 1979, on the same refuge areas open to duck hunting.

(4) Permits are required.

(5) Loaded firearms are not permitted in campgrounds, boats, vehicles, or on roadways. Firearms must be empty and encased or dismantled while being transported on main routes of travel and river channels.

Louisiana

D'Arbonne National Wildlife Refuge

(1) Ducks and coots only may be hunted from one-half hour before sunrise until 12 noon during regular statewide seasons. Teal may be hunted during the early State teal season between sunrise and noon.

(2) Hunters may not enter the refuge until one hour before legal shooting time.

(3) Only portable blinds are permitted. Blinds may not be constructed with wire, nails, or boards.

(4) Boats may not be left unattended overnight.

Mississippi

Hillside National Wildlife Refuge—Migratory Waterfowl Hunting

(1) Ducks and coots only may be hunted on Monday, Wednesday, and Saturday mornings on approximately 6,000 acres from one-half hour before sunrise until 12 noon during the regular State seasons.

(2) Woodcock and snipe may be hunted one-half hour before sunrise until 12 noon from December 15, 1979, through January 31, 1980, on the same refuge areas open to duck hunting.

(3) Permits are required.

(4) Duck hunters are required to check out at the designated check station after each day's hunt.

Mourning Dove Hunting

(1) Hunting will be permitted on selected Saturday afternoons only in fields marked open for dove hunting.

(2) Permits are required.

(3) Dove hunters are required to check out after each day's hunt.

(4) Retriever dogs are allowed.

§ 32.22 Special regulations; upland game hunting for individual wildlife refuge areas.

Arkansas

Felsenthal National Wildlife Refuge

(1) Species permitted: squirrel, rabbit, and beaver—October 1, 1979, through

November 30, 1979, refugewide; quail—November 15, 1979, through January 15, 1980, on refuge areas south of Highway 82 and northwest of the pipeline (including right-of-way); raccoon—4 p.m. to 7 a.m. daily from November 29, 1979, through December 1, 1979, and four consecutive nights beginning the day after the close of waterfowl season. Areas open during raccoon hunts; first season—south of Highway 82 and northwest of pipeline, second season—refugewide.

(2) Dogs are permitted for squirrel, quail, and raccoon hunting only. No more than one dog per hunter permitted during raccon hunts.

(3) Permits are required.

(4) Loaded firearms are not permitted in campgrounds, boats, vehicles, or on roadways. Firearms must be empty and encased or dismantled while being transported on main routes of travel and river channels.

Louisiana

D'Arbonne National Wildlife Refuge

(1) Species permitted: squirrel and rabbit—October 6, 1979, through November 21, 1979; rabbits with beagles—February 1, 1980 through February 28, 1980; raccoon—October 6, 1979, through October 31, 1979, and November 23, 1979, through November 30, 1979.

(2) Dogs are permitted during the raccoon hunts and the February rabbit hunt only.

§ 32.32 Special regulations; big game hunting for individual wildlife refuge areas.

Arkansas

Felsenthal National Wildlife Refuge

(1) *Archery deer hunts:* October 1, 1977, through February 15, 1980.

(2) *Primitive firearms deer hunts:* October 20, 1979, through October 28, 1979, and December 26, 1979, through January 1, 1980.

(3) *Gun deer hunts:* November 12, 1979, through November 24, 1979 and December 10, 1979, through December 15, 1979.

(4) Deer hunting will be permitted refugewide except during the period December through February when all deer hunting is restricted to the area south of Highway 82 and northwest of the pipeline.

(5) Only portable stands are permitted.

(6) Permits are required.

(7) Loaded firearms are not permitted in campgrounds, boats, vehicles, or on roadways. Firearms must be empty and encased or dismantled while being transported on main routes of travel and river channels.

Louisiana

D'Arbonne National Wildlife Refuge

(1) *Archery deer hunt:* October 1, 1979, through January 6, 1980.

(2) *Gun deer hunts:* November 3, 1979, through November 21, 1979, and December 15 and 16, 1979.

(3) Only portable stands are permitted.

Mississippi

Hillside National Wildlife Refuge

(1) *Archery deer hunt:* October 6, 1979, through October 30, 1979, November 1, 1979, through November 16, 1979, and January 16, 1980 through January 31, 1980 on approximately 15,400 acres; either sex.

(2) *Primitive weapons deer hunt:* December 4, 1979, through December 15, 1979; either sex.

(3) Permits are required.

(4) Sunday hunting is prohibited.

(5) The use of any drug on arrows is prohibited. Bow hunters may not have arrows employing drugs or drug holding devices in their possession.

(6) The use of citizen's band radio devices to aid in the pursuit or taking of game animals is prohibited.

The provisions of these special regulations supplement the regulations which generally govern hunting on wildlife refuge areas and which are set forth in Title 50, *Code of Federal Regulations*, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: September 11, 1979.

Stephen W. Gord,

Acting Area Manager.

[FR Doc. 79-29188 Filed 9-19-79; 8:45]

BILLING CODE 4310-55-M

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50 CFR Part 32

Hunting; Correction of Big Game Hunting Regulations for Horicon National Wildlife Refuge, Dodge County, Wis.

AGENCY: Fish and Wildlife Service.

ACTION: Correction of Special Regulations.

SUMMARY: This notice corrects the big game hunting regulations for Horicon National Wildlife Refuge. The correction adds the shotgun season for white-tailed deer which was omitted in regulations published in **Federal Register** 44 FR 46280 (August 7, 1979).

DATES: November 17, 1979 through November 25, 1979.

FOR FURTHER INFORMATION CONTACT:

John E. Toll, Refuge Manager, Horicon National Wildlife Refuge, Route 2, Mayville, Wisconsin 53050, Telephone: (414) 387-2658

George G. P. Bekeris, Area Manager, U.S. Fish and Wildlife Service, 530 Federal Building & U.S. Court House, 316 North Robert Street, St. Paul, MN 55101 Telephone: (612) 725-7641

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game, for individual refuge areas.

Horicon National Wildlife Refuge, Dodge County, Wisconsin, will be open to hunting of white-tailed deer with shotgun only from November 17, 1979 through November 25, 1979. The area open to hunting comprises 16,000 acres.

Dated: September 11, 1979.

Richard E. Toltzmann,

Assistant Area Manager.

[FR Doc. 79-29207 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 44, No. 184
Thursday, September 20, 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.

FARM CREDIT ADMINISTRATION

[12 CFR Part 614]

Loan Policies and Operations

Correction

In FR Doc. 79-28579 appearing at page 53534 in the issue for Friday, September 14, 1979, third column, third line on paragraph (e) of § 614.4200, the word "aquactic" should read "aquatic".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Chapter I]

Terminal Control Area, Nashville, Tenn.; Informal Airspace Meeting

AGENCY: Department of Transportation—FAA.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: The Federal Aviation Administration (FAA) will hold an Informal Airspace Meeting in Nashville, Tennessee, for the purpose of discussing a plan by the FAA to establish a Group II Terminal Control Area (TCA) for the Nashville Metropolitan Airport.

DATE: November 7, 1979, 7 p.m. local time.

ADDRESS: Air National Guard Administration Building, 801 Knapp Boulevard (first brick building) off Donelson Pike, Nashville Metropolitan Airport, Nashville, Tennessee.

FOR FURTHER INFORMATION, call: Mr. Clifford C. Monteau, FAA, Southern Region, telephone: (A/C 404) 763-7866, or Mr. Alex Malon, Nashville, ATC Tower, telephone: (A/C 615) 749-5711.

SUPPLEMENTARY INFORMATION: The purpose of this Informal Airspace Meeting is to offer all persons likely to be affected by the proposed TCA the opportunity to present their views, and to assist the FAA in the preparation of an airspace docket that will accomplish the improved safety objectives with the least possible impact on the airspace users.

No formal minutes or transcripts will be taken; however, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rulemaking (NPRM) in the event the item is formally proposed.

Issued in Atlanta, Georgia, on September 10, 1979.

Dorsey A. Odle,
Acting Chief, Air Traffic Division, Southern Region.

[FR Doc. 79-28968 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 39]

[Docket No. 79-WE-28-AD]

Airworthiness Directives; McDonnell Douglas DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require an inspection and modification of the inflation hose assemblies on certain Sargent Industries, PICO Division evacuation systems. The proposed AD is necessary to assure that the inflation hose does not separate from the compressed gas cylinder, thus preventing the proper inflation of the slide/raft system during an emergency evacuation.

DATES: Comments must be received on or before November 26, 1979.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: Mc Donnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publication and Training C1-750 (54-60).

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, Executive Secretary Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. (213) 536-6395.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All commments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

On July 3, 1979, during production deployment of a Sargent Industries, PICO Division slide/raft evacuation system at the Number 3L door on the DC-10, a failure of the system's inflation hose which leads from the compressed gas inflation cylinder to the air pump (aspirator) occurred preventing inflation of the slide/raft. Upon investigation it was determined that the failure occurred at the hose end fitting which attaches to the inflation cylinder. As a result of the design change in May 1976, the swivel nut on the end fitting is allowed to travel longitudinally along the tubing elbow. This travel can expose the spherical retaining ring which, if damaged or dislodged can allow the tubing elbow to separate from the swivel nut. Exposure of the spherical retaining ring subjects the ring to possible damage from contact with the valve body threads anytime the pressure cylinder is removed or reinstalled on the inflation system. Subsequent to this incident, some one hundred hose assemblies on production evacuation systems were inspected for

damage or dislodged spherical retaining rings, and one was found which could have resulted in hose failure.

Since this condition is likely to exist or develop on other inflation systems of the same type design and in order to minimize the possibility of inoperative evacuation systems on the DC—10, the proposed AD would require inspection and modification of the effected inflation hose and fittings.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas. Applies to McDonnell Douglas DC–10–10, –10F, –30, –30F and –40 airplanes certificated in all categories utilizing the following passenger evacuation systems manufactured by the PICO Division of Sargent Industries:

Part number	Serial number
5LD230300–( )	B0091–B0093
5LD230500–( )	C0079–C0086
5LD230600–( )	D0075–D0081
5WD230100–( )	AA306–AA420
5WD230500–( )	CC118–CC169
5WD230600–( )	DD121–DD178
5WD260100–( )	EE579–EE792

Compliance required within the next eighteen calendar months after the effective date of this AD, unless already accomplished.

To prevent failure of the Sargent Industries, PICO Division emergency evacuation system due to inflation hose and fitting failure accomplish the following:

(a) Visually inspect the passenger evacuation system inflation hoses in accordance with PICO Service Bulletin No. DC–10–25–78, Revision 1, dated August 17, 1979, to determine which hoses have end fittings configured as shown in Figure 2 of the Pico service bulletin.

(b) Inflation hose assemblies with end fittings configured as shown in Figure 2 of the PICO service bulletin, must be modified in accordance with Subpart 2, "Accomplishment Instructions," of PICO Service Bulletin No. DC–10–25–78 Revision 1, dated August 17, 1979, or each replaced with an approved production hose assembly part number (P/N) 720111–101 in accordance with appropriate maintenance manual procedures.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(d) Equivalent inspections, or modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

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

Note.—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044 and set forth in Department of Transportation Guidelines.

Issued in Los Angeles, Calif., on September 10, 1979.

William R. Krieger,

Acting Director, FAA Western Region.

[FR Doc. 79-29191 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-38]

Proposed Designation of Transition Area: Navasota, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Navasota, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Navasota Municipal Airport. The circumstance which created the need for the action is the proposed instrument approach procedure to the Navasota Municipal Airport using the Navasota VORTAC. Coincident with this action, the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

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

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Navasota, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Air Space and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101. All communications received on or before October 22, 1979, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, PO Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Navasota, Tex. The FAA believes this action will enhance IFR operations at the Navasota Municipal Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the Navasota VORTAC. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as

republished (44 FR 442) by adding the Navasota, Tex., transition area as follows:

Navasota, Tex.

That airspace estending upward from 700 feet above the surface within a 5-mile radius of the Navasota Municipal Airport, Navasota, Tex., (Latitude 30°22'23"N., longitude 96°06'48"W.)

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.— The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 10, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29192 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-37]

Proposed Alteration of Transition Area: Bowie, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed rule making.

SUMMARY: The nature of the action being taken is to propose an alteration of the transition area at Bowie, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Bowie Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport.

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

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Bowie, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, southwest Region, Federal Aviation administration, P.O. Box 1689, fort Worth, Texas 76101. All communications recieved on or before October 22, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Bowie, Tex. The FAA believes this action will enhance IFR Operations at the Bowie Municipal airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by altering the Bowie, Tex., transition area as follows:

Bowie, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bowie Municipal Airport (latitude 33°36'06"N., longitude 97°46'30") and within 3 miles each side of the 351° bearing from the NDB (latitude 33°36'19"N., longitude 97°46'23"W.) extending from the 6.5-mile radius area to 8.5 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in fort Worth, Texas on September 10, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29193 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-32]

Proposed Alteration of Transition Area: Port Lavaca, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose alteration of

the transition area at Port Lavaca, Texas. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Calhoun County Airport. The circumstances which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) on the airport.

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

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Alteration of the transition area of Port Lavaca, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Comunications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 22, 1979, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Port Lavaca, Tex. The FAA believes this action will enhance IFR operations at the Calhoun County Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 4420) by altering the Port Lavaca, Tex., transition area as follows:

Port Lavaca, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Calhoun County Airport (Latitude 28°39'12"N., Longitude 96°40'56"W.) and within 2.5 miles each side of the Palacios VORTAC 250° radial extending from the 5-mile radius area to 16 miles southwest of the VORTAC; within 3 miles each side of the 330° bearing from the NDB (Latitude 28°39'01"N., Longitude 96°40'52"W.), extending from the 5-mile radius area to 8.5 miles northwest of the NDB.

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas, on September 10, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29194 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 203]

[Docket No. R-79-695]

Change in Notification to HUD of Sale of Insured Mortgages and Loans

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This proposed amendment would change the responsibility for notifying HUD of sales of insured mortgages and loans from (a) both the seller and the buyer to (b) only the seller. The proposed amendment would also decrease the number of days HUD requires to receive such notification from 30 to 15 calendar days. Until notification has been received by HUD of the transfer of the mortgage or loan to another approved mortgagee or lender or until termination of the insurance contract, the mortgagee or lender of record with HUD will be responsible for payment of mortgage insurance premiums.

COMMENTS DUE: On or before November 19, 1979.

ADDRESSEE: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: T. J. O'Connor, Director, Office of Financ and Accounting, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, Room 2202, Telephone 202-755-6310 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Under existing regulations, both the seller and the buyer of HUD-insured mortgages and loans are required to notify HUD of

the sale of such mortgages and loans within 30 days. This requirement has been accomplished by having the seller initiate a HUD-prescribed form and send this form to the buyer to complete his/her portion. The buyer then sends the completed form to HUD.

This process has proven to be too time-consuming. The proposed amendment would require the seller to notify HUD directly within 15 calendar days after the mortgage or loan is sold to another approved mortgagee or lender. As a result, HUD's billing records would be more promptly updated and HUD's delinquent premium inventory would be reduced.

To encourage the selling mortgagee or lender to notify HUD within the proposed 15 calendar days, it is further proposed that the mortgagee or lender of record with HUD would be responsible for payment of mortgage insurance premiums until notification has been received by HUD of the transfer of the mortgage or loan to another approved mortgagee or lender or until termination of the insurance contract.

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, it is proposed that 24 CFR, Part 203, be amended as follows:

Section 203.431 is amended to read as follows:

§ 203.431 Sale of insured mortgage to approved mortgagee.

An insured mortgage may be sold to another approved mortgagee. Upon such sale, the seller shall notify the Commissioner within 15 calendar days, on a form prescribed by the Commissioner. The mortgagee of record with HUD will be responsible for payment of mortgage insurance premiums until notification has been received by HUD of the transfer of the loan to another approved mortgagee or until termination of the insurance contract.

Section 203.489 is amended to read as follows:

§ 203.489 Sale of insured loan to approved lender.

An insured loan may be sold to another approved lender. Upon such sale, the seller shall notify the Commissioner within 15 calendar days on a form prescribed by the Commissioner. The lender of record with HUD will be responsible for payment of insurance premiums until notification has been received by HUD of the transfer of the loan to another approved lender or until termination of the insurance contract.

(Sec. 207, Stat. 16, as amended (12 U.S.C. 1713))

Issued at Washington, D.C., on July 20, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-29245 Filed 9-19-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining

Geological Survey

[30 CFR Part 211]

Regulation of Coal Mining on Federal Lands; Federal/State Cooperative Agreements, North Dakota

AGENCY: Office of Surface Mining Reclamation and Enforcement and Geological Survey, Interior.

ACTION: Proposed Rulemaking on Modified Cooperative Agreement with North Dakota.

SUMMARY: This proposed rulemaking is to modify the existing Federal/State cooperative agreement between the Department of Interior and the State of North Dakota (30 CFR 211.77(d)) in accordance with the requirements of section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87) hereinafter referred to as the "Surface Mining Act," and § 211.75 (b) and (c) of Title 30 CFR. Amendments to requirements of 30 CFR Part 211 necessary to implement these agreements are also proposed.

DATES: Interested persons may submit written comments on the proposed rulemaking which must be received by 5 p.m. on October 22, 1979. A public hearing will be conducted if public comment warrants.

ADDRESSES: Written comments should be addressed to the Director, Office of Surface Mining, U.S. Department of the Interior, Room 212, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20245, with one copy to the Regional Director, Office of Surface Mining, U.S. Department of the Interior, 1823 Stout Street, Denver, Colorado 80201. Copies of the North Dakota laws and regulations referred to in the proposed agreement are available for inspection in the Denver, Colorado, Office and in Room 135, South Interior Building, Washington, D.C., and in the Office of the Public Service Commission, Capitol Building, Bismarck, North Dakota.

FOR FURTHER INFORMATION CONTACT: Donald Crane, Regional Director, Region V, Office of Surface Mining, 1823 Stout Street, Denver, Colorado 80201 (303) 837-5421.

SUPPLEMENTARY INFORMATION: The proposed Agreement is to provide North Dakota with the opportunity to continue to regulate surface coal mining and reclamation on Federal lands in the State. Modification of an Agreement dated May 1, 1977, and published in 30 CFR 211.77(d), became necessary with enactment of the Surface Mining Act later in 1977. Section 523(c) of that Act authorizes states with existing agreements to request their modification under new requirements for the initial regulatory program set forth in Section 502 of the Act. North Dakota requested such modification, and the Secretary has determined that the State meets the new requirements.

Such agreement would be modified to (1) adopt new State statutes and amended regulations containing new environmental protection standards and reclamation requirements applicable to surface coal mining and reclamation operations as substantive Federal law; (2) require the State Regulatory Authority to exercise State enforcement powers on Federal lands so as to achieve results consistent with those which would be achieved by Federal enforcement pursuant to section 521 of the Surface Mining Act; (3) clarify the procedures for the cooperative review and approval of mining and reclamation plans for surface coal mining and reclamation operations on Federal lands; (4) provide for the termination of such agreement in the event the State does not implement the permanent Federal lands program or receive approval of a permanent regulatory program under section 503 of the Surface Mining Act on lands regulated by the State; and (5) establish procedures for performance bonding.

The basic purpose is to reduce duplication of Federal and State regulation of surface coal mining and reclamation activities in North Dakota. To achieve that goal, the Agreement establishes specific requirements that the State must meet. Along with those summarized in the following items, the Agreement identifies the North Dakota Public Service Commission (Commission) as the sole agency to act on behalf of the State and stipulates that the agency have sufficient authority, funding, equipment, and personnel to

implement the Agreement. In keeping with its cooperative nature, it specifies how the Commission and the Secretary will exchange information concerning their respective activities and organizations.

1. *State Standards.* Prior to the signing of this Cooperative Agreement, North Dakota adopted new legislation and promulgated new or amended regulations in order to implement the Surface Mining Act, including section 502, on lands regulated by the State. North Dakota's environmental protection and reclamation standards as set forth in Appendix A of the proposed cooperative agreement qualify for application to Federal lands because they are as stringent as Federal standards in 30 CFR Part 211. The review of North Dakota's regulations has not included a determination whether any standard is more stringent than the comparable Federal standard. Such a determination would be made pursuant to § 211.75(a) of Title 30 CFR upon the receipt of an application from the State.

2. *Adoption as Federal Law.* Final approval of the proposed cooperative agreement after rulemaking would continue to authorize State jurisdiction over surface coal mining and reclamation operations on Federal lands so as to establish a uniform regulatory program applicable to both the State-regulated and Federal-land portions of a mine. State jurisdiction will be exercised pursuant to the requirements of State law for the review of mining plans, bonding and enforcement. In order to accomplish the application of State law and standards to Federal lands, specific provisions of the State statute and the State regulations identified in Appendix A of the proposed agreement would be adopted as substantive Federal law enforceable by both North Dakota and the Secretary.

3. *Enforcement Procedures.* In order to "fully comply with the initial regulatory procedures in section 502," the cooperative agreement requires that North Dakota take enforcement actions on Federal lands consistent with those required of the Secretary by sections 502(e) and 521 of the Surface Mining Act. The proposed cooperative agreement preserves the power of the Secretary to inspect for violations of Federal law or the requirements of Appendix A and to initiate enforcement under the Surface Mining Act. This reservation of authority preserves the system of dual enforcement applicable to non-Federal lands regulated by a State during the initial regulatory program under section 502 of the Surface Mining Act. The Secretary has reserved his statutory duty to approve mining plans, designate lands unsuitable for mining, and regulate other activities on Federal lands.

4. *Effective Date.* Although the Secretary of the Interior and the Governor have signed the Cooperative Agreement, such action does not render the agreement effective. According to its terms (Article II), the Agreement does not become effective until published as final rulemaking. It was deemed desirable to sign the agreement prior to this proposed rulemaking to reflect the complete concurrence of the parties. However, such signing does not preclude amendments to the proposed agreement prior to final rulemaking in response to public comment. Further, § 211.75(c) as amended by the notice published in 43 FR 49009 (October 20, 1978), terminates all existing agreements unless modifications required by section 523(c) of the Surface Mining Act are "agreed to" prior to November 20, 1978. The Director and the Governor's representative met and agreed on the provisions of this cooperative agreement on November 20, 1978, thereby allowing the existing agreement to remain in effect until the modified agreement is finally approved. Delay in publication resulted from revisions in Appendix A due to North Dakota's subsequent legislation.

5. *Significance.* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. A copy of this determination is available at the Office of the Director, Room 212 South Interior Building, Washington, D.C. 20240.

6. *Drafting Information.* Principal authors of this document are the following: Donald Crane, Regional Director, Region V, Office of Surface Mining and Robert Yuhnke, Assistant Regional Solicitor, Office of the Solicitor, Denver, Colorado.

Dated: September 13, 1979.

Cecil D. Andrus.
Secretary.

§ 211.10 [Amended]

In order to implement the proposed agreement, it is proposed that 30 CFR 211.10(e)(4) be amended as follows:

* * * * *

(e) States with § 211.75(c) agreements:

* * * * *

(4) *North Dakota.* A Federal coal lessee in the State of North Dakota who must submit a mining plan or permit application under both State and Federal law shall submit to the State Regulatory Authority and the Denver Regional Office, Office of Surface Mining, in lieu of the submission required in this section, a mining plan or revision or modification to an approved plan containing the information required by or necessary for the State Regulatory Authority and The Secretary to determine compliance with the statutory, regulatory and other requirements identified in paragraph B1 of Article IV of the modified Cooperative Agreement, and the statement required by paragraph B2 of Article IV of the modified Cooperative Agreement and the requirements of 30 CFR 211.10(c).

Cooperative Agreement—North Dakota

The State of North Dakota and the Department of the Interior enter into a State/Federal Cooperative Agreement to read as follows:

Cooperative agreement between the United States Department of Interior and the State of North Dakota under Section 523(c) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87 (hereinafter referred to as the "Act"), 30 U.S.C. 1273(c), between the State of North Dakota, acting by and through the North Dakota Public Service Commission and the Governor (hereinafter referred to as the State Regulatory Authority and the Governor) and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

Article I. Purpose

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of North Dakota with respect to regulation of surface coal mining and reclamation operations on Federal lands within the State of North Dakota. The basic purpose of this Agreement is to reduce duality of administration and enforcement of surface reclamation requirements by providing for State regulation of surface coal mining and reclamation operations on Federal lands within the State.

Article II. Effective Date

This Cooperative Agreement is effective following signing by the Secretary, the Governor, and the State Regulatory Authority, and upon final publication as rulemaking in the **Federal Register.** This Cooperative Agreement shall remain in effect until terminated as provided in Article IX. This Cooperative Agreement constitutes a modification to, an extension of, and supercedes that Cooperative Agreement effective May 1, 1977, 30 CFR 211.77(d).

Article III. Requirements for Cooperative Agreement

The Governor, the State Regulatory Authority, and the Secretary affirm that they will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Responsible Administrative Agency.* The North Dakota Public Service Commission

(hereinafter referred to as the "State Regulatory Authority"), is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the State of North Dakota on Federal lands throughout the State.

B. *Authority of State Agency.* The State Regulatory Authority designated in Paragraph A of this Article has, and shall continue to have, authority under State law to carry out this Cooperative Agreement.

C. *State Reclamation Law.* Enforcement of the environmental performance standards and reclamation requirements of Chapter 38–14 of the North Dakota Century Code and the regulations promulgated pursuant thereto as set forth in Appendix A of this Cooperative Agreement will provide protection of the environment at least as stringent as would occur under the exclusive application of the standards and procedures set forth in the Act, and the regulations promulgated thereunder.

D. *Effectiveness of State Procedures.* The procedures of the State Regulatory Authority for enforcing the requirements contained in Appendix A are and shall continue to be substantially as effective as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The State Regulatory Authority agrees that the State will inspect all coal mining operations on Federal lands located in the State, in accordance with the minimum schedules in Article V.

F. *Enforcement.* The State Regulatory Authority affirms that it will enforce the requirements contained in Appendix A in a manner that ensures effective protection of the environment and public health and safety consistent with the requirements of Article VI of this Agreement.

G. *Funds.* The State Regulatory Authority has devoted and will continue to devote adequate funds to the administration and enforcement of the requirements contained in Appendix A of this Cooperative Agreement. The Secretary shall reimburse the State Regulatory Authority for costs associated with carrying out responsibilities in compliance with this Cooperative Agreement to the extent that funds have been appropriated. Reimbursement shall be in the form of annual grants, and applications for said grants shall be processed and awarded in a timely and prompt manner. The Secretary shall advise the State Regulatory Authority within a reasonable period of time after the effective date of this modification of the amount the Federal Government would have expended if the State Regulatory Authority had not entered into this Cooperative Agreement.

H. *Reports and Records.* The State Regulatory Authority shall make reports to the Secretary containing information respecting its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Regulatory Authority and the Secretary shall exchange, upon request, information developed under the Cooperative Agreement.

I. *Equipment and Laboratories.* The State Regulatory Authority shall have equipment, laboratories, and facilities with which all studies, tests, and analyses, can be performed or determined, and which are necessary to carry out the requirements of the cooperative Agreement, or have access to such equipment, laboratories and facilities.

Articles IV. Mine and Reclamation Plans

A. State and Federal laws and regulations require the operator on Federal lands leased, permitted or licensed for surface coal mining operations, to receive approval from the State Regulatory Authority and the Secretary of a mining plan and permit prior to conducting operations.

B. *Contents of Mining Plans and Permits.* The State Regulatory Authority and the Secretary agree, and hereby require, that an operator on Federal lands shall submit an identical Federal mining and reclamation plan and State permit application to the State Regulatory Authority and the Office of Surface Mining (OSM) which shall be in the form required by the State Regulatory Authority and include any supplemental forms required by the Secretary. Such plan and application shall include the following:

1. The information required by or necessary for the State Regulatory Authority or the Secretary, where applicable, to make an independent timely determination of compliance with:

a. *North Dakota Statutes,* Sections 38–14–02.1 and 38–14–04 of the North Dakota Century Code (N.D.C.C.);

b. North Dakota Regulations, Chapter 69–05–02 of the North Dakota Public Service Commission Surface Mining Regulations;

c. The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. Section 1201 *et. seq.;* 91 Stat. 445) and the regulations promulgated pursuant thereto, to the extent it is not otherwise required by 1(a) and (b) above;

d. The Mineral Leasing Act of 1920, as amended, 30 U.S.C. Section 181 *et. seq.*, to the extent it is not otherwise required by 1 (a) and (b) above;

e. the requirements of 30 CFR 211.10, to the extent it is applicable and not otherwise required by 1(a) and (b) above;

f. Applicable terms and conditions of the lease or license to the extent it is not otherwise required by 1(a) and (b) above;

g. Applicable requirements of other Federal laws, and

h. The Secretary shall advise the State in writing promptly after the effective date of this cooperative Agreement of all of the Federal requirements addressed in 1(c), (d), (e), (f), and (g) above which are not otherwise required by 1(a) and (b) above.

2. A statement certifying that identical copies of the mining and reclamation plan and permit application have been given to both the State Regulatory Authority and the designated recipient of the Secretary.

3. The State Regulatory Authority and the Office of Surface Mining on behalf of the Secretary shall review and act upon each mining and reclamation plan and permit application, or modifications or revisions thereto, in accordance with the following procedures:

a. The State Regulatory Authority will be the point of contact for operators regarding matters subject to the requirements of the Act and Appendix A of this Cooperative Agreement. With respect to mining plans pending approval and permit applications, all correspondence from the State Regulatory Authority and the Secretary regarding matters subject to the requirements of the Act and Appendix A of the Cooperative Agreement will be coordinated and sent from the State Regulatory Authority on behalf of both.

b. The Office of Surface Mining will coordinate all activities relative to the review of mining plans and permit applications for all concerned Interior and, as written agreements may permit, other Federal agencies and will act as the point of contact for communications between the State Regulatory Authority and the Department of Interior and other Federal agencies as written agreements may permit.

c. Based upon the coordinated review and to the extent practicable, the State Regulatory Authority will draft a response letter to the operator outlining the status of the completeness and deficiencies of the plan and application, or modifications or revisions thereto with respect to the requirements of the Act and Appendix A to the Cooperative Agreement. Such draft letter will be sent to the Denver Regional Office, Office of Surface Mining, as soon as practicable after receipt of the plan and application. The Office of Surface Mining will communicate to the State Regulatory Authority within a reasonable time any proposed additions or modifications to the letter requested by Interior agencies. If any such proposed additions or modifications are objected to by the State Regulatory Authority, a meeting or telephone conference will be held between Regional Director, Office of Surface Mining, and the State Regulatory Authority to resolve the specified objections. If the Regional Director and the State Regulatory Authority cannot resolve such objections, the State Regulatory Authority and the Regional Director shall summarize their disagreement in writing and request a meeting with the Director, Office of Surface Mining, and such other representative of the Secretary as may be appropriate, to discuss a resolution of such objections. Following the resolution of such objections, the draft letter will be revised to incorporate the agreed upon changes, if any, and sent to the operator by the State Regulatory Authority, with a copy to the Regional Director, Office of Surface Mining. If such objections are not resolved, then both the State Regulatory Authority and the Secretary may communicate separately with the operator.

d. The Secretary, acting by and through the Office of Surface Mining, will be given an opportunity to consult with the State Regulatory Authority and propose additions or modifications to all significant written correspondence from the State Regulatory Authority regarding mining plans in accordance with the procedures of Paragraph c hereof.

e. Copies of all significant written communications, data, or documents applicable to a pending mining plan and application, or modifications or revisions thereto received by the State Regulatory Authority from operators will be forwarded to the Office of Surface Mining by the State

Regulatory Authority, or sent directly to the Office of Surface Mining by the operator when requested to do so by the State Regulatory Authority. The Secretary and the State Regulatory Authority agree to inform each other of any other significant communications received from the operator regarding any matter subject to this Agreement, including copies of any significant written correspondence.

f. Meetings with the operator regarding a substantial review of the proposed mining plan affecting Federal lands can be scheduled by either the Office of Surface Mining or the State Regulatory Authority, provided adequate advance notice is given to the other party so it has the opportunity to participate in said meeting.

g. Comprehensive site inspections as related to mining plan and permit review on Federal lands can be conducted by either representatives of the Secretary or the State Regulatory Authority, provided that when time and circumstances permit adequate advance notice is given to the other party so it has the opportunity to participate in said inspection.

h. Upon completion of review and evaluation of the plan and application, or modifications or revisions thereto, by the State Regulatory Authority, the State Regulatory Authority shall promptly notify the Secretary and the applicant of its action on the application. If the application is disapproved, a notice shall be sent to the applicant and the Secretary along with a statement of findings and conclusions in support of the action. If the State Regulatory Authority approves the mining and reclamation plan and permit application or request for amendment in whole or in part, it shall condition any approval on obtaining approval of the plan, permit or amendment from the Secretary, except that those lands within the plan, permit or amendment which are private or State lands can be approved for final action without Secretarial approval.

The State Regulatory Authority shall in any approved plan, permit or amendment, reserve the right to amend or rescind its action to conform with action taken or with terms or conditions imposed by the Secretary, and agreed to by the State Regulatory Authority, as a basis of his approval. The Secretary shall not delete any requirements included in the State Regulatory Authority's approval without the consent of the State. Prior to the Secretary disapproving the mining and reclamation plan, permit application or request for amendment, in whole or in part, the Secretary shall consult with the State Regulatory Authority for the purpose of attempting to reach agreement on curative revisions to the plan, permit application or amendment, to the extent allowable under State and Federal law.

4. Any final approval of a mining and reclamation plan and permit authorizing surface coal mining operations on Federal lands, or modifications or revisions thereto, by the parties which will create a right of appeal by any aggrieved person shall not be complete, except on private and State lands which is complete upon action by the State Regulatory Authority, until the document recording such action is signed by both the Secretary (or his authorized delegate) and the authorized officer of the State Regulatory Authority.

5. When acting upon a mine plan, the Secretary reserves the right to impose such additional conditions or requirements not required by the Act or Appendix A of this Cooperative Agreement which are authorized or required by law or by his general authority to supervise the activities of persons on Federal lands.

Article V. Inspections

A. The State Regulatory Authority shall inspect without prior notice to the operator, as authorized by North Dakota state law as frequently as necessary, but not less than one partial inspection per month and one complete inspection per calendar quarter, the area of operations as defined by the approved mining and reclamation plan, the permit area of the applicable state permit, and any other areas outside the area of operations which are or may be affected by the surface coal mining and reclamation operations on Federal lands. Such inspections shall be conducted for the purpose of determining whether the operator has complied with all applicable requirements of the Act and Appendix A hereof, and all applicable environmental and reclamation requirements of approved mining and reclamation plans or permits, but not to determine compliance with development, diligent production and resource recovery requirements established under the Mineral Leasing Act, as amended, or to regulate other activities on Federal lands not subject to the Act.

B. The State Regulatory Authority will, subsequent to conducting any inspection, file with the Secretary a report adequately describing (1) the general conditions of the lands under lease, permit or license, (2) the manner in which the operations are being conducted, and (3) whether the operator is complying with applicable performance and reclamation requirements. A copy of this inspection report shall be furnished to the Secretary in accordance with regulations adopted pursuant to the Act. A copy of this report shall be furnished to the operator, upon request, and shall be made available for public inspection during normal business hours at the offices of the State Regulatory Authority and the Office of Surface Mining.

C. For the purpose of evaluating the manner in which this Cooperative Agreement is being carried out and to insure that performance and reclamation standards are being met, the Secretary may conduct inspections of surface coal mining and reclamation operations on Federal lands: *Provided*, That when circumstances and time permit adequate advance notice will be given the State Regulatory Authority so its representatives have the opportunity to participate in said inspection. Subsequent to conducting any inspection, the Secretary shall provide the State Regulatory Authority with a copy of the report. Inspections by the Secretary are encouraged to be made in association with regular inspections by the State.

D. The Secretary may also conduct inspections to determine whether the operator is complying with requirements that are unrelated to environmental protection and reclamation.

E. Personnel of the State and representatives of the Secretary shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VI. Enforcement

A. If the State Regulatory Authority finds any conditions or practices, or violations of the requirements of subsections 1 and 4 of Section 38–14–05.1 N.D.C.C. which would authorize the issuance of an order of cessation under Section 521(a)(2) of the Act by a representative of the Secretary, the State Regulatory Authority or its authorized representative shall immediately exercise the power authorized by subsection 6 of Section 38–14–05.1 N.D.C.C. to cease the operations.

B. (1) When based upon an inspection, the State Regulatory Authority determines that any operator is in violation of any requirement of Appendix A, or any other applicable environmental reclamation requirements of an approved mining and reclamation plan or permit, but such violation would not require an action in accordance with Paragraph A of this Article, the State Regulatory Authority, or its authorized representative, shall issue a notice of noncompliance with remedial measures and an abatement schedule to the operator pursuant to subsection 1 of Section 38–14–06.1 N.D.C.C. which shall be consistent with the requirements of Section 521(a)(3) of the Act.

(2) When a notice of violation has been issued under B(1) of this Article and the State Regulatory Authority determines that the operator has failed to abate the violation within the time fixed or subsequently extended consistent with Section 521(a)(3) of the Act, the State Regulatory Authority, or its authorized representative shall immediately issue a cesation order as authorized by subsection 6 of Section 38–14–05.1 N.D.C.C. to cease the operation until the violation has been abated, or alternatively, the State Regulatory Authority can act to suspend the permit pursuant to subsection 2 of Section 38–14–06.1 N.D.C.C.

C. The State Regulatory Authority shall promptly notify the Secretary of all violations of applicable laws, regulations, orders, approved mining and reclamation plans and permits subject to this Agreement and of all actions taken under State law with respect to such violations.

D. This Agreement does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate legal or other actions to correct conditions or practices that violate any requirement under Federal law or Appendix A incorporated into Federal law as a part of this Cooperative Agreement, or to suspend or revoke the right to conduct surface coal mining operations on Federal lands in accordance with 30 CFR 211.72 or assess civil penalties in accordance with 30 CFR 211.78.

E. Failure of the State Regulatory Authority to enforce approved mining and reclamation plans, permits and applicable laws and

standards and regulations in accordance with this Agreement, shall be grounds for termination of this Cooperative Agreement.

Article VII. Bonds

A. *Amount and Responsibility.* The State Regulatory Authority shall require all operators on Federal lands to submit a performance bond as required by State law payable to both the State and the United States of America. The Secretary shall require a Federal performance bond sufficient to comply with the requirements of Federal law and shall reduce the portion of the Federal bond required for reclamation purposes by the amount of the bond required by the State Regulatory Authority.

B. *Notification.* Prior to releasing the bond required by State law for Federal lands, the State Regulatory Authority shall consult with and obtain the advice and consent of the Secretary.

C. *Release of Bond.* The State Regulatory Authority shall hold the operator responsible and liable for successful reclamation as required by State law.

D. *Bond Forfeiture.* Either the State Regulatory Authority or the Secretary, in consultation with one another, may forfeit the bond under the appropriate State or Federal law.

Article VIII. Opportunity To Comply With Cooperative Agreement

The Secretary may, in his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Regulatory Authority that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State Regulatory Authority has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State Regulatory Authority has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. The period of time specified shall not be less than 30 days. Upon failure of the State Regulatory Authority to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

Article IX. Termination of Cooperative Agreement

This Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the Governor or the State Regulatory Authority upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 90 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary pursuant to Paragraphs D, E, and F of this Article whenever the Secretary finds, after giving due notice to the State Regulatory Authority and affording the State Regulatory Authority an opportunity for a hearing:

1. That the State Regulatory Authority has failed to comply substantially with a provision of this Cooperative Agreement; or

2. That the State Regulatory Authority has failed to comply substantially with any assurance given by the State upon which this Cooperative Agreement is based, or any condition or requirement which is specified in Article III.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law under any of the following circumstances:

1. When no longer authorized by Federal laws and regulations or North Dakota laws and regulations, provided that if the Secretary intends to make such a determination, he complies with the notice requirements of paragraph D of this Article;

2. When a State program is finally disapproved, pursuant to Section 503 of the Act;

3. If the Secretary determines that this Cooperative Agreement is not adequate for the purpose of implementing the permanent regulatory program requirements after approval of a State Program pursuant to Section 503 of the Act. Notice of this determination by the Secretary shall be given in writing to the State Regulatory Authority and shall specify the inadequacies of this Agreement. This Cooperative Agreement shall then terminate not less than 120 days after said notice is received by the State Regulatory Authority unless amended by mutual agreement of the State Regulatory Authority and the Secretary to remedy the inadequacies identified by the Secretary in his notice.

4. Following promulgation of a Federal lands program pursuant to Section 523(a) of the Act in the event the Secretary determines in writing that North Dakota lacks the necessary personnel or funding to fully implement the Federal lands program in accordance with the provisions of the Act, provided that the Secretary complies with all of the notice and hearing requirements of this Article.

D. *Notice of Proposed Termination.* whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the governor and to the State Regulatory Authority specified in Article III.

2. Specify and set out in the written notice the grounds upon which he proposes to terminate this Cooperative Agreement.

3. Publish a notice in the **Federal Register** containing items 1 and 2 of this Paragraph, and specifying a minimum 30 days for comment by interested persons.

E. *Opportunity for Hearing.* Whenever the Secretary proposes to terminate this Cooperative Agreement, except for circumstances set forth in paragraph C.1., hereof, in addition to the notice required by Paragraph D, he shall:

1. Specify in the notices required by Paragraph D the date and place where the State Regulatory Authority will be afforded the opportunity for hearing and to show cause why this Cooperative Agreement should not be terminated by the Secretary, the date of such hearing shall be not less than 30 days from the date of the publication in the **Federal Register**, and the place shall be in the State.

2. Within 30 days of the date of the written notice specifying the date of the hearing, the State Regulatory Authority shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for the termination which the State Regulatory Authority will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State Regulatory Authority may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

3. The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.*

1. After a hearing has been held with respect to a proposed termination of this Agreement or the right to a hearing has been waived or forfeited by the State Regulatory Authority, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State Regulatory Authority in writing of his decision. If the Secretary determines to withdraw approval of this Cooperative Agreement, he shall notify the State Regulatory Authority of his intended withdrawal of approval of the Cooperative Agreement, and afford the State Regulatory Authority an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of this cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State Regulatory Authority to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

2. After the close of the comment period required by paragraph D.3 of this Article with respect to a proposal to terminate this Cooperative Agreement pursuant to paragraph C of this Article, the Secretary shall consider the comments received and after a review of the questions of law

presented, shall publish notice of final actions, either terminating the Cooperative Agreement or withdrawing the proposed termination, and stating his reasons therefor.

G. Nothing in this Article shall be construed as a waiver of any right the State Regulatory Authority may have to seek judicial review of any decision by the Secretary to terminate this Cooperative Agreement.

Article X. Reinstatement of Cooperative Agreement

If this Cooperative Agreement has been terminated, it may be reinstated upon application by the State Regulatory Authority and upon giving evidence satisfactory to the Secretary that the State Regulatory Authority can and will comply with all the provisions of the Cooperative Agreement, and has remedied all defects in administration for which this Cooperative Agreement was terminated.

Article XI. Amendments of Cooperative Agreement

This Cooperative Agreement may be amended by mutual agreement of the State Regulatory Authority, the Governor, and the Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment and if rejected shall state the reasons for rejection.

Article XII. Changes in State or Federal Standards

The Secretary of the Interior or the State of North Dakota may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. The Secretary and the State Regulatory Authority shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which require legislative authorization, the State Regulatory Authority has until the close of its next legislative session at which such legislation can be considered in which to make the necessary changes. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes, unless such rulemaking is prevented by the issuance of an injunction or similar order by any court of competent jurisdiction in which event the six month time period shall not commence until the applicable litigation has been finally resolved. If changes which are necessary for the State Regulatory Authority to have the authority to administer and enforce Federal Requirements are not made, then the termination provisions of Article IX may be invoked.

Article XIII. Conflict of Interest

The State Regulatory Authority shall require its employees to comply with the requirements of 30 CFR Part 705.

Article XIV. Exchange of Information

A. *Organizational and Functional Statements.* The State Regulatory Authority and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall promptly advise the other in writing of changes in personnel, officials, heads of department or division, or a change in the functions, or duties of persons occupying the principal offices within the organization. The State Regulatory Authority and the Secretary shall advise each other in writing of the location of its various offices, addresses and telephone numbers, and the names, locations and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and of any changes in such.

B. *Law, Rules and Regulations.* The State Regulatory Authority and the Secretary shall provide each other with copies of their, respective laws, rules and regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations and standards when the revision becomes effective.

Article XV. Reservation of Rights

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the State Regulatory Authority, the Governor, and the Secretary may have under the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Federal Land Policy and Management Act of 1976, the Surface Mining Control and reclamation Act of 1977, the Constitution of the United States, the Constitution of the State or State Laws, nor shall this Agreement be construed so as to result in the transfer of the Secretary's duties under Section 2(a), 2(B), and 2(a)(3) of the Federal Mineral Leasing Act, as amended, or his duty to approve mine plans, or his responsibilities with respect to the designation of Federal lands as unsuitable for mining in accordance with Section 522 of the Act, or to regulate other activities taking place on Federal lands.

Article XVI. Definitions

Terms and phrases used in this Agreement which are defined in 30 CFR Part 700 or Part 710 shall be given the meanings set forth in said definitions.

Approved.

Dated: September 13, 1979.

Cecil D. Andrus,

Secretary of the Interior.

Arthur A. Link,

Governor, State of North Dakota.

Richard A. Elkin,

President, North Dakota Public Service Commission.

Ben J. Wolf,

Commissioner, North Dakota Public Service Commission.

Bruce Hagen,

Commissioner, North Dakota Public Service Commission.

Appendix A

This Appendix A identifies the laws of the State of North Dakota and the regulations of the State Regulatory Authority which are incorporated into the 1979 Federal-State Cooperative Agreement between the State of North Dakota nd the Secretary of the Interior pursuant to Article III.C of said Cooperative Agreement. This Appendix is approved as part of the Cooperative Agreement. The requirements contained in the laws and regulations identified in this Appendix shall be applicable to surface coal mining and reclamation operations on Federal lands in accordance with the terms of the Cooperative Agreement. Included in this Appendix are:

1. The provisions of the North Dakota Century Code, Chapter 38–14.1–Reclamation of Surface-Mined Lands, Sections 38–14.1–01 through 38–14.1–43, which are specifically identified in (1)–(xxxviii) hereof:

(i) 38–14.1–01.

(ii) 38–14.1–02, except that subsection (33) shall not be applicable on Federal lands.

(iii) 38–14.1–03, except that subsections (19) and (23) shall not be applicable on Fedreal lands.

(iv) 38–14.1–07.

(v) 38–14.1–10.

(vi) 38–14.1–11.

(vii) 38–14.1–12.

(viii) 38–14.1–13.

(ix) 38–14.1–14.

(x) 38–14.1–15.

(xi) 38–14.1–16, provided, however,that any bond or any cash or securities posted in lieu of bond under this section applicable to the performance of duties on or affecting Federal lands shall conform to the requirements of Article VII of this Cooperative Agreement in addition to the requirements of State law, and provided further that the bond may also be forfeited by the Secretary under Federal law pursuant to Article VII of this Cooperative Agreement.

(xii) 38–14.1–17, provided, however, that any bond applicable to the performance of duties on or affecting Federal lands may be released only on consent of the Secretary in accordance with Article VII of this Cooperative Agreement.

(xiii) 38–14.1–18.

(xiv) 38–14.1–19.

(xv) 38–14.1–20.

(xvi) 38–14.1–21.

(xvii) 38–14.1–22.

(xviii) 38–14.1–23.

(xix) 38–14.1–24, provided, however, that § 38–14.1–24(3)(a) shall not be included in this Appendix A and shall not apply on Federal lands and provided, further, that the following words and phrases shall not be included in this Appendix A and shall,

therefore, not apply on Federal lands: "to the extent possible using the best technology currently available" in § 38-14.1-24(8)(e); "natural" in § 38-14.1-24(8)(f); and provided further, that the State Regulatory Authority agrees to exercise the discretion contained in § 38-14.1-24(5) in a manner consistent with and as stringent as § 515(b)(5) of the Act and regulations adopted pursuant thereto.

(xx) 38-14.1-25.

(xxi) 38-14.1-26.

(xxii) 38-14.1-27.

(xxiii) 38-14.1-28.

(xxiv) 38-14.1-29, provided, however, that the imposition of a civil penalty by the state pursuant to this section shall not be construed as barring the Secretary from assessing a civil penalty pursuant to 30 CFR 211.78 or 30 CFR 743.

(xxv) 38-14.1-30.

(xxvi) 38-14.1-31.

(xxvii) 38-14.1-32, provided, however, that the imposition of a civil or criminal penalty by the State pursuant to this section shall not be construed as barring the Secretary from assessing a civil penalty pursuant to 30 CFR 211.78 or 30 CFR 743, or from seeking criminal prosecutions under applicable Federal law.

(xxviii) 38-14.1-33.

(xxix) 38-14.1-34.

(xxx) 38-14.1-35, provided, however, that this section shall be limited to actions taken by the state under state law in accordance with this Cooperative Agreement, and nothing in this section or this Cooperative Agreement shall be construed so as to create jurisdiction in a state court over actions taken by the Secretary, including the denial or approval of mining plans.

(xxxi) 38-14.1-36.

(xxxii) 38-14.1-37.

(xxxiii) 38-14.1-38.

(xxxiv) 38-14.1-39.

(xxxv) 38-14.1-40.

(xxxvi) 38-14.1-41.

(xxxvii) 38-14.1-42.

(xxxviii) 38-14.1-43.

2. Rules and Regulations for Reclamation of Surface Mined Lands of the State of North Dakota, Reclamation Division of the North Dakota Public Service Commission, including amendments and revisions promulgated July 1, 1979, cited as Article 69-05.1 of the North Dakota Administrative Code provided, however, that § 69-05.1-16-02(1) and the phrase "to the extent possible" in § 69-05.1-11-10(2) shall not be included in this Appendix A and shall not be applicable on Federal lands.

[FR Doc. 79-29200 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Chapter I]

[CGD 79-073]

Unregulated Hazardous Working Conditions on the Outer Continental Shelf

AGENCY: Coast Guard, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard invites public participation at the earliest stages in the development of regulations for unregulated hazardous working conditions related to activities on the Outer Continental Shelf (OCS) of the United States. The OCS Lands Act Amendments of 1978 direct the Coast Guard to promulgate regulations for unregulated hazardous working conditions related to activities on the OCS when it determines regulations are necessary. The extent to which unregulated hazardous working conditions are present on the OCS has not been established. this notice solicits assistance in identifying unregulated hazardous working conditions related to activities on the OCS and recommendations concerning measures that should be taken by the Coast Guard to eliminate or reduce the hazards identified.

DATES: Comments must be received on or before November 16, 1979.

ADDRESSES: Comments should be submitted in writing to Commandant (G-CMC/TP24) (CGD 79-073), U.S. Coast Guard, Washington, DC 20590. Comments will be available for inspection or copying from 7:30 am to 4:00 pm on normal working days at the Marine Safety Council (G-CMC/TP24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC 20590, (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Thomas J. Barrett, Outer Continental Shelf Safety Project, Room 1604, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC 20590, (202) 472-5160.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CG 79-073), and include sufficient detail to indicate the basis on which each comment is made. Persons desiring acknowledgment that their comment has been received should enclose a stamped self-addressed postcard or envelope. The proposal may be changed in view of the comments received.

All comments received will be considered before further rulemaking action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant Commander Thomas J. Barrett, Outer Continental Shelf Safety Project, Office of Merchant Marine Safety, and Mr. Stephen H. Barber, Project Counsel, Office of the Chief Counsel.

Discussion

Section 21(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372), directs the Secretary of the Department in which the Coast Guard is operating to "promulgate regulations or standards applying to unregulated hazardous working conditions related to activities on the Outer Continental Shelf when he determines such regulations or standards are necessary." In turn, the Secretary delegated this function to the Coast Guard (44 FR 2395). Responding to this directive, the Coast Guard is surveying existing casualty and accident data and conducting field investigations to identify unregulated hazardous working conditions related to activities on the OCS. This notice is intended to solicit the public's comments and suggestions identifying hazardous working conditions associated with OCS activities and recommending effective measures to eliminate or reduce the hazards identified. To the extent that regulation is necessary, the Coast Guard intends to develop the appropriate requirements.

Factors To Be Considered

"Hazardous working conditions related to activities on the OCS" is not defined by the Act. The Coast Guard suggests the following interpretation and asks for comments on its validity.

A "working condition" is considered to be the environment in which an individual works or to which an individual is routinely exposed. Working conditions "related to activities on the OCS" are considered to be offshore working conditions associated with exploration for, or development or production of, the mineral resources of the Outer Continental Shelf of the United States and include working conditions on offshore drilling and production facilities, mobile offshore drilling units, vessels, installations, or other devices engaged in OCS activity.

Whether a working condition is "hazardous" depends upon the elements an individual encounters (such as moisture, cold, fumes, noise, etc.), their

intensity, and frequency, as well as the physical hazards an individual is exposed to (such as moving machinery, falling objects, risk of explosion, etc.), the frequency of exposure, and the severity of injury the hazard can cause.

Whether a hazardous working condition is "unregulated" depends upon whether or not any federal agency has a regulation applicable to the specific element or physical hazard which creates the risk of harm to the individual. However, if a regulation does not address the particular work hazard, the working condition will be considered unregulated. For example, many USGS regulations governing drilling equipment are oriented toward well control rather than occupational safety. Thus hazardous working conditions may still exist involving drilling equipment regulated by USGS and requiring regulation within the scope of Section 21(c). The Coast Guard, following any necessary consultation with other agencies, will determine whether any hazardous working condition identified as a result of this project is unregulated.

Though interested in all relevant information, the Coast Guard particularly solicits response to the following general questions:

a. What unregulated hazardous working conditions exist or may develop as a result of OCS operations?

b. How might Coast Guard regulations help to eliminate or control these hazardous working conditions?

c. What approaches other than regulation might be taken to remedy the problems?

d. What benefits and burdens will your recommendations impose on OCS workers, the OCS industry, the consumers, the government, the environment, or other areas likely to be significantly impacted?

In addition, the Coast Guard solicits detailed comment on whether the following items should be considered hazardous working conditions and what measures should be taken to eliminate or reduce the hazards. Please include as much detail and supporting data as possible in the comments, particularly statistical experience that would support development or non-development of regulations.

a. Operations on the drill floor, substructure, derrick, and pipe storage and handling areas, in mud handling rooms, and in other work areas directly associated with drilling and workover operations.

b. Use of equipment associated with drilling operations, including high pressure hose, wire rope, the rotary, rotary bushing, drill pipe tongs, spinning chain, elevators, slips, travelling blocks, winches, and catheads.

c. Use of wireline and other workover equipment.

d. Personnel transfer operations between aircraft or vessels and platforms, including the use of swing-ropes, nets, baskets and other transfer equipment.

e. Entry into tanks, closed compartments, and/or other spaces with toxic, flammable, or oxygen-deficient atmospheres.

f. Use of radioactive materials and portable X-ray equipment in areas where employees other than licensed operators may be working.

g. Venting of flammable or explosive vapors, particularly relief venting in areas where vessels may operate.

h. Use of alcohol or drugs.

Identification of an unregulated hazardous working condition will not necessarily result in new regulations, as alternatives other than regulations may be pursued. Should the Coast Guard decide to propose regulations, it must first assess the economic and other consequences the proposals may have on the private sector, consumers, and Federal, State, and local governments. Because the need to regulate cannot be evaluated until the hazards to worker safety are identified, the Coast Guard at this time cannot properly determine the extent or nature of the assessment required. Therefore, the Coast Guard requests that comments contain an assessment of the economic or other effects their recommendations may have. After considering the comments submitted, the Coast Guard will prepared a Draft Evaluation or Draft Regulatory Analysis of the impacts and deposit if for public review and comment at the Office of the Marine Safety Council (see addresses).

(43 U.S.C. 1347(c); Section 21(c), 92 Stat. 655; 49 CFR 1.46(z))

Dated: September 14, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-29267 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 52 and 81]

[FRL 1324-4]

Approval and Promulgation of Nonattainment Plan for Illinois; Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rulemaking; Correction.

SUMMARY: On Monday, July 2, 1979, at 44 FR 38587 U.S. Environmental Protection Agency (USEPA) published a Notice of Proposed Rulemaking. The Notice contained charts on pages 38589-38593, 38596, and 38597. These charts contained errors in the titles of the charts and in the designations of nonattainment areas for total suspended particulates, sulfur dioxide, and ozone. This correction notice contains the corrected tables.

FURTHER INFORMATION MAY BE OBTAINED FROM: Ms. Maxine Borcherding, USEPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604. FTS 8-886-6052.

DATE: Comments on the proposed Illinois designations contained in this correction notice are due by October 22, 1979.

WRITTEN COMMENTS SHOULD BE SENT TO: Ms. Maxine Borcherding, SIP Coordinator, USEPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking (44 FR 38587, July 2, 1979) USEPA published charts containing a compilation of certain nonattainment area designations in the State of Illinois for the pollutants: total suspended particulates (TSP), sulfur dioxide (SO_2), and ozone (Ox). These charts contained certain designations previously published in the **Federal Register** (43 FR 8962, 8988-8992, March 3, 1978 and 43 FR 45993, 46004-46007, October 5, 1978), as required by Section 107(d) of the Clean Air Act (CAA). Also included were charts showing changes in these designations which Illinois proposed in its April 3, 1979 State Implementation Plan revision request for Part D nonattainment areas.

Charts on pages 38589 and 38590 of the July 2, 1979 Notice of Proposed Rulemaking (44 FR 38587) contain certain Federally approved Illinois TSP designations which were published in the October 5, 1978 **Federal Register** (43 FR 46004). In addition to typographical errors, these charts did not include Air Quality Control Region 66 (ACQR 66). This correction notice contains the entire chart with the corrections made therein.

Federally Approved Illinois TSP Designations (43 FR 46006, Oct. 5, 1978)

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 65:				
Knox County:				
Galesburg (City)		X		
All other Twps				X
Peoria County:				
Kickapoo Twp	X	X		
Limestone	X	X		
Medina		X		
Peoria	X	X		
Richwoods	X	X		
All other twps				X
Tazewell County:				
Cincinnati	X	X		
Fondulac	X	X		
Groveland	X	X		
Pekin	X	X		
Washington	X	X		
All other twps				X
Woodford County				X
AQCR 66:				
McLean County:				
Bloomington		X		
All other twps				X
AQCR 67:				
Cook County:				
Calumet	X	X		
Hyde Park	X	X		
Jefferson		X		
Lake	X	X		
Lakeview		X		
North Town	X	X		
Rogers Park		X		
South Town	X	X		
West Town	X	X		
Bloom		X		
Bremen	X	X		
Cicero		X		
Elk Grove		X		
Lyons	X	X		
Maine		X		
Niles		X		
Orland	X	X		
Palatine		X		
Palos	X	X		
Proviso		X		
Rich		X		
Stickney	X	X		
Thornton	X	X		
Wheeling		X		
Worth	X	X		
All other twps				X
DuPage County:				
Addison Twp	X	X		
Wayne		X		
Winfield		X		
York		X		
All other twps				X
Kankakee County:				
Bourbonais Twp		X		
All other twps				X
Kendall County:				
Little Rock Twp		X		
All other twps				X
Lake County:				
Wauconda		X		
All other twps				X
Will County:				
Crete Twp		X		
DuPage	X	X		
Frankfort		X		
Joliet	X	X		
Lockport	X	X		
Monee		X		
New Lenox		X		
Plainfield		X		
Troy		X		
All other twps				X
Kane County				X
AQCR 68:				
Jo Daviess County:				
East Galena Twp		X		
Rawlins		X		
West Galena		X		
All other twps				X

Federally Approved Illinois TSP Designations (43 FR 46006, Oct. 5, 1978)—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 69:				
Rock Island County:				
Blackhawk Twp	X	X		
Coal Valley	X	X		
Hampton	X	X		
Moline	X	X		
South Moline	X	X		
South Rock Island	X	X		
Rock Island	X	X		
All other twps				X
Whiteside County:				
Coloma Twp		X		
All other twps				X
AQCR 70:				
Monroe County:				
T. 1S.–R. 10W		X		
All other				X
Madison County:				
Alton Twp	X	X		
Chouteau	X	X		
Colinsville	X	X		
Godfrey	X	X		
Granite City	X	X		
Nameoke	X	X		
Venice	X	X		
Wood River	X	X		
All other twps				X
St. Clair County:				
Canteen Twp	X	X		
Caseyville	X	X		
Centerville	X	X		
St. Clair	X	X		
Sutes	X	X		
Stookey	X	X		
Sugar Loaf	X	X		
All other twps				X
AQCR 71:				
Bureau County:				
Shelby Twp		X		
All other Twps				X
LaSalle County:				
Dear Park	X			
LaSalle	X	X		
Ottawa		X		
South Ottawa		X		
All other twps				X
AQCR 72:				
Massac County:				
Metropolis Pct		X		
Grant		X		
Washington		X		
All other pct				X
AQCR 73:				
DeKalb County:				
DeKalb Twp		X		
All other twps				X
Winnebago County:				
Cherry Valley Twp		X		
Owen		X		
Rockford		X		
All other twps				X
AQCR 74:				
Jefferson County:				
Dodds Twp		X		
Mt. Vernon		X		
Shiloh		X		
All other twps				X
Williamson County:				
East Manon Twp		X		
West Manon		X		
All other twps				X
AQCR 75:				
Macon County:				
Decatur Twp	X	X		
Hickory Point		X		
Long Creek		X		
South Wheatland		X		
Whitmore		X		
All other twps				X
Sangamon County:				
Capital Twp	X	X		
All other twps				X

On Pages 38591–38593 of the July 2, 1979 Notice of Proposed Rulemaking (44 FR 38587) are charts showing changes in the designation for TSP as proposed by Illinois. These charts have incorrect titles and omit the designation for Air Quality Control Region 66 (AQCR 66). The charts also contain incorrect designations for certain townships in Monroe County, AQCR 70, and Capital Township, Sangamon County, AQCR 75. The Illinois Environmental Protection Agency (IEPA), in comments submitted August 29, 1979, has requested that the

submission sent to USEPA April 3, 1979 be amended to show that Illinois proposes to change the designation for all townships in Sangamon County to unclassified since acceptable monitoring date for the county will not be available until January, 1980. The charts contained in this Notice of Correction are the entire charts and contain the amendment to the proposed designation as requested by IEPA.

Proposed Illinois TSP Designations

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 65:				
Knox County:				
Galesburg	X	X		
Henderson	X	X		
All other twps		X		
Peoria County:				
Peoria	X	X		
Richwoods	X	X		
Limestone	X	X		
All other twps		X		
Tazewell County:				
Cincinnati	X	X		
Elm Grove	X	X		
Fondulac	X	X		
Groveland	X	X		
Pekin	X	X		
Washington	X	X		
All other twps		X		
Woodford:				
El Paso				X
Kansas				X
All other twps		X		
AQCR 66:				
McLean County:				
Bloomington				
Normal	X	X		
All other twps				X
AQCR 67:				
Cook County:				
Hyde Park	X	X		
Jefferson	X	X		
Lake	X	X		
Lakeview	X	X		
North Town	X	X		
Rogers Park	X	X		
South Town	X	X		
West Town	X	X		
Berwyn	X	X		
Calumet	X	X		
Cicero	X	X		
Lyons	X	X		
Oak Park	X	X		
Palos	X	X		
Proviso	X	X		
Riverside	X	X		
South Stickney	X	X		
Stickney	X	X		
Thornton	X	X		
Worth	X	X		
Schaumburg				X
Barrington				X
New Trier				X
All other twps		X		
DuPage County:				
Addison	X	X		
Lisle	X	X		
York	X	X		
All other twps		X		
Kankakee County:				
Essex				X
Norton				X
Pilot				X
All other twps		X		
Kendall County: All twps		X		
Lake County: All twps		X		
Will County:				
Channahon		X		
Crete	X	X		
DuPage	X	X		
Florence		X		
Frankfort		X		
Green Garden		X		
Homer		X		
Jackson		X		
Joliet	X	X		
Lockport	X	X		
Manhattan		X		
Monee		X		
New Lenox		X		
Peotone		X		
Plainfield		X		
Troy	X	X		
Wheatland		X		
Wilton		X		
All other twps				X

Proposed Illinois TSP Designations—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Kane County:				
Aurora		X		
Dundee		X		
Elgin		X		
All other twps				X
AQCR 68:				
Jo Daviess County:				
Apple River	X	X		
Council Hill	X	X		
Derinda		X		
East Galena	X	X		
Elizabeth	X	X		
Guilford	X	X		
Hanover		X		
Menominee		X		
Pleasant Valley		X		
Rawlins	X	X		
Rice	X	X		
Rush		X		
Scales Mound	X	X		
Stockton		X		
Thompson	X	X		
Vinegar Hill		X		
Warren		X		
West Galena	X	X		
Woodbine	X	X		
All other twps				X
AQCR 69:				
Rock Island County:				
Blackhawk	X	X		
Hampton	X	X		
Moline	X	X		
Rock Island	X	X		
South Moline	X	X		
South Rock Island	X	X		
All other twps				X
Whiteside County:				
Clyde		X		
Coloma		X		
Genesse		X		
Hopkins		X		
Hume		X		
Jordan		X		
Lyndon		X		
Montomorency		X		
Mount Pleasant		X		
Prophetstown		X		
Sterline		X		
All other twps				X
AQCR 70:				
Monroe County:				
T.1.N.-R.10W	X	X		
T.1.N.-R.11W	X	X		
T.1.S.-R.10W	X	X		
T.1.S.-R.11W	X	X		
T.2.S.-R.10W	X	X		
T.2.S.-R.9W	X	X		
T.3.S.-R.7W	X	X		
T.3.S.-R.8W	X	X		
All other twps		X		
Madison County:				
Chouteau		X		
Godfrey		X		
All other twps	X	X		
St. Clair County:				
All twps	X	X		
AQCR 71:				
Bureau County:				
Berlin		X		
Bureau		X		
Concord		X		
Dover		X		
Greenville		X		
Lamoille		X		
Manlius		X		
Ohio		X		
Princeton		X		
Selby		X		
Walnut		X		
Wyanet		X		
All other twps				X
LaSalle County:				
Deer Park		X		
Dimmick		X		
LaSalle	X	X		
Ottawa		X		
Peru		X		
Utica		X		
Waltham		X		
All other twps				X

Proposed Illinois TSP Designations—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 72:				
Massac County:				
T.15S.–R.4E		X		
T.16S.–R.4E		X		
All other twps				X
AQCR 73:				
DeKalb County:				
Afton		X		
Clinton		X		
Cortland		X		
DeKalb		X		
Malta		X		
Mayfield		X		
Milan		X		
Paw Paw		X		
Pierce		X		
Shabbona		X		
Somonauk		X		
South Grove		X		
Squaw Grove		X		
Victor		X		
All other twps				X
Winnebago County:				
Rockford		X		
All other twps				X
AQCR 74:				
Jefferson County:				
Dodds		X		
Field		X		
McClellan		X		
Mount Vernon		X		
Rome		X		
Shiloh		X		
All other twps				X
Williamson County:				
West Marion		X		
All other twps				X
AQCR 75:				
Macon County:				
Decatur	X	X		
Hickory Point		X		
All other twps				X
Sangamon County:				
Clear Lake			X	
Curran			X	
Fancy Creek			X	
Gardner			X	
Rochester			X	
Salisbury			X	
*Springfield			X	
Williams			X	
*Woodside			X	
All other twps			X	

*Included in the geographic area of these two townships is Capital Township. Capitol Township is the name of a voting precinct and will not be used to designate areas in the future.

The chart on page 38596 of the July 2, 1979 Notice of Proposed Rulemaking (44 FR 38587) contains the Federally approved Illinois SO2 designations for Peoria, Tazewell and Massac County, Illinois (43 FR 46004, October 5, 1978) and the proposed Illinois SO2 designation. This chart does not contain the correct Federally approved designations for Pekin Twp., Tazewell County, or the correct identification for AQCR 72. It also omitted the heading for the Proposed Illinois SO2 Designations, incorrectly listed AQCR 65 as AQCR 66, and did not contain the correct proposed Illinois' designations for Hollis and Limestone Twps., Peoria County; and Cincinnati Twp., Tazewell County; and Monroe County. This notice contains the entire chart with the corrections made therein.

Federally Approved Illinois SO2 Designations for the Following Specified Counties: Peoria, Tazewell, and Massac (43 FR 46006, Oct. 5, 1978)

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 65:				
Peoria County:				
Hollis Twp	X			
Limestone Twp	X			
Medina Twp	X			
Peoria Twp	X			
Kickapoo Twp	X			
Richwoods Twp	X			
All other Twps				X
Tazewell County:				
Cincinnati	X			
Elmgrove Twp	X			
Groveland Twp	X			
Pekin Twp	X			
All other Twps				X
AQCR 72:				
Massac County:				
*Grant Pct	X	X		
*Metropolis	X	X		
*Hillerman Pct	X	X		
All other Massac Pcts				X

*These precinct names are voting precincts and will not be used to designate areas in the future. Instead, areas will be described by township and range.

Proposed Illinois SO2 Designations for the Following Counties: Peoria, Tazewell, and Massac

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 65:				
Peoria County:				
Hollis Twp	X	X		
Limestone	X	X		
Logan	X			
Medina				X
Peoria	X			
Kickapoo				X
Richwoods				X
All other Twps				X
Tazewell County:				
Cincinnati Twp	X	X		
Elmgrove		X		
Groveland	X			
Pekin	X			
All other Twps				X
AQCR 72:				
Massac County:				
T.15S.-R.6E		X		
T.16S.-R6E		X		
T.17S.-R.6E		X		
**All other Twps	X	X		

**Included in this category are the areas described at 43 FR 46004, October 5, 1978 as Grant, Metropolis and Hillerman Pcts.

The Chart on page 38597 of the July 2, 1979 Notice of Proposed Rulemaking (44 FR 38587) contains both the Federally Approved Illinois Oxidant Designations and the Proposed Illinois Oxidant Designations for certain counties. The heading on those charts are incorrect in that what is identified as the Federally Approved Illinois Oxidant Designations are the Proposed Illinois Oxidant Designations and what is identified as the Proposed Illinois Oxidant Designations are the Federally Approved Illinois Oxidant Designations. In addition, the designation for Crawford County, AQCR 74 was omitted from both designations. This correction notice contains the entire chart with the corrections made therein.

Federally Approved Illinois Oxidant Designations for the Following Specified Counties: Champaign, McLean, Rock Island, Winnebago, Crawford, and Macon (43 FR 8962, Mar. 3, 1978)

Designated areas	Does not meet primary standards	Cannot be classified	Better than national standards
AQCR 66:			
Champaign County	X		
McLean County	X		
AQCR 69: Rock Island County	X		
AQCR 73: Winnebago County	X		
AQCR 74: Crawford County		X	
AQCR 75: Macon County	X		

Proposed Illinois Oxidant Regulations for the Following Specified Counties: Champaign, McLean, Rock Island, Winnebago, Crawford, and Macon

Designated areas	Does not meet primary standards	Cannot be classified	Better than national standards
AQCR 66:			
Champaign County			X
McLean County			X
AQCR 69: Rock Island County		X	
AQCR 73: Winnebago County		X	
AQCR 74: Crawford County			X
AQCR 75: Macon County			X

In order to provide for comment on the corrections made in the charts appearing in the Notice of Proposed Rulemaking (44 FR 38597 July 2, 1979) and the proposed designation changes requested by Illinois according to Section 107(d) of the Clean Air Act, USEPA is extending the comment period for 30 days for the corrected Notice of Proposed Rulemaking only as it pertains to the proposed Illinois 107(d) designations, (40 CFR Part 81) and is not extending the comment period for other provisions of the Nonattainment Plan for Illinois (40 CFR Part 52).

Interested persons are invited to comment on the proposed Illinois designations for TSP, SO2, and Ox. Comments should be sent to the address listed in the front of this correction notice. Public comments received within 30 days of the date of this correction notice will be considered in USEPA's final rulemaking on the proposed Illinois designations. All comments received will be available for inspection at Region V Office Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

(42 U.S.C. § 7410)

Dated: September 11, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-29098 Filed 9-19-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1325-3; Docket No. DCO-79-9]

Proposed Approval of an Administrative Order Issued by the South Carolina Department of Health and Environmental Control to the U.S. Department of Energy, Savannah River Operations Office

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the South Carolina Department of Health and Environmental Control (DHEC) to the Savannah River Operations Office (SROO). The Order requires SROO to bring air emissions from its thirteen coal-fired stoker boilers in Aiken, South Carolina into compliance with air pollution control regulations contained in the federally approved South Carolina State Implementation Plan (SIP) by no later than June 30, 1979. Because the order has been issued to a major source of air pollution and permits a delay in compliance with provisions of the SIP, the Administrative Order must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

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

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: William Voshell, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308, Telephone Number: (404) 881-4298/4253.

SUPPLEMENTARY INFORMATION: SROO, located at Aiken, South Carolina, operates 13 coal-fired boilers at its facility in Aiken and Barnwell County. On November 30, 1977, EPA issued a Notice of Violation to SROO for violation of South Carolina Regulation R61-62.6 Standard No. 2, Section I (now R61-62.5, Standard No. 1, Section II) and R61-62.6, Standard No. 1, Section I (now R61-62.5, Standard No. 1, Section I), dealing with the control of particulate emissions and visible emissions, respectively. Ongoing negotiations have continued since 1972. SROO has acknowledged that 13 of the coal-fired boilers are, or have been, in violation of the respective South Carolina regulation dealing with particulate and/or visible emissions. SROO further states that its inability to meet said standards is due in part to its adherence to the federal budget process, the critical production requirements of the plant, and the need to perform tests to determine the efficiency of the proposed corrective equipment. For past violation of the aforementioned provisions of law, SROO agrees to pay to the South Carolina Department of Health and Environmental Control the sum of one hundred three thousand nine hundred fifty dollars ($103,950.00) in consideration whereof the Department agrees to waive all claims to any penalties provided by law which have or may accrue prior to the expected final compliance date of July 1, 1979. Final compliance is to be achieved on or before July 1, 1979.

The Order under consideration addresses particulate and visible emissions from the 13 coal-fired boilers at Aiken, South Carolina causing pollution which are subject to South Carolina Regulations R61-62.5, Standard No. 1, Section II, dealing with the control of particulate emissions from fuel burning sources, and R61-62.5, Standard No. 1, Section I, dealing with the control of visible emissions, respectively. These regulations limit the emissions of particulate and visible emissions and are part of the federally approved South Carolina State Implementation Plan. The order requires final compliance with the regulation by June 30, 1979, through the implementation of the following schedule for the construction or installation of control equipment. SROO agrees to abide by the following compliance schedule as it relates to each respective area designated herein.

a. Regarding Area 100-C, Unit #1, SROO shall complete the following acts on or before the dates specified:

(1) February 1, 1979—Submit to the Chief, Bureau of Air Quality Control, South Carolina, Department of Health and Environmental Control (hereinafter "Chief"), acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

b. Regarding Area 100-C, Unit #2, SROO shall complete the following acts on or before the dates specified:

(1) April 27, 1979—Complete on-site construction and installation of emission control equipment and initiate use of such equipment.

(2) June 1, 1979—Commence performance tests and achieve compliance with the State of South Carolina Air Pollution Control Regulations and Standards, Regulation 62.5, Standard No. 1, Section I and Section II.

(3) June 30, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

c. Regarding Area 200-F, Unit #1, SROO shall complete the following acts on or before the dates specified:

(1) March 1, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No.1, Section I and Section II.

d. Regarding Area 200-F, Unit #2, SROO shall complete the following acts on or before the dates specified:

(1) February 1, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No.1, Section I and Section II.

e. Regarding Area 200-F, Unit #3, SROO shall complete the following acts on or before the dates specified:

(1) February 1, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No.1, Section I and Section II.

f. Regarding Area 200-F, Unit #4, SROO shall complete the following acts on or before the dates specified:

(1) June 1, 1979—Commence performance tests and achieve

compliance with the State of South Carolina Air Pollution Control Regulations and Standards, Regulation 62.5, Standard No.1, Section I and Section II.

(2) June 30, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No.1, Section I and Section II.

g. Regarding Area 200–H, Unit #1, SROO shall complete the following acts on or before the dates specified:

(1) February 1, 1979—Commence performance tests and achieve compliance with the State of South Carolina Air Pollution Control Regulations and Standards, Regulation 62.5, Standard No. 1, Section I and Section II.

(2) March 1, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

h. Regarding Area 200–H, Unit #2, SROO shall complete the following acts on or before the dates specified:

(1) February 1, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

i. Regarding Area 200–H, Unit #3, SROO shall complete the following acts on or before the dates specified:

(1) February 26, 1979—Initiate on-site construction or installation of emission control equipment.

(2) April 30, 1979—Complete on-site construction and installation of emission control equipment and initiate use of such equipment

(3) June 1, 1979—Commence performance tests and achieve compliance with the State of South Carolina Air Pollution Control Regulations and Standards, Regulation 62.5, Standard No. 1, Section I and Section II.

(4) June 30, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

j. Regarding Area 100–K, Unit #1, SROO shall complete the following acts on or before the dates specified:

(1) June 1, 1979—Commence performance tests and achieve compliance compliance with the State of South Carolina Air Pollution Control Regulations and Standards, Regulation 62.5, Standard No. 1, Section I and Section II.

(2) June 30, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

k. Regarding Area 100–K, Unit #2, SROO will complete the following acts on or before the dates specified:

(1) February 1, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

l. Regarding Area 100–P Unit #1, SROO shall complete the following acts on or before the dates specified:

(1) February 1, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

m. Regarding Area 100–P, Unit #2, SROO shall complete the following acts on or before the dates specified:

(1) February 1, 1979—Commence performance tests and achieve compliance with the State of South Carolina Air Pollution Control Regulations and Standards, Regulation 62.5, Standard No. 1, Section I and Section II.

(2) March 1, 1979—Submit to the Chief acceptable performance tests certifying compliance with Regulation 62.5, Standard No. 1, Section I and Section II.

The source has consented to the terms of the order and has agreed to meet the Order's increments during the period of this informal rulemaking. The source is required to submit quarterly reports by the 15th day of the following quarter indicating progress toward each milestone in the schedule of compliance. If any delay is anticipated in meeting said milestones, the SROO shall immediately notify the DHEC in writing of the anticipated delay and reasons therefor. Notification of the delay shall not excuse the delay. In addition, SROO shall submit, no later than 30 days after the deadline for completing each milestone required by the above schedule certification, to the DHEC whether or not such milestone has been met.

As an interim control measure, the SROO will continue the program directed at minimizing adverse impact on ambient air quality. The interim control program includes the following elements:

(a) The continued implementation of measures that result in the maximum practicable reduction of particulate matter emissions (including such alternatives as load shifting, load reduction, use of lower ash coal, and the continuing program of control equipment maintenance);

(b) The continued implementation of a fuel supply quality assurance program directed at reducing fuel variability and optimizing fuel quality will be initiated;

(c) The continued operation of existing, continuous opacity monitoring equipment; and

(d) The development of an appropriate system of reporting all elements of the program developed pursuant to the requirements stated hereinabove.

Because this Order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable state air pollution control regulations, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has tentatively determined that the above-referenced order satisfies these legal requirements.

If the submitted administrative Order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation[s] covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the South Carolina SIP. Compliance with the proposed Order will not exempt the company from the requirements contained in any subsequent revision to the SIP which are approved by EPA.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: September 13, 1979.

John C. White,

Regional Administrator, Region IV.

[FR Doc. 79-29265 Filed 9-19-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 162]

[FRL 1300-5]

Closed System Packaging

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Office of Pesticide Programs is announcing that consideration is being given to promulgating regulations regarding the packaging of pesticides used in closed systems. The many sizes and types of pesticide containers and their closures require applicators to purchase

adaptors, attachments and probes to fit each combination of container size, closure size and closure style. This equipment is costly, cumbersome, and often ill-fitting. The use of imperfectly matched equipment has resulted in leakage and spills. These occurrences are contrary to the purpose of closed systems which is to prevent exposure of the pesticide mixer/applicator to the pesticide.

The agency is soliciting comments from all interested parties concerning the advisability of regulations to standardize the packaging containers for pesticides used in closed systems.

DATES: Comments must be received on or before November 19, 1979.

ADDRESSES: Interested persons may submit written comments by sending them in triplicate, if possible, to the Document Control Officer (TS–793), ATTN: Pesticides, Office of Toxic Substances, Environmental Protection Agency, Room 447, East Tower, 401 "M" Street, S.W., Washington, D.C. 20460. The comments should bear the identifying notation "OPP". All written comments will be available for public inspection at the above address from 8:00 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. William W. Jacobs, (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460, (202) 755–4851.

SUPPLEMENTARY INFORMATION: Under section 25(c)(3) the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92–516, 86 Stat. 983; Pub. L. 94–140, 89 Stat. 755; Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136 et seq.) ("FIFRA") the Administrator is authorized to establish standards with respect to the package, container, or wrapping in which a pesticide or device is enclosed for use or consumption, in order to protect humans from serious injury or illness resulting from accidental ingestion or contact with pesticides as well as to accomplish other purposes of the Act. The Agency is soliciting comments from all interested parties concerning the advisability of regulation's to standardize the packaging containers for pesticides used in closed systems.

Background

"A closed mixing system" means a procedure for removing a pesticide from its original container, rinsing the emptied container, and transferring the pesticide and rinse solution into a closing mixing tank in a manner that prevents the exposure of any person to the pesticide. The purpose of a closed system is to eliminate applicator exposure to toxic pesticides during hand pouring and mixing operations. Closed systems can also eliminate the need for protective clothing for mixers and loaders which might otherwise be required to mitigate risks from highly toxic pesticides. As a safety measure the Agency has restricted the use of some pesticides to closed systems as part of the classification process. (See 40 CFR 162.31). More pesticides may be restricted in this manner as the classification process continues. The State of California also has regulations requiring the use of closed systems, and other states are considering similar requirements.

It has come to the Agency's attention that the purpose of the closed systems is not always achieved due to technical problems. A closed system requires the use of a probe to withdraw the pesticide from the container. Due to the variety of sizes and shapes of containers and of their closures, one probe will not fit all containers. Therefore, to use closed systems, applicators must purchase adaptors, attachments, and probes to fit each combination of container size, closure size and closure style. This equipment is costly, cumbersome, and often ill-fitting. The use of imperfectly matched equipment results in leakage and spills. This, in turn, has resulted in exposure of the applicator to the pesticide, the very problem the closed system is supposed to prevent. In addition, California applicators may require a number of expensive probes since, under California regulations, probes used to withdraw pesticides may not be removed from the container until it is empty.

To correct these problems the Agency is contemplating the promulgation of regulations that will standardize closure and container sizes. The Agency anticipates that the rule will result in better sealing between the connections and lead to significantly less leakage and human exposure. The Agency is also considering the use of built-in probes. The Agency strongly supports the use of closed mixing systems since their use has reduced the number of human illnesses attributed to pesticide exposure. Therefore, EPA is anxious to assist in making any improvements that will increase the effectiveness of the system.

Specific Issues for Commentors to Address

Written public comments are invited on all issues raised in this Notice as well as any other issues concerning the development of regulations to standardize pesticide containers used in closed systems.

EPA is especially interested in soliciting public comments on the following issues:

(1) Is regulation necessary or can an effective non-regulatory alternative be developed to achieve the desired ends?

(2) How should the scope of the regulation be defined? i.e., which products' containers should be regulated under this rule?

(3) What size containers should be regulated?

(4) Should container sizes and fittings be standardized?

(5) Should closure size and type be standardized, and, if so, what is the best closure size and type to serve as a standard? Why? Is more than one size or type of closure desirable?

(6) Should performance standards be adopted instead of regulating container and closure sizes, types and styles specifically?

(7) What are the benefits of regulation in terms of reduced costs and increased safety for the applicator? What are the costs of standardization for the pesticide producers and container manufacturers?

(8) Are built-in probes desirable? Are they economically feasible?

(9) Are built-in probes preferable to container standardization?

(10) What time period and what costs would be required for container manufacturers and pesticide producers to shift to standardized packaging?

(11) What are the alternatives to regulation? Are voluntary standards feasible? How long would it take for the industry to develop such standards?

EPA also requests that interested parties submit information on the following points:

(1) the safety record of existing closed systems;

(2) which jurisdiction are considering requiring closed systems;

(3) the extent of use of closed systems where not required;

(4) specific descriptions of accidents resulting from ill-fitting equipment;

(5) which container sizes are used most frequently in closed systems;

(6) the number and types of different container closures used in closed systems;

(7) the seriousness of the problem of ill-fitting equipment;

(8) the costs of extra equipment (probes/adaptors) to applicators;

(9) specific equipment match-up problems;

(10) equipment match-ups that do not cause problems;

(11) costs of closure standardization, container standardization, and built-in probes to all interested groups.

EPA will carefully consider all timely public comments and information received before developing a notice of proposed rulemaking. Again, parties interested in this notice are strongly urged to comment on the issues involved.

Dated: September 14, 1979.

Douglas M. Costle,

Administrator.

[FR Doc. 79-29275 Filed 9-19-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR 180]

[PP 8E2076/P119; FRL 1326-1]

Proposed Tolerances for the Pesticide Chemical Atrazine

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes that tolerances be established for residues of the herbicide atrazine on proso millet grain at 0.25 part per million (ppm) and proso millet fodder, forage, and straw at 5 ppm. The proposal was submitted by the Interregional Research Project No. 4. This regulation would establish maximum permissible levels for residues of atrazine on proso millet grain and proso millet fodder, forage, and straw.

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

ADDRESS: Send comments to: Mrs. Patricia Critchlow, Office of Pesticide Programs, Registration Division (TS-767), EPA, East Tower, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow at the above address (202/426-0223).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Colorado, Michigan, Minnesota, and Nebraska, has submitted a pesticide petition (PP 8E2076) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.220 be amended by the establishment of tolerances for combined residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-*s*-triazine, 2-amino-4-chloro-6-isopropylamino-*s*-triazine, and 2-chloro-4, 6-diamino-*s*-triazine in or on the raw agricultural commodities proso millet grain at 0.25 ppm and proso millet fodder, forage, and straw at 5 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerances were a two-year rat feeding study with a no-observed-effect level (NOEL) of 100 ppm, a two-year dog feeding study with an NOEL of 150 ppm, and a three-generation rat reproduction study with an NOEL of 100 ppm.

Desirable studies that are lacking include oncogenicity studies in two animal species, a teratology evaluation, and a mutagenicity study. Currently, the oncogenicity studies and teratology study are underway and the results will be submitted to the Agency by 1980. Mutagenicity assays are deferred until the Agency develops final guidelines for these studies.

Tolerances have previously been established for residues of atrazine on various raw agricultural commodities ranging from 0.25 ppm to 15 ppm and for atrazine and its metabolites on range grass at 4 ppm. The theoretical maximum residue contribution (TMRC) has been calculated to be 0.0769 milligram (mg)/day/1.5-kilograms (kg) of daily diet. The maximum permissible intake (MPI) for residues of this chemical has been calculated to be 2.25 milligrams (mg)/day/60-kg human. The acceptable daily intake (ADI) has been calculated to be 0.0375 mg/kg of body weight/day based on the two-year dog feeding study NOEL and employing a 100-fold safety factor.

The metabolism of atrazine is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. There is a reasonable expectation of residues in meat, milk, poultry, and eggs as delineated in 40 CFR 180.6(a)(2) from the use on proso millet. The established tolerances for residue in meat, milk, poultry, and eggs are adequate to cover secondary residues resulting from this proposed use. Presently, there are no actions pending against the continued registration of this chemical, and no other considerations are involved in establishing the proposed tolerances.

The pesticide is considered useful for the purpose for which tolerances are being sought, and it is concluded that the tolerances of 0.25 ppm on proso millet grain and 5 ppm on proso millet fodder, forage, and straw established by amending 40 CFR 180.220 will protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before October 22, 1979, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 8E2076/P119". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in Room 107, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

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

Dated: September 17, 1979.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Douglas D. Compt,

Director, Registration Division.

It is proposed that Part 180, Subpart C, section 180.220 be amended by alphabetically adding proso millet grain at 0.25 ppm and proso millet fodder, forage, and straw at 5 ppm to the table to read as follows:

180.220 Atrazine; tolerances for residues.

* * * * *

(b) * * *

Commodity:	Parts per million
* * * * *	
Proso millet, fodder	5
Proso millet, forage	5
Proso millet, grain	0.25
Proso millet, straw	5
* * * * *	

[FR Doc. 79-29280 Filed 9-19-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR 180]

[PP 6E1847/P118; FRL 1325-8]

Proposed Tolerances for the Pesticide Chemical Carbaryl

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed Rule

SUMMARY: This notice proposes that a tolerance be established for residues of

the insecticide carbaryl on lentils at 10 parts per million (ppm). The proposal was submitted by the Interregional Research Project No. 4. This regulation would establish a maximum permissible level for residues of carbaryl on lentils.

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

ADDRESS: Send comments to: Mrs. Patricia Critchlow, Office of Pesticide Programs, Registration Division (TS–767), EPA, East Tower, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow at the above address (202/426–0223).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Idaho and Washington, has submitted a pesticide petition (pp 6E1847) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.169 be amended by the establishment of a tolerance for combined residues of the insecticide carbaryl (1–naphthyl *N*–methylcarbamate) including its hydrolysis product 1–naphthol, calculated as carbaryl, in or on the raw agricultural commodity lentils at 10 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerance of 10 ppm in or on lentils included a two–year rat feeding/oncogenicity study with a no-observed-effect level (NOEL) of 200 ppm; a one-year dog subchronic feeding study with an NOEL of 400 ppm; a Rhesus monkey teratology study, which was negative at 20 milligrams (mg)/kilogram (kg) of body weight (bw), the highest level fed; and 18–month mouse oncogenicity study negative at 400 ppm; a three-generation rat reproduction study with an NOEL of 200 mg/kg bw/day; a dog teratology study with an NOEL of 3 mg/kg bw. The acceptable daily intake (ADI) in humans is calculated to be 0.1 mg/kg bw/day based on the two-year rat feeding study using a 100-fold safety factor. The maximum permissible intake (MPI) for a 60–kg human has been calculated to be 6 mg/day. Tolerances have previously been established for residues of carbaryl on a variety of raw agricultural commodities at levels ranging from 100 ppm to zero ppm. The theoretical maximum residue contribution (TMRC) for the proposed and existing tolerances is calculated to be 4.6 mg/day.

Carbaryl is a candidate for a rebuttal presumption against registration (RPAR) since it may exceed the risk criteria described in 40 CFR 162.11(a)(3)(ii)(B) for some registered uses. However, the amount of carbaryl added to the diet from the proposed use is too small to substantially increase the risk for humans. Thus, the proposed tolerance is considered to pose a negligible increment in risk.

The metabolism of carbaryl is adequately understood, and an adequate analytical method (colorimetry) is available for enforcement purposes. Since treated forage will not be fed to livestock or poultry, there is no expectation of residues in meat, milk, poultry, or eggs.

No data are lacking from the petition nor are any other considerations involved in establishing the proposed tolerance.

The pesticide is considered useful for the purpose for which a tolerance is being sought, and it is concluded that the tolerance of 10 ppm on lentils established by amending 40 CFR 180.169 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before October 22, 1979 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 6E1847/P118". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in Room 107, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

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

Dated: September 17, 1979.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)])

Douglas D. Campt,

Director, Registration Division.

It is proposed that Part 180, Subpart C, section 180.169 be amended by alphabetically inserting lentils at 10 ppm in the table to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

* * * * *

Commodity:	*Parts per million*
* * * * *	
Lentils	10
* * * * *	

[FR Doc. 79–29281 Filed 9–19–79; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[CC Docket No. 79–143; RM–2893; RM–3303; RM–3334; and RM–3336]

Connection of Telephone, Systems and Protective Apparatus to Certain Private Line Services, and Related Changes in Section 68.308 Signal Power Limitations; and Accommodating 4-Wire Telephone Network Connections and Interfaces

AGENCY: Federal Communications Commission.

ACTION: Order Requesting Further Comment.

SUMMARY: By Order FCC 79–344 (44 FR 41265, 44861), the Commission gave notice of proposed amendments to Part 68 of its Rules to accommodate connection of premise equipment to certain private line services and to 4-wire telephone network interfaces. The Chief, Common Carrier Bureau was authorized to convene public meetings to discuss the technical aspects of the proposals and to conduct an additional formal pleading cycle for any additional comments. The meetings have been completed and the order below contains the issues on which further comment is required.

DATES: Comments are due by September 28, 1979 and replies by October 8, 1979.

ADDRESSES: An original and five copies of all comments should be sent to Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James M. Talens, Tariff Division, Common Carrier Bureau, (202) 254–8100.

Adopted: September 11, 1979.

Released: September 14, 1979.

In the matters of petitions seeking amendment of Part 68 of the Commission's rules concerning connection of telephone equipment, systems and protective apparatus to certain private line services, and related changes in section 68.308 signal power limitations; and petition seeking amendment of Part 68 of the Commission's rules to accommodate 4-wire telephone network connections and interfaces, CC Docket No. 79-143, RM-2893, RM-3303, RM-3334, RM-3336, 44 FR 41861, July 18, 1979.

1. By Order FCC 79-344, released June 27, 1979, the Commission gave notice of proposed amendments to Part 68 of its Rules to accommodate connection of premise equipment to certain private line services and 4-wire network interfaces. See 72 FCC 2d 330 (1979). That Order provided, among other things, that informal public meetings be convened under the Commission's *aegis* to discuss and debate the complex technical issues involved. Further, the Order delegated to this Bureau authority to schedule an additional formal pleading cycle for those desiring to file written comments, particularly in areas where significant disagreement might arise at the meetings. *Ibid.*, at 341.

2. The meetings anticipated by the instituting order have now been completed. During their course, interested persons—including petitioners American Telephone and Telegraph Company (AT&T) and Communications Certification Laboratory—have been afforded an opportunity to discuss fully the technical details of the proposals before the Commission, as well as to suggest additional modifications. As a result, the initial AT&T proposals have been revised somewhat to accommodate useful suggestions made by attendees. Nevertheless, in some areas, the staff has found that further information or explication is warranted in order to complete the record. In the instant order, we discuss these areas. Moreover, consistent with the Commission's mandate, we also establish a schedule for final pleadings on these matters and the record as a whole.

Matters Requiring Further Comment

3. As indicated, in the staff's view several areas, particularly in the definitional provisions of AT&T's proposals, require further explanation or information. We turn first to these matters.

4. *Proposed definition of "E & M Leads"*: AT&T proposes to define "E & M Leads" as "terminal equipment leads at the interface, other than telephone conections and auxiliary leads, which are to be connected to channel equipment solely for the purpose of transferring supervisory signals conventionally known as Types I and II E & M . . ." and would include reference to a schematic diagram illustrating the receive and transmit lead configurations. AT&T would limit the application of these leads, however, to tie-trunk type ports. See "AT&T's Proposed Changes and Selected Changes of Others," dated July 30, 1979.

5. During the meetings, STC Communications Corp. (STC), a terminal equipment manufacturer, and GTE Service Corp. (GTE), suggested modifications to this proposal. On the one hand, STC would amend the definition to include a complementary Type B facility interface to reflect the connection requirements of channel derivation devices. That amendment is unopposed by AT&T so long as it comports with Commission rules on signal power limitations prescribed in 47 CFR 68.308. See Tr. 571-2, 590-1. On the other hand, GTE has proposed deletion of the statement in the definition indicating that these leads apply only to tie-trunk type ports. In this regard, GTE purports to find no need to limit the definition of E & M leads to tie-trunks, noting that E & M circuitry is used on other services such as FX service. Tr. 697. AT&T for its part opposes this proposed deletion. It argues in effect that while there are other types of E & M leads, the rules proposed are intended to recognize only this type. Tr. 701.

6. In the Bureau's view, additional information is necessary for proper Commission resolution of these points of disagreement. Accordingly, we request that interested persons address the following questions in this regard:

1. Should technical registration standards apply as conditions precedent to the use of a Type B interface in the connection of registered terminal equipment? If "yes," what standards should be applied?

2. Are there circumstances or conditions under which a Type B interface should not be permitted?

3. Should the proposed definition of E & M leads refer to tie-trunks to the exclusion of other services, such as FX?

4. If the proposed definition of E & M leads were to include other services, *e.g.*, FX, how should those other services be referenced or identified?

5. Does extension of the proposed definition of E & M leads to include other services create any inconsistency with other limitations or procedures in AT&T's proposals?

7. *Proposed off-premises loop simulator resistance*: AT&T proposes to amend the off-premises loop simulator figure associated with Section 68.3 to include various classes of loop test resistance. These classes, in conjunction with conditions of equivalent loop voltage, reflect various possible parameters of such circuits.

8. At the meetings, GTE recommended modification of the table containing the classes of loop resistance to reflect its view that manufacturers should not be limited to $R_L = 1800$ Ohms under Class C, Condition 1. GTE asserts, in effect, that it is possible that loop resistances of greater than 1800 Ohms will be encountered. See Tr. 704-6. AT&T has reserved further clarification on this point for the formal comment cycle (Tr. 706), and the record contains no additional material on this pooint. Under these circumstances, therefore, we seek comment on the following issues:

(1) With regard to the proposed table in Figure 68.3(a) shown in AT&T'S July 30, 1979 revised proposal, what is the recommended maximum R_L that should be specified under Class C, Condition 1?

(2) If a line circuit is constructed displaying an R_L greater than the maximum proposed above, how should the table associated with the above figure be amended to permit such a variant? Should the specification be open-ended, *i.e.*, have no R_L maximum?

9. *AC component in the talking battery:* During discussion of AT&T's proposed amendment of § 68.306 of the rules (hazardous voltage limitations), Bureau staff inquired as to the time frame in which AT&T expects to quantify the talking battery AC component in subsection (a)(3)(i) (off-premises station voltage). Tr. 147. In response to this inquiry, AT&T included a footnote in its proposal stating that additional studies would be required "to quantify allowable levels of AC voltage components to prevent interference with other circuits." See AT&T's July 30, 1979 proposal, page 31. Moreover, during the meeting, AT&T indicated that it is concerned with interference caused by AC that is developed as part of ringing generation, but that it does not yet have a definite figure to propose. Hence, we now ask that AT&T, and other interested persons, offer their views as to the specific level of AC voltage that should be permitted in the off-premises talking battery.

Other Matters

10. As noted, the Commission's Notice of Proposed Rulemaking anticipates scheduling of a further formal pleading cycle for those desiring to file written comments upon conclusion of the informal technical meetings. In our judgment, the record in this proceeding is presently ripe for such final written comments. Thus, we establish below a

filing schedule for comment on both the matters reviewed in this order and any other issues which interested persons may wish to address growing out of the notice, the proposals, and the underlying record.

11. Accordingly, it is ordered, pursuant to authority delegated to the Chief, Common Carriers Bureau by Order FCC 79-344, adopted June 7, 1979, that interested persons may file written comments on any or all of the following matters: (1) Questions raised in the instant order; (2) issues raised in the Notice of Proposed Rulemaking commencing this proceeding; (3) proposals to amend Part 68 of the Rules filed by the American Telephone and Telegraph Company and Communications Certification Laboratory; and (4) other proposals or materials offered and made part of the record in this proceeding. Such comments shall be filed on or before September 28, 1979. Reply comments shall be filed on or before October 8, 1979.

12. It is further ordered, pursuant to § 1.419 of the Commission's rules, that an original and five (5) copies of such comments shall be filed with the Commission.

13. It is further ordered, that the Secretary of the Commission shall cause a copy of this order to be published in the **Federal Register.**

Philip L. Verveer,

Acting Chief, Common Carrier Bureau.

[FR Doc. 79-29213 Filed 9-19-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

[49 CFR Part 666]

[Docket No. 79-C]

UMTA Standards and Procedures for Third Party Contracts

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice provides an opportunity for comment on proposed standards and procedures of the Urban Mass Transportation Administration (UMTA) implementing OMB Circular A-102, Attachment O, and Attachment B. These standards and procedures would provide guidance on third party contracting by recipients of Federal assistance from UMTA.

DATE: Comments must be received on or before November 5, 1979.

ADDRESS: Comments should be submitted to UMTA Docket No. 79-C, Room 9320, 400 7th Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 5 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comments. Copies of UMTA Circular 4220.1, Third Party Contracting Guidelines, are available from the Office of Public Affairs (UPA-1), Room 9330, 400 7th Street, SW., Washington, D.C. 20590 (202-426-4043).

FOR FURTHER INFORMATION CONTACT: Arlan Eadie, Office of Procurement and Third Party Contract Review, (202) 426-2710.

SUPPLEMENTARY INFORMATION: The Urban Mass Transportation Administration has prepared a draft Circular, "Third Party Contracting Guidelines," to assist recipients of UMTA grants in meeting UMTA and other Federal requirements concerning procurement by recipients of Federal grants or assistance. UMTA circulars are designed to disseminate permanent or long-lasting detailed instructional material or procedures.

The proposed Circular brings together policies, procedures, requirements, and interpretations on third party contracting using UMTA funds that UMTA has applied individually or under agency directives and policy statements, such as Chapter III C of the UMTA External Operating Manual, which would be superseded by the proposed Circular. The Special Guidelines for Rail Transit Equipment Procurements would be incorporated without change in the Circular.

The matter in this Circular is excepted from the general notice of proposed rulemaking requirements by 5 U.S.C. 553(a)(2) because the Circular relates to grants and contracts. However, UMTA anticipates that opportunity for public comment on the regulation in the proposed Circular will result in the receipt of useful information. Therefore, in keeping with section 12 of the Department of Transportation policies for improving government regulations (44 FR 11034), UMTA is providing opportunity for public comment on this proposed Circular. Since wide distribution of the Circular has been made to grantees, State and local agencies, and major contractors who regularly receive UMTA directives, the full text of the Circular is not set out in this proposal. Copies are readily available by calling or writing the address listed above.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

The Administrator has determined that this regulation is not a significant regulation under the criteria in the DOT Order for Improving Government Regulations (44 F.R. 11042, February 26, 1979).

Under the DOT Order, a full evaluation is not warranted because the expected economic impact of the proposed regulations is minimal. The Circular is a compilation of existing policies, procedures, and interpretations and does not introduce any new material dealing with third party contracts.

In consideration of the foregoing, it is proposed that Title 49 of the Code of Federal Regulations be amended by adding a new Part 666 to read as follows:

PART 666—THIRD PARTY CONTRACTING BY RECIPIENTS OF UMTA GRANTS

Sec.

666.1 Basis and Purpose.
666.3 Applicability.
666.5 Third Party Contracting Requirements and Procedures.

Authority.—49 U.S.C. § 1608 (the Urban Mass Transportation Act of 1964, as amended); 49 CFR 1.51; OMB Circular No. A-102, (42 FR 45828); DOT Order 4600.9B.

§ 666.1 Purpose.

(a) This part prescribes UMTA procedures and requirements governing third party contracting by recipients of Federal financial assistance under the Urban Mass Transportation Act and provisions of other laws administered by the Urban Mass Transportation Administrator.

(b) This part implements Attachment O, Procurement, and Attachment B, Bonding and Insurance, to Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments and Department of Transportation Order 4600.9B, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

(c) A third party contract is a contract or contract modification between a grantee and another person, or firm, to furnish materials, supplies, or services or combinations thereof constituting the grant project classified into the following categories:

(1) Equipment or material constracts.

(2) Construction contracts.

(3) Professional services contracts.
(4) Architect/Engineer contracts.
(5) Nonpersonal service contracts.

§ 666.3 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to all recipients of Federal financial assistance under programs and provisions of law administered by the Urban Mass Transportation Administration, and to recipients who perform substantive work that is passed through or awarded by the primary recipient.

(b) Recipient of operating assistance under section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604) must make all purchases using this assistance in accordance with their own established procedures for third party contracting.

§ 666.5 Third party contracting requirements and procedures.

As a condition of Federal assistance, each recipient to which this part applies must comply with the procedures and requirements in UMTA Circular 4220.1, Third Party Contracting Guidelines.

(49 U.S.C. 1608; 49 CFR 1.51; OMB Circular No. A-102; DOT Order 4600.9B).

Dated: September 17, 1979.

Lillian C. Liburdi,

Acting Deputy Administrator.

[FR Doc. 79-29234 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 102]

Grain Inspection Appeals; Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This action specifies appeal procedures for grain inspected under various authorities as permitted by regulations under the U.S. Warehouse Act. The purpose is to clarify present regulations on how, where and at what cost an interested party may take an appeal from the grade assigned to grain or original inspection. Appeal procedures will vary according to the authority under which the original inspection was performed. Interested persons are invited to submit written comments on the provisions contained in the text of the proposed regulations.

DATE: Written comments should be filed not later than November 19, 1979.

ADDRESS: Comments should be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th & Independence Avenue, SW., Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Harry J. Wishmire, Warehouse Service Branch, Transportation and Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202-447-3821).

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service (AMS), pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268, hereinafter the "Warehouse Act"), is amending the warehouse regulations for the storage of grain appearing in Part 102 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulation (7 CFR Part 102). Grain stored or to be stored in a warehouse licensed under the U.S. Warehouse Act, where required to be graded, may be inspected, graded and certificated under authority of the United States Grain Standards Act, as amended, (7 U.S.C. 71 *et seq.*, hereinafter "Grain Standards Act"), the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627, hereinafter AMA of 46), or the United States Warehouse Act.

This can result in grain that is: (1) Inspected, graded and certificated under the Grain Standards Act for which there are official standards under that Act, (2) Inspected, graded and certificated under the AMA of 46 for which there are official standards under that Act, (3) Inspected, graded and certificated under the Warehouse Act for which there are official standards under the Grain Standards Act, (4) Inspected, graded and certificated under the Warehouse Act for which there are official standards under the AMA of 46, and (5) Inspected, graded and certificated under the Warehouse Act for which there are no official standards of the United States.

Under the regulations, appeals from inspections named in (1) and (3) above will be resolved in accordance with applicable regulations under the Grain Standards Act. Under (2) and (4), appeals will be resolved in accordance with applicable regulations under the AMA of 46. Under (5) above, appeals will be resolved by application to the Administrator.

These provisions permit licensed or authorized inspectors for the appropriate kind of grain to grade the grain on appeal. This should be equitable to all interested parties and provide depositors in Federally licensed warehouses protection and assure proper grading of their grain.

A particular problem arises in providing an opportunity for appeal to depositors whose grain is delivered during peak movements. The rush of harvest now compressed into weeks rather than months results in long lines of grain carriers awaiting inspection, weighing and unloading and makes it imperative that the rights of one depositor for an appeal grade do not interfere with the rights of other depositors for efficient, expedient handling of their grain. There must be a turn around of transportation if the harvest movement is to be successful. Quite often the grade results on grain received during this movement cannot be made available to the depositor before his grain is set for unloading. The proposed amendments to the regulations would facilitate handling of this problem by allowing a depositor, prior to the unloading of his grain, to request the warehousemen to retain the identity of such grain until said depositor has been furnished with a statement of grade for the lot and has waived or requested and received an appeal inspection grade. To protect the rights of others the regulations provide that the warehouseman need not preserve the identity of the lot in the original carrier; but with the knowledge and consent of the depositor may use other means to preserve such identity and further, if compliance with such request would adversely affect receiving, storing or delivering the grain of other depositors, the warehouseman may defer unloading such grain until such time as would not disrupt service to other depositors but without unnecessary delay to the part making such request.

These procedures for grain appeals under the Warehouse Act will be accomplished by replacing §§ 102.80 through 102.95 of the regulations governing "Grain Appeals" with new §§ 102.80 through 102.85. Corresponding amendments to other provisions of the regulations are being made to conform these provisions to the changes.

These amendments to the regulations do not alter the rights and protection given depositors of grain under the U.S. Warehouse Act; do not impose any signifcant new burden on a licensed warehouseman; and will not, in any way, relieve any licensed or authorized inspector, or any other person regardless of whether or not they are license or authorized under the Warehouse Act, the Grain Standards Act or the AMA of 46, of the provisions

of section 30 of the Warehouse Act which specifies criminal penalties for violations of the Warehouse Act.

Said regulations in 7 CFR Part 102, therefore, are amended to read:

1. Section 102.2 (u) is amended to read as follows:

§ 102.2 Terms defined.

* * * * *

(u) *Official Standards of the United States.* The standards of the quality or condition for grain, fixed and established under the U.S. Grain Standards Act or the Agricultural Marketing Act of 1946.

* * * * *

2. Section 102.18(d) is amended to read as follows:

§ 102.18 Form.

* * * * *

(d) The grade stated in a receipt shall be stated in accordance with § 102.76 as determined by the inspector who last inspected and graded the grain or if an appeal has been taken, the grade shall be stated on such receipt in accordance with the grade as finally determined in such appeal.

* * * * *

3. Section 102.44 is amended to read:

§ 102.44 Grades and weights; bulk grain.

Except as provided in § 102.27 each warehouseman shall accept all storage and nonstorage grain and shall deliver out all storage and nonstorage grain, other than specially binned grain, in accordance with the grades of such grain as determined by a person duly licensed to inspect and grade such grain and to certificate the grade thereof and in accordance with the weights of such grain as determined by a person duly licensed to weigh such grain and to certificate the weight thereof, under the Act, and the regulations in this part; or if an appeal from the determination of an inspector has been taken, such grain shall be accepted for and delivered out of storage in accordance with the grades as finally determined in such appeal.

4. Section 102.65 (a)(9) is amended to read as follows:

§ 102.65 Inspection certificates; form.

(a) * * *

(9) The grade of the grain, as determined by such duly licensed inspector, in accordance with § 102.76, and, in the case of grain for which no official standards of the United States are in effect, the standards or description in accordance with which such grain is graded.

* * * * *

5. Section 102.77 is amended to read;

§ 102.77 Official Standards of the United States.

The Official Standards of the United States are hereby adopted as the official grain standards for the purposes of the Act and the regulations in this part.

6. Section 102.78 is amended to read:

§ 102.78 Standards of grades for other grain.

Until official standards of the United States are fixed and established for the kind of grain to be inspected, the grade of the grain shall be stated, subject to the approval of the Administrator, (a) in accordance with the State standards, if any, established in the State in which the warehouse is located, (b) in the absence of any State standards, in accordance with the standards, if any, adopted by the local board of trade, chamber of commerce, or by the grain trade generally in the locality in which the warehouse is located, or (c) in the absence of the standards mentioned in paragraphs (a) and (b) of this section, in accordance with any standards approved for the purpose by the Service.

7. Sections 102.80 through 102.95 are deleted in their entirety and the following §§ 102.80 through 102.85 and table of contents entries are substituted therefor:

Grain Appeals

Sec.

102.80 Appeal procedure.
102.81 Request for appeal.
102.82 Appeal Sample—Obtaining, preservation, delivery and examination.
102.83 Dismissal of appeal.
102.84 Freedom of appeal.
102.85 Owner not compelled to store.
102.86–102.95 [Reserved].

Grain Appeals

§ 102.80 Appeal procedure.

The depositor, holder of receipt or the warehouseman may make an appeal as to the grade of a lot of grain stored or to be stored in a licensed warehouse. If the original grade certificate was issued by an inspector licensed under, or authorized by, the U.S. Grain Standards Act or the Agricultural Marketing Act, the appeal, including the amount of fees, shall be governed by the regulations issued under those Acts respectively; otherwise the appeal, including fees shall be governed by §§ 102.81 through 102.83.

§ 102.81 Request for appeal.

A request for an appeal inspection by a depositor or holder of receipt must be made by written notice to the warehouseman before the identity of the lot of grain has been lost and not later than the close of business on the first business day following furnishing of the statement of original grade or if the appeal is requested by the warehouseman, notice must be given promptly to the owner of the grain. Oral notice may be made if followed by written notice. Where it is not practical for a warehouseman to maintain the identity of all grain being received for storage until depositors receive a statement of grade and consequently opportunity for appeal, any depositor or his agent before or at the time of delivery of his grain may request the warehouseman to retain the identity of such lot until said depositor has been furnished with a statement of grade for the lot and has waived or requested and received an appeal inspection grade. The warehouseman need not preserve the identity of the lot in the original carrier; but with the knowledge and consent of the depositor or agent may use other means to preserve such identity. Further, if compliance with such request would adversely affect receiving, storing or delivering the grain of other depositors, the warehouseman may defer unloading such grain until such time as would not disrupt service to other depositors but without unnecessary delay to the party making such request.

§ 102.82 Appeal sample—Obtaining, preservation, delivery and examination.

(a) The lot of grain for which an appeal is requested shall be resampled in such manner and quantity as the depositor or holder of receipt and the warehouseman agree results in a representative sample of the lot acceptable to each for appeal purposes. Should they be unable to agree on such a sample, a sample drawn by a duly licensed inspector in the presence of both shall be deemed binding. In no case shall the sample be of less than 2000 grams by weight.

(b) The sample shall be packaged, to the satisfaction of the interested parties, so as to preserve its original condition.

(c) For grains for which there are official U.S. Standards the sample shall be secured and delivered to the nearest U.S. Department of Agriculture field office charged with officially grading grain under the U.S. Grain Standards Act and/or the Agricultural Marketing Act of 1946. At this point procedures as set forth in appeal regulations issued under the U.S. Grain Standards Act or under the Agricultural Marketing Act of 1946 shall govern. For grain for which there are no officla U.S. Standards the party requesting the appeal shall apply directly to the Administrator for relief. The Administrator or delegate thereof shall promptly determine the appeal based on approved standards and set

the required fees. Such determination shall be binding on all concerned parties.

(d) The sample shall be accompanied by (1) a copy of the written request for appeal, (2) the grain inspection certificate originally issued, and (3) an agreement to pay the costs of such appeal inspection as prescribed by the U.S. Grain Standards Act, the Agricultural Marketing Act or the Administrator.

(e) The sample of the grain involved in the appeal shall be examined as soon as possible. Such tests shall be applied as are necessary; and, unless the appeal is dismissed, an appeal grade certificate shall be issued by the person determining the appeal, showing the grade assigned by him to such grain. This certificate shall supersede the inspection certificate originally issued for the grain involved. The original or a copy of the appeal grade certificate shall be sent to the depositor or holder of receipt, the licensed warehouseman and the licensed inspector making the original determination of grade.

§ 102.83 Dismissal of appeal.

The departmental agency to whom the appeal has been made may dismiss such appeal without its determination upon request of the party initiating the appeal or for noncompliance with the regulations in this part.

§ 102.84 Freedom of appeal.

(a) No person licensed under the Act, shall, directly or indirectly by any means whatsoever, deter or prevent or attempt to deter or prevent any party from taking an appeal.

(b) No rule, regulation, bylaw, or custom of any market, board of trade, chamber of commerce, exchange, inspection department or similar organization nor any contract, agreement, or understanding, shall be ground for refusing to determine any appeal.

§ 102.85 Owner not compelled to store.

Nothing in these regulations shall require the owner or his agent to store such grain with the licensed warehouseman after the appeal inspection, but if the grain is stored it shall be accepted for and delivered out of storage in accordance with the grade as finally determined in such appeal.

§§ 102.86 through 102.95 [Reserved]

* * * * *

This proposal 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 Draft Impact Analysis has been prepared and is available from Harry J. Wishmire.

Done at Washington, D.C., September 14, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-29201 Filed 9-19-79; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

[7 CFR Part 1464]

Tobacco Loan Program Proposed 1979 Crop Grade Loan Rates Burley Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (USDA), is considering the loan rates to be applied to the various grades of 1979-crop burley tabacco which will be eligible for price support as required by the Agricultural Act of 1949, as amended. You are invited to submit views and recommendations concerning the proposed rates.

DATES: Written comments must be received by October 22, 1979 in order to be sure of considerations.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: R. L. Tarczy, (202) 447-6733.

SUPPLEMENTARY INFORMATION: Application of the formula specified in Section 106 of the Agricultural Act of 1949, as amended, required that the 1979 crop of burley tabacco be supported at the level of 133.3 cents per pound. It is expected that price support will be provided through loans to producer associations which will receive the tobacco from the producers and make price support advances to the producers using the tobacco received as collateral. The price support advances would be based on the proposed grade loan rates, which would average the required level of support when weighted by the estimated grade percentages, in accordance with section 403 of the Act. The price support advances to producers would be the amounts determined by multiplying the pounds of each grade received by the respective grade loan rate less 1 cent per pound which the producers' associations are authorized to deduct and to apply against overhead costs.

Proposed Rule

Commodity Credit Corporation proposes to establish loan rates by grades for 1979-crop burley tobacco, type 31 as set forth herein. These proposed rates will provide the level of support of 133.3 cents per pound as required by Section 106 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445). Accordingly, it is proposed that 7 CFR Part 1464 be amended by revising § 1464.21 to read as follows effective for the 1979 crop of burley tobacco, type 31:

§ 1464.21 1979 Crop Burley Tobacco, Type 31, Loan Schedule.[1]

[In dollars per hundred pound, farm sales weight]

Grade	Loan rate
B1F	149
B2F	147
B3F	145
B4F	142
B5F	138
B1FR	148
B2FR	146
B3FR	144
B4FR	141
B5FR	137
B1R	145
B2R	143
B3R	141
B4R	138
B5R	132
B4D	122
B5D	117
B3K	133
B4K	131
B5K	125
B3M	139
B4M	131
B5M	121
B3VF	139
B4VF	132
B5VF	129
B3VR	134
B4VR	128
B5VR	123
B3GF	125
B4GF	123
B5GF	119
B3GR	121
B4GR	119
B5GR	116
T3F	140
T4F	134
T5F	126
T3FR	138
T4FR	133
T5FR	122
T3R	131
T4R	128
T5R	122
T4D	117
T5D	113
T4K	117
T5K	112
T4VF	125
T5VF	117
T4VR	118
T5VR	114
T4GF	112
T5GF	109
T4GR	112
T5GR	107
C1L	149
C2L	147
C3L	145
C4L	142
C5L	138
C1F	149
C2F	147
C3F	145
C4F	142
C5F	138
C3K	131
C4K	126
C5K	120
C3M	140
C4M	136
C5M	128
C3V	134
C4V	130
C5V	124
C4G	120
C5G	112

Grade	Loan rate
X1L	148
X2L	146
X3L	144
X4L	139
X5L	134
X1F	148
X2F	146
X3F	144
X4F	139
X5F	133
X4M	132
X5M	120
X4G	117
X5G	108
M1F	123
M2F	122
M3F	121
M4F	119
M5F	117
M3FR	119
M4FR	117
M5FR	113
N1L	109
N2L	102
N1F	105
N1R	104
N2R	98
N1G	96
N2G	88

[1]The loan rates listed are applicable to burley tobacco which is tied in hands or packed in bales and which is eligible tobacco as defined by the regulations. Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct $1 per hundred pounds to apply against overhead costs.

Prior to making any determination, the Department will give consideration to comments, views and recommendations submitted in writing to the Director, Price Suport and Loan Division.

All written submission will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741–South Building, USDA, 14th and Independence Avenue, SW., Washington, D.C., 20013.

This amendment is being published under emergency procedures, as authorized by Executive Order 12044 and Secretary's Memorandum No. 1955, without a full 60-day comment period. It has been determined by Jerome F. Sitter that an emergency situation exists which warrants less than a full 60-day comment period on this proposal because burley tobacco producers need to know the grade loan rates for the 1979-crop before the markets open.

This proposed 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 Draft Impact Analysis has been prepared and is available from Thomas A. VonGarlem, Price Support and Loan Division, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20250.

Signed at Washington, D.C., on September 13, 1979.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-29187 Filed 9-19-79; 8:45 am]

BILLING CODE 3410-05-M

Farmers Home Administration

[7 CFR Part 1802]

Supervision of Association and Organization Borrowers and Grant Recipients, Including Individual Labor Housing and Rural Rental Housing Borrowers With Loan Agreements.

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations concerning the approval of rental rate increases. FmHA recognizes that certain conditions may arise which justify a rental rate increase by owners of multiple family rental housing projects, but finds it necessary to clarify its requirements under which a request for a rent increase may not be authorized. The intended effect of this action is to provide guidance to State Directors in their review of rent increase requests and to encourage borrower participation in FmHA's rental assistance program when a need for such assistance exists.

DATES: Comments must be received on or before November 19, 1979.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, Room 6346, Washington, DC 20250. All written comments made pursuant to the notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Paul R. Conn or Robert Cole, (202) 447–7207.

SUPPLEMENTARY INFORMATION: FmHA proposed to amend paragraphs IV B 1 and 2 and V and to delete paragraph IV B 3 of Exhibit F of Subpart G of Part 1802, Chapter XVIII, Title 7, Code of Federal Regulations. These amendments will provide guidance to State Directors in their review of rent increase requests and encourage borrower participation in FmHA's rental assistance program when a need for such assistance exists. FmHA is of the opinion that a rent increase should not be authorized if: (a) The borrower is able but unwilling to comply with applicable agency regulations set forth in the loan resolution, loan agreement, form of note, mortgage, and FmHA directives; (b) sufficient project rental income currently exists to support the project and, if appropriate, provide a return to the borrower; or (c) the proposed rent increase would create a financial hardship to eligible tenants in the absence of rental assistance relief. Accordingly, as proposed, paragraph IV B 3 is deleted and paragraphs VI B 1 and 2 and V of Exhibit F of Subpart G of Part 1802 read as follows:

Exhibit F—Rent Increases

* * * * *

IV *Determination by FmHA.*

* * * * *

B *Actions by the State Director.* * * *

1 *Disapproval actions.* When the State Director determines an application for a proposed rent increase is not justified on the basis of the information submitted, the State Director will directly, or through the County Supervisor or District Director, notify the borrower in writing stating the reason(s) why the rent increase is not authorized. Rent increases may not be authorized if any of the following circumstances exist:

a. The borrower is able but unwilling to comply with applicable tenant eligibility requirements, the audit and reporting requirements of this Subpart, or the conditions set forth in the borrower's loan agreement or resolution, interest credit and/or rental assistance agreement, form of note, or mortgage.

b. The budget for the project reflects sufficient income at the present rent structure to meet operating and maintenance expenses which are appropriate and reasonable in amount, meet the FmHA debt service requirements, meet the required reserve account deposit, and provide a return to the borrower, if appropriate.

c. The borrower's project is operated on a profit basis as defined in § 1822.83 (q) of Subpart D of Part 1822 of this chapter and the proposed rent increase is for purposes other than meeting operating and maintenance expenses and debt service, i.e., the purpose is profit margin motivated, and the proposed rent increase will result in rental rates in excess of what eligible tenants can afford. FmHA may approve the rent increase and enable the borrower to make a profit if the borrower is willing to operate on a limited profit basis as defined by § 1822.83 (p) of Subpart D of Part 1822 of this chapter. By operating on a limited profit basis, the borrower will be able to participate in the rental assistance program. All borrowers operating on a profit basis should be encouraged to convert to a limited profit basis.

d. The borrower's project is operated on either a nonprofit basis or on a limited profit basis as defined in § 1822.83 (p) of Subpart D of Part 1822 of this chapter, the borrower is not willing to participate in the rental assistance program, 20 percent or more of the low-income tenants of the project are eligible to receive rental assistance, and the State Director is able to provide rental assistance units to the project.

2 *Approval actions.* When a rent increase is approved, the State Director will notify the borrower in writing directly, or through the County Supervisor or District Director, of the amount of rent increase approved.

a. The State Director will require that the letter of approval of rent increase be posted by the borrower in a conspicuous place for the information of the tenants.

b. The letter of approval should contain concise statements of FmHA's reasons for approval of the rent increase and indicate that it does not authorize the borrower to violate the terms of any lease with the tenants.

v *Special problem cases.* Problem cases which cannot be handled under this Subpart, should be submitted to the National Office for review with the State Director's recommended plan of action.

* * * * *

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant". An approved Draft Impact Analysis is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

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

(42 U.S.C. 1480: delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: September 10, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79–29199 Filed 9–19–79; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
[7 CFR Part 318]
Hawaiian and Territorial Quarantine Notices; Hawaiian Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed Rule; Amendments and extension of time for comment period.

SUMMARY: This action extends the period of time for comments on the proposal to amend the Hawaiian fruits and vegetables rules and regulations to October 20, 1979. It also schedules an additional public hearing, clarifies procedures applicable to the public hearing, and corrects an editorial omission.

DATES: Comments on the proposed regulation must be received on or before October 20, 1979.

ADDRESS: Written comments should be submitted to the Hearing Officer, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: H. V. Autry, 301–436–8247.

SUPPLEMENTARY INFORMATION: On August 17, 1979, the Department published in the **Federal Register** (44 FR 48230–48234) a proposal to amend the Hawaiian fruits and vegetables rules and regulations relating to relieving and imposing restrictions regarding movement from Hawaii to other parts of the United States of certain fruits and vegetables. A 45-day comment period was provided in order that information for a decision could be obtained in sufficient time for the proposed regulation, if adopted, to be effective when the approved thick-skinned avocados are ready for harvest and shipment in November 1979. The comment period was scheduled to expire October 1, 1979. Since publication of the proposal, the Department has received requests from trade associations and organizations to extend the comment period to at least 60 days. The requests for extending the comment period are based on the assertion by the trade associations and organizations that the additional time is necessary in order to examine public records and prepare comments on the proposal. Since the Department is interested in receiving meaningful comments, these circumstances are considered sufficient justification for an extension of the time originally allotted for filing comments. The comment period is hereby extended to October 20, 1979.

As was stated in the proposal of August 17, 1979, to amend the Hawaiian fruits and vegetables rules and regulations, a public hearing will be held on the proposed changes contained therein. For the convenience of the affected public and to provide additional opportunity for public involvement, an additional hearing has been scheduled. The hearing dates, times, locations, and applicable rules of procedure are as follows:

The first hearing will take place Tuesday, September 25 and Wednesday, September 26, 1979. The first day's session of the hearing will be held in the Board Room, Long Beach Harbor Department, 2925 Harbor Plaza, Long Beach, California 90801, (213) 437–0041. The second day's session of the hearing will be held in the Grand Cayman Ballroom, Queensway Hilton, 700 Queensway Drive, Long Beach, California 90801, (213) 435–7676.

The second hearing will take place on Wednesday, October 3 and Thursday, October 4, 1979. The sessions will be held in the F. Edward Hebert Building, Room 631, 600 South Street, New Orleans, Louisiana 70130, (504) 589–6601.

Each day's session of the hearing will commence at 10 a.m., and conclude at 5 p.m., local time, unless the presiding official otherwise specifies during the course of the hearing.

The hearing will be held before a representative of the Animal and Plant Health Inspection Service. At the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the proposal. Any interested person may appear and be heard either in person or by attorney. Also, any interested person or his attorney will be afforded an opportunity to ask relevant questions concerning the proposal. Persons who wish to be heard are requested to register with the presiding officer prior to the first day's session. The pre-hearing registration will be conducted at the location of the first day's session between 9 to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that quadruplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of pre-registered persons and other participants in attendance at the hearing warrants it, the presiding officer may, if it becomes necessary, limit the time for each presentation in order to allow everyone wishing to present a statement the opportunity to be heard.

Although the authority under which the Hawaiian fruits and vegetables regulations are issued is contained in 7 CFR 318.13, the citation of the authority for the proposal was inadvertently omitted from the former notice. Therefore, the notice of August 17, 1979 (44 FR 48230–48234), is amended by adding the following sentence preceding the last paragraph above the date and signature lines: "This proposal is issued under authority of the Plant Quarantine Act, sections 8 and 9, 37 Stat. 318, as amended, 7 U.S.C. 161, 162; 37 FR 28464, 28477, as amended, and 38 FR 19141."

Done at Washington, D.C., this 19th day of September, 1979.

Joseph F. Spears,

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

[FR Doc. 79–29411 Filed 9–19–79; 10:05 am]

BILLING CODE 3410–34–M

Notices

Federal Register
Vol. 44, No. 184
Thursday, September 20, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Expansion of Permissive Grain Inspection Criteria; Final Action Postponed

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: In accordance with Section 7(b) of the United States Grain Standards Act (Act), as amended (7 U.S.C. 79(b)), the Federal Grain Inspection Service (FGIS) published on page 12720 in the March 8, 1979, issue of the **Federal Register** (44 FR 12720) a notice announcing its intent to expand the permissive grain inspection criteria established under the Act to include protein testing for all classes of wheat except Mixed and Unclassed wheat. The notice stated that an August 15, 1979, effective date was being contemplated, if the proposal were adopted. In order to give all of the comments that were received full consideration, FGIS anticipates publishing a notice of final action on the proposed protein testing program on or before May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Leslie E. Malone, Assistant Deputy Administrator, Program Operations (Staff), FGIS, USDA, Room 1627, 1400 Independence Ave., S.W., Washington, D.C. 20250, telephone (202) 447–9166.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870, 7 U.S.C. 79)

Done in Washington, D.C. on: September 14, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79–29155 Filed 9–19–79; 8:45 am]

BILLING CODE 3410–02–M

Official Agency Voluntary Cancellation; Voluntary Cancellation of Designation by the Burlington Chamber of Commerce Grain Fund, Inc., Burlington, Iowa

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Applications.

SUMMARY: This notice announces that the Burlington Chamber of Commerce Grain Fund, Inc., Burlington, Iowa, has elected to voluntarily cancel its designation to operate as an official agency. Interested persons are hereby invited to comment on a recommended replacement agency and/or to make application for designation as an official agency in the Burlington, Iowa, area.

DATE: Comments and applications to be postmarked on or before November 5, 1979.

ADDRESS: Written comments or applications should be sent to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Burlington Chamber of Commerce Grain Fund, Inc., Burlington, Iowa (Grain Fund, Inc.), was granted an official agency designation under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), on February 1, 1979, to provide official grain inspection services.

Officials of the Grain Fund, Inc., have requested that their designation to operate as an official agency be terminated effective on or about January 1, 1980, or when a replacement agency can be designated, whichever occurs first.

The area currently serviced by the Grain Fund, Inc., and all or part of which will be assigned to the succeeding designated agency(s) is as follows:

The following counties in Iowa: Des Moines County; Henry County; Jefferson County; Wapello County; Louisa, that area south of a line from the northeast corner of Henry County due east to the Mississippi River.

In Illinois, the area shall be bounded: on the North by State Route 17 from the Mississippi River east to U.S. Route 67;

Bounded: on the East by U.S. Route 67 south to the southern Warren County line;

Bounded: on the South by the southern Warren County and Henderson County lines in Illinois to the Mississippi River;

Bounded: on the West by the Mississippi north to State Route 17.

Exceptions to this geographic area are the following locations situated inside the Agency's area which have been and will continue to be serviced by the Keokuk Grain Inspection Service, Inc., Keokuk, Illinois: Central Soya, Inc., Dallas City, Illinois, and Lomax Grain Elevator, Lomax, Illinois, in Henderson County.

Interested persons wishing to apply for designation to replace the Grain Fund, Inc., in all or part of its designated area should contact the Office of the Director, Compliance Division, at the mentioned address for the appropriate forms and information. Applications must be postmarked not later than November 5, 1979 to be eligible for consideration.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official agency at Burlington, Iowa. All views and comments should be submitted in writing to the aforementioned Office of the Director and must be postmarked not later than November 5, 1979.

Since the Agency has requested that its designation be cancelled on or before January 1, 1980, a comment period of 45 days is deemed to be adequate for review and processing of any and all applications and comments submitted pursuant to this notice and for final determination with respect to a replacement agency(s) on or before the aforementioned date. Further, a 45-day comment period does not impose any obligation or requirements which cannot be complied with by interested parties within the prescribed time period.

In making the final decision for the designation of a replacement agency, consideration will be given to all applications submitted, and to all other information available to the Administrator of the Federal Grain

Inspection Service. All applications submitted pursuant to this notice will be made available for public inspection at the Office of the Director during normal business hours. (Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94–582, 90 Stat. 2875 (7 U.S.C. 79))

Done in Washington, D.C. on: September 14, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79–29154 Filed 9–19–79; 8:45 am]

BILLING CODE 3410–02–M

Soil Conservation Service

Bell City Watershed, La.; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Bell City Watershed, Calcasieu, Cameron, and Jefferson Davis Parishes, Louisiana.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include the installation of 76 miles of channels and appurtenances. A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone number (318) 448–3421.

Dated: September 13, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83–566, 16 U.S.C. 1001–1008.)

[FR Doc. 79–29104 Filed 9–19–79; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Docket No. 36500; Order 79–9–72]

Fuel Cost-Related Increases in International Cargo Rates Proposed by Braniff Airways, Inc., Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August 1979.

By tariff revisions filed July 20, 1979, for effectiveness September 18, 1979, Braniff Airways, Inc. (Braniff) proposes general five percent increases in its cargo rates between the United States, on one hand, and points in Mexico, South America, Europe, and the Pacific on the other hand.

In support of its proposal, Braniff states the increases are to offset drastic fuel price rises in each of these areas; it has recently filed for passenger fare increases in each of its operating divisions and this filing is intended to maintain logical and relative consistency in its product pricing structure; since rising fuel prices affect the entire aircraft, both passengers and cargo must equitably share the burden of extraordinary fuel price increases; and its supporting data reflect only experienced or contractual costs and do not include any anticipatory fuel price increases or other inflationary adjustments.

The Board has decided to suspend Braniff's proposed U.S.-South America rate increase for essentially the same reasons set forth in Order 79–8–2, July 22, 1979, where, among other things, we suspended its proposed U.S.-South America passenger fare increases. The South America market is one of the few remaining large markets where services are not subject to some degree of competitive pressure from open entry and pricing freedom. Generally, competition in direct services is limited, and in many cases entry is closed, capacity controlled and charters disfavored. As a consequence, rates to South America are already quite high. Equally important, Braniff's cargo operations in this area show very healthy earnings under existing rate levels. For the forecast period, year ending March, 1980, the carrier projects a 30.2 percent return on investment under existing rates, and a 34.3 percent return under the increases sought. Under these circumstances, we will not approve its proposed U.S.-South America rate increase.

Accordingly, pursuant to sections 102, 204(a), 801 and 1002(j) of the Federal Aviation Act as amended:

1. We shall institute an investigation to determine whether the rates and provisions in Supplement No. 10 to C.A.B. No. 49 and Supplement No. 7 to C.A.B. No. 79, issued by Air Tariffs Corporation, Agent, except to/from Mexico, and rules and regulations or practices affecting such rates and provisions, are or will be discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful; and if we find them to be unlawful, to act appropriately to prevent the use of such rates, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we hereby suspend the use of the tariff provisions specified in ordering paragraph 1 above from September 18, 1979 to September 17, 1980 unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [2] and it shall become effective on September 18, 1979; and

4. We shall file a copy of this order in the aforesaid tariff and serve it upon Braniff Airways, Inc.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor, [3]

Secretary.

[FR Doc. 79–29209 Filed 9–19–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 36595; Order 79–9–64]

Investigation Into the Competitive Marketing of Air Transportation

Order Instituting Investigation

I. Introduction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of September 1979.

At present the retailing of scheduled air transportation of passengers and cargo in the United States is substantially restricted to the direct air carriers and their "agents." The principal airlines, foreign and domestic, acting through the International Air Transport Association (IATA) and the Air Traffic Conference of America

[2] We submitted this order to the President on September 4, 1979.

[3] All Members concurred.

(ATC), select and compensate [1] agents pursuant to industry-wide agreements. Once selected, the agents must conduct many of their operations in accordance with standardized practices dictated by IATA and ATC. The price that agents may charge for air transportation is fixed by the tariffs filed by the carriers with the Board.

The marketing system that results from this comprehensive network of conference agreements differs markedly from that which prevails in most industries. In air transportation there is no meaningful distinction between different levels in the distribution chain. The airline-suppliers sell their product directly to consumers (passengers and shippers) at the same price as their retailer-agents. The means by which, and the locations from which, the retailers may compete for sales with the suppliers are limited, and the classes of consumers with which the retailers may do business are circumscribed. The result is little or no competition on price at any level, and carefully controlled competition between suppliers and retailers. Competition among retailers is therefore largely confined to providing services, which consumers may not necessarily want or need.

The agreements that established and refined the conference systems of air transportation marketing have been approved by the Board under section 412 and immunized from the antitrust laws pursuant to section 414. Without immunity, which prior to the Airline Deregulation Act was automatically granted upon section 412 approval, it is likely that neither the IATA nor the ATC conference systems could have been developed.[2] As a result of the Board's initiatives in recent years, and the Congressional ratification and expansion of those initiatives in the Airline Deregulation Act, the market for air transportation has changed dramatically and is continuing to change. Economic regulation by the Board is yielding to competitive discipline by the marketplace. To date, our efforts to direct and effect this transformation have focused primarily on the producers. However, neither the air transportation industry nor the consumers it serves will experience the greatest benefits if competition is limited solely to the air carriers. Therefore we have decided to extend our reappraisal to the marketing of air transportation in the U.S.[3] By this order we are initiating an investigation to determine how competition can best be introduced into the entire marketing system; by companion order issued today we have tentatively concluded that the ATC commission-fixing agreements and related ATC and IATA agreements which restrict carrier competition for agency services should be disapproved.[4]

The scrutiny that the IATA and ATC agency programs have received in the past has for the most part been confined to the constituent parts. In this investigation we wish to examine carefully the underlying premise that an exclusive conference system of jointly appointed agents is the best method of marketing air transportation. It is our initial impression that that marketing system is best which is least anticompetitive. Although we recognize that the conference system has in the past provided benefits for airlines, agents, and consumers, we do not believe that it is consistent with our responsibilities in this new deregulatory era to assume without further inquiry that the current system is immutable or that it should be the only means by which air transportation is sold to the public. Certainly, the desirability of a conference system, which by definition will have anticompetitive aspects, cannot be judged in the abstract. The actual operations of the conference must be assessed to weigh the anticompetitive nature of each aspect against the benefits it may contribute. For this reason we intend to investigate not only the general questions—should any conference system be approved and immunized—but also what we consider to be the most important features of the present system.[5]

The issues that we wish to explore are:

(A) Should any conference system be approved?

1—What benefits—to airlines, agents, and consumers—are attainable only by means of a conference system?

2—What are the essential attributes that a conference system must have in order to function?

3—Should approval of the present conference system be continued?

4—If the present conference system were to be disapproved or substantially limited, what marketing alternatives would be likely to replace it or coexist with it?

(B) Should any conference system be the exclusive non-airline means of retailing air transportation?

(C) In a conference system, how and to what extent should airlines be allowed to determine the conditions or entry and accreditation standards for agents?

(D) In view of the termination after 1982 of the section 403 tariff-filing and observance requirement, should there be some transition to a regime of total retail price competition?

Procedures. In evaluating the antitrust implication of Section 412 agreements the Board is required to have before it the materials requisite for a rational decision.[6] Given the advent of the Airline Deregulation Act of 1978 and its mandates, the passage of nearly two decades since our last comprehensive review of the ATC and IATA travel agency programs, the possibility of novel legal and/or factual questions on differences in marketing owing to international considerations, and the large numbers of accredited travel agents, other potential retailers, and consumers who would be affected by our ultimate decision, we have decided as a matter of discretion to institute full oral hearings to provide the necessary factual base. The Board has further determined to take review of the initial decision of the administrative law judge assigned the case, and we will issue an order setting forth a briefing schedule at a later date.

II. Exclusivity

Perhaps the most important single feature of the existing travel and cargo agency programs of ATC and IATA is their exclusivity.[7] No. member carrier can select as its retailer compensated by commission any person or entity not reviewed and accredited by the appropriate conference, nor may non-members utilize conference-accredited

[1] The IATA commission agreements, as they apply to U.S. agents, have been disapproved. Order 78-8-87, August 17, 1978.

[2] *Grueninger International Travel, Inc. v. Air transport Association of America*, 551 F. 2d 1324 (D.C. Cir. 1977) and cases cited therein; *IATA Agency Resolution Investigation*, Order E-16459, March 1, 1961; *ATC Agency Resolution Investigation*, Order E-14012, June 10, 1959.

[3] IATA's agency programs extend worldwide and only IATA has a cargo agency program. Pursuant to the considerations prompting Order 78-11-110, November 22, 1978, the scope of this *Investigation* is limited to sales made, and the conference agency programs as they affect marketing, within the U.S. The relevant ATC and IATA resolutions are listed in the attached Appendix.

[4] Order 79-9-65, September 13, 1979.

[5] In the course of its examination of the conference agency programs the staff noted certain pending agreements or other proceedings involving subjects relevant to this *Investigation*. These matters have been consolidated where appropriate.

[6] *Air Line Pilots Association v. C.A.B.* 475 F.2d 900 (D.C. Cir. 1973); *National Air Carrier Association v. C.A.B.* 442 F.2d 862 (D.C. Cir. 1971).

[7] ATC Resolution 90.1 §§ II.D., IX.A, XIII, and XVIII; IATA Resolution 810(a) (USA), §§ B(2), I(1)(a), D(6); Resolution 811, §§ A(1), A(3)(d), and D(1), (4); Resolution 821, §§ (1), and (4)(a), (c). In addition to cargo agents, this *Investigation* encompasses not only regular passenger travel agents, but also "general" agents and "in-plant" agents.

agents as a whole. Carriers participating in the ATC Area Settlement Plan must use standardized tickets and may not supply their own ticket stock to retailers.[8] Moreover, because there are no existing realistic alternatives to the established conference system, exclusivity may reinforce the other substantive and procedural conference rules governing agents, particularly passenger agents, and so tend to standardize the non-direct air carrier marketing of air transportation. As a result, innovations not involving accredited agents may be deterred and approved passenger agents may oppose attempts to introduce competitive distribution systems. Technically, this exclusivity feature leaves the member airlines free to experiment with other methods of distribution. In practice, however, there has not been the diversity or expansion one might expect given this freedom. The public interest in continued antitrust immunity for provisions with at least the potential for such anticompetive consequences must be fully and completely examined.

One of the chief benefits of conference passenger agency accreditation, if not the outstanding benefit in light of the exclusivity of the ATC and IATA programs, is access to the Stanard Agents' Ticket and Area Settlement Plan[9] initiated and operated by ATC. By this system U.S. agents accredited by IATA and/or ATC, and participating airlines in every corner of the globe, are able to issue standard transportation documents recognized and accepted practically worldwide. These carriers settle accounts among themselves through a clearing house operation, while agents located in this country report sales of air transportation (and often ancillary services) on a weekly basis to regional settlement banks, which then draw the appropriate amount from the agent's local bank and distribute the proceeds to the proper airlines.

Such a system brings undeniable benefits to airlines, travel agents, and the traveling public.[10] However, under the existing conference programs these benefits are not available to non-accredited travel agents, airlines that may not fall within one of the categories of eligible carriers set up by ATC, and potential or existing non-agent retailers. Thus the system enhances the value and power of the present conference agency programs and may serve to reduce or eliminate options or innovations.

Therefore the Board has determined to address several additional questions on the flexibility of the present Plan, including (1) whether its accessibility to airlines and retailers is adequate, (2) whether its reporting and remitting cycle can be varied to accommodate carriers and retailers willing to make alternative reporting/remitting arrangements, for all or part of their sales within the Plan, (3) whether the public interest requires antitrust immunity for the Plan or an equivalent alternative system, and (4) the public interest in a Plan operated independently of any airline conference.[11]

The Board in the past year has approved a Cargo Accounts Settlement System (CASS) and a Cargo Accounts Settlement System—Charges Collectable at Destination (CASS–Collect), IATA Resolutions 806 and 807, respectively, deeming these systems to be insignificant departures from existing procedure.[12] At this time we would like to learn more about the actual functioning of CASS and CASS–Collect, the extent to which they operate in the U.S., and any non-CASS reporting/remitting system operating in the U.S.[13] Of particular interest is the degree of similarity, if any, between these systems and the Area Settlement Plan. Insofar as the cargo and passenger systems are comparable, parties should address the questions in the preceding paragraph in connection with CASS and CASS–Collect as well.

III. Accreditation Standards

For conceptual clarity and efficiency we have categorized the ATC/IATA accreditation or entry standards according to their relationship to an applicant's premises or location, personnel, and financial responsibility. There are numerous other restrictions which are important to the accreditation process for miscellaneous reasons, and we cover these last.[14]

1. *Premises or Location Standards.* Authorized passenger agencies are not permitted to locate freely either at airports or in hotels.[15] The apparent justification for these restrictions is a fundamental precept of the agency system—that agents should generate new sales rather than "intercept" existing business.[16] IATA cargo agents apparently have no such specific restrictions, but must maintain "suitable" facilites.[17]

Agents are not accredited if they are located on the premises of commercial customers unless the "in-plant" provisions are observed.[18] The grounds for the restraint appear to be the prospect of rebating [19] and the sales interception concept.

Another term mandates that conference-approved agency locations be engaged "solely" or "principally" [20] or "exclusively" or "primarily" in the promotion of travel.[21] ATC insists that a bank set up "a special department" operated "exclusively" for passenger travel promotion if it desires to sell air transportation.[22] Another provision bans the sharing of office space by agents and airlines except in limited instances.[23] All these terms and requirements have remained substantially unchanged since the beginning of the agency programs. We therefore invite the Administrative Law Judge to solicit comments that would illuminate the purpose(s) now served, and would enable us to determine conclusively whether or not retention, modification, or elimination is appropriate.

2. *Personnel Standards.* A second major category of restraints on entry into the agency field involves the background of certain personnel required of applicants. The two primary interests of the conferences are the experience of agency personnel and the

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[8] This condition is under study in Docket 31013.

[9] Agreement C.A.B. 27010, as amended; formerly Agreement C.A.B. 16874, as amended.

[10] Orders E–19945, August 23, 1963; E–20741, April 24, 1964; 72–4–98, April 18, 1972; 74–8–81, August 21, 1974, and orders cited therein. Also Order 79–2–91, February 15, 1979 at p. 2.

[11] Compare our treatment of tariff publications. Orders E–20127, October 25, 1963, and E–20925, June 11, 1964.

[12] Order 78–8–26, August 4, 1978.

[13] IATA Resolution 811, Section G.

[14] ATC already may be acting to eliminate or modify a number of entry standards. Conference Bulletin No. 171, July 12, 1979.

[15] ATC Resolution 90.1, §§ IV.A(15), IV.D, and IV.E; IATA Resolution 810a (USA) §§ D(4)(i) and D(4)(c)(iii). A petition for reconsideration of Order 77–7–72, July 18, 1977, has been filed by Airport Travel, Inc., a travel agency located at the Sacramento, California, airport, which has been seeking ATC accreditation. Petitioner asks, among other things, that this provision be disapproved. Because the issues raised there relate directly to those encompassed by the instant investigation, we will consolidate that docket (Docket 30373) into this proceeding.

[16] Such "diversion," the traditional argument has been, unwarrantedly increases airline sales costs and, ultimately, fares and rates.

[17] IATA Resolution 811, § A(1)(b), 2(c).

[18] ATC Resolution 90.1, §§ I and XVI; IATA Resolution 810a (USA), § D(6). IATA Resolution 811, § A(2)(a) and A(3)(c) indicate a similar proscription, without any "in-plant" equivalent available. Also see IATA Resolution 811a, Attachment 4, items 20, 21(a), and 24.

[19] But see Order 79–2–92, February 15, 1979, and § 1601(a)(2) of the Act.

[20] IATA Resolution 810a (USA), § D(3)(a); IATA Resolution 811, § A(1)(b).

[21] ATC Resolution 90.1, Section I (definition of "transportation bureau" and "travel bureau"). These two ATC definitions contain numerous other restrictions which we do not at present understand. See also IATA Resolution 810a (USA), § D(4)(c)(ii).

[22] ATC Resolution 90.1, Section I (definition of "bank travel department").

[23] ATC Resolution 90.1, Section XII.A; IATA Resolutions 810a (USA), Section L(4); and 811b, Section 4(b).

past history of agency employees. From their passenger agents and applicants ATC and IATA both demand two types of experience for accreditation: promotional sales experience (two years, full-time)[24] and ticketing or reservations experience (one year).[25] Each must be represented in at least one agency employee.[26] IATA cargo agents and applicants are measured against both a six month experience requirement and another standard, the meaning and application of which we unsure.[27] Cargo applicants and agents must also have knowledge of IATA's Restricted Articles Regulations.[28]

The conference programs diverge slightly on this point in a way that may be potentially significant. IATA requires a showing of "ethical" reputation;[29] ATC requires that prior employers and business associates—*i.e.*, potential competitors—attest to one's sales experience.[30]

As general rule, IATA and ATC reject applications (including those from new owners of existing locations) disclosing employees, officers, or owners with backgrounds considered unacceptable, *i.e.*, persons with connections to previously defaulted agencies, and those with what might be termed unsatisfactory financial histories.[31] Both conferences retain discretion to accredit an applicant deemed reliable.[32]

3. *Financial Standards.* A third subject of importance to prospective agents is the requirement of financial responsibility, which is differently stated by each conference. ATC demands a minimum $10,000 bond of each applicant;[33] thereafter sales volume determines the bond amount. IATA exacts proof of "satisfactory" financial standing.[34] Originally the ATC provisions were practically identical to IATA's and the difference arises from the Board's acceptance, as an improvement, of ATC's bonding substitution.[35] IATA's attempts to institute a bond for passenger agents have been disapproved largely because of its failure to delete the more subjective "satisfactory" language and to justify sufficiently the need for the protection sought.[36] The Board wants to determine whether and to what extent the present financial security arrangements act as a barrier to entry into the agency field. We recognize the interest of air carriers, agents, and the public in protection from the consequences of agency failure or default. These two somewhat conflicting considerations of financial security and possibly anticompetitive barriers to entry should be taken into account in ascertaining the need for collectively determined security measures.

4. *Miscellaneous Standards.* The accreditation standards immediately following do not conveniently fall within the previously discussed categories, yet they may hinder entry into the agency field. Perhaps the most important provision in this group is the so-called "20 percent rule".[37] It basically denies accreditation to passenger agency applicants that do, or will do, 20 percent of their annual air transportation business with a single person or entity (including all employees, members, stockholders, etc., of that entity) that owns/controls, or is owned/controlled by, the applicant. These resolutions were originally justified as necessary to prevent rebating. IATA cargo agent applicants face a broader, more rigid, prohibition against customer ownership of "any substantial interest".[38] The Board has determined to enforce Section 403(b) of the Act by the least anticompetitive means available to us, and we are concerned that the ATC and IATA rules do not comport with this standard.[39]

Still another barrier to entry that we wish to explore further is the exclusion of air carriers[40] and common carriers[41] from agency status. We expect the judge to consider the possible justification for this provision, as well as any adverse affects on competition. This portion of the examination should proceed in light of our recent changes to Part 296[42] that allow exemptions from, *inter alia*, sections 408 and 409 in the air cargo field.

Lastly, IATA and ATC maintain exclusive programs for "General Sales Agents".[43] We understand that a General Sales Agent represents a carrier within a defined territory, usually an area in which the appointing airline has no route or offices of its own. There are significant differences between the conferences. For example, ATC prohibits scheduled air carriers from serving as general agents; IATA does not. The IATA program specifically prohibits significant financial connections between a general agent and retail agencies, both cargo and passenger; ATC does not. Finally, ATC places substantial obstacles in the path of any member seeking to appoint a general agent, and exerts great control over any such arrangement; IATA does not appear quite so powerful where passenger agents are concerned.

There are, finally, a number of other entry qualifications imposed by ATC and IATA agreements in which the Board is interested. We trust that all

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[24] ATC Resolution 90.1, Section IV.A.10(a); IATA Resolution 810a (USA), Section D(3)(b)(i). See also IATA Resolution 810a (USA), Section D(4)(b). The Board is particularly concerned that this may be subject to an overly stringent interpretation which bars otherwise acceptable applicants from the agency field. Travel Agent Commissioner decisions indicate that this provision is the largest single cause of disapproved ATC applicants. We note that ATC also requires certification under a testing program. (Res. 90.20, Section III). Although never implemented, this program was approved by the Board (Order 75–6–41, June 9, 1975) and it is therefore also in issue.

[25] ATC Resolution 90.1, Section IV.A.10(c); IATA Resolution, Section D(3)(b)(iii). The same testing program is part of the ATC process.

[26] Moreover, regarding passenger agencies, the conferences dictate that the person with the qualifying promotional experience spend "substantially all" (ATC requires at least 35 hours per week) of his or her time on the premises of the approved location. ATC Resolution 90.1, Section IV.A.10(b); IATA Resolution 810a (USA), Section D(3)(b)(ii). IATA cargo agents are not held to such a standard.

[27] IATA Resolution 811, Section A(1)(a), (2)(c).

[28] IATA Resolution 811, Section A(2)(c)(v); 811a, Attachment A, item 19(c).

[29] IATA Resolution 810a (USA), Section D(4)(f); IATA Resolution 811, Section A(1)(f).

[30] ATC Resolution 90.1, Section IV.A.11. Since the promotion experience requirement appears to be the single biggest cause of disapproved or deferred applications (at least for ATC), there may be important ramifications for continued approval of an arrangement granting such potential for exclusion of prospective competition. The staff informs us that it has received several complaints regarding this provision.

[31] IATA Resolution 810a (USA), Sections D(2)(c)(iii), D(3)(c), D(4)(f) and (k); IATA Resolution 810q (USA)(4); IATA Resolution 811, Section A(3)(i); Section E(f)(iv); ATC Resolution 90.1, Sections IV.A.6. and IV.I. The ATC provisions are more clearly and precisely informative on just what in this area may place an application in jeopardy.

[32] IATA Resolution 810a (USA), Section D(4) and D(4)(k); IATA Resolultion 811, Section A(3)(i); ATC Resolution 90.1, Section IV.

[33] ATC Resolutions 90.1, Section IV.A.5; and 90.2, Paragraphs 7 and 8.

[34] IATA Resolutions 810a (USA), Section D(3)(c); and 811, Section A(1)(6); and See also Resolution 811a(5)(a)(i)(bb).

[35] Order E–17968, January 30, 1962.

[36] Orders E–19973, August 30, 1963; E–20977, June 24, 1964; E–21661, January 8, 1965.

[37] IATA Resolutions 810q (USA), (5); 810a (USA), Section D(4)(1); ATC Resolution 90.1, Section IV.G.

[38] IATA Resolution 811, Section A(3)(b)(c). Moreover, the same "20 percent" information is demanded of all applicants. IATA Resolution 811a, Attachment A, item 7.

[39] See Regulations ER–1080 (43 FR 53628 November 16, 1918), ER–1094 (44 FR 6634, January 31, 1979), and ER–1125 (44 FR 33056, June 8, 1979). Also Order 79–2–92, February 15, 1979, and the decision of the Travel Agent Commissioner on this point in *Associated Students, University of California-Los Angeles* (Docket 77–299A), served June 2, 1978, at pp. 9–10.

[40] IATA Resolution 811, Section A(3)(a).

[41] ATC Resolution 90.1 (definition of "Agent"). Order E–26356, February 4, 1968; IATA appears to have no direct counterpart, *per se*, in its passenger agency program.

[42] Regulations ER–1094 and ER–1110 (44 FR 14538, March 13, 1979). IATA has pending certain agreements aimed at alleviating our concerns with regard to cargo agents, in Docket 35634.

[43] IATA Resolutions 800 (TC1, TC3); 810a (USA) Sections D(4)(m), (n), and D(10); and 811, Section A(3); ATC Resolution 90.1, Section XVIII.

interested parties will focus particularly on the anticompetitive consequences, if any, of the provisions which follow.

1. Applicants are required to be functioning as agents prior to accreditation. IATA Resolutions 810q (USA); 810a (USA), Section D(3) and (4); 811, Section A(1)(a). ATC Resolution 90.1, Section IV.A. Consequently, prospective agents are required to operate for a potentially lengthy period of time without receiving commissions from the airlines. For passenger agents in general, these commissions are the single most important source of revenue.

2. All existing passenger agents seeking to expand must bear "full legal and financial responsibility for the administration, maintenance and operational expense" of a new location. (ATC Resolution 90.1, Sections I and IV.C). The IATA equivalent is slightly less detailed. (IATA Resolution 810a (USA) Sections (D)(4)(j), D(5), D(6)). In addition, in case of default or certain financial irregularities at one ATC location, the consequences (suspension, termination, and/or review by the Travel Agent Commissioner) affect "all parent and subsidiary authorized agency locations and all authorized agency locations under common control". (ATC Resolution 90.1, Section I). This provision may be applied only when "warranted for the protection of the airlines". CAB Order 73–8–116 (August 24, 1973). IATA seems to have no specific counterpart.

3. Both conferences retain discretion in certain instances to exempt applications from rules which would otherwise lead to disapproval.[44] Although these provisions are not truly accreditation standards, they nevertheless have the potential for affecting a great number of prospective agents. The smooth operation of such comprehensive programs as these ordinarily requires a certain amount of flexibility to meet situations not precisely covered by specific provisions. Our inquiry at this point concentrates on (1) the exact instances in which ATC and IATA have retained discretion, (2) the appropriateness of discretion in those situations, or others, and (3) occasions on which the flexibility has actually been exercised in the past and the consequences thereof.

[44] *E.g.*, IATA Resolution 810a (USA), Sections D(2)(c)(i), E(3), D(5), D(4)(k), and D(7). ATC Resolutions 90.1, Sections IV.I.2 and 3, XVI.E. XVIII.C.D. The terms of the IATA agency programs are, as we have seen, much more general and vague, which in itself allows a certain amount of discretion. (*E.g.*, IATA Resolution 810a (USA), Section D(4)(b), and (f); 811, Section A(3)(i), Section E(1)(f)).

IV. Retail Price Competition

Historically, airlines have filed with the Board tariffs that prescribe a single fare for each route or transportation service. Consequently, under section 403(b), which provides that all tickets must be sold at the price specified in the tariffs, differential pricing by any retailers, including airlines and travel agents, has been precluded. The practice of filing unitary tariffs has not been mandated by the terms of section 403 itself. Nor does any other section or regulation forbid the filing of tariffs specifying different fares or prices depending on the point and method of purchase.[45] In our view, the present statutory structure provides a good deal of flexibility for the introduction of competitive pricing alternatives.

An ongoing rulemaking in Docket 35253 will ultimately provide our response, at least insofar as interstate and overseas air transportation is concerned, to claims of unreasonable or unjust discrimination, preference, or prejudice in matters of pricing. Until the conclusion of that proceeding we will adhere to our tentative position therein, that the Board would act only if the aggreived parties make a persuasive showing of economic injury, to interests worthy of protection, that could not be remedied by the forces of competition.

Section 403 will terminate in approximately three years.[46] The attendant obligations to file and observe tariffs will cease at that time, and with them a major justification for the retail price maintenance now practiced between carriers and agents. This pricing system is also based on the nature of the principal-agency relationship that currently dominates non-direct air carrier retailing. Because the relationship itself is at issue in this *Investigation*, and because retail price maintenance is generally illegal under the antitrust laws, the opportunity for truly competitive pricing throughout the chain of distribution thus presents itself.[47]

[45] *E.g.*, Aspen Airways has on file a tariff providing lower fares exclusively for tickets purchased through travel agencies. ATP tariff CAB No. 259, Rule 118. World Airways, too, has filed a multi-tier tariff, CAB No. 53, issued by World Airways, Inc., involving a major "unbundling" of services.

[46] Section 1601(a)(2) of the Act.

[47] A rulemaking petition has been filed by the Cornell Economic Regulatory Clinic in Docket 35732, seeking "to deregulate domestic travel agent commission rates and introduce retail airline ticket price competition." Except for that portion dealing with travel agent commission rates, we have decided to consolidate that docket into the instant proceeding. The advanced state of preparation of the orders issued today at the time the petition was filed, the redundancy of an additional proceeding with the same subject matter, and the close relationship between pricing freedom and marketing structure militate against the institution of a separate rulemaking at this time. We believe the course taken today should supply the necessary predicate for the goals sought by the Cornell petition, should they be found in the public interest.

Should our review of the agency programs of IATA and ATC result in reforms which permit greater marketing freedom, we would hope to see consumers reap the full service and price benefits. However, the Board's receptivity to pricing innovations consistent with our reading of section 403 may, by itself, prove ineffective to reach this goal. In the interests of a smooth transition to a tariff-less environment, we therefore propose to explore alternatives commensurate with our deregulatory task. In this proceeding we intend to explore thoroughly the legal and policy implications of a variety of structural alternatives as they affect price competition in air transportation. We do not intend for this proceeding to determine the reasonableness of any fare levels.

In order to stimulate debate and encourage well-developed, focused responses, we suggest the following options for consideration, by way of example only: (1) A complete exemption [48] allowing carriers and/or other retailers to engage in total pricing freedom,[49] (2) a limited exemption for carriers and/or ticket agents conditioned on charging rates keyed to the zone established by the Act and the Board's policy statements creating a non-suspend zone; [50] (3) a policy statement concluding that tariffs may provide for price ranges, which would gradually widen over time; (4) a policy statement permitting tariffs with two-tiered pricing, on price for sales by the carrier directly to the public and a second price, fixed or open, for sales to the public by non-airline retailers; (5) a

[48] The exercise of our exemption power is appropriate whenever "consistent with the public interest." Section 416(b)(1) of the Act.

[49] Our consideration of the first two options will be limited to interstate and overseas air transportation. We are not prepared at this time to broadly relinquish our authority over fares for foreign air transportation. We have been striving to promote competition and lower fares in foreign air transportation by authorizing new carriers and seeking more liberal agreements with our aviation partners. Many markets, however, are still subject to restrictive entry, capacity, or pricing provisions, and in the absence of competitive conditions we are not prepared to accept unjustified fare increases. See, *e.g.*, Orders 79–8–2, July 23, 1979; 79–7–163, July 12, 1979; 79–5–218, May 17, 1979; 78–10–143, October 20, 1978; and 78–10–61, October 5, 1978.

[50] Section 1002(d) of the Act, as amended; Regulation PS–80, effective September 5, 1978 (43 FR 1721, September 5, 1978). Of course, the statutory zone and our own policies apply only to interstate and overseas air transportation and not to foreign air transportation.

policy statement permitting tariffs to stipulate a single price for all sales made by air carriers, with retailers adding their own charges; (6) a policy statement permitting carriers to issue tickets to retailers at a price which would not include the airlines own marketing costs. All parties are urged to analyze carefully these proposals and to submit alternatives. [51] Participants are invited to discuss specifically the likely effects of each case in terms of (1) fare levels, (2) impact on the existing marketing structure, (3) consumer benefits, (4) the impartiality—and the need therefor in a price competitive world—of travel counselors, (5) the role of commissions and/or other compensation to retailers, (6) the possible legal status of retailers, (7) standardized transportation documents, reporting, and remitting, (8) the extent of the so-called "free rider" problem,[52] and (9) the extent of regulatory involvement inherent in any particular option. The Board also wishes to explore potential difficulties, if any, presented by the application of a free-pricing scheme to sales, within this country, of foreign air transportation.

In evaluating alternatives, attention should be given to adopting a scheme that permits the Board to enforce the rate ceiling estabished in the Act and in our non-suspend policies. Within the scope of our tentative policy statement in Docket 35253,[53] we would also welcome suggestions of constructive ways, under the above or other proposals, to monitor fares for the purpose of enforcing the prohibitions against unjust discrimination (section 404), and unfair and deceptive practices (section 411).

Finally, we intend that the experience of those functioning in a tariff-less environment be drawn upon where feasible. This was always a factor during the Board's consideration of Parts 221, 291, and 296, *et al.*, in which we eliminated section 403 responsibilities for airfreight forwarders and cooperative shipers associations, all-cargo carriers, and charter operations.[54]

V. Other Considerations

The economic grounds on which the ATC and IATA agency programs rest appear for the most part identical. Therefore, we have decided, to the extent allowed under both legal standards and individual ageement terms, to apply the same policy to the various provisions in the absence of an affirmative showing that another course is preferable.[55] Even though this proceeding will directly affect only general agents and retailers, actual and potential, located within the U.S., the Board is cognizant that foreign air transportation is unavoidably affected. This factor in turn may give rise to considerations unrelated to the field of economics (*e.g.*, specific bilaterals) or owing to alleged inherent differences between the carriage of freight and passengers. Accordingly, we invite those who believe that the IATA passenger and cargo agency programs are entitled to different treatment to proffer in detail the grounds for such action and the action deemed proper.

In addition, we urge interested persons to direct attention to the following specific questions:

1. The nature and extent of likely reactions by foreign governments and/or air carriers to a Board order that substantially removed intercarrier marketing restraints applicable to all sales made in the U.S.

2. Specific provisions in current bilateral agreements or other legal sources that directly relate to the Board's authority over the IATA agency programs in the U.S.

3. Particular considerations demanding disparate treatment for cargo and passenger agency programs.

Accordingly, it is ordered, That:

1. An investigation to be known as the *Investigation into the Competitive Marketing of Air Transportation* in Docket 36595 be instituted, pursuant to sections 102, 204(a), 403, 404, 411, 412, 414, 416, and 1002 of the Act, for the purpose of determining whether (1) the existence of conference/industrywide agency programs, (2) the exclusivity of the ATC and IATA agency programs, (3) the ATC Standard Agents' Ticket and Area Settlement Plan, and (4) the standards employed by ATC and IATA, that govern entry into the agency field, should be granted continued approval in their present state or subject to condition, modification, or deletion; and if approved, whether the public interest requires the continued grant of antitrust immunity for the agreements; and (5) how retail price competition, if in the public interest prior to 1983, should be introduced.

2. Dockets 30373, and 35732 (to the extent it seeks the introduction of retail price competition), and those non compensation-related resolutions of Docket 32851 related to the agency program in the U.S. are consolidated into Docket 36595 for consideration via oral hearing.

3. This proceeding will be set for hearings before an administrative law judge of the Board at a time and place to be hereinafter designated.

4. This order shall be served upon all holders of air carrier permits or certificates of public convenience and necessity, and the following, hereby designated as parties to this proceeding: the Air Traffic Conference of America, the Air Transport Association of America, the International Air Transport Association, the Aviation Consumer Action Project, the Institute for Public Interest Representation, the American Automobile Association, the American Society of Travel Agents, the Association of Bank Travel Bureaus, the Association of Retail Travel Agents, the National Passenger Traffic Association, the Air Freight Forwarders Association, the International Airforwarders and Agents Association, Airline Tickets by Banks, Inc., Ticketron, Inc., Airport Travel, Inc., the Cornell Economic Regulatory Clinic, the Federal Trade Commission, the Small Business Administration, and the Departments of Justice and Transportation.

5. Petitions for leave to intervene should be filed in Docket 36595 and served on the above named parties no later than October 19, 1979.

This Order will be published in **Federal Register.**

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[51] In their briefs to the Board in Docket 28672 many parties addressed certain options in response to our question on "net fares" in Order 78-4-74, April 14, 1978. We recognize the inability of the parties to direct their full attention to this subject in that case, and we intend to remedy that problem here.

[52] By this we mean the possibility that consumers might gather helpful or necessary travel information from one source (such as an agent), and actually use that information to purchase the services desired from the offerors, or others, who do not themselves provide such information, thus avoiding the payment of compensation to the information-dispensing party. Comments should also distinguish between two potential opportunities for "free riders": (1) The free rider situation that exists only among retailers of the same manufacturer's product, where the free services are only valuable if the consumer buys that manufacturer's product (for example, information from a travel agent about one carrier's provisions for supplying special meals is not useful to a person if he decides to buy a ticket on a different carrier); and (2) the free rider situation that exists among retailers of the same *and* competing manufacturer's products, where the free service offered by the retailer of one manufacturer's product is still valuable even if the consumer buys a different manufacturer's product. (For example, free information one carrier might give out about tourist attractions in Hawaii is still valuable even if the consumer chooses to fly to Hawaii on another airline instead).

[53] PSDR-58, *supra.* We also sought comment on the applicability of these principles to the international arena.

[54] ER-1080, p. 4; ER-1094, p. 10, and ER-1125 *et seq.*, all *supra.*

[55] *Compare ATC Agency Resolution Investigation,* Order E-14012, June 10, 1959, with *IATA Agency Resolution Investigation,* Order E-16459, March 1, 1961; and Orders 69-2-26, February 6, 1969, and 69-6-70, June 13, 1969. Also see Orders 76-8-128, August 24, 1976; 78-4-92, April 17, 1978; 78-9-109, September 26, 1978; 79-2-63, February 8, 1979; and 79-6-48, June 5, 1979.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[56]

Secretary.

[FR Doc. 79-29210 Filed 9-19-79; 8:45 am]

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[Docket No. 36596; Order 79-9-65]

Competition for Agency Services Show Cause Proceeding; Order To Show Cause

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C., on the 13th day of September 1979.

Introduction

By this order the Board directs interested persons to show cause why the intercarrier agreements fixing standard levels of commissions for sales of domestic air transportation by travel agents and establishing various restrictions on other forms of agent compensation and on carrier solicitation of agents should not be disapproved. We are tentatively of the opinion that our extensive examination in Docket 28672 of commission-setting agreements among members of the International Air Transport Association (IATA) provides us with an ample factual basis for our tentative determination that ATC commission-setting agreements should be disapproved. The close similarity in nature and purpose of IATA and ATC compensation/solicitation restrictions to commission-setting agreements calls for similar substantive and procedural treatment of these agreements.

The Marketing of Domestic Air Transportation and the Domestic Commission Structure

The major domestic scheduled air carriers have over many years constructed a travel agency network through ATC agreements.[1] These agreements have established the uniform standards and procedures by which travel agents are accredited to sell domestic air transportation, and include a fixed pricing structure for travel agency retailing on behalf of air carriers.[2] This commission structure preceded IATA's by ten years,[3] and the original ATC system contained the dual rate structure, later adopted by IATA, that is in force today.[4] The dual rate structure contains a base level of remuneration for point-to-point travel, and adjusted, generally higher, commissions for sales of complete tour "packages."[5] Uniformity has thus been the rule for domestic sales commissions to travel agency retailers, "in-plant" agents, and so-called "general agents."[6]

The member carriers of IATA and ATC also restrict the compensation or other inducements they may offer accredited travel agents. Member carriers are prohibited from supplying agents with various marketing tools, paying certain expenses, or participating in agents conventions in specified ways.[7]

Background

Even before the passage of the Deregulation Act the Board had been in doubt as to whether the ATC commission setting agreements warranted our continued approval.[8]

The Airline Deregulation Act of 1978[9] significantly altered the policy directives that guide the Board's consideration of agreements such as those under scrutiny here. Of course, we are still bound to reject agreements, whether or nor previously approved, found to be adverse to the public interest or in violation of the statute. Now, however, the public interest demands even greater reliance on the free interplay of actual and potential competitive forces.[10] In addition, the Board must disapprove any agreement

"which substantially reduces or eliminates competition unless it finds that the . . . agreement . . . is necessary to meet a serious transportation need or to secure important public benefits and it does not find that such need can be met or such benefits can be secured by reasonably available alternative means having materially less anticompetitive effects"[11]

IATA Commissions Case

In our investigation of the IATA commissions agreements a voluminous record was compiled. There were full oral hearings, written commentary, the initial decision of the administrative law judge, and oral argument before and reconsideration of the entire matter by the Board. Four major arguments were advanced by the parties seeking approval of the IATA agreements. First, the parties asserted that because the international airlines rely to a great extent on travel agents' ticket sales, agents would be able to exert tremendous leverage to exact high commissions. Because of the disparity between air fares and the marginal cost of carrying an additional passenger on an otherwise empty seat, airlines would be susceptible to agents' pressures, particularly in periods of excess capacity. The result would be increased commissions costs, and, therefore, either higher fares or reduced services. The Board found, however, that the empirical evidence submitted in support of this argument was inconclusive, and that the argument itself was unconvincing. We determined that, even assuming higher rates under an open system, there had been no showing that they would be excessive in an economic sense; that the carriers had failed to consider alternative marketing proposals or modes of competition to attract passengers; and that the difficulties presented by enforcement of an oft-ignored agreement would disadvantage the complying parties. These and other considerations led us to reject the first argument.

The second argument in favor of fixed commissions predicted that through their leverage, large, multiple-location agencies would be able to negotiate significantly higher commissions than smaller agents, who would be unable to compete. Eventually, a few large agencies would dominate the field. We decided that the proponents of the agreements had not shown either that open commissions would result in the

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[56] All Members concurred except Member O'Melia who concurred and dissented. See Member O'Melia's concurring and dissenting statement attached to Order 79-9-65.

[1] As outlined more fully in Order 79-9-64, September 13, 1979, the ATC and IATA agency programs dominate the non-airline marketing of air transportation.

[2] *See* ATC Resolution 90.1, Section IX, and ATC Resolution 90.2, paragraph 11 and Schedule A. Other provisions necessary for the operation of the present commissions system, and therefore subject to this order, include ATC Resolution 90.1, Sections I and XV (setting forth the required elements for air tours qualifying for override commissions).

[3] Agreement CAB 149, superseded by Agreement CAB 182, Order 983 (April 18, 1941).

[4] ATC has apparently voted to change this structure. See Conference Bulletin No. 171, July 12, 1979. Although not formally submitted at this time, the commission rates will continue to be set by intercarrier agreements, and therefore remain subject to this tentative disapproval.

[5] The agreements of both conferences also make clear the specified rate is a maximum, and member carriers are free to pay less, although there is no evidence they have ever done so.

[6] We consolidate into this proceeding that portion of Docket 35732, a rulemaking petition filed by the Cornell Economic Regulatory Clinic, seeking to introduce open travel agency commissions.

[7] ATC Resolutions 90.1, Sections IX, XII; 90.2 paragraphs 11 and 12; 90.20, Section IV. See also IATA Resolutions 810(a)(USA), Sections I, L; 812; 811, Section D(1), (6), (10); 811b; 812a. By this order we consolidate the IATA compensation and solicitation agreements still in effect and the subject of Docket 32851. *See* Order 78-5-113, May 11, 1979, at p. 8. Two pending IATA agreements relating to carrier involvement at cargo agent conventions, Agreements CAB 27798-R2 and 27960-R5, will be processed independently.

[8] *See e.g.*, Order 78-7-98 (July 21, 1978). On August 4, 1978, the Department of Transportation petitioned the Board to issue a show cause order disapproving the domestic fixed commission structure, Docket 33159. That docket also shall be consolidated herewith.

[9] Pub. L. 95-504, 92 Stat. 1705.

[10] *See* sections 102(a)(4) and (9) of the new Act in particular.

[11] Section 412(c)(2)(A)(i), as amended.

concentration of the very competitive travel agent industry, that concentration would affect consumers adversely, or that there were no less anti-competitive alternatives.

The third justification for the resumption of the closed commission structure challenged the impartiality of travel agents under open commissions. It was asserted that agents would misbook passengers in order to obtain the highest commission available. Our records did not reveal any widespread practice of misbooking under the open commissions regime which had existed before or since 1975. We also believed that true self-interest dictated the honoring of passenger preferences so as to garner repeat business. To the extent a consumer has no preferences, there is no real misbooking problem; to the extent there are preferences, an agent ignores them at its peril, both with regard to repeat business and to action by the Board under the section 411 prohibition against unfair or deceptive practices.

Finally, the Board was urged to approve the agreements because of their essentially universal acceptance by all other affected sovereign countries. Refusal to do so, it was argued, would engender countervailing demands for other concessions from the U.S. in our international negotiations. We noted in response that no evidence had been presented showing foreign policy or negotiation sacrifices during the three year period in which no agreement on travel agent commissions had been in effect.

After painstaking scrutiny we ultimately concluded that the IATA commissions agreements inhibited competition and were not justified by a serious transportation need or to meet an important public purpose which could not be achieved by reasonably available less anti-competitive means. That standard has been codified, in essence, in the Airline Deregulation Act of 1978.[12]

At this time there appears to be no reason why this same finding should not be applied to the ATC commissions agreements. They parallel in history, structure, practical workings and purpose the rejected IATA arrangements. Therefore, we have tentatively determined that the ATC resolutions establishing maximum uniform levels of commissions for both retail and general agents do in fact substantially reduce or eliminate price competition for the services of these agents.[13] Accordingly, the Board must disapprove them unless the statutory test is met.[14]

Similarly, we see no reason why the various compensation/solicitation agreements entered into by IATA and ATC members should not be disapproved.[15] Various inducement and solicitation resolutions prohibit such things as carrier-sponsored parties at travel agent conventions and airline brochures distributed to travel agents which are not otherwise generally circulated by the airlines in the course of business. Such a group boycott, clearly repugnant to the antitrust laws, does not appear to be justified by a serious transportation need or in order to meet an important public purpose unachievable by reasonably available less anticompetitive means. Indeed, because these restrictions are similar to the resolutions regulating agent commissions, the agreements advanced in favor of these inducement and solicitation restrictions would seem to include all those considered and rejected by us in the IATA commissions case.[15a]

Docket 33159

In Docket 33159 DOT petitioned the Board to disapprove the domestic commission system. In its response ATC urged that DOT's petition be rejected in its entirety, citing several differences between the operation and impact of the domestic commissions structure and IATA's system. ATC first contrasted the "alleged widespread breaches" of the IATA commissions system with the uniform adherence to the ATC system by its members. Although in the IATA case we expressed concern with the approval of possibly unenforceable agreements, given the antitrust status of price-fixing arrangements, that concern was not the major basis of our decision. The same answer may be given to ATC's second distinction, which emphasized the relatively substantial opportunities for joint airline-agent cooperation and agency participation in the development of the domestic retailing program. ATC suggested that "the Board should permit the two industries to work out their differences and problems among themselves."[16] Airlines are both suppliers to and competitors with travel agents, and doubtless there are certain areas of difficulty in which the cooperation of the two industries is in the public interest. Price-fixing, however, is not one of them.[16a]

ATC also asserted that seven times as many consumers[17] will be affected by the erosion of travel agent impartiality and low cost, high quality air travel were there to be open, *i.e.*, higher, commissions for domestic travel. We reject ATC's implication that the Board failed to give adequate consideration to consumer interests in the IATA commission case. We know of no convincing evidence or argument distinguishing domestic from international commission agreements on the bases: (1) That a rise in commissions is economically unjustified in the absence of intercarrier agreements; (2) that should commissions rise, the resulting level would be economically excessive; or (3) that possibly improved agency service offerings should be rejected *a priori*. The Board is concerned with the ability of retailers to introduce a broad range of consumer options. We see no justification for delay in the observance of our statutory mandate to place "maximum reliance on competitive market forces and on actual and potential competition."[18] Nor do we see any reason not to apply to the domestic agency business our determination to combat any misbooking problem that might arise by the less anticompetitive enforcement of section 411 of our Act.[19] We note that consumer interests should be adequately represented in this proceeding by the contributions of our staff, the Aviation Consumer Action Project (ACAP), the Institute for Public

[12] Order 78-8-87, page 27. By Order 78-11-110, November 22, 1978, we limited the applicability of our decision in the IATA case to U.S. agents for the time being.

[13] We invite comments alerting us to other ATC provisions possibly not encompassed here which are somehow necessary or appropriate to this critical review of the domestic travel agent compensation structure.

[14] Note 11, *supra*.

[15] See footnote 7, *supra*.

[15a] *See e.g.*, the answer of ATC in Docket 32161 (Airline entertainment at travel agent convention is a "wasteful competitive practice" which would raise airline cost to the public's detriment (at 4-5); there is a "fear of carrier whipsawing which is inherent in agent-sponsored events" (at 8).) We hereby consolidate Docket 32161 into this proceeding.

[16] ATC *Answer* to DOT Petition, page 5.

[16a] *U.S.* v. *Socony-Vacuum Oil Co.*, 310 U.S. 150 (1940); *Mandeville Island Farms* v. *American Crystal Sugar Co.*, 334 U.S. 219 (1948). We note that travel agents and agency associations commenting in this docket uniformly supported the DOT petition.

[17] ATC referred for support to the *Joint Travel Agent/Airline Economic and Value Study* (Touche Ross Study) completed May 24, 1978.

[18] Section 102(a)(4). We therefore decline to wait three years, as ATC proposes, to observe the experience of permanent open IATA commissions. In point of fact, IATA commissions have been "open" since 1975.

[19] *See* Order 78-8-87, pp. 19-21. As a general rule the public interest can rarely be said to be served by arrangements which would otherwise be illegal *per se*. Practically speaking, we recognize a (now statutory) presumption against such agreements; IATA could not rebut it, and we have already indicated our tentative doubt that ATC can.

Interest Representation, and any other civic group member of the public wishing to participate.

ATC also argued in Docket 33159 that any re-evaluation of the domestic commissions structure should take place within the framework of "full" (*i.e.*, oral) evidentiary hearings. Only in this manner could (1) ATC meet its burden of proof, (2) consumer representatives participate fully, (3) certain "statements, assumptions and theories" of our draft IATA opinion be disproved, and (4) a multitude of other questions be explored.

In evaluating the antitrust implications of section 412 agreements, the Board is required to have before it "the materials requisite for a rational decision." [20] No particular form of evidentiary procedure is required. We must have an adequate factual basis for our ultimate decision, although it appears that an arguably anticompetitive agreement sought to be sanctioned under section 412 may be disapproved by us on somewhat less of a factual showing than we would need in order to justify approval.[20a]

As we have explained, a massive record was compiled in the course of our lengthy review of the IATA commission agreements. Further, as the DOT petition noted, "It is indisputable that the IATA and ATC commission agreements are substantively similar, as are the arguments offered in their behalf." [20b] This record, a readily available source of information, forms, together with other noticeable material, a comprehensive factual basis for our tentative conclusions. Therefore, we have decided that a show cause proceeding will prove the most efficient and effective means of fulfilling our statutory mandate within the bounds of due process.

Contrary to ATC's assertion, this does not necessarily render a decision based on a written proceeding "a foregone conclusion." We are receptive to all points of view, and are prepared to pay particular attention to evidence and theories showing how the agreements under review here differ from the IATA commissions agreements and why we should treat them differently. ATC's substantive objections to the DOT petition either appear to have been adequately dealt with in the IATA case or lend themselves to resolution through show cause procedures. ATC does not explain why written documentation could not adequately answer the points they raise. We do not preclude the possibility of proceeding via oral hearing if persuasive grounds for such a course are presented; rather we assert that no convincing bases have been adduced thus far.

Many of the questions posed by ATC deal with marketing uncertainties which are more properly within the province of airline or agency management.[21] Based on ATC's *Answer* to the DOT petition, it appears that ATC generally favors industrywide solutions to problems rather than experiment and innovation by individual competitors. In light of the dictates of our statute, such an approach is no longer to be preferred or approved without rigorous scrutiny. As we have stated before, the unfettered interplay of the marketplace will normally result in optimal economic benefits for consumers, producers, and suppliers alike. Unless there are compelling arguments to the contrary, the marketplace should determine the level of travel agent commissions.[22]

Finally, ATC argued that if the closed commissions system is to be investigated, we should consolidate into one proceeding other Board-initiated reviews involving the domestic airline retail distribution system. ATC asserted that the elements of the current marketing system are interdependent, and a decision affecting one element would have substantial consequences for the others and the system as a whole.

While we agree that the many aspects of air transportation retailing are interrelated, we do not agree that we will be unable to resolve separately the issues that are the focus of this order and those raised in our companion inquiry into the competitive marketing of air transportation. If any evidence offered on this point substantially duplicates that relevant to the issues in our marketing *Investigation*, the parties are free to offer it in both proceedings. In addition, all travel agents and agency associations that commented in Docket 33159 supported disapproval of the ATC agreements, claiming that present rates fail to compensate adequately for retailers' services, and pressed for prompt resolution. Finally, we reiterate that the IATA and ATC agency programs have not been wholly scrutinized for ten to twenty years; we reviewed commission agreements basically identical to ATC's, however, just a year ago in the IATA commission case. The differences in the state of our current knowledge and familiarity with these subjects thus militate in favor of disparate procedures.

By companion order issued today the Board has initiated a comprehensive *Investigation* into the means by which air transportation is marketed in this country.[23] That proceeding will explore not only the ATC and IATA agreements governing the travel agency field, but also the most appropriate means to introduce retail price competition in preparation for the elimination of tariffs after 1982.[24] We noted that the tariff system established by section 403 of the Act allowed for a great deal more flexibility in terms of retail pricing freedom than was evident from the dominant type of tariff historically filed. The overwhelming majority of tariffs specify a single fare or rate for a particular transportation service. That is, one price must be charged and collected for transportation between points A and B. Such unitary price or single-tier tariffs ensure that any financial benefits to agents from individually negotiated commissions may be passed on to the traveling public only in the form of additional services.[25] These tariffs also preclude pricing competition among agents and between airlines and agents.

The carriers themselves mandate this result. The Act provides ample opportunity for experimentation; for example, Aspen Airways has filed a two-tier tariff with one price for tickets purchased from travel agents and another price (in this instance a higher one) for tickets sold by the airline itself.[26] World Airway's tariff is multi-tier in that it lists a different price for each of the varying services offered.[27]

We believe that such filings reflect the innovative competitive forces encouraged, if not mandated, by the Airline Deregulation Act. In order to stimulate further experimentation and so bring the full benefits of price and service competition into play, we hereby announce our willingness to consider, on an expedited basis, tariffs that allow

[20] *Air Line Pilots Association* v. *CAB*, 475 F.2d 900 (D.C. Cir. 1973); *National Air Carrier Association* v. *CAB*, 442 F.2d 862 (D.C. Cir. 1971).

[20a] *United States* v. *Civil Aeronautics Board*, 511 F.2d 1315 (D.C. Cir. 1975).

[20b] Petition of DOT, Docket 33159, p. 7.

[21] For example, "Are airline ticket offices an efficient method of selling air transportation in all geographic areas? * * * Will increased commissions actually be used to provide additional customer services and, if so, will the extra services be worth the extra cost? Would low fare/low commission alternatives require agents to sell below their costs?" ATC *Answer* to DOT petition, pages 24–29.

[22] ASTA, the largest travel agency organization, supported DOT's petition. In its *Answer* in Docket 33159 ASTA urged us to immediately mandate a higher fixed commission level for certain sales. To grant this request would be logically indefensible given our tentative decision here to disapprove all fixed commissions.

[23] Order 79–9–64, *supra*.

[24] Section 1601(a)(2)(A) of the Act.

[25] As noted in Order 78–8–87, at p. 14–15.

[26] ATP Tariff CAB No. 259, Rule 118.

[27] CAB No. 53, issued by World Airways, Inc.

pricing flexibility at the retail level. These include, but are not limited to to, two- or multiple-tier tariffs, and tariffs that provide a range of prices.

The experience gained under any such tariffs would prove invaluable to our final decision on pricing in the marketing *Investigation*. At the time we must emphasize our concern that the travel agency industry not be adversely affected to a significant degree while this *Investigation* is underway. We will therefore be sensitive to well-reasoned or -documented claims that a particular tariff or type of tariff would significantly impair the ability of efficient agencies to fairly compete with airlines and other agents.

ASTA has also filed a motion in Docket 33159 seeking immediate interim disapproval of the ATC commission agreements on the *pendente lite* basis, pending completion of our marketing *Investigation*. ASTA also sought to discourage the Board from inviting air carrier experimentation with retail price competition. After our meeting on September 6 we became aware that other interested parties may not have had the opportunity to respond to the ASTA filing, and we rescinded the instructions to the staff given on that day in order to provide such an opportunity.[28] ATC, the Association of Retail Travel Agents (ARTA), and the National Passenger Traffic Association (NPTA) have filed responses to the ASTA motion.

In its motion ASTA argues that the ATC commission agreements should be dealt with separately, and on an expedited basis, from the remainder of the ATC and IATA travel agency programs. ASTA asserts that the issue of commissions is not an integral part of the agency distribution system; that the Board has already decided the question of fixed versus closed commissions; that the current agreements provide inadequate compensation; and that open commissions will cause no public harm. In support of separate porcedural treatment for retail price competition, which it terms "net fares," ASTA argues that the very concept is undefined and, therefore, must be thoroughly explored before we force it upon the carriers or even encourage experimentation; that imposing net fares would be the opposite of deregulation; that there is absolutely no relationship between commissions and net fares; that carriers have always been free to introduce net fares but have not done so because they recognize the value of the agency system; that the issue of mass agency retaliation (*e.g.*, a boycott) against carriers attempting to so experiment is a false one; and that in any case the Board no longer serves to protect airline managements from the consequences of their own decisions.

ATC has responded on both procedural and substantive grounds. Procedurally, the ATC notes that ASTA's motion was improperly considered because it was not only based on discussion among Board members during a previous Sunshine meeting, and hence in violation of our regulations,[29] but also amounted to an *ex parte* communication because ATC was unaware of its existence prior to our discussion and so unable to respond.[30] On the substantive level ATC insists that a single proceeding is necessary because travel agent compensation is an integral part of its agency program; because the factors characterizing the "environment" of the IATA agreements are entirely different in the domestic situation, and because retail price competition and net fares are clearly related to the commissions issue.[31] Although the meaning and effects of net fares are clear to ATC,[32] it nevertheless believes that any proceeding must include an oral hearing in order to review fully the impact of net fares on travel agents, and to explore certain legal considerations.[33] ATC further denies that individual carriers have ever been free to institute net fares because of the legal considerations and fear of reprisal by agents. Both factors also render any encouragement of net fares, without more, academic. Finally, ATC denies that agents are suffering financially under closed commissions, and alleges that open commissions would have deleterious effects on consumers.

NPTA also believes that the question of open or closed commissions is inextricably linked to other marketing issues, such as entry and pricing. NPTA deems it "conceivable" that net fares could replace commissions in whole or in part, and therefore recommends that we review the agency program in a single expedited hearing. ARTA has filed a mailgram in support of the ASTA motion.

After due consideration of these pleadings we remain determined to disapprove tentatively the ATC and IATA agreements fixing commission and restricting carrier competition for agents' services, and to investigate by oral hearing broader questions of air transportation marketing such as entry and pricing flexibility. We decline to open domestic commissions immediately because we desire further evidence and information on the differences, if any, between the IATA and ATC agreements that would require a different conclusion. We also want to allow for the possibility that factual disputes on this point should be resolved through oral hearing rather than documentary processes. At the same time, we issue this show cause order because to date no such evidence has been elicited.

We believe that the subjects of retail price competition and the conference agency programs are best studied within the context of the evidentiary proceeding we are initiating today by a companion order. We have indicated there our intention to explore certain points raised by ASTA and ATC, such as legal questions involving the status of retailers and the impact of pricing freedom on the present distribution system. Moreover, we are not persuaded that the Board must choose between methods of retailer compensation. It is by no means clear that commissions and "net fares" are mutually exclusive means of compensation, or that a decision between them is one that we should make. Such decisions are within the province of individual airlines and retailers; whether they should be made on industry-wide basis is an issue in the comprehensive investigation.

Nor do we believe that we should forego this opportunity to invite innovative marketing proposals or tariffs filings in the interim. We intend to "force" nothing upon the carriers. Finalization of our order on compensation and inducement restrictions would simply allow individual member carriers and agents to freely negotiate commissions, and would return to individual airline management the determination of whether and how to otherwise compete for agency services. It would neither mandate "net fares" nor preclude commissions. Any departure from unitary price tariffs will provide concrete experience upon which we may draw for our final decision in the comprehensive investigation. Such filings may put to the test the extent of

[28] Order 79-9-30, September 7, 1979.

[29] 14 CFR 310b.9. The Board waived this rule at the Sunshine meeting of September 6, 1979.

[30] Although filed on September 4, ATC did not receive the motion prior to our Sunshine meeting of September 6.

[31] ATC considers net fares and commissions mutually exclusive means of compensating agents.

[32] ATC explains net fares as a system of "wholesale" tariff pricing to which retailers each add on their own charges. Price competition would discourage excessive markups, and consumers would likely pay more or less according to the services actually utilized.

[33] ATC questions the status of retailers under a net fare system according to sections 401, 403, and 404 of the Act.

agency retaliation and the true value that individual carriers place on the existing agency system.

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state *in detail* why such a hearing is considered essential, and what relevant and material facts, beyond those submitted in documentary form, he would expect to establish through such a hearing. Particular attention should be given to building upon the record in the IATA commissions case, rather than merely duplicating it, and to emphasizing meaningful differences between those agreements and the ones in issue in this proceeding that warrant different treatment for the latter. General, vague or unsupported objections will not be entertained. Replies will be filed with the Board within 30 days of the date on which objections are due.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978;

It is ordered, That: 1. ATC, IATA, and other interested persons are directed to show cause why the Board should not make final the tentative findings and conclusions set forth here;

2. Any interested persons having objections to the issuance of an order making final these tentative findings and conclusions shall within 30 days after the date of service of this order, file with the Board in Docket 36596 and serve on the persons named in paragraph 8, a statement of objections specifying the tentative findings or conclusions objected to and providing statistical data and/or other evidence to support the statement of objections;

3. Replies to objections shall, within 30 days of the date on which objections are due, be filed with the Board and served upon the persons named in paragraph 8;

4. Notwithstanding paragraphs 2 and 3; individuals may submit their views by filing a single copy with the Board;

5. If timely and properly supported objections are filed, including those directed to the necessity for oral hearings, full consideration will be accorded the matter or issues raised before further action is taken by the Board: *Provided*, that the Board may proceed to enter an order in accordance with its tentative findings and conclusions if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

6. If no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordane with its tentative findings and conclusions;

7. Dockets 32161, 33159, and, to the extent they refer to restrictions on travel agent commissions and competition for travel agency services, 32851 and 35732, are consolidated into Docket 36596 for consideration via show cause proceedings; and

8. This order shall be served upon all holders of air carrier permits, or certificates of public convenience and necessity, Air Transport Association, International Air Transport Association, Aviation Consumer Action Project, Institute for Public Interest Representation, Cornell Economic Regulatory Clinic, Association of Retail Travel Agents, American Automobile Association, Association of Bank Travel Bureaus, Travel Communications, Inc., Thomas Cook, Inc., Small Business Administration, National Passenger Traffic Association, and the Departments of Justice and Transportation, and the American Society of Travel Agents.

This order shall be published in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[34]

Secretary.

[FR Doc. 79-29211 Filed 9-19-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Colorado Advisory Committe; 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 Colorado Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 12:00 p.m., on November 3, 1979, at Executive Tower, 1405 Curtis Street, Room 1706, Denver, Colorado 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss first draft of Energy Policy Handbook; planning for four corners participation.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 17, 1979.

John I. Binkley,

Advisory Committe Management Officer.

[FR Doc. 79-29179 Filed 9-19-79; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire 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 New Hampshire Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on October 11, 1979, at the Howard Johnson's Motor Lodge, Queen City Avenue, Manchester, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss program planning for Hispanic Project of Manchester.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 17, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-29178 Filed 9-19-79; 8:45 am]

BILLING CODE 6335-01-M

North Carolina 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 press conference of the North Carolina Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 12:00 a.m., on October 9, 1979, at the Ramada Inn, Crabtree Valley Mall, 3920 Arrow Drive, Room C, Raleigh, North Carolina 27612.

Persons wishing to attend this press conference should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362,

[34] All Members concurred except Member O'Melia who filed a concurring and dissenting statement which is filed as part of the original document with the Office of the Federal Register.

75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this press conference is to announce latest developments regarding the migrant study and to conclude the migrant project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 17, 1979.

John I. Binkley,

Advisory Committe Management Officer.

[FR Doc. 79-29177 Filed 9-19-79; 8:45 am]

BILLING CODE 6335-01-M

Vermont 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 Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 pm and will end at 9:30 pm, October 15, 1979, at the Tavern Motor Lodge, Montpelier, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 17, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-29180 Filed 9-19-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Special Censuses

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. However, because of the need to avoid conflicts with activities involving the conduct of the 1980 census, no additional special censuses will be conducted during the period from August 1, 1979 to January 1, 1981. The Bureau is, therefore, not accepting requests for cost estimates for special censuses at this time. Beginning in the fall of 1980 the Bureau will resume accepting such requests.

The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the *Current Population Reports*—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since August 31, 1978, for which tabulations were completed between August 1, 1979 and August 31, 1979.

Dated: September 14, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

State/place, special area	County	Date of census	Population
Florida: Dania city	Broward	May 9	12,250
Illinois:			
Bolingbrook village	DuPage and Will	April 10	35,928
Carol Stream village	DuPage	March 19	13,250
Liberty village	Adams	May 31	524
Oak Forest city	Cook	May 10	24,099
Park City city	Lake	May 16	3,239
Wheeling village	Cook	May 8	21,491
Missouri: St. Peters city	St. Charles	May 14	13,449
New Mexico: Dona Ana County	Dona Ana	April 26	89,953
Texas: Martin County	Martin	March 27	4,601
Wisconsin:			
Sheboygan Falls city	Sheboygan	May 7	5,273
Sparta city	Monroe	May 8	6,722

[FR Doc. 79-29174 Filed 9-19-79; 8:45 am]

BILLING CODE 3510-07-M

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from eithteen firms: (1) Ilex Optical Company, Inc., 690 Portland Avenue, Rochester, New York 14621, a producer of lenses and other optical products (accepted September 4, 1979); (2) Tennessee Handbags, Inc., Box 310 Dandridge, Tennessee 37725, a producer of handbags (accepted September 4, 1979); (3) Perry Knit, Inc., 125 36th Street, Union City, New Jersey 07087, a producer of children's sweaters (accepted September 4, 1979); (4) Amplifone Corporation, Box 4340, Brownsville, Texas 78520, a producer of coils and other electronic components (accepted September 4, 1979); (5) Gem Sportswear, Inc., 176 Westfield Avenue, Roselle Park, New Jersey 07204, a producer of men's and women's coats and jackets (accepted September 4, 1979); (6) Pacific Ascente, 1766 North Helm, Fresno, California 93727, a producer of jackets, vests and other outerwear; sleeping bags and tarpaulins (accepted September 4, 1979); (7) Browkaw Industries Inc., 292 Overlook Park, Cleveland, Ohio 44110, a producer of fishing tackle (accepted September 5, 1979); (8) Melrose Yarn Company, Inc., 1305 Utica Avenue, Brooklyn, New York 11203, a producer of knitting yarns (accepted September 5, 1979); (9) W & R Coal Company, Inc., Box 85, Clifftop, West Virginia 25822, a producer of coal (accepted September 6, 1979); (10) Vista Optical Corporation, 114 Main Street, Pine Hill, New York 12465, a producer of eyeglass frames and components (accepted September 6, 1979); (11) Stage Door Shoe Company, Inc., 35 Congress Street, Salem, Massachusetts 01970, a producer of women's footwear (accepted September 10, 1979); (12) Clover Knitting Mills, Inc., M Street and Erie Avenue, Philadelphia, Pennsylvania 19124, a producer of men's, boys' and women's sweaters (accepted September 10, 1979); (13) Child's Manufacturing Company, Inc., 58 Waterman Avenue, Centerdale, Rhode Island 02911, a producer of jewelry (accepted September 10, 1979); (14) Ithaca Gun Company, Inc., 123 Lake Street, Ithaca, New York 14850, a producer of rifles and shotguns (accepted September 11, 1979); (15) Flexnit Company, Inc., 11 East 36th

Street, New York, New York 10016, a producer of women's lingerie (accepted September 11, 1979); (16) Nachman Industries, 801 Arch Street, Philadelphia, Pennsylvania 19107, a producer of men's, women's and boys' apparel (accepted September 11, 1979); (17) Knouse Flowers, Inc., Box 374, Stuart, Florida 33494, a producer of cut flowers and plants (accepted September 12, 1979); and (18) Max Roth Leather Goods Corporation, 583 Broadway, New York, New York 10012, a producer of handbags (accepted September 13, 1979).

The petitions were submitted pursuant to Section 251 of Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Fims and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industries Studies.

[FR Doc. 79–28955 Filed 9–19–79; 8:45 am]

BILLING CODE 3510–24–M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Cedar Point, Inc.

b. Address: CN #5006, Sandusky, Ohio 44870.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (Tursiops truncatus), 4.

4. Type of Take: To capture and maintain permanently in a facility.

5. Location of Activity: Melborne, Florida.

6. Period of Activity: 2 years.

The arrangement and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before October 22, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: September 17, 1979.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 79–29184 Filed 9–19–79; 8:45 am]

BILLING CODE 3510–22–M

Marine Fisheries Advisory Committee; Public Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) and three Subcommittees. The Committee meeting (MAFAC XXIII) will be held on Wednesday and Thursday, October 10 and 11, 1979, at the Holiday Inn, 500 Hathaway Road, New Bedford, Massachusetts, with meetings starting at 8:30 a.m. Adjournment is planned for noon on Thursday.

Three Subcommittees will meet on Tuesday, October 9, 1979, at the Holiday Inn, address noted above. The Subcommittee on Seafood Processing Effluent Guidelines will meet at 10:30 a.m., the Subcommittee on Fishing Vessel Safety at 1:30 p.m., and the Subcommittee on Marine Recreational Fishing at 3:45 p.m. Evening sessions of the three Subcommittees will be held on October 9, if necessary to complete unfinished business.

Agenda items for the MAFAC Committee meeting include: FY 1982 Program Emphasis Document of the National Marine Fisheries Service; Panel on New England Fisheries Problems/Issues; Film on menhaden harvesting; Reports of three Subcommittees noted above which meet on October 9; Report of Subcommittee on the Voluntary Seafood Inspection Program of the National Marine Fisheries Service which met on May 9, 1979, in Ft. Lauderdale, Florida; and other miscellaneous items.

The Committee and Subcommittee meetings are open to the public and there will be seating for approximately 25 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Ms. Phyllis Bentz, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634–7355.

At the discretion of the Chairperson, interested members of the public may be permitted to speak at times which allow an orderly conduct of Committee business, and a reasonable time relationship between the Committee's discussion of a given subject, and comments to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so at the address noted above. To receive due consideration and facilitate their inclusion in the record of the meeting, written statements should be

received within 10 days after the close of the committee meeting.

Dated: September 17, 1979.

Jack W. Gehringer,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 79-29273 Filed 9-19-79; 8:45 am]

BILLING CODE 3510-22-M

NATIONAL TECHNICAL INFORMATION SERVICE

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310.

Patent application 840,206: Electronic Intruder Detection System, filed Oct. 7, 1977.

Patent application 966,846: Semi-Durable, Water Repellant, Fire Resistant Intumescent Composition; filed Dec. 6, 1978.

U.S. Dept. of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324.

Patent application 6-010,092: Diphospha-s-Triazines and Their Synthesis; filed Feb. 7, 1979.

Patent application 6-010,204: High Power Pulser; filed Feb. 8, 1979.

Patent application 968,874: Method for the Production of Trialuminum Nickelide Fibers; filed Dec. 12, 1978.

Patent application 4,144,585: Bubble Domain Structures and Method of Making; filed Aug. 16, 1976; patented Mar. 13, 1979; not available NTIS.

U.S. Department of Energy, Assist. Ben. Couns. for Patents, Washington, DC 20545.

Patent application 821,870: High Temperature Electronic Gain Device; filed Aug. 4, 1977.

Patent application 857,649: Pressure Regulator; filed Dec. 5, 1977.

Patent application 857,650: Microinterferometer Transducer; filed Dec. 5, 1977.

Patent application 858,586: Device and Method for Separating Oxygen Isotopes; filed Jan. 11, 1978.

Patent application 865,162: Rf Transformer; filed Dec. 28, 1977.

Patent application 865,345: Superconducting Magnet; filed Dec. 28, 1977.

Patent application 865,347: Method for Recovering Palladium and Technetium Values from Nuclear Fuel Reprocessing Waste Solutions; filed Dec. 28, 1977.

Patent application 868,584: Electrical Pulse Generator; filed Jan. 11, 1978.

Patent application 868,636: System for Testing Optical Fibers; filed Jan. 11, 1978.

Patent application 868,638: Repetitively Pumped Electron Beam Device; filed Jan. 11, 1978.

Patent application 868,639: Multiple Excitation Regenerative Amplifier Inertial Confinement System; filed Jan. 11, 1978.

Patent application 868,640: Multipass Laser Amplification with Near-Field Far-Field Optical Separation; filed Jan. 11, 1978.

Patent application 868,641: Segmented Amplifier Configurations for Laser Amplifier Chains; filed Jan. 11, 1978.

Patent application 868,642: Fully Relayed Regenerative Amplifier; filed Jan. 11, 1978.

Patent application 868,643: Composite Solid State Laser Amplifier Discs; filed Jan. 11, 1978.

Patent application 868,644: Laser System Using Regenerative Amplifier; filed Jan. 11, 1978.

Patent application 868,952: Spectrometer Employing Optical Fiber Time Delays for Frequency Resolution; filed Jan. 12, 1978.

Patent application 872,204: Regenerator for Gas Turbine Engine; filed Jan. 25, 1978.

Patent application 872,284: Method and Apparatus for Producing Cryogenic Inertially Driven Fusion Targets; filed Jan. 25, 1978.

Patent application 880,254: Heat Rejection System; filed Feb. 22, 1978.

Patent application 880,677: High Yield Neutron Source; filed Feb. 23, 1978.

Patent application 880,680: Demountable Externally Anchored Low-Stress Magnet System and Related Method; filed Feb. 23, 1978.

Patent application 882,024: Device and Method for Electron Beam Heating of a High Density Plasma; filed Feb. 28, 1978.

Patent application 886,370: Mirror Plasma Apparatus; filed Mar. 14, 1978.

Patent application 886,377: Interferometer for the Measurement of Plasma Density; filed Mar. 14, 1978.

Patent application 886,378: Self-Protecting Oscillator; filed Mar. 14, 1978.

Patent application 893,233: Deuterium Enrichment by Selective Photo-Induced Dissociation of an Organic Carbonyl Compound; filed Apr. 4, 1978.

Patent application 896,539: Induction Machine; filed Apr. 14, 1978.

Patent 4,075,680: Capacitance Densitometer for Flow Regime Identification; filed Jan. 27, 1977, patented Feb. 21, 1978; not available NTIS.

Patent 4,093,835: Rotation Sensor Switch; filed Apr. 4, 1977; patented June 6, 1978; not available NTIS.

Patent 4,093,879: Magnetohydrodynamic Electrode; filed Mar. 1, 1977; patented June 6, 1978; not available NTIS.

Patent 4,094,268: Apparatus for Growing HgI sub 2 Crystals; filed Mar. 30, 1977; patented June 13, 1978; not available NTIS.

Patent 4,095,121: Resonantly Enhanced Four-Wave Mixing; filed Apr. 14, 1977; patented June 13, 1978; not available NTIS.

Patent 4,095,471: Tidal Sampler; filed Apr. 4, 1977; patented June 20, 1978; not available NTIS.

Patent 4,101,765: Means for Counteracting Charged Particle Beam Divergence; filed July 19, 1976; patented July 18, 1978; not available NTIS.

Patent 4,105,746: Method and Apparatus for Providing Negative Ions of Actinide-Metal Hexafluorides; filed Feb. 7, 1977; patented Aug. 8, 1978; not available NTIS.

Patent 4,105,921: Isotope Separation; filed Sept. 28, 1976; patented Aug. 8, 1978; not available NTIS.

Patent 4,106,327: Anisotropic Determination and Correction for Ultrasonic Flaw Detection by Spectral Analysis; filed Nov. 22, 1977; patented Aug. 15, 1978; not available NTIS.

Patent 4,106,574: Method for Establishing High Permeability Flow Path between Boreholes; filed July 7, 1977; patented Aug. 15, 1978; not available NTIS.

Patent 4,106,982: Production of Carrier-Free H exp 11 CN; filed Apr. 1, 1974; patented Aug. 15, 1978; not available NTIS.

Patent 4,107,180: Salts of Alkali Metal Anions and Process of Preparing Same; filed Nov. 29, 1974; patented Aug. 15, 1978; not available NTIS.

Patent 4,107,935: High Temperature Refrigerator; filed Mar. 10, 1977; patented Aug. 22, 1978; not available NTIS.

Patent 4,108,207: Multiple-Port Valve; filed Apr. 13, 1977; patented Aug. 22, 1978; not available NTIS.

Patent 4,109,863: Apparatus for Ultrasonic Nebulization; filed Aug. 17, 1977; patented Aug. 29, 1978; not available NTIS.

Patent 4,110,082: Isotope Separation by Photoselective Dissociative Electron; filed June 17, 1976; patented Aug. 29, 1978; not available NTIS.

Patent 4,110,257: Raney Nickel Catalytic Device; filed July 1, 1977; patented Aug. 29, 1978; not available NTIS.

Patent 4,110,686: Piezoelectric-Tuned Microwave Cavity for Absorption Spectrometry; filed Aug. 17, 1977; patented Aug. 29, 1978; not available NTIS.

Patent 4,115,190: High beta Plasma Operation in a Toroidal Plasma Producing Device; filed Nov. 24, 1976; patented Sept. 19, 1978; not available NTIS.

Patent 4,118,042: Air Bearing Vacuum Seal Assembly; filed Sept. 27, 1977; patented Oct. 3, 1978; not available NTIS.

Patent 4,118,274: System for the Production of Plasma; filed May 29, 1975; patented Oct. 3, 1978; not available NTIS.

Patent 4,118,627: Guidance System for Laser Targets; filed June 22, 1976; patented Oct. 3, 1978; not available NTIS.

Patent 4,120,565: Prisms with Total Internal Reflection as Solar Reflectors; filed June 16, 1977; patented Oct. 17, 1978; not available NTIS.

Patent 4,120,710: Nitroaliphatic Difluoroformals; filed Dec. 16, 1975; patented Oct. 17, 1978; not available NTIS.

Patent 4,120,933: Decontamination of Plutonium from Water with Chitin; filed Sept. 27, 1977; patented Oct. 17, 1978; not available NTIS.

Patent 4,122,351: Automatic Targeting of Plasma Spray Gun; filed Aug. 30, 1977; patented Oct. 24, 1978; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent 4,132,681: Fluorinated Polyether Network Polymers; filed Oct. 29, 1976; patented Jan. 2, 1979; not available NTIS.

[FR Doc. 79-29105 Filed 9-19-79; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

Chief, Intellectual Property Division, Otjag, Department of the Army, Room 2d 444, Pentagon, Washington, D.C. 20310.

Patent application 6-007,290: Band Interacting Tunnel Heterojunctions; filed January 29, 1979.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, D.C. 20324.

Patent application 6-009,728: Lubricant Composition; filed February 6, 1979.

Patent application 6-010,109: Aircraft Electrical System Tester; filed February 7, 1979.

Patent application 6-010,202: Retractable Nose Landing Gear; filed February 8, 1979.

Patent application 6-012,696: Optical Scanning Digitizer; filed February 16, 1979.

Patent application 6-012,697: Digital Phase-Frequency Detector; filed February 16, 1979.

Patent application 6-014,519: Economical Fast Scan Spectrometer; filed February 23, 1979.

Patent application 968,894: Process for Reclaiming Fuel-Contaminated Purging Fluids; filed December 13, 1978.

Patent application 968,895: Doppler Compensated Digital Non-Linear Waveform Generator Apparatus; filed December 13, 1978.

Patent application 970,910: Wall Wick for Nickel-Hydrogen Cell; filed December 19, 1978.

Patent application 970,947: Electromagnetic Interference Filter Window; filed December 19, 1978.

Patent application 970,948: Method for Reducing the Electrical Charging of Orbiting Spacecraft; filed December 19, 1978.

Patent application 971,580: High Temperature-Resistant Conductive Adhesive; filed December 20, 1978.

Patent 4,144,577: Integrated Quartized Signal Smoothing Processor; filed October 14, 1977; patented March 13, 1979; not available NTIS.

Patent 4,145,956: Pilot Operated Stepping Valve; filed April 25, 1977; patented March 27, 1979; not available NTIS.

Patent application 6-010,091: Fuel Flow Distribution System; filed February 7, 1979.

Patent 4,146,196: Simplified High Accuracy Guidance System; filed July 20, 1976; patented March 27, 1979; not available NTIS.

Patent 4,146,197: Boundary Layer Scoop for the Enhancement of Coanca Effect Flow Deflector Over a Wing/Flap Surface; filed Setpember 16, 1977; patented March 27, 1979; not available NTIS.

Patent 4,146,201: Parachute Inspection Arch; filed November 16, 1977; patented March 27, 1979; not available NTIS.

Patent 4,146,808: Thinned Withdrawal Weighted Surface Acoustic Wave Interdigital Transducer; filed November 10, 1977; patented March 27, 1979; not available NTIS.

U.S. Department of Agriculture, Research Agreements and Patent Branch, General Service Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 6-001,134: Durable Press Finishing Treatment for Cellulose Textiles Employing an Aluminum Acetate Catalyst Solution; filed January 5, 1979.

Patent application 6-012,772: High Shear Strength Adhesive for Bonding Nylon to Nylon; filed February 16, 1979.

Patent application 6-014,406: Process for Photoinitiated, Polymeric Encapsulation of Cotton Fibers in Durable Press Textiles; filed February 23, 1979.

Patent application 6-015,540: Biological Control System; filed February 26, 1979.

Patent application 6-018,087: Quarternary Phosphonium Salts Bearing Carbamate Groups; filed March 6, 1979.

Patent application 6-025,131: Sesbanine and Its Use in Treating Leukemic Tumors; filed March 29, 1979.

Patent application 6-025,136: Sex Attractant for Corn Earworm Moths; filed March 29, 1979.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 865,346: Method for the Recovery of Actinide Elements from Nuclear Reactor Waste; filed December 28, 1977.

Patent application 872,285: Surge-Damping Vacuum Valve; filed January 25, 1978.

Patent application 881,965: Tool Holder for Preparation and Inspection of a Radiused Edge Cutting Tool; filed February 28, 1978.

Patent application 881,966: Preset Pivotal Tool Holder; filed February 28, 1978.

Patent application 882,025: Means for Ultrasonic Testing when Material Properties Vary; filed February 28, 1978.

Patent application 882,726: Cryogenic Structural Support; filed March 2, 1979.

Patent 4,082,951: Compton Effect Thermally Activated Depolarization Dosimeter; filed July 23, 1975; patented April 4, 1978; not available NTIS.

Patent 4,083,225: On-Line Ultrasonic Gas Entrainment Monitor; filed March 17, 1976; patented April 11, 1978; not available NTIS.

Patent 4,094,492: Variable Orifice Using Iris Shutter; filed January 18, 1977; patented June 13, 1978; not available NTIS.

Patent 4,098,132: Ultrasonic Search Wheel Probe; filed August 17, 1977; patented July 4, 1978; not available NTIS.

Patent 4,098,643: Dual-Function Magnetic Structure for Toroical Plasma Devices; filed March 1, 1976; patented July 4, 1978; not available NTIS.

Patent 4,120,172: Heat Transport System; filed May 5, 1977; patented October 17, 1978; not available NTIS.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205.

Patent application 6-024,247: Method and Apparatus for Cell and Tissue Culture; filed March 27, 1979.

Patent application 922,732: Cervical Dilator; filed July 7, 1978.

Patent application 954,876: Synthesis of Analogs of 3'-Phosphoadenosine 5'-Phosphosulfate (PAPS); filed October 26, 1978.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240.

Patent application 904,906: Portable Hard Rock Crusher; filed May 11, 1978.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 4,095,762: GN sub 2 Accumulator Powered Shaftless Piston for Dependent Dual Ejector Bomb Rack; filed July 18, 1977; patented June 20, 1978; not available NTIS.

Patent 4,135,116: Constant Illumination Control System; filed January 16, 1978; patented January 16, 1979; not available NTIS.

Patent 4,136,340: Sequential Probability Ratio Test for Friend Identification System; filed January 30, 1978; patented January 23, 1979; not available NTIS.

Patent 4,136,725: Motion Compensation Liquid Holding Tank; filed January 27, 1977; patented January 30, 1979; not available NTIS.

Patent 4,139,439: Hydrogen Isotope Separation; filed May 31, 1978; patented February 13, 1979; not available NTIS.

Patent 4,141,506: Combined Radial Diffuser and Control Valve for High-Pressure Fans; filed July 15, 1977; patented February 27, 1979; not available NTIS.

Patent 4,142,171: Efficient Apparatus for Projecting Acoustic Waves; filed January 10, 1977; patented February 27, 1979; not available NTIS.

Patent 4,143,520: Cryogenic Refrigeration System; filed December 23, 1977; patented March 13, 1979; not available NTIS.

Patent 4,143,548: Measuring the Speed of an Aircraft; filed October 26, 1977; patented March 13, 1979; not available NTIS.

Patent 4,135,452: Time Delay Computer Using Fuze Doppler for Air-to-Air Missiles; filed January 9, 1978; patented January 23, 1979; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 6-028,300: Process for the Preparation of New Elastomeric Polytriazines; filed April 9, 1979.

Patent application 6-028,301: The 1,2,4-Oxadiazole Elastomers; filed April 9, 1979.

Patent 4,109,213: Digital Automatic Gain Amplifier; filed March 24, 1977; patented August 22, 1978; not available NTIS.

Patent 4,145,058: Shaft Seal Assembly for High Speed and High Pressure Applications; filed July 8, 1977; patented March 20, 1979; not available NTIS.

Patent 4,145,255: Method and Device for the Detection of Phenol and Related Compounds; filed February 25, 1977; patented March 20, 1979; not available NTIS.

Patent 4,145,524: Preparation of Heterocyclic Block Copolymer Omega-Diamidoximes; filed October 17, 1977; patented March 20, 1979; not available NTIS.

Patent 4,146,409: Process for Making a High Toughness-High Strength iron Alloy; filed December 13, 1977; patented March 27, 1979; not available NTIS.

[FR Doc. 79-29107 Filed 9-19-79; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

U.S. Department of Agriculture, Research Agreements and Patent Branch, General Service Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 6-020,359: Sampling Circuit and Method Therefor; filed Mar. 14, 1979.

Patent application 6-024,551: Process for the Preparation of Cellulose Ether Derivatives; filed Mar. 28, 1979.

Patent application 6-025,135: Sex Attractant for Tobacco Moths; filed Mar. 29, 1979.

Patent application 974,171: Antibacterial Textile Finishes Utilizing Zinc Acetate and Hydrogen Peroxide; filed Dec. 28, 1978.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205.

Patent application 6-024,246: N-Acetyl-Cysteine Protects Against Cardiac Damage from Subsequently-Administered Adriamycin in Cancer Therapy; filed Mar. 27, 1979.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets NW., Washington, DC 20240.

Patent application 6-001,026: Method of Recovering Lead Through the Direct Reduction of Lead Chloride by Aqueous Electrolysis; filed Jan. 4, 1979

Patent application 6-002,829: Recycling Spent Asphaltic Concrete; filed Jan. 12, 1979

Patent application 6-008,298: recovery of Gallium from Acid Process Solution; filed Jan. 31, 1979.

Tennessee Valley Authority, Division of Law, Muscle Shoals, Ala. 35660.

Patent 4, 152,402: Partial Purification of Wet-Process Phosphoric Acid with Acetone and Ammonia; filed Feb. 24, 1978, patented May 1, 1979: not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, DC 20546.

Patent application 6-006,952: Surface Finishing, filed Jan. 25, 1979.

Patent application 6-017,888: A Method for Separating Biological Cells; filed Mar. 6, 1979.

Patent application 6-023,485: Pulse Switching for High Energy Lasers; filed Mar. 23, 1979

Patent application 6-025,163: Multispectral Scanner Optical System; filed Mar. 29, 1979.

Patent application 856,462: A Heat Exchanger and Method of Making, filed Nov. 30, 1977.

Patent 3, 131,040: Water Separator, filed Dec. 23, 1960, patented Apr. 28, 1964: not available NTIS.

Patent 3,311,571: Infusible Silazane Polymer and Process for Producing Same; filed Aug. 30, 1965, patent Mar. 28, 1967; not available NTIS.

Patent 3,396,719: Metabolic Rate Meter and Method, filed Jul. 2, 1963, patented Aug 13, 1968; not available NTIS.

Patent 3,419,531: Fluorine-Containing Polyformals; filed Jun. 3, 1966, patented Dec. 31, 1968; not available NTIS.

Patent 3,453,878: wind Tunnel; filed Jun. 22, 1967, patented Jul. 8, 1969: not available NTIS.

Patent 3,487,765: Protective Garment Ventilation System, filed Oct. 6, 1966, patented Jan. 6, 1970: not available NTIS.

Patent 3,514,785: Emergency Space-Suit Helmet, filed Feb. 24, 1966, patented Jun. 2, 1970: not available NTIS,

Patent 3,882,417: Gas Ion Laser Construction for Electrically Isolating the Pressure Gauge Thereof, May 6, 1975: not available NTIS.

Patent 4,145,933: Fatigue Failure Load Indicator; filed Mar. 24, 1978, patented Mar. 27, 1979: not available NTIS.

Patent 4,146,180: Retractable Environmental Seal; filed Mar. 29, 1978, patented Mar. 27, 1979: not available NTIS.

Patent 4,147,980: Redundant RF System for Space Application, filed Jul. 11, 1977, patented Apr. 3, 1979: not available NTIS.

Patent 4,148,375: Seismic Vibration Source; filed Aug. 22, 1977, patented Apr. 10, 1979; not available NTIS.

[FR Doc. 79-29106 Filed 9-19-79; 8:45 am]

BILLING CODE 3510-04-M

COMMUNITY SERVICES ADMINISTRATION

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: Community Services Administration.

ACTION: Annual notice of systems of records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The full text of CSA's systems of records last appeared at 42 FR 53430, September 30, 1977. (Also see Privacy Act Issuances, 1978 Compilation, Volume III, p. 287). The purpose of this document is to publish in full the systems that this agency has amended since the September 30, 1977 publication. This document fulfills the annual notice requirements of the Privacy Act for 1979.

FOR FURTHER INFORMATION CONTACT: Jack Stoehr, Privacy Act Officer, Community Services Administration, 1200 19th Street NW., Room 410, Washington, D.C. 20506. Telephone (202) 254-5300.

Published below is the full text of the "Geographical Guidance for Accessing Systems of Records" to reflect changes in the Regional Office addresses and telephone numbers. (This was last revised at 43 FR 42116, September 19, 1978). Other than these changes none of this agency's systems of records have been amended since the September 30, 1977 publication.

Geographical Guidance for Accessing Systems of Records

Many CSA systems of records are maintained wholly or partially in the CSA Regional Offices. To facilitate access to such records, a listing of the CSA Regional Offices, the States served thereby, their addresses and telephone numbers are provided:

Region I

Connecticut, Maine, Massachusetts, New Hamphshire, Rhode Island, Vermont: John F. Kennedy Federal Building, Room E400, Boston, Massachusetts 02203, (617) 223-4080.

Region II

New Jersey, New York, Puerto Rico, Virgin Islands: 26 Federal Plaza, 32nd Floor, New York, New York 10007, (212) 264-1900.

Region III

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia: P.O. Box 160, Philadelphia, Pennsylvania 19105, (212) 597-1139.

Region IV

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee: 101 Marietta Street NW., Atlanta, Georgia 30323, (404) 221-2717.

Region V

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin: 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606, (312) 353-5987.

Region VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas: 1200 Main Street, Room M130, Dallas, Texas 75202, (214) 767-6125.

Region VII

Iowa, Kansas, Missouri, Nebraska: 911 Walnut Street, Room 1720, Kansas City, Missouri 64106, (816) 374-3361.

Region VIII

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming: Federal Building, 1961 Stout Street, Room 1234, Denver, Colorado 80294, (303) 837-4767.

Region IX

Arizona, California, Guam, Hawaii, Nevada, Pacific Trust Territories: 450 Golden Gate Avenue, Box 36008, San Francisco, California 94102, (415) 556-3706.

Region X

Alaska, Idaho, Oregon, Washington: Arcade Plaza Building, Mail Stop 105A, 1321 Second Avenue, Seattle, Washington 98101, (206) 442-4910.

Location of Notices in Privacy Act Issuances, 1978 Compilation

The complete text of this agency's systems of records also appears in Volume III of the 1977 Compilation at pages 827-831. The price of this volume is $10.25. It may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

R. T. Rollis, Jr.,

Controller.

[FR Doc. 79-28584 Filed 9-19-79; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Flood Control Project Located Along Irondequoit Creek, Monroe County, N.Y.

AGENCY: U.S. Army Corps of Engineers, Buffalo District, DOD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

Proposed Action: The proposed action would proivde necessary flood damage reduction for the Panorama Plaza area bordering Irondequoit Creek. Nonstructural measures would also be considered for reducing flood damage throughout the watershed.

Alternatives Considered: The following altenatives for flood relief are being considered.

a. Alternative A is a plan of no action. Under this alternative, flooding problems would continue to exist.

b. Alternative B would provide flood damage reduction for the Panorama Plaza area through a combination of levees and floodwalls. Structural measures would be built along approximately 4,300 feet of Irondequoit Creek as well as 1,000 feet of a major tributary, Allen Creek. In addition, two little-used bridges would be removed.

c. Alternative C, for the Panorama Plaza area, utilizes both channel and berm improvements. Approximately 9,000 feet of Irondequoit Creek would be widened and deepened while berms would be constructed parallel to approximately 4,300 feet of the creek protect Panorama Plaza and a small factory complex. In addition, two little-used bridges would be removed.

d. Alternative D is an attempt to reduce flooding problems through a basin-wide management plan. Nonstructural measures which could be incorporated in this plan include flood warning, floodproofing, evacuation, food insurance, and flood plain regulations.

Public Involvement: A public meeting to discuss the issues at hand was held on 21 August 1979. No objections to any specific elements of the study were raised. Public coordination will be maintained throughout the future planning of the study by holding workshops and public meetings.

Issues: Significant issues to be analyzed in the DEIS will include a determination of the extent, in degree and kind, to which the Selected Plan and any reasonable alternative might positively or negatively impact upon the human and natural environments, to include fish and wildlife habitat areas, plants, water quality, aesthetic quality of the area, cultural resources, and the

equitable distribution and stability of income.

Scoping: The scoping of significant issues has been an on going process which has involved meeting with the U.S. Fish and Wildlife Service and the New York Department of Environmental Conservation. After the conclusion of planned environmental studies of the project area, future meetings will be scheduled.

Availability: This Draft Environmental Impact Statement will be made available to the public on or about 31 December 1980.

Address: Questions about the proposed action and DEIS can be answered by Philip E. Berkeley, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, (716) 876–5454.

Dated: September 14, 1979.

Thomas R. Braun,

Lt. Col., Corps of Engineers, Deputy District Engineer.

[FR Doc. 79-29111 Filed 9-19-79; 8:45 am]

BILLING CODE 3710-GP-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Pine Bluff, Ark., Navigation Feasibility Study

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. *Description of Action.* The proposed action involves the development of adjacent areas north of the existing port facility. The plan includes the staged construction of two slip channels, the first 500 feet wide by approximately 4,400 feet long and the second 300 feet wide by approximately 3,350 feet long, with material placed along either side to provide 1,000-foot-wide landfills. Additional features include the relocation of the Ste. Marie Recreation Area and provisions for a liquid storage area behind an existing levee.

2. *Reasonable Alternatives.* Additional alternatives formulated and evaluated are: (a) no action; (b) three configurations of basic features including double and single channels, relocating or retaining the Ste. Marie Recreation Area, and use of areas either to the north or south of the existing port; and (c) two on-river sites.

3. *Description of Scoping Process.*

a. *Public Involvement.* Coordination with the general public and interested agencies has been maintained throughout the formulation and development of the Pine Bluff Navigation Feasibility Study. Public meetings at which the navigation study was discussed were held in April 1973 and April 1977, and a third has been scheduled.

b. *Issues Analyzed in the EIS.* Impacts of the proposed project on water quality, recreational opportunities, the aquatic ecosystem, the terrestrial ecosystem, endangered species, socioeconomic elements, archeological sites, and deposition of dredged material in wetlands.

c. *Environmental Review and Consultation Requirements.* The environmental review will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and all applicable Corps of Engineers regulations and guidance.

4. *Scoping Meeting Schedule.* In view of the earlier public involvement and participation, a scoping meeting will not be held.

5. *Date DEIS Will Be Available to Public.* January 1980.

ADDRESS: Questions concerning DEIS should be addressed to: Ms. Maryetta Smith, Environmental Analysis Branch, or Mr. Joe Hall, Urban Studies Branch, U.S. Army Corps of Engineers, Vicksburg District, P.O. Box 60, Vicksburg, MS 39180, Phone: FTS 542–5966, Commercial 636–1311, Ext. 5966.

Dated: September 13, 1979.

Samuel P. Collins, Jr.,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-29110 Filed 9-19-79; 8:45 am]

BILLING CODE 3710-GX-M

Intent To Prepare a Draft Environmental Impact Statement for Proposed Dredging, Filling, Wharf Extension and Riprap Embankment in the Arthur Kill at Staten Island, N.Y.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. Description of Proposed Action—Howland Hook Marine Terminal has requested a permit from the New York District Army Corps of Engineer, under Section 10 of the River & Harbor Act of 1899 (30 Stat. 1151; 33 USC 403) and Section 404 of the Federal Water Pollution Control Act Amendments of 1972, as amended (PL 92–532, 86 Stat. 1052, 33 USC 1413) to expand a marine terminal facility in the Arthur Kill at Staten Island, New York. The proposed project is a phase by phase development and expansion program over a ten year period. The project involves dredging & filling selected areas (250,000 cubic yards and 1,400,000 cubic yards, respectively), extending the facility's concrete wharf, riprapping and relocating the mouth of Old Place Creek. The fill material will be placed on approximately 195 acres of upland vegetation and will bring to grade approximately 70 acres of wetlands, mudflats and littoral zone. Of the 70 acres approximately 35 to 40 acres is wetland with the remainder being mudflats and littoral zone.

2. Reasonable Alternatives—

a. No action

b. Reduced scope of development

c. Alternate project sites

3. Scoping Process. a. Public Involvement.—Comments on public notice issued for project and at public hearings, if required.

b. Significant Issues Requiring In-depth Analysis—

(1) Water Quality

(2) Wetlands

(3) Drainage & Flood Storage Capacities

(4) Sedimentation Patterns

(5) Fish and Wildlife

(6) Historical & Archeological Resources

(7) Socio-Economics

(8) Navigation

(9) Cumulative Impacts

(10) Air Quality

(11) Alternatives

c. Assignments. None proposed.

d. Environmental review and consultation. Meeting with concerned Federal, State, and local governmental agencies as well as interested environmental groups.

4. Scoping Meeting will ☐* will not ☐ be held.

*Date, Oct. 19, 1979; time, 10 a.m.; location, Federal Building, 26 Federal Plaza, New York, NY. 10007.

5. Estimate date of statement availability June 1981.

Address: Project Manager, Carmine Leone, Attn: NANOP–E, Tel. No. (212) 264–0185; EIS Coordinator, George Reyels, Attn: NANEN–E, Tel. No. (212) 264–4662; US Army Engineer District, New York, 26 Federal Plaza, New York, N.Y. 10007.

Dated: August 23, 1979.

Stanley Fafinski, Jr.,

Assistant Chief, Engineering Division.

[FR Doc. 79-29109 Filed 9-19-79; 8:45 am]

BILLING CODE 3710-06-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Dredging in the Eastern Branch of the Lynnhaven River in Virginia Beach, Va.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. *Proposed Action:* The City of Virginia Beach proposes to hydraulically dredge a 4.2 mile long channel in the Eastern Branch of the Lynnhaven River. The channel will be dredged from existing depths of from zero to minus five feet at mean low water to a depth of minus six feet at mean low water with a bottom width of 60 feet and 2:1 side slopes. The spoil, approximately 300,000 cubic yards of predominantly silt and clay will be pumped into an abandoned borrow pit located 1.25 miles east of the southern terminus of the project.

2. *Alternatives:* The applicant has identified two alternatives to the proposed project. These are: (1) No action, and (2) Dredge only the downriver 3.0 miles of the project. The dimensions of this alternate project channel would be the same as for the proposed project except for the shortened length.

3. *Scoping Process:* Informal pre-application meetings were held in April with the applicant's consultant and representatives of the Corps, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Environmental Protection Agency and three State regulatory or advisory agencies. These meetings identified several issues which will be analyzed in depth in the DEIS including primary and secondary impacts on nearby oyster grounds, cumulative effects of ancillary dredging and construction projects induced by the proposed dredging, and combined impacts on water quality from this proposed dredging and the proposed Virginia Beach Streams Canal No. 2 Federal Project. Consultation with the Virginia Council on the Environment (A-95 Clearinghouse) and other agencies will be conducted in accordance with appropriate laws and regulations.

4. *Public Meeting:* A public scoping meeting is anticipated and will be announced in the forthcoming Public Notice of the project. The formal scoping process will begin with the issuance of this Public Notice.

5. *DEIS Availability:* It is anticipated that the DEIS should be released for review and comments in early 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Bob Hume, U.S. Army Engineer District, Norfolk, 803 Front Street, Norfolk, Virginia 23510.

Dated: 12 September 1979.

Douglas L. Haller,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-29214 Filed 9-19-79; 8:45 am]

BILLING CODE 3710-EN-M

Department of the Navy

Abex Corp.; Intent To Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of title 32, *Code of Federal Regulations* (41 FR 55711-55714, December 22, 1976) the Department of the Navy announces its intention to grant to Abex Corporation, a corporation of the State of Delaware, a revocable, nonassignable, limited exclusive license for a period of five years under Government-owned United States Patent Number 4,098,096, issued July 4, 1978, entitled "High Strength, Non-metallic Coupling", inventors: Steven D. Chard, W. A. Loker and John T. Meredith.

This license will be granted unless within 60 days from the publication of this notice an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217, and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217 on or before November 19, 1979. Also, copies of the patent may be obtained for fifty cents (0.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, VA 22217. Telephone No. (202) 696-4005.

Dated: September 12, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-29215 Filed 9-19-79; 8:45 am]

BILLING CODE 3810-70-M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 10 October 1979, at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

September 17, 1979.

[FR Doc. 79-29247 Filed 9-19-79; 8:45 am]

BILLING CODE 3810-70-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 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, November 6, 1979; Tuesday, November 13, 1979; Tuesday, November 20, 1979; and Tuesday, November 27, 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 Committee 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 cosed 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 Servies, Department of Defense.

September 17, 1979.

[FR Doc. 79-29246 Filed 9-19-79; 8:45 am]

BILLING CODE 3810-70-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, September 26, 1979, commencing at 2:00 p.m. The hearing will be a part of the Commission's regular September business meeting which is open to the public. Both the hearing and the meeting will be held at the Eleventh Floor Conference Room (West), City Hall Annex, Juniper and Filbert Streets, Philadelphia, Pennsylvania. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Camden County Municipal Utilities Authority (D–71–9 CP Revised).* Revision of the Authority's wastewater management plant covering the region of Camden County, New Jersey, lying within the Delaware River drainage area. Treatment plant, Delaware No. 1, is designed to treat 60 million gallons per day, and treatment plant, Delaware No. 2, is designed to treat 14 million gallons per day. Both plants will discharge to the Delaware River after removal of 90% of BOD. A system of regional interceptors, pumping stations, force mains and associated facilities are alos included in the project, and will be undertaken in stages over the next three years.

2. *Pennsylvania Department of Environmental Resources (D–78–56 CP).* A scenic river project involving approximately 31 miles of the Lehigh River in Carbon and Luzerne Counties, Pennsylvania, downstream from the Francis E. Walter Dam. The mainstem of the Lehigh River and portions of several tributaries are proposed for designation as wild or scenic components of the Pennsylvania Scenic River System pursuant to the Pennsylvania Scenic River Act of 1972. The proposed designation is in accordance with a report by the applicant, "Lehigh Scenic River Study," August 1978.

3. *Citizen's Utilities Water Company of Pennsylvania (D–79–13 CP).* A well water supply project in Spring Township to serve Lower Heidelberg, South Heidelberg and Spring Townships, and several adjacent boroughs in Berks County, Pennsylvania. Designated as Well No. 21, the new facility is expected to yield about 470,000 gallons per day that will be used to meet increased demands in the company's service area.

4. *Mobil Oil Corporation (D–79–12).* A grounwater decontamination project at the company's refinery in Greenwich Township, Gloucester County, New Jersey. Seven wells will be pumped at a combined rate of up to 1.5 million gallons per day to remove hydrocarbons which have accumulated in a shallow aquifer at the site. Water withdrawn from the decontamination wells will be used for cooling purposes in lieu of water withdrawn from existing production wells.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

September 12, 1979.

[FR Doc. 79-29210 Filed 9-19-79; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP77–117]

Carnegie Natural Gas Co.; Extension of Time

September 10, 1979.

On August 29, 1979, Carnegie Natural Gas Company filed a motion with the Commission requesting an extension of time to file revised tariff sheets and amended gas purchase agreements pursuant to the Commission's letter order of August 21, 1979, in the above-referenced proceeding. The motion states that additional time is needed because of the temporary unavailability of personnel.

Upon consideration, notice is hereby given that an extension of time is granted to and included October 1, 1979, for the filing of revised tariff sheets and amended gas purchase agreements in the subject proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29139 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76–468]

Cities of Lenox, Bedford, Clearfield, and Prescott, Iowa; Amended Petition for Extraordinary Relief or, in the Alternative, for an Order Pursuant to Section 7(a) of the Natural Gas Act

September 10, 1979.

Take notice that on August 21, 1979, the Cities of Lenox, Bedford, Clearfield, and Prescott, Iowa (Petitioners, c/o C. F. Wheatley, Jr., and D. C. Uthus, Wheatley & Wollesen, 1112 Watergate Office Building 2600 Virginia Avenue, NW., Washington, D.C 20037, and Robert Halligan, City Administrator, City of Lenox, Lenox, Iowa 50851, filed in Docket No. CP76–468 an amended petition for extraordinary relief, or, in

the alternative, for an order pursuant to Section 7(a) of the Natural Gas Act to obtain an increase of 721 Mcf of natural gas per day from their sole supplier, Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the amended petition on file with the Commission and open to public inspection.

By their initial petition filed in the instant docket on July 14, 1976, Petitioners sought an increase of 798 Mcf of natural gas per day in their combined maximum daily quantity entitlement from Natural from the authorized level of 2,055 Mcf to 2,853 Mcf. By the instant amended petition Petitioners seek an increase of 721 Mcf of gas per day from the present level of 2,128 Mcf to 2,849 Mcf.

Any person desiring to be heard or to make any protest with reference to said amended petition should on or before September 28, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29140 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-643]

Edison Sault Electric Co.; Proposed Supplement to Electric Service Contract

September 13, 1979.

The filing Company submits the following: Take notice that Edison Sault Electric Company (Edison), on September 7, 1979, tendered for filing a Supplemental Agreement No. 2 between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), dated March 1, 1979, which agreement will supplement an existing Contract for Electric Service, dated February 1, 1977, between the same two parties. The contract between the parties, dated February 1, 1977, has been designated Rate Schedule FERC No. 8 (Docket No. ER77-477). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated February 1, 1977, under section "Increases or Decreases in Rates".

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement, should file a Petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29145 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ER77-488 and ER78-520 (Phase I)]

El Paso Electric Co.; Extension of Time

September 10, 1979.

On September 5, 1979, El Paso Electric Company filed a motion with the Commission requesting an extension of two days to file Briefs on Exceptions in the above-referenced proceeding. This motion is a follow-up to a September 4, 1979, motion by El Paso for a one day extension of time. Both motions state that additional time is needed because of unusual clericl problems and because of malfunctioning word-processing equipment.

Upon consideration, notice is hereby given in the above-referenced proceeding that an extension for filing Briefs on Exceptions is granted to and including September 6, 1979. Briefs Opposing Exceptions shall be filed on or before September 26, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29141 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-637]

The Hartford Electric Light Co.; Purchase Agreement

September 13, 1979

The filing Company submits the following: Take notice that on September 5, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Central Vermont Public Service Corporation (CVPS) dated as of August 12, 1977.

HELCO states that the Purchase Agreement provides for a sale to CVPS of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through April 30, 1984.

HELCO requests that the Commission permit the rate schedule filed to become effective on November 1, 1979.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The monthly Transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which CVPS is entitled to receive reduced to give due recognition of payments made by CVPS to intervening systems. The Energy Charge is based on CVPS's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, and CVPS, Rutland, Vermont.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E.,

Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29147 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-641]

The Hartford Electric Light Co.; Purchase Agreement

September 13, 1979

The filing Company submits the following:

Take notice that on September 5, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Village of Northfield Electric Department (Northfield) dated as of September 1, 1977.

HELCO states that the Purchase Agreement provides for a sale to Northfield of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1980.

HELCO requests that the Commission permit the rate schedule filed to become effective on November 1, 1979.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The monthly Transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which Northfield is entitled to receive reduced to give due recognition of payments made by Northfield to intervening systems. The Energy Charge is based on Northfield's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, and Northfield, Northfield, Vermont.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29148 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-639]

The Hartford Electric Light Co.; Purchase Agreement

September 13, 1979.

The filing Company submits the following:

Take notice that on September 5, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Public Service Company of New Hampshire (PSNH) dated as of July 25, 1979.

HELCO states that the Purchase Agreement provides for a sale to PSNH of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1982.

HELCO requests that the Commission permit the rate schedule filed to become effective on November 1, 1979.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The monthly Transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which PSNH is entitled to receive. The Energy Charge is based on PSNH's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, and PSNH, Manchester, New Hampshire.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29149 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-636]

The Hartford Electric Light Co.; Purchase Agreement

September 13, 1979.

The filing Company submits the following:

Take notice that on September 5, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Village of Ludlow Electric Light Department (LUDLOW) dated as of September 1, 1977.

HELCO states that the Purchase Agreement provides for a sale to LUDLOW of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1985.

HELCO requests that the Commission permit the rate schedule filed to become effective on November 1, 1979.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The monthly Transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which LUDLOW is entitled to receive reduced to give due recognition of payments made by LUDLOW to intervening systems. The Energy Charge is based on LUDLOW's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, and LUDLOW, Ludlow, Vermont.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene.

Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29150 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER78-638]

The Hartford Electric Light Co.; Purchase Agreement

September 13, 1979.

The filing Company submits the following:

Take notice that on September 5, 1979, the Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with respect to Middletown Unit No. 4 between HELCO and the Village of Morrisville Water and Light Department (Morrisville) dated as of September 1, 1977.

HELCO states that the Purchase Agreement provides for a sale to Morrisville of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1980.

HELCO requests that the Commission permit the rate schedule to become effective on November 1, 1979.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost of service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The monthly transmission charge is determined by the product by (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which Morrisville is entitled to receive reduced to give due recognition of payments made by Morrisville to intervening systems. The energy charge is based on Morisville's portion of the applicable fuel expenses and no special cost of service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, and Morrisville, Morrisville, Vermont.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29151 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-635]

The Hartford Electric Light Co.; Purchase Agreement

September 13, 1979.

The filing Company submits the following:

Take notice that on September 5, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Village of Stowe Water and Light Department (Stowe) dated as of September 1, 1977.

HELCO states that the Purchase Agreement provides for a sale to Stowe of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1985.

HELCO requests that the Commission permit the rate schedule filed to become effective on November 1, 1979.

HELCO states that the Capacity Charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The monthly Transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which Stowe is entitled to receive. The Energy Charge is based on Stowe's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (Rate Schedule FERC No. 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, Stowe, Stowe, Vermont.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29152 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. E-9329 (Limited Issue), ER 76-792 and ER76-716; E-9548 and E-9549]

Indiana & Michigan Electric Co., et al.; Informal Conference [1]

Issued: September 10, 1979.

In the matter of Indiana & Michigan Electric Company, Docket Nos. E-9329 (Limited issue), ER76-792 and ER76-716; and City of Mishawaka, Indiana, City of Garrett, Indiana, City of Niles, Michigan, City of Columbia City, Indiana, City of Bluffton, Indiana, City of Gas City, Indiana, Town of Frankfort, Indiana, Town of Warren, Indiana, Town of New Carlisle, Indiana, and Town of Avilla, Indiana, Complainants, Docket No. E-9548 v. American Electric Power Company, Inc., American Electric Power Service Corporation, and Indiana & Michigan Electric Company, Defendants, and The City of Anderson, Indiana, Complainant, v. American Electric Power Company, Inc., American Electric Power Service Corporation, and Indiana & Michigan Electric Company, defendants, Docket No. E-9549.

Notice is hereby given that a conference will be held on Friday, September 21, 1979, commencing at 10:00 a.m. in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. in the above-captioned dockets. The purpose of the conference is to attempt to resolve the outstanding issues in the respective proceedings.

Mr. John B. O'Sullivan, Chief Advisory Counsel, and Mr. William W. Lindsay, Director, Office of Electric Power Regulation, have been designated as presiding officers of the Commission for the conference. Each of them is empowered to perform any and all of the functions set forth in Section 1.27 of the Rules of Practice and Procedure.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29142 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CP79-150; CP 79-330; and CP 79-412]

Northwest Pipeline Corp., Northern Natural Gas Co., and El Paso Natural Gas Co.; Informal Conference

September 13, 1979.

Take notice that on September 25, 1979, at 10:00 a.m., an informal conference will be held at the Civil Aeronautics Board, 1875 Connecticut Avenue, N.W. (North Building), Washington, D.C., concerning the applications made in above-captioned dockets. All persons are invited to attend, but are advised that mere attendance and/or participation in this conference's discussions will not serve to make such persons formally parties to these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29146 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ER76-149 and E-9537]

Public Service Co. of Indiana, Inc.; Extension of Time

September 10, 1979

On August 30, 1979, the Public Service Company of Indiana, Inc., filed a motion with the Commission requesting an extension of time to file its revised cost of service and rate schedule amendments under the Commission's June 28, 1979, Opinion No. 44, in the above-referenced proceedings. The motion states that Counsel for intervenors and Staff Counsel do not oppose the Company's request for an extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 18, 1979, for the filing of revised cost of service and rate schedule amendments in the above-referenced proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29143 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[GP79-123]

State of New Mexico, Section 108 NGPA Determinations, El Paso Natural Gas Co., Huerfanito Unit No. 17, JD No. 79-14939, San Juan 27-5 Unit No. 18, JD No. 79-14940, San Juan 28-6, Unit No. 189, JD No. 79-14941, Moncrief Com. A No. 2, JD No. 79-14052; Preliminary Finding

Issued: September 10, 1979.

On August 1, 1979, the Commission received notices of determination from the state of New Mexico Oil Conservation Division that the four above-listed wells met all the requirements of "seasonally-affected" stripper wells under § 271.804(d) of the Commission's regulations implementing the Natural Gas Policy Act of 1978 (NGPA). The Commission published notice of the first three determinations on August 17, 1979, and of the fourth determination on August 14, 1979.

[1] A notice of this conference was issued on September 4, 1979, setting the conference for September 17; however, due to administrative error, the notice was not served. Therefore, the conference date is being changed to September 21.

Section 271.804(d)(2) provides that if at any time subsequent to a final determination of stripper well status the operator acquires production reports for a period of 24 consecutive months which demonstrate that the well is "seasonally affected," a petition may be filed with the Jurisdictional agency for a designation as a seasonally-affected well.[1] The same above-listed wells have all previously received final determinations as stripper wells, but have since experienced production in excess of an average of 60 Mcf per production day during a 90-day period.

Section 271.804(d)(1) provides that in order to qualify for a designation as "seasonally affected," a well's 24-month production reports must demonstrate that the well is subject to seasonal fluctuations "which temporarily increase average production above 60 Mcf per production day" and the jurisdictional agency must find that the seasonal fluctuations "have not increased and cannot reasonably be expected to increase production levels above an average of 60 Mcf per production day for any 12-month period." In addition, § 274.206(d)(4) requires that the applicant must file "a description of the nature of the seasonal fluctuations as inferred from the data supplied."

The data filed with these determinations include 24-month production reports showing that each well produced at an average of less than 60 Mcf per production day for any 12 months in that period. However, the data do not specifically identify the nature of the "seasonal effect" which caused each well's production to exceed the stripper well limit. Instead, each application includes an identical statement by the applicant that the increased production from the well is caused by its "sensitivity to pressure differentials as changes in operating conditions occur." Each identical statement gives a list of examples of "such changes that may occur" but does not explain which change applies to that particular well or why that change is of a seasonal nature. Accordingly, the Commission cannot find substantial evidence in the record that any or all of these wells qualify as "seasonally affected" wells under § 271.804(d).

The Commission hereby makes a preliminary finding, pursuant to 18 C.F.R. §§ 275.202(a)(1)(i) and 271.806(b) that the notices of determination submitted by the State of New Mexico Oil Conservation Division for the above-listed wells are not supported by substantial evidence in the record on which the determinations were made.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29144 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

[1] Designation of a stripper well as "seasonally affected" insures the seller of exemption from the "continuing qualification" filing requirements of § 271.805, unless the rate of production exceeds an average of 60 Mcf per production day for a 12-month period. Accordingly, if the above-listed wells qualify as "seasonally affected," the seller's right to continue to collect the section 108 price does not terminate when the well exceeds an average of 60 Mcf per production day during any 90-day production period.

Office of Special Counsel for Compliance

Mobil Oil Corp.; Consent Order

AGENCY: Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Public Comment.

SUMMARY: Pursuant to 10 CFR 205.199J, the Office of Special Counsel (OSC) of the Department of Energy hereby gives notice that it has entered into a Consent Order with Mobil Oil Corporation. The Consent Order addresses Mobil's compliance with the crude oil production regulations, subpart D of 10 CFR Part 212, for the months September 1973 through May 1979. In the Consent Order, Mobil agrees to remedy the violations alleged by refunding, or by reducing its costs, by $13,796,387.78.

As required by 10 CFR 205.199J, OSC will receive comments concerning the Consent Order for a period of at least 30 days following publication of this notice. Although the Consent Order has been signed and accepted by the parties, OSC may, after consideration of the comments received, withdraw its acceptance to the Consent Order, attempt to negotiate a modification of the Consent Order, or make the Consent Order final as proposed.

DATES: Comments received on or before October 19, 1979 will be considered.

FOR FURTHER INFORMATION CONTACT: Richard Wolf, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue N.W., Room 2140, Washington, D.C. 20461, 202-633-8288.

Copies of the Consent Order may be received by written request to the same address. Copies will also be available at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue S.W., Room GA-152.

SUPPLEMENTARY INFORMATION:

Background

Mobil is a refiner subject to the Mandatory Petroleum Price and Allocation Regulations. OSC conducted an audit of Mobil's compliance with the regulations governing the first sales of domestic crude oil, 10 CFR Part 212, Subpart D, as well as related and predecessor provisions. In the audit, records of Mobil's domestic crude oil production and sales activities in the period September 1, 1973 through May 31, 1979 were examined.

As a result of the audit, OSC identified what it believed to be a number of violations of the regulations. Among the alleged errors were improper identification of properties and improper computation of base production control levels. These violations were determined through a detailed audit of seventy percent of Mobil's domestic crude oil sales from September 1973 through December 1976. The audit findings were then projected to unaudited properties from which Mobil produced crude oil, and were extrapolated forward, as to all properties, to May 1979. Based on the foregoing, OSC alleged overcharges in the sales of domestic crude oil, including interest, totalling $13,796,387.78.

The Consent Order

Mobil and OSC have agreed to conclude the audit of Mobil's compliance with the crude oil sales regulations through this Consent Order rather than through adversary proceedings. The significant terms of the Consent Order are that:

1. Mobil agrees to pay $2,236,165.65 through price reductions or cash refunds to crude oil purchasers identified as having received crude oil from the properties with respect to which allegations of overcharges were made by OSC.

2. Mobil agrees to reduce its costs reported on the refiner monthly cost allocation reports by $2,080,952.38, to be allocated equally to all months from September 1973 through May 1979. This amount is attributable to the projection of violations to unaudited properties.

3. The $9,429,269.75 balance, representing amounts of alleged violations included in crude oil transferred to Mobil affiliates, will be deducted from Mobil's monthly cost allocation reports for the months in which the allegedly improper cost was reported. Mobil will adjust its entitlements reports and obligations for the months affected.

4. Mobil agrees to pay a compromise penalty of $50,000.

5. Mobil will not be subject to further administrative discovery, with certain exceptions, regarding practices which occurred during the audit period. Mobil agrees to maintain such records as are necessary to demonstrate compliance with the terms of this Consent Order.

6. The Consent Order does not constitute an admission by Mobil or a finding by OSC that violations of the regulations occurred. Mobil waives any rights to contest or appeal the terms of the Order.

7. The provisions of 10 CFR 205.199J, including the publication of this notice, are applicable to the Consent Order.

Submission of Written Comments

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to the address noted above. Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Mobil Consernt Order." All comments received by 5:00 p.m. EDT on October 19, 1979 will be considered by OSC in evaluating the Consent Order. Modifications of the Consent Order which, in the opinion of OSC, significantly change the terms or impact of the Consent Order will be pulbished for comment.

Any information or data which, in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., September 12, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79-29242 Filed 9-19-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1325-5]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Reference Method RFNA-0179-035

Notice is hereby given that EPA, in accordance with 40 CFR Part 53, has approved 4 additional options for NO_2 reference method number RFNA-0179-035 (**Federal Register**, Volume 44, page 7805, February 9, 1979). While the designation number of the method remains the same, the method identification is amended as follows:

FRNA-0179-035, "Thermo Electron Model 14B/E Chemiluminescent NO-NO_2-NO_x Analyzer," operated on the 0-0.5 ppm range and with or without any of the following options.

14-001 Teflon Particulate Filter.
14-002 Voltage Divider Card.
14-003 Long-Time Signal Integrator.
14-004 Indicating Temperature Controller.
14-005 Sample Flowmeter.
14-006 Air Filter.

Options 14-003 through 14-006 are the new ones.

The method is available from Thermo Electron Corporation, 108 South Street, Hopkinton, MA 01748.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (44 FR 7805, February 9, 1979). As a designated reference method, this method is acceptable for use by States and other control agencies for purposes which require use of a reference or equivalent monitoring method.

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (44 FR 7805) or by writing to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

Stephen J. Gage,

Assistant Administrator for Research and Development.

September 17, 1979.

[FR Doc. 79-29256 Filed 9-19-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1325-7]

Ambient Air Monitoring Reference Method Designation; Monitor Labs Model 8310 CO Analyzer

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, 41 FR 11252, 41 FR 52694), has designated another reference method for the measurement of ambient concentrations of carbon monoxide. The new reference method is an automated method (analyzer) which utilizes a measurement principle based on non-dispersive infrared spectrometry. The method is described as:

RFCA-0979-041, "Monitor Labs Model 8310 CO Analyzer," operated on the 0-50 ppm range, with a sample inlet filter, and with or without any of the following options:
02A—Zero/Span Valves.
03A—Floor Stand.
04A—Pump (60 Hz).
04B—Pump (50 Hz).
05A—CO Regulator.
06A—CO Cylinder.
07A—Zero/Span Valve Power Supply.
99A,B,C,D—Input Power Transformer.

This method is available from Monitor Labs, Incorporated, 10180 Scripps Ranch Blvd., San Diego, California 92131.

A notice of receipt of application for this method appeared in the **Federal Register**, Volume 44, June 11, 1979, page 33476.

A test analyzer representative of this method has been tested by the applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method.

The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a reference method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to Part 58 (44 FR 27585).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and

indicate which range or ranges have been designated as reference or equivalent methods.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice of a new reference or equivalent method designation for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring Systems Laboratory, Department E (MD–77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this reference method will provide assistance to the States in establishing and operating their air quality surveillance systems under Part 58. Additional information concerning this action may be obtained by writing to the address given above.

Stephen J. Gage

Assistant Administrator for Research and Development.

September 17, 1979.

[FR Doc. 79–29254 Filed 9–19–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1325–6]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on August 22, 1979, the Environmental Protection Agency received an application from Monitor Labs, Inc., San Diego, California, to determine if its Model 8840 Nitrogen Oxides Analyzer should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044) and amended December 1, 1976 (41 FR 52592). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register.**

Stephen J. Gage,

Assistant Administrator for Research and Development.

September 17, 1979.

[FR Doc. 79–29255 Filed 9–19–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1325–4]

Intent To Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare a draft environmental impact statement (EIS).

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, Environmental Evaluation Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80395. Telephone (Commercial) 303–837–4831 (FTS) 8–327–4831.

SUMMARY: 1. Description of proposed action:

The EPA action would be the approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater treatment facilities located in the St. George area of Washington County, Utah.

2. Public and Private Participation in the EIS Process:

Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. Scoping:

The EPA Region VIII will be holding meetings to discuss the alternatives and the scope of the draft EIS. For additional information, contact the person indicated above. Public notice will be given prior to all subsequent meetings.

4. Timing:

EPA estimates the draft EIS will be available for public review and comment around January 1980.

5. Requests for Copies of Draft EIS:

All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices.

Dated: September 11, 1979.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

[FR Doc. 29257 Filed 9–19–79; 8:45 am]

BILLING CODE 6560–01–M

[OPP–00105; FRL 1326–3]

State-FIFRA Issues Research and Evaluation Group (SFIREG); Working Committee on Certification; 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 Certification of the State FIFRA Issues Research and Evaluation Group (SFIREG) on Wednesday and Thursday, October 17–18, 1979, beginning each day at 8:30 a.m. and ending by noon on October 18th. The meeting will be held in the Elm Room, 6th floor, Lincoln Towers, 1860 Lincoln Street, Denver, Colorado, and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Mr. John Hillis, SFIREG Executive Secretary, Telephone: 916/323–2949; or
Mr. P. H. Gray, Jr., Office of Pesticide Programs (TS–770–M), EPA, 401 M Street, SW., Washington, D.C. 20460, Telephone: (202) 472–9400.

SUPPLEMENTARY INFORMATION: This is the fourth meeting of the Working Committee on Certification. The meeting will be concerned with the following topics:

1. Development of formula for awarding grant funds to States for applicator certification programs—

a. 50–50 formula and needs of small States, and

b. Use of term "farm manager" in determining formula;

2. Development of firmer commitment by EPA (OMB) on funding certification program;

3. Responses by States to AAPCO questionnaire on accomplishments of certification program;

4. Recommendations of ECOP–SFIREG task force for awarding funds to develop training materials;

5. EPA's "Recertification Training Criteria for Commercial Applicators" (Colorado, Nebraska, Indian Lands)—latest version;

6. Results of evaluation of North Carolina applicator program by Educational Testing Service;

7. Maintenance of applicator competence (MAC)—Recertification:

a. What is optimum flexibility for States in MAC programs?

b. Should there be rigid national standards for MAC or minimum national control?

8. MAC—Reciprocity: Achieving reciprocity between States that have varying requirements for MAC, or that have certification expiring on varying dates;

9. Record Keeping:

a. Progress report on uniform record keeping system,

b. Development of universal form for record keeping, and

c. Guidelines for criteria by industry;

10. Annual reports required by 40 CFR 171.7(b); and

11. Additional items as appropriate.

Dated: September 13, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-29252 Filed 9-19-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-00104; FRL 1326-2]

State-FIFRA Issues Research and Evaluation Group (SFIREG); Working Committee on Registration and Classification; 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 Registration and Classification of the State FIFRA Issues Research and Evaluation Group (SFIREG) on Wednesday and Thursday, October 10–11, 1979, beginning at 9:00 a.m. each day. The meeting will be held in a conference room at the Iowa Department of Agriculture, Des Moines, Iowa, and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Mr. Barry Patterson, New Mexico Department of Agriculture, Las Cruces, New Mexico, Telephone: 505/646-2133; or

Mr. P. H. Gray, Jr., Office of Pesticide Programs, (TS-770-M), EPA, 401 M Street, SW., Washington, D.C. 20460, Telephone: 202/472-9400.

SUPPLEMENTARY INFORMATION: This is the third meeting of the Working Committee on Registration and Classification. The meeting will be concerned with the following topics:

1. Section 5(f) guidelines;

2. Opening registration files to allow amending the active ingredient statements in response to improved analytical techniques;

3. Progress by EPA in meeting SFIREG resolution regarding Section 18 exemptions;

4. Progress report on resolving question of APHIS manuals;

5. Possible restricted use classification for chlordane products;

6. Labeling for public spraying programs; and

7. Additional items as appropriate.

Dated: September 13, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-29253 Filed 9-19-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

FM and TV Translator Applications Ready and Available for Processing

Adopted: September 12, 1979.

Released: September 13, 1979.

Notice is hereby given pursuant to §§ 73.3572(c) and 73.3573(d) of the Commission's rules, that on October 30, 1979, the TV and FM translator applications listed in the attached Appendix below will be considered ready and available for processing. Pursuant to §§ 1.227(b)(1) and 73.3591(b) of the rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 29, 1979, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on October 29, 1979.

Any party in interest desiring to file pleadings concerning any pending TV or FM translator application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 73.3584(a) of the rules, which specifies the time for filing and other requirements relating to such pleadings.

Federal Communications Commission.

William J. Tricarico,

Secretary.

UHF TV Translator Applications

BPTT-790221IA (K65BA), Granite Falls, Minnesota, Minnesota Valley TV Improvement, Corporation. Req: Change primary TV station to KSTP-TV, Channel 5, St. Paul, Minnesota.

BPTT-790221IB (K48AA), St. James, Minnesota, Watonwan TV Improvement Association. Req: Change primary TV station to KMSP-TV, Channel 9, Minneapolis, Minnesota.

BPTT-790228IB (New), Hatch, Garfield, Radium Springs & Leasburg, New Mexico, Regents of New Mexico State University. Req: Channel 65, 776-782 MHz, 100 watts, Primary: KRWG-TV, Las Cruces, New Mexico.

BPTT-790326IE (K80AE), Globe & Miami, Arizona, Community Television Project. Req: Change frequency to Channel 57, 728-734 MHz.

BPTT-790419IA (New), Big Park Valley Area, Village of Oak Creek, Jacks Canyon & Valley Vista Estates, Arizona, Bell Rock TV Club, Inc. Req: Channel 45, 656-662 MHz, 10 watts, Primary: KTAR-TV, Phoenix, Arizona.

BPTT-790510IB (New), Ocala, Florida, Hubbard Broadcasting, Inc. Req: Channel 29, 560-566 MHz, 1000 watts, Primary: WTOG-TV, St. Petersburg, Florida.

BPTT-790510IC (New), Ft. Pierce, Vero Beach & Stuart, Florida, Hubbard Broadcasting, Inc. Req: Channel 21, 512-518 MHz, 1000 watts, Primary: WTOG-TV, St. Petersburg, Florida.

BPTT-790511IB (New), North Bergen County, New Jersey, Wometco Blonder-Tongue Broadcasting Corporation. Req: Channel 28, 554-560 MHz, 100 watts, Primary: WTVG-TV, Newark, New Jersey.

UHF TV Translator Applications

BPTT-790529ID (New), 8 Mile Ridge & Royal Gorge, Colorado, Capitol of Colorado Corporation. Req: Channel 56, 722-728 MHz, 20 watts, Primary: KKTV-TV, Colorado Springs, Colorado.

BPTT-790724IA (New), Long Valley, South Dakota, Martin TV Club, Inc. Req: Channel 58, 734-740 MHz, 100 watts, Primary: KIVV-TV, Lead, South Dakota.

BMPTT-790215IZ (K57BG), Santa Clara & Gunlock, Utah, Washington County Television Dept. Req: Change primary TV Station to KBYU-TV, Channel 11, Provo, Utah

VHF TV Translator Applications

BPTTV-790221IC (New), Ramah, New Mexico, Ramah Navajo School Board, Inc. Req: Channel 2, 54-60 MHz, 1 watt Primary: KNME-TV, Albuquerque, New Mexico.

BPTTV-790222IJ (K04BB), Rockville, Utah, Washington County Television Dept. Req: Increase output power to 10 watts, change primary TV Station to KTVX-TV, Channel 4, Salt Lake City, Utah.

BPTTV-790223IF (K95AR), Rockville, Utah, Washington County Television Dept. Req: Increase output power to 10 watts, change primary TV Station to KSL-TV, Channel 5, Salt Lake City, Utah.

BPTTV-790223IG (K09CD), Rockville, Utah, Washington County Television Dept. Req: Increase output power to 10 watts, change primary TV Station to KUTV, Channel 2, Salt Lake City, Utah.

BPTTV-790223IH (New), Rockville, Utah, Washington County Television Dept. Req: Channel 7, 174-180 MHz, 10 watts, Primary: KORK-TV, Las Vegas, Nevada

BPTTV-790228IA (New), Hillsboro, New Mexico, Regents of New Mexico State University. Req: Channel 7, 174-180 MHz, 10 watts, Primary: KRWG-TV, Las Cruces, New Mexico.

BPTTV-790323ID (K04HK), Black Butte Ranch, Oregon, Brooks Resources Corporation. Req: Change primary TV Station to KTVZ, Channel 21, Bend, Oregon, increase output power to 10 watts.
BPTTV-790608IB (New), Mendenhall Valley & Auk Bay, Alaska, Capital Community Broadcasting, Inc. Req: Channel 6, 82–88 MHz, 10 watts, Primary: KTOO-TV, Juneau, Alaska.

FM Translator Applications

BPFT-790607IB (New), Dot Lake Village & Tok Area, Alaska, Evangelistic Missionary Fellowship. Req: Channel 296, 107.1 MHz, 10 watts, Primary: KJNP-FM, North Pole, Alaska.
BPFT-790403IE (New), Santa Barbara, California, KCPB, Inc. Req: Channel 206, 89.1 MHz, 10 watts, Primary: KCPB-FM, Thousand Oaks, California.
BPFT-790404IB (New), West & East Vail, Colorado, Radio Vail, Inc. Req: Channel 232, 94.3 MHz, 10 watts, Primary: KVMT-FM, Vail, Colorado.
BPFT-790404IC (New), Minturn, Avon & Eagle, Colorado, Radio Vail, Inc. Req: Channel 249, 97.7 MHz, 10 watts, Primary: KVMT-FM, Vail, Colorado.

FM Translator Applications

BPFT-790404ID (New), Silverthorne, Frisco, Breckinridge, Keystone & Dillon, Colorado, Radio Vail, Inc. Req: Channel 257, 99.3 MHz, 10 watts. Primary: KVMT-FM, Vail, Colorado.
BPFT-790413IE (New), Erie, Pennsylvania, The Cornerstone of Erie County. Req: Channel 244, 96.7 MHz, 1 watt. Primary: WCTL-FM, Union City, Pennsylvania.
BPFT-790417IA (New), Edmonds, Washington, KIXI, Inc. Req: Channel 277, 103.3 MHz, 10 watts. Primary: KIXI-FM, Seattle, Washington.
BPFT-790423IG (New), Eau Claire & Chippewa Falls, Wisconsin, Grace Baptist Church. Req: Channel 244, 96.7 MHz, 1 watt. Primary: WCTS-FM, Minneapolis, Minnesota.
BPFT-790430II (New), Del Norte, Colorado, Darrel K. Burns d.b.a. Community Broadcasting Company. Req: Channel 276, 103.1 MHz, 10 watts. Primary: KALQ-FM, Alamosa, Colorado.
BPFT-790503IC (New), Rhyolite & Goldfield, Nevada, Trinity Temple Church d.b.a. Tri-State Translators. Req: Channel 285, 104.9 MHz, 10 watts. Primary: KILA-FM, Henderson, Nevada.
BPFT-790508IB (New), New Port, New Hampshire, Rodney R. Dunham (General Modulation Services). Req: Channel 276, 103.1 MHz, 1 watt. Primary: WOKQ-FM, Dover, New Hampshire.
BPFT-790510ID (New), Tower & Soudan, Minnesota, Stereo Broadcasting, Inc. Req: Channel 269, 101.7 MHz, 10 watts. Primary: WAKX-FM, Duluth, Minnesota.
BPFT-790521IG (New), Chandler, Leota & Edgerton, Minnesota, Dordt College, Inc. Req: Channel 205, 88.9 MHz, 10 watts. Primary: KDCR-FM, Sioux Center, Iowa.

UHF TV Translator Applications

BPTT-780731JS (New), Beatrice, Nebraska, Nebraska Educational Television Commission. Req: Channel 23, 524–530 MHz, 1000 watts. Primary: KUON-TV, Lincoln, Nebraska.
BPTT-790529IF (K70DF), Running Springs, California, San Bernardino County Superintendent of Schools. Req: Change frequency to Channel 69, 800–806 MHz.

[FR Doc. 79-29203 Filed 9-19-79; 8:45 am]
BILLING CODE 6712-01-M.

[CC Docket Nos. 79-220—79-221; File Nos. 22372-CD-P-78 and 20191-CD-P(B)-79]

Max D. Klayman et al.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: August 27, 1979.

Released: September 12, 1979.

In re applications of Max D. Klayman d/b/a Haverhill Answering Service, for a construction permit to establish an additional location for Station KCC790 to operate on frequently 152.15 MHz in the Domestic Public Land Mobile Radio Service at Somerville, Massachsetts, CC Docket No. 79-220, File No. 22372-CD-P-78; Colgan Communications, Inc. d/b/a Mobilfone of Boston, for a construction permit to establish an additional location for Station KCA240 to operate on frequency 152.15 MHz in the Domestic Public Land Mobile Radio Service at Scituate, Massachusetts, CC Docket No. 79-221, File No. 20191-CD-P(B)-79.

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, is the application of Max D. Klayman d/b/a Haverhill Answering Service (Haverhill), File No. 22372-CD-P-78, for a Construction Permit to establish an additional location for Station KCC790 to operate on frequency 152.15 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Somerville, Massachusetts, and the application of Colgan Communications, Inc. d/b/a Mobilfone of Boston (Mobilfone), File No. 20191-CD-P(B)-79, for a Construction Permit to establish an additional location for DPLMRS Station KCA240 at Scituate, Massachusetts. We had granted the Haverhill application on February 5, 1979 (Public Notice, Report No. 948-A). Afterward, we realized Mobilfone's application, which had been filed on October 31, 1978, was electrically mutually exclusive with the Haverhill application. Therefore, the action of the Common Carrier Bureau in granting the Haverhill application was erroneous. The applications should have been listed as mutually exclusive. Consequently, we rescinded the Haverhill grant (Public Notice, Report No. 952-A, dated March 5, 1979). Haverhill has filed a "Petition for Reconsideration" of our rescission. Responsive pleadings have been filed thereto.

2. The following issue has been raised for our consideration:

whether Mobilfone's application was substantially complete as filed and therefore entitled to comparative consideration with the Haverhill application. *See* § 21.31 of the Commission's Rules, below.[1]

3. Haverhill's application was filed on September 26, 1978, and listed as accepted for filing on October 2, 1978 (Public Notice, Report No. 930). Mobilfone's application was filed on October 31, 1978, and listed as acceptable for filing on November 6, 1978 (Public Notice, Report No. 935). We granted Haverhill's application on February 5, 1979 (Public Notice, Report No. 948-A). Then we realized that we erred in allowing the grant because Haverhill's application is electrically mutually exclusive with Mobilfone's application. We then rescinded the grant by letter to Haverhill on February 27, 1979 (Public Notice, Report No. 952-A, dated March 5, 1979). We asked Mobilfone to complete its load study, by letter dated March 5, 1979. After requesting an extension of time, Mobilfone amended its application on May 3, 1979, to supply the requested information.

4. Haverhill asserts that, on the date of the grant and on the expiration of the sixty-day cutoff period, Mobilfone's application should have been returned as fatally defective because it then contained an insufficient Section 21.516 channel loading study. Consequently, Haverhill urges, Mobilfone's application was not entitled to comparative consideration. In effect, Haverhill argues that Mobilfone's application was not "received by the Commission in a condition acceptable for filing" [2] until May 3, 1979, the date of Mobilfone's amendment, and considerably after the cutoff date of December 1, 1978. Mobilfone responds with procedural challenges to Haverhill's petition. However, we will not address these challenges since, as will be discussed

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[1] Section 21.31 states in pertinent part:

* * *

(b) An application will be entitled to comparative consideration with one or more conflicting applications only if:

(1) The application is mutually exclusive with the other application; and

(2) The application is received by the Commission in a condition acceptable for filing by whichever "cutoff" date is earlier:

(i) Sixty (60) days after the date of the public notice listing the first of the conflicting applications as accepted for filing; or

(ii) One (1) business day preceding the day action on the previously filed application * * *

[2] Section 21.31(b)(2).

below, we will deny Haverhill's petition on the merits.

5. We note that Mobilfone's application was accepted for filing on November 6, 1978, well within the sixty-day cutoff period. Mobilfone's application as filed contains a partial channel loading study and is complete in all other respects. Consequently, we find that Mobilfone's application was substantially complete as filed in the sense that it contained sufficient information for comparative consideration to begin. Therefore, we find that Mobilfone's application is entitled to comparative consideration with the Haverhill application. *See David H. Smith*, 72 FCC 2d 468 (Mimeo 16723, released April 26, 1979).

6. Because these applications are electrically mutually exclusive, a comparative hearing must be held to determine which applicant would better serve the public interest. *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945). We find the applicants to be legally, technically, financially and otherwise qualified to construct and operate their proposed facilities.

7. Accordingly, IT IS ORDERED, That the above-referenced applications of Max D. Klayman d/b/a Haverhill Answering Service, File No. 22372-CD-P-78, and Colgan Communications, Inc. d/b/a Mobilfone of Boston, File No. 20191-CD-P(B)-79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 37 dbu contours, based upon the standards set forth in § 21.504(a) of the Commission's rules,[3] and to determine the need for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience and necessity.

8. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

9. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

10. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

11. It is further ordered, That the "Petition for Reconsideration" filed by Max D. Klayman d/b/a Haverhill Answering Service is hereby denied.

Philip L. Verveer,

Acting Chief, Common Carrier Bureau.

[FR Doc. 79-29204 Filed 9-19-79; 8:45 am]

BILLING CODE 6712-01-M

[3] Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 37 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 152-162 MHz band. Propagation data set forth in § 21.504(b) are the proper bases for establishing the location of service contours F (50, 50) for the facilities involved in this proceeding.

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-597-DR; Docket No. NFD-744]

Commonwealth of Puerto Rico; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the Commonwealth of Puerto Rico (FEMA-597-DR), dated September 2, 1979.

DATED: September 12, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7825.

NOTICE: The Notice of a major disaster for the Commonwealth of Puerto Rico dated September 2, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 2, 1979.

For Individual Assistance in addition to Public Assistance.

Ciales, Corozal, Curabo, Juncos, Las Piededras, Loiza, Naranjito, Rio Grande, San Juan, San Lorenzo, and Yabucoa.

For Individual Assistance Only:

Aguada, Barranquitas, Caguas, Comerio, Lares, Orocovis, Rincon, San Sebastian, and Vieques.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-29243 Filed 9-19-79; 8:45 am]

BILLING CODE 4210-22-M

[FEMA-596-DR; Docket No. NFD-743]

Indiana; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Indiana (FEMA-596-DR), dated July 31, 1979.

DATED: September 12, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: The Notice of a major disaster for the State of Indiana dated July 31, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 31, 1979.

For following County for Public Assistance only:

Daviess

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-29244 Filed 9-19-79; 8:45 am]

BILLING CODE 4210-22-M

U.S. Fire Administration

Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Dates of meeting: October 8-9, 1979.

Place: Conference Room, Administration Building (Building E), National Fire Academy, Emmitsburg, Maryland.

Times: October 8, 1979—3:00 p.m. to 5:00 p.m. October 9, 1979—9:00 a.m. to 5:00 p.m.

Proposed agenda: October 8, 1979: Introductory Remarks. October 9, 1979: (1) Review of the Academy's Educational Program; (2) Review of the Academy's

Facility Program; and (3) Review of the applications for the position of Superintendent, NFA, and resultant recommendations to the Administration, USFA.

The portion of the meeting dealing with the review of the Academy's Educational Programs and Facility Programs will be open to the public, with approximately 20 seats available on a first-come, first-served basis. The portion of the meeting, concerning review of the applications for the position of Superintendent, NFA, and resultant recommendations to the Administration, USFA, will not be open to the public, on the basis of 5 U.S.C. 552a, in order to assure that there will be no invasions of personal privacy. Members of the general public who plan to attend the meeting should contact Ms. Phyllis Seiss, National Fire Academy, Route 1, Box 10A, Emmitsburg, Maryland 21727 (301/447-6555) on or before September 19, 1979.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, Administration Building, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: September 17, 1979.

Joseph A. Moreland,

Acting Administrator, U.S. Fire Administration.

[FR Doc. 79-29175 Filed 9-19-79; 8:45 am]

BILLING CODE 4210-23-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review of Receipt of Report Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 13, 1979, from FMC, and a request was accepted on September 14, 1979, from NRC. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC and NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before October 9, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance of a new, single-time information request to be sent to certain Boiling Water Reactor (BWR) licensees concerning the Effect of a Loss of a DC Power Supply on ECCS Conformance Calculations. The NRC staff believes that the loss of a direct current (DC) power supply may disable several emergency core cooling system (ESSC) components and thereby could result in a limiting single failure condition for some breaks. A report was submitted to the NRC staff by the General Electric Company to provide a definitive, generic, reference analysis of the effects of DC power supply failures on ECCS conformance calculations. The NRC staff is reviewing the analysis which compares the peak cladding temperatures associated with various postulated DC power supply failures (ECCS equipment availability) cases to the peak cladding temperatures for HPCI (small break) failure and LPCI injection valve (large break) failure cases. Since the study was based on plant design information which may have been incomplete or out-of-date, some uncertainty exists as to whether or not the worst ECCS system availability combinations have been identified for all operating BWRs. Accordingly, in order that the NRC staff has an adequate level of assurance that the systems combinations assumed in the generic analysis are conservative for all operating BWRs, licensee confirmation is required as to the conclusions contained in the GE reference study regarding the minimum ECCS equipment availability with a DC power supply failure. The NRC estimates that 16 licensees will submit reports and that the burden per plant will average 48 hours.

Federal Maritime Commission

The FMC requests an extension without change clearance of a Section 21 Order to be served annually upon approximately 60 foreign flag line carriers operating in the foreign commerce of the United States who have tariffs on file with the Commission. The Order is necessary because of the enactment of the Ocean Shipping Act of 1978, which amended the Shipping Act, 1916, and became effective on November 17, 1978. Pursuant to the Ocean Shipping Act, certain state-owned or controlled carriers' rates, charges, classifications or rules are subject to additional FMC regulation. In order to ascertain the identity of "controlled carriers" within the meaning of the law, the Order requests certain information regarding the ownership and control of common carriers by water in the United States foreign commerce. The Order is of a continuing nature and any subsequent changes in ownership, control, or other conditions affecting the responses to the Order must be promptly reported to the Commission. The FMC estimates respondents will number approximately 60 carriers with an average reporting burden of 4 hours each.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-29101 Filed 9-19-79; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[H-79-1]

Delegation of Authority to the Secretary of the Interior

1. *Purpose.* This delegation authorizes the Secretary of the Interior to outlease oil and gas deposits underlying the former Dickinson Air Force Station near Bismarck, North Dakota.

2. *Effective Date.* This delegation is effective immediately.

3. *Background.* The former Dickinson Air Force Station consisted of approximately 92 acres of fee land and 49 buildings. While the property was under the jurisdiction of the Forest Service (FS), the mineral interests were outleased by the Bureau of Land Management (BLM) for a 10-year period commencing in 1967. In March 1970, FS reported the property excess subject to the outstanding mineral leases, and the General Services Administration (GSA) subsequently disposed of the property in two separate competitive bid sales. All mineral rights were reserved to the Government. By letter dated April 6, 1979, BLM advised that the retained minerals should be outleased to protect the Government's right to a royalty in the event the minerals are depleted by drilling on adjacent privately owned lands. It is considered that the best interest of the Government would be served by GSA delegating authority to the Department of the Interior (DOI) to outlease the oil and gas deposits

underlying the former Dickinson Air Force Station since DOI has expertise and organizational support for leasing and controlling the development of these deposits.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 203 and 205(d) (40 U.S.C. 484 and 486(d)), authority is delegated to the Secretary of the Interior to outlease the oil and gas deposits underlying the former Dickinson Air Force Station near Bismarck, North Dakota. When DOI has completed this project, it shall so notify GSA.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of DOI.

c. This authority shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, DOI, as the disposal agency, shall be responsible for (1) securing, in accordance with FPMR 101–47.303–4, any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; (3) complying with section 106 of the National Historic Preservation Act of 1968, if appropriate; (4) coordinating with all present and subsequent occupants, Federal or otherwise, so as not to impede use of the facilities or impair the integrity of utilization; and (5) ensuring that lands that are disturbed or damaged are restored after removal of the oil and gas deposits is completed.

d. A copy of any documents executed under this delegation shall be forwarded immediately to GSA, Federal Property Resources Service, Office of Real Property (DR), Washington, DC 20405.

Dated: September 11, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-29217 Filed 9-19-79; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

National Advisory Council on Migrant Health; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1979:

Name: National Advisory Council on Migrant Health.

Date and Time: October 15–18, 1979, 9:30 a.m.

Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open for entire meeting.

Purpose. The Committee is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 329 (formerly section 319) of the Public Health Service Act.

Agenda. Agenda items include: (1) Orientation and briefing of new Council members; (2) Review of the Council's program and interagency recommendations made from the March 1979 meeting; (3) Reports on the following migrant and farmworker initiatives: budget, National Health Plan, water and sewage, housing, Migrant Assurance Program, hospitalization, and Medicaid regulations; and (4) Presentations from other Agency program linkages: Office of Education; Department of Labor's CETA Program; Environmental Protection Agency's Pesticide Protection Program; Public Health Service's programs on Alcohol, Drug Abuse, Mental Health, Maternal and Child Health, and Family Planning; Department of Agriculture's Supplemental Feeding Program for Women, Infants, and Children (WIC), and the USDA-DHEW Agreement for Farmer's Home Administration Loan Program.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact Mr. Jaime Manzano, Bureau of Community Health Services, Room 7A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–1153.

Agenda items are subject to change as priorities dictate.

Dated: September 13, 1979.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 79-29183 Filed 9-19-79; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-79-582]

Los Angeles Area Office, Region IX; Order of Succession

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of Acting Area Manager and Acting Deputy Area Manager; Order of Succession.

SUMMARY: An up-dating of the designation of officials who may serve as Acting Area Manager and/or Acting Deputy Area Manager for the Los Angeles Area Office, Region IX, to provide that there is an official serving as Acting Area Manager and Acting Deputy Area Manager at all times.

FOR FURTHER INFORMATION CONTACT: William M. North, Jr., Regional Counsel, U.S. Department of Housing and Urban Development, Region IX, 450 Golden Gate Avenue, Box 36003, San Francisco, California 94102.

Designation of acting area manager and acting deputy area manager, Los Angeles area office, region IX. The officers appointed to the following listed positions in the Los Angeles Area Office, Region IX (San Francisco), are hereby designated to serve as Acting Area Manager and Acting Deputy Area Manager, respectively, during the absence of either or both the Area Manager and Deputy Area Manager or there is a vacancy in either or both said positions, with all of the powers, functions, and duties redelegated or assigned to those positions: *Provided,* That no officer is authorized to serve as an Acting officer in such positions unless all other officers whose titles precede his or hers in this designation are unable to act by reason of absence, succession under this designation, or there is a vacancy in a listed position; and *Provided further,* That should the Deputy Area Manager or any next succeeding official listed below be serving as Acting Area Manager under this designation, the next listed official following the official serving as Acting Area Manager shall serve as Acting Deputy Area Manager:

1. Deputy Area Manager (Serves as Acting Area Manager Only)
2. Director, Housing Division
3. Director, Community Planning and Development Division
4. Area Counsel
5. Director, Fair Housing and Equal Opportunity Division

(Delegation effective October 1, 1970 published at 36 FR 3389, February 23, 1971.)

This designation supersedes the designation effective on March 27, 1979, published at 44 FR 27501, May 10, 1979.

Effective date: This designation is effective August 1, 1979.

Emma D. McFarlin,

Regional Administrator, Region IX, San Francisco.

[FR Doc. 79-29128 Filed 9-19-79; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-79-584]

Region X; Designation of Acting Area Manager for the Seattle Area Office

Each of the officials appointed to the following positions is designated to serve as acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position.

1. Deputy Area Manager
2. Director, Housing Division
3. Director, Community Planning and Development Division
4. Area Counsel

This designation supersedes the designation effective January 2, 1974, 39 FR 4599, February 5, 1974 and in accordance with the unpublished designation effective October 12, 1978.

Date of Issuance of this Designation: October 12, 1978.

Effective Date of this Designation: October 12, 1978.

Edward J. Moger,

Area Manager, Seattle Area Office.

George J. Roybal,

Regional Administrator, Region X (Seattle).

[FR Doc. 79-29127 Filed 9-19-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-16101]

Colorado; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

September 13, 1979.

The U.S. Forest Service filed application Serial No. Colorado 16101, on April 24, 1972, for a withdrawals in relation to the following described lands:

San Isabel National Forest Sixth Principal Meridan

Potato Patch Campground

T. 32 S., R. 69 W., (Protration #22, dated May 5, 1965)
Sec. 16 (Unsurveyed).

A parcel of land described as follows: Beginning at a point marked by a ½ inch pipe in the ground, said point being 10 feet west of Station 205+48.6 of the North Fork Road Design Contract dated June 27, 1966. Thence due North 10 chains, thence due west 5 chains, thence due North 5 chains, thence due West 20 chains, thence due South 10 chains, thence due East 5 chains, thence due South 5 chains, thence due East 20 chains to the point of beginning.

Grape Creek Campground

T. 24 S., R. 72 W.,
Sec. 28, S½NW¼SW¼, W½SW¼SW¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼NW¼NW¼;
Sec. 29, SE¼NE¼SE¼, E½SE¼SE¼;

Muddy Creek Campground

T. 25 S., R. 72 W.,
Sec. 14, NE¼NE¼SW¼SE¼, S½N½SW¼SE, S½SW¼SE¼, NW¼NW¼SE¼SE¼
Sec. 23, S½SW¼NW¼NE¼, NW¼SW¼NE¼, N½SW¼SW¼NE¼, S½SE¼NE¼NW¼, N½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼;

Lower Dry Creek Campground

T. 23 S., R. 73 W.,
Sec. 15, SE¼NW¼, N½N½NE¼SW¼;

North Colony Lakes Recreation Area

T. 24 S., R. 73 W., (Protraction No. 21, dated April 26, 1965).
Sec. 4, S½SE¼, S½S½SW¼;
Sec. 8, NE¼NE¼, N½SE¼NE¼, NE¼SW¼NE¼, W½SW¼NE¼, E½SE¼NW¼;
Sec. 9, N½NE¼NE¼, NW¼NW¼, NW¼NE¼NW¼;

Marble Caves Area

T. 24 S., R. 73 W., (Protraction Diagram No. 21, dated April 26, 1965).

A parcel of land in Sections 14, 22, 23, 24 located by metes and bounds survey as follows: Beginning at the summit of Marble Mountain [corner 1], Thence N. 77° E. 4,752 ft. to corner 2, thence S. 35° E. 2,640 ft. to corner 3 (cabin), thence S. 43° W. 3,696 ft. to corner 4, thence N. 45° W. 5,280 ft. to the point of beginning.

New Mexico Principal Meridian

Banjo Lake Recreation Area

T. 45 N., R. 11 E.,
Sec. 1, W½NE¼SE¼, NW¼SE¼;

South Branch Lake Recreation Area

T. 46 N., R. 11 E.,
Sec. 36, W½NW¼NW¼, NW¼SW¼NE¼, NE¼NW¼, N½SE¼NW¼;

Gibson Creek Campground

T. 45 N., R. 12 E.,
Sec. 24, N½NW¼, N½S½NW¼.

The areas described aggregate approximately 1185 acres.

A notice of the proposed withdrawal was published in the **Federal Register** on June 8, 1972 on pages 11492, 11493, FR Doc 72-8661.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All persons who desire to be heard on the proposed withdrawal may file a written request for a hearing with the State Director, Bureau of Land Management, at the address at the end of this notice. This must be done on or before October 26, 1979.

Notice of the public hearing will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may also be filed with the State Director on or before October 26, 1979.

The above described lands are temporarily segregated from location and entry under general mining laws, subject to valid existing rights. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with the pending withdrawal application should refer to number C-16101 and be addressed to the State Director, Bureau of Land Management, Department of the Interior, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

[FR Doc. 79-29118 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

Montana; Wilderness Inventory

September 12, 1979.

ACTION: Notice of public review period for Square Butte Instant Study Area intensive wilderness inventory decision.

SUMMARY: The Montana State Office of the Bureau of Land Management (BLM) announces the completion of the intensive wilderness inventory for the Square Butte Instant Study Area. This area is located in the Lewistown, Montana, BLM District and has been administered as an outstanding natural area since September 1972.

The intensive inventory was conducted under the authority granted in Section 603 of the Federal Land Policy and Management Act of October 21,

1976, and follows the guidelines provided in the document entitled "Procedures for Wilderness Review of Primitive and Natural Areas Formerly Identified by the BLM Prior to November 1, 1975," dated May 1979.

The Square Butte wilderness characteristics inventory was initiated in October 1978 and completed in May 1979.

Square Butte is a large flat-topped butte consisting largely of igneous rock. Vertical spires of the same rock are found on the flanks of the butte. The butte rises 2,400 feet above the surrounding plains.

The Square Butte ISA contains 1,946.53 acres of public land completely surrounded by private land holdings.

DECISION: All lands within the designated instant study area have been determined not to contain wilderness characteristics and will not undergo further wilderness study. The outstanding natural area status will be retained.

EFFECTIVE DATES: This decision will become final thirty days from the date that this notice appears in the **Federal Register** unless an amended decision is published in the **Federal Register** because of new information which is received during this comment period.

ADDITIONAL INFORMATION AVAILABLE: Inventory documents may be obtained by writing: Bureau of Land Management, Lewistown District Office, P.O. Drawer 1160, Lewistown, Montana 59457.

Kannon Richards,

Acting State Director.

[FR Doc. 79-29120 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 16756]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on August 16, 1976, filed application Serial No. OR 16756 for a withdrawal in relation to the following described lands:

Willamette Meridian; Siskiyou National Forest

Wheeler Creek Research Natural Area

T. 40 S. R. 12 W., Unsurveyed,

A tract of land within the following subdivisions as delineated on a map labeled "Wheeler Creek Research Natural Area" dated June 1972 submitted by the Department of Agriculture with the withdrawal application and on file in this office:

Sec. 15, SW¼;
Sec. 16, E½SW¼ and SE¼;
Sec. 21, N½NE¼;
Sec. 22, N½NW¼;

more particularly described as follows:

Beginning at point (A) where Road 4039 crosses the west boundary of clearcut Unit No. 1 of the Upper Wheeler Creek Sale; then south to point (B) on the ridgetop; then west along the ridgetop to point (C), the summit of point 1,771; then approximately 10° south of west crossing Road 4039 600 feet south of the road junction and saddle (in the extreme southeastern corner of Section 16) (point D) and continuing to the east edge of clearcut Unit #1, Wheeler Ridge Sale; thence north along east boundary of clearcut Unit #1, Wheeler Ridge Sale, and continuing on the same line to the ridgetop (point F); thence west along the ridgetop and across a high point on the ridge to point (G); then north down the main spur ridge in Section 16, crossing Wheeler Creek (about 500 feet below junction of the main Wheeler Creek and a smaller tributary) and 200 feet up the north bank to point (H); thence east paralleling Wheeler Creek (but located 200 feet north of the stream) to point (I); and south up a spur ridge and along the west boundary of clearcut Unit #1 of the Upper Wheeler Creek Sale to original point (A).

This area described contains approximately 334 acres in Curry County, Oregon.

The applicant desires that the lands be withdrawn from location and entry under the mining laws and reserved for the Wheeler Creek Research Natural Area. A notice of the proposed withdrawal was published in the **Federal Register** on October 21, 1976, Vol. 41, page 46491, FR Doc. 76-30963.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before October 29, 1979. Notice of the public hearing will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before October 29, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 7, 1979.

David E. Sinclair,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29121 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. M-44456]

Montana; Right-of-Way Corridor Designation

September 14, 1979.

The Notice of Right-of-Way Corridor Designation under serial number M-44456 dated August 28, 1979, appearing in the September 7, 1979, issue of the **Federal Register**, on pages 52341 and 52342 is hereby corrected by adding, between T.33N., R.39E. and T.34N., R.36E., the following:

T.34N., R.34E.
Sec. 1: Lots 1, 2, 3, S½NE¼, SE¼NW¼, 233.06.
Sec. 2: Lot 4, SW¼SE¼, 78.47.
Sec. 12: SW¼NE¼, 40.00.
Sec. 13: E½SE¼, SW¼SE¼, 120.00.
Sec. 23: NE¼SE¼, 40.00.
T.34N., R.35E.
Sec. 2: S½SW¼, 80.00.
Sec. 4: Lots 2, 3, 4, S½N½, 279.96.
Sec. 11: S½NE¼, NW¼, 240.00.
Sec. 13: NW¼, 160.00.
Sec. 14: NE¼, S½NW¼, 240.00.
Sec. 21: E½SW¼, 80.00.
Sec. 25: NE¼NE¼, N½NW¼, S½SW¼, 200.00.
Sec. 26: N½NE¼, SW¼NE¼, NW¼, NE¼SW¼, NW¼SE¼, 360.00.

Thus, bringing the total affected acres to 67,681.73.

Kannon Richards,

Acting State Director.

[FR Doc. 79-29119 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[U-910]

Utah; Identification of Wilderness Study Areas associated With the Intermountain Power Project in the Moab District

AGENCY: Bureau of Land management.

ACTION: Notice.

SUMMARY: Pursuant to authority delegated by the Director, Bureau of Land Management, it has been determined that the public lands administered by BLM within the confines of the Intermountain Power Project Proposal in the Moab District, Utah, have been inventoried according to provisions of Section 201(a) and 603 of the Federal Land Policy and Management Act of 1976 and Section 2(c) of the Wilderness Act of 1964. Pursuant to instructions contained in Washington Office memorandum dated August 15, 1978, the area listed herein as meeting the wilderness criteria of Section 2(c) of Public Law 88–577 is hereby identified as a Wilderness Study Area.

The appropriate inventory and associated public comment period have been conducted on approximately 400,000 acres.

Two Wilderness Study Areas were originally identified and proposed; however, because of public participation and information submitted during the public comment period, one area was deleted from the proposal. Eleven units were reviewed in this accelerated inventory. The Wilderness Study Area identified as a result of this inventory is an area of approximately 31,360 acres within Ut–060–007 and is known as the Muddy Creek Wilderness Study Area. It was depicted on the original map published and sent out for public comment.

The Wilderness Study Area identified herein will remain under BLM interim management as required in Section 603 of Public Law 94–579 during the period of review and until the Congress has determined otherwise. The remaining areas inventoried within this proposal, but not identified herein as Wilderness Study Areas, will no longer be subject to management restrictions imposed by Section 603 of Public Law 94–579. This decision will become effective 30 days from the date of this publication.

Persons wishing to protest the Wilderness Study Area identification or non-identifications made herein shall have 30 days from date of this publication to file written protest. The protest must specify the area to which it is directed, including a clear and concise statement of reasons for the protest. It must also furnish supporting data to the BLM State Director, Utah. The State Director will render a written decision on any valid protest received which follows the above directions.

Any person adversely affected by the decision may appeal the decision by following normal administrative procedures applicable to formal appeals to the Interior Board of Land Appeals which are published in 43 CFR Part 4.

Dated: September 6, 1979.

William G. Leavell,

Acting State Director.

[FR Doc. 79-29117 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Initial Wilderness Inventory Decision in Effect

This notice is to inform the public that the initial wilderness inventory decision for Wyoming announced in the **Federal Register** on July 10, 1979, became effective August 9, 1979. In review, that decision announced that 16,649,600 acres of public lands in Wyoming were being released from the wilderness inventory process because it has been determined that these lands clearly and obviously do not possess wilderness characteristics. Interim management constraints for these lands are no longer in effect. The remaining 1,186,400 acres of public lands in Wyoming are now receiving an intensive inventory. This inventory will determine which of these lands possess wilderness characteristics and which do not. Those having wilderness characteristics will become wilderness study areas and will be reported to Congress. Those without wilderness characteristics will be released from interim management.

Daniel P. Baker,

State Director.

[FR Doc. 79-29122 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; Mid-Atlantic Technical Working Group Committee; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Public Law No. 92–463).

Name: Mid-Atlantic Technical Working Group Committee.

Dates: October 10–12, 1979.

Place: Federal Building, Rm. 1–102, 26 Federal Plaza, New York, New York.

Time: 10th: 12:30 p.m. to 5:00 p.m., 11th: 9:00 a.m. to 5:00 p.m., 12th: 8:30 a.m. to 3:00 p.m.

Agenda

October 10:

Committee organization and responsibilities, meeting procedures, discussion of members' involvement in OCS oil and gas activities.

October 11:

Managers' tract selection briefing for proposed Lease Sale No. 59.

October 12:

Morning session: Preliminary recommendations for Lease Sale No. 59 tract selection.

Afternoon session: Selection of state co-chairman; public comment period (1:30 p.m. to 2:30 p.m.).

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee should contact Dick Wildermann of the New York OCS Office (212–264–2960) by October 3. Written statements should be submitted by October 19, 1979 to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York, 10007.

Minutes of the meeting will be available for public inspection and copying by November 26 at the above address.

Dated: September 14, 1979.

Frank Basile,

Manager, New York OCS Office.

[FR Doc. 79-29130 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[CA 6426]

California; Proposed Withdrawal and Reservation of Lands

September 14, 1979.

The Bureau of Land Management, U.S. Department of the Interior, on August 29, 1979, filed application Serial No. CA 6426 for withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

Mount Diablo Meridian

T. 3 N., R. 13 E.,
Sec. 28, Fractional SW¼ and Fractional SW¼SE¼;
Sec. 29, E½SE¼;
Sec. 33, Fractional N½NE¼, SE Fractional Quarter of the NE¼, Fractional N½NW¼, and NE¼SE¼;
Sec. 34, SW¼NW¼ and NW¼SW¼.

The areas described aggregate 570.43 acres in Calaveras County, California.

The proposed withdrawal is in aid of special legislation for the townsites of Angels and Altaville, California. The purpose of the withdrawal is to hold the public lands in abeyance pending the proposed legislation, which will permit the United States to convey any interest it may have in the Angels and Altaville townsites (Angels Camp) to the owner of record through a trustee.

On or before October 24, 1979, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, on or before October 24, 1979. Notice of the public hearing will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register.** The Secretary's determination shall, in a proper case, be subject to the provisions of Section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the application shall terminate upon (a) rejection of the application by the Secretary, (b) by an act of Congress, or (c) two years from the date of publication of this notice.

All communications (except public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-29218 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[CA 3818]

California; Order Providing for Opening of Lands, Correction

September 12, 1979.

In Federal Register Document No. 79-23910, appearing on page 45766 of the Friday issue of August 3, 1979, the fourteenth line of the third paragraph reading T. 17 N., R. 7 E., is corrected to read T. 17 N., R. 8 E. The fifteenth line of the fourth paragraph reading Sec. 13, NW¼SE¼ and SW¼; is corrected to read SW¼. The seventh line of the fifth paragraph reading Sec. 26, W½SW¼ and SE¼ (now Lots 6, 7) is corrected to read Sec. 26, W½SW¼, SE¼SW¼, and SE¼ (now Lots 6, 7). After the fifteenth line of the sixth paragraph, add T. 18N., R.9 E., Sec. 13, NW¼SE¼.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-29219 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Final Decision on San Antonio Special Wilderness Inventory

BLM Acting Nevada State Director Roger McCormack has approved the release of 88,300 acres of public lands in Nye County from further wilderness consideration because the area lacks wilderness characteristics specified by Congress. Unless there are objections, the decision will be implemented on Oct. 4, 1979.

The area, known as the San Antonio unit (NV-060-052) is about 10 miles north of Tonopah, Nevada and includes the San Antonio mountain range and a small portion of Big Smoky Valley. McCormack's decision is based upon a special project inventory that indicated that, although a portion of the unit is in a generally natural condition, it lacks outstanding opportunities for primitive recreation and solitude.

The Bureau's findings were open to public comment for a 30-day period. Seventeen comments were received. All of the comments favored releasing the area from further consideration. Most of the comments pointed out the location of mining activity and roads, that were documented during the inventory.

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 Oct. 4, 1979, 30 days from the close of the public comment period.

Futher information on the decision can be obtained from the Bureau of Land Management, 300 Booth Street, Room 3008 Federal Building, Reno, Nevada 89509.

Dated: September 12, 1979.

E. R. Evatz,

Acting State Director, Nevada.

[FR Doc. 79-29221 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[N-25616]

Nevada; Application

August 31, 1979.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Southwest Gas Corporation filed an application for a right-of-way to construct approxmiately 0.9 of a mile of 16 inch O.D. pipeline and 0.18 of a mile of 10¾ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

Mount Diablo Meridian, Nevada

T. 29 S., R. 63 E.
Sec. 13, NE¼NW¼NW¼;
Sec. 14, S½SW¼, SE¼.

The proposed pipeline will reinforce and supplement natural gas service for southern Nevada.

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 sent them to the Chief, Division of Technical Services, Bureau of Land Management, 300 Booth Street, Room 3008, Federal Building, Reno, Nevada 89509.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 79-29222 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38137, 38138, 38139 and 38140]

New Mexico; Applications

September 13, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 27 N., R. 8 W.,
Sec. 11, SE¼SE¼;
Sec. 13, W½NW¼, SE¼NW¼ and N½SW¼.

These pipelines will convey natural gas across 0.596 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29223 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38259 and 38261]

New Mexico; Applications

September 14, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 30 N., R. 6 W.,
Sec. 28, lots 5, 6 and NE¼SE¼
T. 31 N., R. 8 W.,
Sec. 29, S½SE¼.

These pipelines will convey natural gas across 0.294 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29224 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 16757]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on August 16, 1976, filed application Serial No. OR 16757 for a withdrawal in relation to the following described lands:

Willamette Meridian

Deschutes National Forest; Metolius Research Natural Area

The Metolius Research Natural Area lies within portions of Sections 25, 26, 34, 35, and 36, T. 12 S., R. 9 E., W.M., and is described as follows:

Beginning at a point 396 feet west of the quarter corner between Sections 34 and 35, T. 12 S., R. 9 E.; thence in a northerly direction parallel to and 100 feet east of the centerline of Road #113 to a point on the east-west line between Sections 23 and 26, T. 12 S., R. 9 E.; thence easterly along the line between Sections 23 and 26 and Sections 24 and 25, T. 12 S., R. 9 E., to a point on the summit of Green Ridge approximately 1,000 feet west of the quarter corner between Sections 24 and 25, T. 12 S., R. 9 E.; thence in a southerly direction along the summit of Green Ridge to a point on the east-west line between Section 36, T. 12 S., R. 9 E., and Section 1, T. 13 S., R. 9 E., approximately 300 feet west of the quarter corner between said sections; thence in a westerly direction along said section line to the section corner common to Sections 35 and 36, T. 12 S., R. 9 E., and Sections 1 and 2, T. 13 S., R. 9 E.; thence in a northerly direction along the section line between Sections 35 and 36, T. 12 S., R. 9 E., to the quarter corner common to said Sections; thence in a westerly direction approximately 5,670 feet to point of beginning.

The area described contains approximately 1,318 acres in Jefferson County, Oregon.

The applicant desires that the land be withdrawn from location and entry under the mining laws and reserved as the Metolius Research Natural Area. A notice of the proposed withdrawal was published in the **Federal Register** on October 29, 1976, Vol. 41, page 47527, FR Doc. 76-31679.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before October 29, 1979. Notice of the public hearing will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before October 29, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 7, 1979.

David E. Sinclair,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29220 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

Closure of Public Lands to Motorized Vehicle Use

Notice is hereby given that the use of motorized vehicles on the following described lands, in Okanogan County, Washington, is prohibited in accordance with provisions of 43 CFR, Part 8340.

These lands, containing approximately 50 acres, are located five miles west of Oroville, Washington. The 50 acres contain the primary drainage of the proposed Hot Lake Research Natural Area.

Willamette Meridian

T. 40 N., R. 27 E.,
Sec. 7: an irregular portion of the SE¼;
Sec. 18: an irregular portion of the NE½.

This closure does not apply to emergency, law enforcement, and federal or other government vehicles, while being used for official or emergency purposes, or vehicles authorized by permit or contract.

The area is being closed because it contains the only known saline meromictic lake in the United States, and a species of brine shrimp. Closure will reduce siltation from the surrounding drainage area into the lake. The area is in the process of being officially designated as a Research Natural Area, and is available for scientific research by individuals and organizations with a permit.

The closure area has been partially fenced and signed. Fencing and signing of the entire area will be completed by the spring of 1980. Violation of this closure could result in a fine of not more than $1,000.00, or imprisonment for more than 12 months, or both. A map of the closed area is available for inspection at the Spokane District Office, Bureau of Land Management, W. 920 Riverside, Spokane, Washington 99201.

Roger W. Burwell,

District Manager.

[FR Doc. 79-29230 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38141 and 38189]

New Mexico; Notice of Applications

September 11, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 21 S., R. 22 E.,
Sec. 23, NE¼SE¼;
Sec. 24, E½NW¼, SW¼NW¼ and NW¼SW¼.
T. 7 S., R. 25 E.,
Sec. 33, SW¼SE¼.
T. 8 S., R. 25 E.,
Sec. 4, lot 2, SW¼SE¼.

These pipelines will convey natural gas across 1.563 miles of public lands in Chaves and Eddy Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29228 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38187, 38243, 38257, and 38258]

New Mexico; Notice of Applications

September 14, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for four 4-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 25 S., R. 26 E.,
Sec. 10, NE¼SE¼ and S½SE¼;
Sec. 11, W½NE¼, SE¼NE¼, SE¼NW¼ and N½SW¼;
Sec. 12, S½NW¼;
Sec. 15, NW¼NE¼, NE¼NW¼ and S½NW¼.
T. 22 S., R. 28 E.,
Sec. 9, NE¼SW¼ and N½SE¼;
Sec. 10, N½SW¼.
T. 23 S., R. 30 E.,
Sec. 17, S½N½ and NE¼SE¼;
Sec. 18, N½NE¼, SE¼NE¼ and NE¼NW¼.

These pipelines will convey natural gas across 5.634 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29225 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38244]

New Mexico; Notice of Application

September 13, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 32 E.,
Sec. 12, SW¼Ne¼ and E½SE¼.

This pipeline will convey natural gas across 0.510 of a mile of public land in Lea County, New Mexico.

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 promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29226 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38190]

New Mexico; Notice of Application

September 13, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 7 S., R. 25 E.,
Sec. 33, SW¼SE¼.

This pipeline will convey natural gas across 0.021 of a mile of public land in Chaves County, New Mexico.

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 promptly send their name and address to the District Manager, Bureau of Land Management,

P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29227 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

Oregon: Notice of Public Meeting To Discuss the Use of Helicopters in Gathering Wild Horses

AGENCY: Bureau of Land Management.

ACTION: Meeting notice.

SUMMARY: A public meeting to discuss the use of helicopters in gathering wild horses will be held at 1:30 p.m. October 3, 1979 in the Vale District Bureau of Land Management Office 365 'A' St. West, Vale, Oregon.

Horses will be gathered from the Cottonwood Creek, Stockade, and Basque wild horse herd management areas of the Vale District during the fall and winter of 1979–80.

FOR FURTHER INFORMATION CONTACT: Grant Baugh Bureau of Land Management, 365 'A' Street West Vale, Oregon, 97918 (503) 473–3144.

Dated: September 13, 1979.

Fearl M. Parker,

District Manager.

[FR Doc. 79-29229 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Mining Plan of Operations at Denali National Monument; Notice of Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Maurice S. Butler has filed a plan of operations in support of proposed mining activities on lands embracing his Mining Claims within the Denali National Monument. This plan is available for public inspection during normal business hours at the Alaska Area Office, National Park Service, 540 West 5th Avenue, Anchorage, Alaska.

Dated: August 22, 1979.

Howard R. Wagner,

Acting Director, Alaska Area Office.

[FR Doc. 79-29232 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Denali National Monument; Notice of Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Resource Exploration Consultants, Inc. has filed a plan of operations in support of proposed mining activities on lands embracing its Mining Claim Group within the Denali National Monument. This plan is available for public inspection during normal business hours at the Alaska Area Office, National Park Service, 540 West 5th Avenue, Anchorage, Alaska.

Dated: August 14, 1979.

Douglas G. Warnock,

Acting Area Director, Alaska Area Office.

[FR Doc. 79-29233 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Attorney General

Proposed Consent Decree in Action To Enjoin Discharge of Air and Water Pollutants by Wheeling-Pittsburgh Steel Corp.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on August 30, 1979, a proposed consent decree in *United States* v. *Wheeling-Pittsburgh Steel Corporation* (W.D. Pa., Civ. No. 79–1194), was lodged with the United States District Court for the Western District of Pennsylvania. The proposed consent decree requires the Corporation to bring its plants in Ohio, Pennsylvania, and West Virginia into compliance with requirements of the Clean Air Act and the Federal Water Pollution Control Act by December 31, 1982.

The proposed consent decree may be examined at the office of the United States Attorney, 633 United States Post Office and Courthouse, 7th Avenue and Grant Street, Pittsburgh, Pennsylvania 15219, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2633, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, at a cost of $13.00 per copy to cover reproduction expense.

A check or money order for $13.00 and made payable to the Treasurer of the United States must accompany any request for a copy of the proposed decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Wheeling-Pittsburgh Steel Corporation* (W.D. Pa., Civ. No. 79–1194), D.J. Ref. 90–5–1–1–966.

Sanford Sagalkin,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-29124 Filed 9-19-79; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published August 23, 1979 (44 FR 49528). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the October 1979 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Mary E.

Vanderholt) between 8:15 a.m. and 5:00 p.m., EDT.

Subcommittee and Working Group Meetings

**Three Mile Island, Unit 2 Accident Bulletins and Orders,* October 2, 1979, Washington, DC. An Ad Hoc Subcommittee will consider the response of vendors and utilities to the NRC Office of Inspection and Enforcement Bulletins and NRC Orders pertaining to the TMI–2 Accident. Notice of this meeting was published September 17, 1979.

**Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design,* October 3, 1979, Washington, DC. Ad Hoc Subcommittees will discuss the implications of this accident as they relate to: 1) Reactors similar to the Diablo Canyon Nuclear Generating Station and the boiling water reactors that are expected to receive operating licenses in the near term (Zimmer and La Salle), and 2) Reactors similar to Westinghouse Ice Condenser/Upper Head Injection (UHI) Plants that are expected to receive operating licenses in the near term (Sequoyah and McGuire). Notice of this meeting was published September 18, 1979.

**Regulatory Activities,* October 3, 1979, Washington, DC. Cancelled. Notice of this meeting was published August 23, 1979.

**Radiation Effects and Site Evaluation,* October 16–17, 1979, Washington, DC. The Subcommittee will discuss those portions of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program that relate to research dealing with radiological effects and siting considerations. The Subcommittee will also discuss current policy and proposed changes for nuclear facility siting.

**Emergency Core Cooling Systems (ECCS),* October 17–18, 1979, Washington, DC. The Subcommittee will review material submitted by Westinghouse on a spectrum of small break ECCS calculations, and the TMI–2 Accident implications regarding the Westinghouse small break model. Notice of this meeting was published August 23, 1979.

**La Crosse Boiling Water Reactor,* October 19, 1979, Washington, DC. The Subcommittee will consider proposed changes to the existing spent fuel storage pool to accommodate a larger number of spent fuel assemblies.

**Three Mile Island, Unit 2,* October 30, 1979, Washington, DC. The Subcommittee will review the NRC Inspection and Enforcement Report (NUREG–0600) pertaining to the TMI–2 Accident. Notice of this meeting was published August 23, 1979.

**Reactor Safety Research,* November 6, 1979, Washington, DC. The Subcommittee will discuss preparation of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program. Notice of this meeting was published August 23, 1979.

**Regulatory Activities,* November 7, 1979, Washington, DC. The Subcommittee will review regulatory guides and revisions to existing regulatory guides; also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation. Notice of this meeting was published August 23, 1979.

**Three Mile Island, Unit 2 Accident—Implications Re Nucleor Power Plant Design,* November 7, 1979, Washington, DC. An Ad Hoc 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 TMI–2 Accident. Notice of this meeting was published August 23, 1979.

General Electric Test Reactor, November 14, 1979, San Francisco, CA. The Subcommittee will discuss seismic design requirements that may be imposed as a result of recent geologic investigations.

**Extreme External Phenomena,* November 15–16, 1979, Los Angeles, CA. The Subcommittee will discuss the NRC-sponsored Seismic Safety Margins Research Program. Notice of this meeting was published August 23, 1979.

**Advanced Reactors,* November 29–30, 1979, Albuquerque, NM. The Subcommittee will discuss the NRC-sponsored research at Sandia and LASL on the safety of advanced reactors. Notice of this meeting was published August 23, 1979.

**Reactor Safety Research,* December 4, 1979, Washington, DC. The Subcommittee will continue its discussion regarding the preparation of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program. Notice of this meeting was published August 23, 1979.

ACRS Full Committee Meetings

October 4–6, 1979

A. *NRC Regulatory Process—effectiveness of process.

B. *Diablo Canyon Nuclear Station—proposed operation.

C. *Boiling Water Reactors/Zimmer Nuclear Station—proposed operation.

D. *Ice Condenser Containment/McGuire and Sequoyah Nuclear Plants—proposed operation.

E. *Annual Report on NRC Research Program—proposed report to Congress.

F. *Abnormal Occurrence Reports—basis for reporting.

G. *Systematic Evaluation Program—effectiveness of program.

H. *Implications of TMI–2 Accident—discuss impact on regulatory process.

I. *Systems Interactions—proposed basis for evaluation.

November 8–10, 1979

Agenda to be announced.

December 6–8, 1979

Agenda to be announced.

Dated: September 14, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-29129 Filed 9-19-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-38]

Accident Reports, Safety Recommendation Letters and Responses; Availability

Reports

Safety Effectiveness Evaluation of the National Highway Traffic Safety Administration's Rulemaking Process. Volume 1: Case History of Federal Motor Vehicle Safety Standard 121: Air Brake Systems (NTSB–SEE–79–4).—At the request of the House Committee on Public Works and Transportation, the National Transportation Safety Board currently is conducting a safety effectiveness evaluation of the rulemaking process of the National Highway Traffic Safety Administration (NHTSA). The evaluation, to be completed in 1979, will include case histories on the air brake standard, the passive restraint standard, and current rulemaking of NHTSA. The overall evaluation will respond to congressional directives that the Safety Board conduct studies of certain areas of NHTSA's rulemaking, including "an evaluation of the truck braking standards . . . ." (U.S. House of Representatives, Report No. 95–1169, Part I, p. 3.)

Volume 1, released September 11, presents one of the case histories that the Safety Board will analyze in the safety effectiveness evaluation of the NHTSA rulemaking. This case history sets forth the facts and the sequence of events associated with the promulgation by NHTSA of Federal Motor Vehicle Safety Standard (FMVSS) 121, the standard which specifies air brake system performance requirements for trucks, buses, and trailers. FMVSS 121 has been a very controversial standard, with much of the controversy surrounding the use of antilock devices (computerized modules) to meet the requirements of the standard. These antilock devices were designed to sense the impending skidding of a wheel during braking. The devices would then modulate the pressure to the brake to prevent the skidding. This controversy led to litigation and final ruling by the Ninth U.S. Circuit Court of Appeals in 1978.

This report is a presentation of the facts of how the standard was developed and implemented. It does not analyze the issues nor does it include an evaluation of the technical aspects of the standard. The purpose of this report is to provide a factual account of the rulemaking activities of this standard. The case history was developed by the

Safety Board through review of the NHTSA public dockets related to the standard's development, through review of the technical literature, and through interviews with Federal safety officials, representatives of vehicle and component manufacturers, and other persons involved in the development of the standard.

Gas Service Company, Inc., Explosion and Fire, London, Kentucky, January 16, 1979 (NTSE-PAR-79-2).—The formal investigation report on this pipeline accident was made public on September 11. Investigation showed that at 9:30 p.m. last January 16 natural gas, which had escaped from a large corrosion hole in a 7-inch steel gas main and had accumulated in several buildings in a downtown business section of London, exploded and then burned. Five buildings were destroyed, two adjacent buildings were damaged extensively, windows within a five-block radius were shattered, and one truck was damaged. Two persons were injured slightly.

The Safety Board determined that the probable cause of the accident was the ignition of an accumulation of natural gas which had leaked from an existing corrosion hole in a 7-inch steel gas main when the pressure was increased suddenly from 4 ounces to 17 psig in one step. Contributing to the accident was the failure of gas company personnel to conduct an adequate leak survey, using combustible gas indicators, and to check adjacent sewer manholes during the period the gas pressure was increased. A possible source of ignition was a spark from an electric motor in a beverage cooler.

As a result of its investigation of this accident, the Safety Board last June 11 issued safety recommendations Nos. P-79-9 through 12 to Delta Natural Gas Company, Inc., of Winchester, Ky., urging determination of the condition of similar unprotected pipe and improvement based on those findings, written uprating procedures, and training of all personnel in the procedures. The Board also on June 11 recommended that the American Gas Association urge its member companies to review their uprating practices in light of the Kentucky accident findings (P-79-13). (See 44 FR 36273, June 21, 1979.) On September 4 the Safety Board recommended that the Materials Transportation Bureau of the U.S. Department of Transportation, through the Kentucky Public Service Commission, monitor future uprating work of the Gas Service Company of its London, Ky., facilities (P-79-26). (See 44 FR 53319, September 13, 1979.)

Rear-End Collision of Two Consolidated Rail Corporation Freight Trains, Muncy, Pennsylvania, January 31, 1979 (NTSB-RAR-79-6).—The Safety Board's formal investigation report, released September 10, shows that about 5:08 a.m. last January 31 Consolidated Rail Corporation (Conrail) freight train CNEN-O collided with the rear end of standing Conrail train SYEN-O. The lead locomotive unit of train CNEN-O was destroyed and the second unit was heavily damaged; 14 cars were damaged. Four cars of train SYEN-O were destroyed, and one was heavily damaged. Two crewmembers were killed and three were injured. Total property damage was estimated to be $1,304,200.

The Safety Board has determined that the probable cause of the accident was the failure of the engineer and the front brakeman of train CNEN-O to operate the train at a speed required by signal indication that would have allowed the engineer to stop the train short of standing train SYEN-O. Contributing to the collision was the failure of the operating rules to require the conductor to be located in a position to properly supervise the safe operation of the train.

The Board noted that the engineer and front brakeman of the overtaking train had been without significant rest for about 16 hours before the accident. Because their train did not slow at the restricting signal, did not brake, and sounded no warning signal prior to impact, the Board said it must conclude that the engineer and head brakeman were not alert as their train passed the restricting signal and approached the standing train.

As a result of its investigation of this collision, the Safety Board on August 9 recommended that Conrail insure that its train operations are conducted in accordance with its operating rules (Recommendation R-79-60). (See 44 FR 48003, August 16, 1979.) The accident report shows an additional recommendation, No. R-79-61, issued to the Federal Railroad Administration:

> Promulgate regulations to require that the conductor or other employee in charge of the train's operation be located and informed so that he can properly supervise the safe operation of the train. (R-79-61) (Class II, Priorty Action.)

In addition to these recommendations, the Safety Board reiterates the following recommendations, made to FRA as a result of other accident investigations:

> In cooperation with the Association of American Railroads; develop a fail-safe device to stop a train in the event that the engineer becomes incapacitated by sickness or death, or falls asleep. Regulations should be promulgated to require installation, use, and maintenance of such a device. (*R-73-8*, issued May 3, 1973. FRA has informed the Safety Board that action to comply with this recommendation, made following the Herndon, Pa., accident on March 12, 1973, is still being studied.)
>
> Include in its present investigation of the safety of locomotive-control compartments a study of environmental conditions that could distract crews from their duties or cause them to fall asleep at the controls. Regulations should be promulgated to correct any undesirable conditions disclosed. (*R-73-9*, issued May 3, 1973. This recommendation, also made following the Herndon, Pa., accident, is to be included in FRA's locomotive cab crashworthiness and improvement study.)
>
> Promulgate regulations to require an adequate backup system for mainline freight trains that will insure that a train is controlled as required by the singla system in the event the engineer fails to do so. (*R-76-3*, issued January 25, 1976. This recommendation was made following the Meeker, La., accident, May 30, 1975. FRA responded that "the immediate answer" to the problem "lies with training given to employees on the operation rules, and through an effective testing program, rather than installation of additional mechanical and electrical devices.")

Rear-End Collision of Two Union Pacific Freight Trains, Ramsey, Wyoming, March 29, 1979 (NTSB-RAR-79-9).—The Safety Board's formal investigation report, released September 13, shows that about 2:41 a.m. last March 29 Union Pacific railroad freight train Extra 3449 West struck the rear of Union Pacific's unit coal train Extra 3055 West as it was moving from the No. 1 main track into a siding at Ramsey. Two train crewmembers were killed and three crewmembers were injured. The three locomotive units of Extra 3449 West and 23 cars were derailed. Total damage was estimated to be $1,121,000.

The probable cause of the accident was determined by the Safety Board to be the failure of the engineer of Extra 3449 West to comply with a series of restrictive wayside signals, repeated by locomotive-cab signals, including a "stop-and-proceed" aspect 6,303 feet from the point of collision. Contributing to the accident was the unauthorized muting of the cab signal warning whistle, so that it could not alert the engineer when a more restrictive signal was passed.

While the accident was under investigation, the Safety Board on July 5 recommended that Union Pacific modify its locomotive cab signal apparatus to provide for an automatic penalty application of the automatic airbrake system whenever the engineer fails to acknowledge a more restrictive signal indication within the specified time. (Recommendation R-79-41; see 44 FR

40741, July 12, 1979.) The accident report notes that on January 25, 1976, as a result of the Board's investigation of an accident in Meeker, La., May 30, 1975, it was recommended that the Federal Railroad Administration promulgate regulations to require an adequate backup system for mainline freight trains that will insure that a train is controlled as required on the signal system in the event that the engineer fails to do so (R–76–3). The Safety Board notes that FRA has not acted on recommendation R–76–3, and no regulations have been promulgated. The Safety Board also note that Union Pacific's compliance with recommendation R–79–41, above, would accomplish the intent of recommendation R–76–3 for at least that railroad's operations.

Safety Recommendation Letters

Aviation: A–79–71.—On June 4, 1978, an Antilles Air Boats Grumman G–21A amphibian made an emergency water landing in Charlotte Amalie Harbor, St. Thomas, V.I., after a carburetor heat valve linkage failed. As a result of the failure, power was lost from one engine shortly after takeoff on a scheduled air taxi flight with 10 passengers aboard. The aircraft was landed successfully after it was unable to climb over or turn away from an island in the harbor. There were no injuries and all passengers were evacuated quickly because the aircraft landed in the harbor close to shore.

Investigation showed that engine power was lost because the linkage connecting the cold air and hot air butterfly valves in the carburetor heat valve separated. When the linkage separated, both valves closed, all air supply to the carburetor was shut off, and the engine stopped. The linkage separated after an improperly installed bolt fell out. The only provision for positive retention of these valves in the selected position was in interconnecting linkage, which in effect makes the two valves mutually dependent. The Safety Board is concerned over the potential for injury or loss if a similar failure causes a forced landing in the open sea. Accordingly, on September 11, the board recommended that the Federal Aviation Administration:

Issue an Airworthiness Directive to (1) define and require a modification of the carburetor heat valves on all Grumman G–21A airplanes to provide positive retention of the valves in the selected position so that the valves will not close if the linkage fails; and (2) define and require a modification of the operating lever on the carburetor hot-air valve operating lever to facilitate installation of the linkage connecting bolt so that it will not fall out if the nut is lost. (Class II, Priority Action.) (A–79–71.)

Marine: M–79–99.—About 1220 on May 10, 1978, the Military Sealift Command tanker USNS NECHES, carrying 25,000 long tons of jet fuel JP8, was about 50 nmi north of Curacao, Netherlands Antilles, when the engineer on watch saw flames, 7 to 8 feet high, apparently coming from the top of the engine. The engineer stopped both engines, activated the engineer's assistance alarm, and exited the engineroom. The first assistant engineer activated the emergency stop switches for the fuel pumps and the engineroom ventilation. After all crewmembers were out of the engineroom, the master ordered the fixed CO2 system to be activated. At 1305, the fire was extinguished but the main engines and ship's service electrical system were inoperable. The tanker was towed to Curacao where the repair cost was estimated at $750,000.

On May 13 and 14, 1978, the port main engine was examined by Coast Guard investigators, vessel personnel, machinery manufacturer representatives, and a representative of the Military Sealift Command. They found the fuel intake and return lines from the fuel oil supply header to the fuel injection pumps on Nos. 1 and 2 cylinders on the port engine were leaking at the headers. The fuel intake and return lines have packing gland fittings of all lines leading to Nos, 1, 2, 3, and 4 cylinders were disassembled, and evidence of mechanical damage to the packing material due to overtightening was noted.

The frequent disassemby of diesel engines for maintenance necessitates easy removability of fuel intake and return lines. However, the Safety Board notes, this accident indicates that packing gland fittings on pressurized fuel lines, near hot surfaces such as exhaust lines, can be a serious fire hazard. Maintenance personnel were not aware that the packing glands had been damaged. In view of it findings, the Safety Board on September 12 recommended that the ULS. Coast Guard:

Conduct a design study to determine the adequacy of packing gland fittings on pressurized diesel engine fuel systems and promulgate regulations as necessary. (Class II, Priority Action.) (M–79–99.)

Responses to Safety Recommendations

Aviation

A–74–14.—The Federal Aviation Administration on September 11 responded to the Safety Board's March 15 comments on FAA's response letter dated February 15 (44 FR 18750, March 29, 1979). The recommendation, which stemmed from the Ozark Airlines Fairchild Hiller FH–227B accident at St. Louis, Mo., July 23, 1973, called on FAA to implement, in cooperation with the National Weather Service (NES), a system to relay severe thunderstorm and tornado warning bulletins expeditiously to inbound and outbound flights when such bulletins include the terminal area.

The Safety Board's March 15 letter pointed out that this recommendation requires that severe-weather bulletins be transmitted expeditiously to inbound and outbound flights, and that before this recommendation can be closed, the Board wanted to be assured that this is being done. FAA's September 11 letter referred to its February 15 letter which advised that NWS meteorologists were assigned to 13 air route traffic control centers (ARTCC's), and indicated FAA's intent to place meteorologists in all ARTCC's through the country. FAA provided the following information regarding changes in SIGMET dissemination procedures which have taken place in the interim:

1. Change (briefing paper) to Handbook 7110.65A, paragraph 41, entitled "SIGMET Alert," which became effective July 1.
2. Change to Airman's Information Manual, paragraph 501, entitled "Inflight Weather Advisories," effective July 1.
3. FAA Order 7210.38 entitled "Center Weather Service Unit," effective February 23.
4. A copy of an AAT–110 status report dated May 21 which describes the use of NWS radar byathe Atlanta ARTCC.

FAA notes that the procedures referred to in item 1 are contained in Handbook 7110.65A–41. It is a priority-two task, exceeded only by the separation of aircraft and safety advisories in the controller's priorities.

A–77–24 and 25.—In response to the Safety Board's July 27 request for an updated status report, the FAA on September 11 stated that a project is being reviewed by its Office of the Chief Counsel for drafting of a notice of proposed rulemaking; target date for issuance is November 1979. The recommendations were issued as a result of investigation of the Piper Cherokee Cruiser (PA–28–140) accident at Baltimore (Md.) Memorial Stadium, December 19, 1976, and recommended that FAA amend 14 CFR 61.3 to include an implied consent clause which would be a conditon for issuance of pilot certificate (A–77–24), and amend 14 CFR 91.11 to specify alcohol levels at which a pilot is considered to be under the influence of alcohol (A–77–25).

A–79–40.—FAA's letter of August 29 is in response to a recommendation issued June 5 asking FAA to develop improved

procedures to enhance the quality control function of the Civil Aeromedical Institute (CAMI) with respect to its capabilities for detecting physical disabilities in airmen and performance deficiencies of Aviation Medical Examiners (AME's). (See 44 FR 34221, June 14, 1979.)

FAA concurs that the quality control function at CAMI demands further emphasis, and will continue its efforts to improve the administration of the airman medical certification program. In this regard, FAA states that its comments of May 11, 1977, and June 13, 1978, concerning recommendation A–77–5 (see 43 FR 30150, July 13, 1978) on the certification system remain valid. Conversion to the IBM System 370 and the related enhanced edit capability and immediate access to the data have, in fact, resulted in substantial improvements in the detection and notification of medical discrepancies in the application review process, FAA states. FAA notes that the new system is capable of internally auditing and producing unique messages for 123 medically related items, as compared with 40 medically related items in the previous automated review process. These improvements make possible checks that were not possible before and greatly expand FAA's capability to specifically identify a problem within a selected area; for example, blood pressure and vision edits. Also, both pre-edits and main program edits, to identify and notify entry operators or review personnnel of omitted/blank or items not meeting prescribed code format or scheduled values, are also made.

The new system has also enhanced FAA's ability to identify and take remedial action with respect to deficient AME performance, providing the capability to edit for omitted items and errors in certification action of a minor or more serious nature. Twenty-three unique checks are made on the current as well as previous examination having specific reference to AME adherence to FAA guidance in examination and certification of airmen. These errors are automatically tabulated for incorporation into an annual report to the regional flight surgeons and the examiners themselves.

FAA believes that the computer system implemented in January 1978 will achieve a marked improvement in quality control and that an alternate system need not be developed at this time.

A–79–48 through 51.—On September 11 FAA responded to recommendations issued June 14 following investigation of the Antilles Airboats Grumman G–21 accident at sea near St. Croix, V. I., last November 5. (See 44 FR 36272, June 21, 1979.)

In response to A–79–48, which recommended that FAA expedite evaluation of the propeller feathering system on G–21 aircraft with STC SA1–52 incorporated to determine if an unfeather assist system is required with the Hartzell installation, FAA reports that it has evaluated the propeller feather and unfeather systems and considers them satisfactory.

Recommendation A–79–49 asked FAA, if the evaluation shows that such a system is required, to issue an Airworthiness Directive (AD) to modify or replace the present system in order to eliminate the possibility of inadvertent loss of both engines when unfeathering a propeller. FAA says that the accident cited is the only recorded instance of unwanted feather of the propeller of the operating engine during unfeathering of the propeller of the inoperative engine in 22 years since the approval of Supplemental Type Certificate STC SA1–52. Compliance with the placard required by AD 79–02–03 (copy provided by FAA) will preclude unwanted feather. FAA plans no further AD action at this time.

With respect to recommendations A–79–50 (review operating manuals and procedure checklists of all Grumman G–21 operators to assure that correct procedures for unfeathering are provided and the proper position of the propeller lever is emphasized) and A–79–51 (require that all operators of Grumman G–21 airplanes equipped with this unfeathering system emphasize in their training program the correct procedures for propeller unfeathering), FAA reports that it expects to issue by September 30 a notice directing inspectors to assure that operators of Grumman G–21 airplanes with STC SA–52 incorporated include the proper procedures for unfeathering in operating manuals and cockpit checklists and emphasize these procedures in their training.

Marine

M–77–8 through 14.—The U.S. Coast Guard on August 22 responded to the Safety Board's comments of December 22, 1978, concerning Coast Guard's response of February 22. (See 43 FR 13444, March 30, 1978.) The recommendations were issued following investigation of the collision of the *SS Marine Floridian* with the Benjamin Harrison Bridge on February 24, 1977.

The Safety Board's December 22 letter notes that Coast Guard's response stated that rulemaking action was to be initiated that would fulfill the intent of: Installation of pilot light and audible alarms to indicate power interruption to steering gear motors (M–77–8), removal of motor-running protective devices, installation of protective devices responsive to motor current or temperature and provisions to prevent both steering systems from being connected to the same feeder circuit simultaneously (M–77–9), and dual operation of steering systems designed for that operation when in congested waters (M–77–14). The Board asked to be kept aware of Coast Guard action on these rulemaking activities.

With respect to M–77–10 (additional steering gear tests) and M–77–12 (competent personnel in steering gear room when required to be manned), the Safety Board notes that Coast Guard's response states that any further steering on rudder control recovery regulations will be based on comments received from Coast Guard's notice of proposed rulemaking "Improved Emergency Steering Standards for Oil Tankers." The Board feels strongly that the rulemaking needed to bring about the protection to marine transportation as outlined in M–77–10 and M–77–12 should begin immediately. In its comments on the oil tanker emergency steering proposal, the Board observed:

> We note in the discussion section of the NPRM, at item 6, that the Coast Guard recognizes that steering failures are not limited to oil tankers, and that the Coast Guard will consider further rulemaking to make these rules applicable to other tank vessels and to other types of vessels. We urge the Coast Guard to undertake that rulemaking as soon as possible, and believe that the rules should be made applicable to all ocean going vessels of 1,600 or more gross tons.

This statement reflects the current feeling of the Board.

Recommendation M–77–11 suggested a regulatory change to provide for upgrading all safety and vessel control systems to meet current standards whenever an ocean going vessel is modernized, lengthened, rebuilt or converted to another service. The Board noted that Coast Guard's response stated that actions taken on M–77–8 and M–77–9 with regard to steering controls would bring steering systems up to current standards and that any additions to the systems covered in Navigation and Vessel Inspection Circular (NVIC) 12–65 were not considered justified. The Safety Board believes that all systems for ship control should be included on the NVIC 12–65 listing and that the upgrading of these controls should be required rather than simply be given consideration as to feasibility, as stated in the circular. The

Board's December 22 letters suggests that Coast Guard review recommendation M–77–11 with a view to updating NVIC 12–65 (dated September 1, 1965) and to increasing its scope.

With respect to M–77–13, the Board asked to have a copy of the final results of Coast Guard's special inspection of manual transfers with installations.

Coast Guard's August 22 response provides the following information:

M–77–8.—Regulations to require installing pilot lights in the wheelhouse to indicate when steering gear motors are energized and an audible alarm to indicate the opening of a steering gear feeder circuit breaker were published as proposed rules (CGD 74–125) on June 27, 1977, and will again be published in a supplement to these proposed rules (CGD 74–125A) on or about September 1, 1979.

M–77–9.—Coast Guard anticipates that work involving a regulatory change will commence on or about September 1, 1979, to include changes indicated in the February 22, 1978, response.

M–77–10.—Proposed regulations (CGD 79–038) being drafted will require detailed steering gear tests and emergency drills on all U.S.-inspected vessels 100 gross tons and over and all other vessels 1,600 gross tons and over navigating on U.S. waters.

M–77–11.—There is no change in Coast Guard's position discussed in the February 22 response.

M–77–12.—The May 16, 1977, proposal, addressing manning of steering gear rooms, was withdrawn by a similar proposed rulemaking (CG–77–063) dated February 12, 1979. The manned steering gear room requirement was withdrawn because of unanimous negative comments. Substitution of equipment requirements was made as stated by NPRM (CG–77–063) dated February 12, 1979.

M–77–13.—On April 21, 1977, all Coast Guard Marine Safety and Marine Inspection Offices were notified of the MARINE FLORIDIAN casualty, provided with names and official numbers of vessels of the class, and directed to inspect the main feed transfer switches for the steering gear on all listed vessels during their next inspection. Reports of findings were to be furnished to Coast Guard Headquarters. No reports of unsatisfactory equipment have been received. Also, operators of listed vessels were individually requested by telex to conduct examinations of steering gear switches on vessels identified in each message. Results of these examinations were requested; no adverse reports have been received. Coast Guard notes that the lack of reports of unsatisfactory equipment is not unexpected in view of the mechanical simplicity of the main feeder knife switches examined. From the negative results of the inspection of these switches, Coast Guard assumes that no significant class defect exists.

M–77–14.—There is no change in Coast Guard's position as stated in its February 22, 1978, letter. Initiation of a project in the direction discussed will commence on or about September 1, 1979. This will be included in the additional work discussed for recommendation M–77–9.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available without charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)).)

Margaret L. Fisher,

Federal Register Liaison Officer.

September 17, 1979.

[FR Doc. 79–29248 Filed 9–19–79; 8:45 am]

BILLING CODE 4910–58–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

September 17, 1979.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

Revisions

Agricultural Stabilization and Conservation Service

*Cotton Regulations—7 CFR Part 722

On occasion

Cotton producers

12,055 responses; 1,010 hours

Charles A. Ellett, 395–5080.

Economics, Statistics, and Cooperative Service

*December Enumerative Survey

Annually

Farmers

48,660 responses; 14,265 hours

Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252–5214

New Forms

U.S. Petroleum Pipeline Sizing Survey
EIA–184
Single time
U.S. Petroleum Pipelines
109 responses; 8,720 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245–7488

New Forms

Office of the Secretary
1979 Children and Youths Referral Survey
OS–19–79
Single time
Local public welfare/social service agencies
3,000 responses; 45,000 hours
Laverne V. Collins, 395–3214

Revisions

Public Health Service
National Medical Care Utilization and Expenditure
Survey
Other (See SF–83)
Samp. hslds repre civ noninstit pop. of U.S. and 4 Lg. St.
63,771 responses; 71,875 hours
Off. of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

Extensions

Housing Production and Mortgage Credit
*Subdivision Sewage Disposal Report
VA 26–1888: FHA 2084C
On occasion
Landowners and Health Engrs.
1,500 responses; 450 hours
Arnold Strasser, 395–5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

Revisions

Immigration and Naturalization Service
Application by Non-Immigrant Student for Extension of Stay, School Transfer,Permission to Accept Employment or Practical Training
I–538
On occasion
Non-Immg. Stu. Skg. Ext. of Stay, Sch. Trnfr. Emp. or Tra.
110,000 responses; 36–600 hours
Laverne V. Collins, 395–3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341

New Forms

Bureau of International Labor Affairs
Fabricated Steel Survey
ILAB 256
Quarterly
Contractors and/or subcontractors in 48 States
1,000 responses; 750 hours
Arnold Strasser, 395–5080

Revisions

Bureau of Labor Statistics
ES–202 (Unemployment Insurance) Industry Classification
Statement
BLS 3023, 3023–A, 3023–1
Annually
unemployment insurance file
1,500,000 responses; 250,000 hours
Office of Federal Statistical Policy and Standard 673–7974

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J. Stanton—245–3064

New Forms

State Conducted Inventory of Injection Wells
On occasion
St. and Terri. Agne. Invol. in Control of Undergr. Injec. Fac.
15,150 responses; 30,300 hours
Edward H. Clarke, 395–5867

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Sally E. Crocker—634–6983

New Forms

*Transcription and Computation Sheet (Equal Pay Act)
EEOC 377
On occasion
Business Firms and Gov't Agencies Subject to EPA and ADEA
4,000 responses; 1,000 hours
Laverne V. Collins, 395–3214
Questionnaire on Impact of Federal Equal Opportunity
Program and Activities
EEOC 376
Single time
Employer and Trade Associations
1,000 responses; 500 hours
Laverne V. Collins, 395–3214
*Receipt for Payment of Backpay, Damages or Other
Monetary Benefits (Equal Pay Act)
EEOC 379
On occasion
Bus. Firms and Gov't Agencies Subject to EPA and ADEA
20,000 responses, 11,666 hours.
Laverne V. Collins, 395–3214
*Summary of Backpay, Damages or Other Monetary Benefits
(Equal Pay Act)
EEOC 378
On occasion
Business Firms and Gov't Agencies Subject to EPA and ADEA
4,000 responses; 1,000 hours
Laverne V. Collins, 395–3214

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens 313—751–4693

Revisions

*Statement Showing whether widow or widower was living
With Employee (at time of death)
G–288
On occasion
Applicants for benefits
300 responses; 75 hours
Barbara F. Young, 395–6132

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

New Forms

Financial Counseling Statement
26–8844
On occasion
Veteran—Obligors
2,000 responses; 1,500 hours
Richard Eisinger, 395–3214

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-29263 Filed 9-19-79; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–16204; File No. SR–BSPS–79–2]

Self-Regulatory Organizations; Proposed Rule Change by Bradford Securities Processing Services, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on August 28, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms and Substance of the Proposed Rule Change

The text of the proposed rule change is as follows:

A participant is a person, partnership, corporation or other business entity which:

(a) Satisfies at least one of the following qualifications:

(i) It is a broker or dealer registered under the Securities Exchange Act of 1934;

(ii) It is a clearing agency registered under the Securities Exchange Act of 1934;

(iii) It is an investment company registered under the Investment Company Act of 1940;

(iv) It is a bank, as that term is defined in the Securities Exchange Act of 1934;

(v) It is an insurance company;

(vi) It is a person or within the class of persons designated by the Securities and Exchange Commission as appropriate to become a participant in a clearing agency; or

(vii) It is a person, such as a broker or dealer in securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, which is not within categories (i) through (iv) above and demonstrates to the Corporation that its business and capabilities are such that it could reasonably expect material benefit from direct access to the Corporation's services;

(b) Is not subject to a statutory disqualification under the Securities Exchange Act of 1934 and does not have associated with it a person subject to such a statutory disqualification, provided, however, that after notice and opportunity for hearing, the Corporation may grant participation, subject to such conditions and limitations as it deems appropriate;

(c) Meets the standards of financial responsibility, operational capability, experience and competence prescribed by the credit company for the services that the participant intends to use; and

(d) Has executed an agreement with the Corporation for the use of any one or more of the services of the Corporation, provided, however, that a participant may use a service of the Corporation without executing an agreement with the Corporation but in each such instance the participant, by using the service, agrees to and is bound by the terms and conditions of the Corporation's standard agreement for the use of such service, and, further provided that a participant may be a participant for purposes of using a certain service or services and not a participant with respect to other services.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change are as follows:

Purpose of Proposed Rule Change

The proposed rule change is a codification of the Corporation's existing policy and practice.

The proposed rule change embodies the provisions for participation in a clearing agency set forth in Section 17A(b)(3)(B) and 17A(b)(4) of the Securities Exchange Act of 1934. The proposed rule change is substantially similar to the rules of other clearing agencies defining who may be participants—see National Securities Clearing Corporation, SCC Division Rule 2, Section 1, Depository Trust Company, Rule 3.

Like the rules of the National Securities Clearing Corporation and Depository Trust Company, the proposed rule change provides for participation by entities not specified in Section 17A(b)(3)(B) of the Securities Exchange Act of 1934 but which entities would derive material benefit from direct access to the Corporation's services. One of the Corporation's services, as set forth in Exhibit J to its Form CA–1, is the clearance and settlement of trades in securities which are direct obligations of, or are guaranteed as to principal or interest by, the United States. Many registered broker-dealers have affiliates which act as brokers and dealers in securities issued or guaranteed by the United States Government or an agency thereof and are not required to register as broker-dealers with the Securities and Exchange Commission. These unregistered broker-dealers trade with many registered broker-dealers which are participants in the Corporation. It would be disruptive of the clearance and settlement of trades in these securities and would particularly disadvantage the Corporation's participants if access to the Corporation's services were denied these unregistered brokers and dealers. Further, it is clear from the Exhibit J to the Corporation's Form CA–1 that clearance and settlement of these securities would involve participation in the Corporation by the unregistered brokers and dealers which trade in these securities.

Basis Under the Act for Proposed Rule Change

The proposed rule change will clarify and confirm the interpretation and application of an existing policy practice and rule as to who may be a participant and subscribe to the services offered by the Corporation. This will enable the Corporation to offer its services to a wide range of participants, including registered broker-dealers, registered clearing agencies, registered investment companies, banks, and insurance companies. This will facilitate the prompt and accurate clearance and settlement of securities transactions, foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and help to remove impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments Received From Members, Participants or Others on Proposed Rule Change

No comments have been solicited or received from participants or others on the proposed rule change.

Burden on Competition

The Corporation does not believe that the proposed rule change will impose any burden on competition. The proposed rule change will expand the number of entities that may use the services of the Corporation. This will result in increased competition among these entities, particularly brokers and dealers.

On or before October 25, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 11, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 14, 1979.

[FR Doc. 79-29240 Filed 9-19-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21215; 70-6332]

Connecticut Yankee Atomic Power Co.; Proposal To Finance Nuclear Fuel During the Off-Site Portions of the Nuclear Fuel Cycle

September 14, 1979.

Notice is hereby given that Connecticut Yankee Atomic Power Company ("Connecticut Yankee"), P.O. Box 270, Hartford, Connecticut 06101, a subsidiary of Northeast Utilities and New England Electric System, both registered holding companies, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Connecticut Yankee owns and operates a 575,000 kW nuclear electric generating plant ("Plant") in Haddam, Connecticut, which has been in service since January, 1968. All outstanding shares of the Connecticut Yankee's common stock are owned by eleven New England electric utilities ("Sponsors").

Connecticut Yankee presently finances nuclear fuel assemblies after their arrival at the Plant site through the sale of its first mortgage bonds. However, Connecticut Yankee's First Mortgage Indenture and Deed of Trust dated January 1, 1965 ("Indenture") allows only a limited amount of nuclear fuel in the possession of the fuel fabricator to be financed under the Indenture for a limited period of time. The Indenture provides no other basis for the financing of nuclear fuel during the off-site portion of the nuclear fuel cycle. In the past, the costs of acquiring uranium and having it converted, enriched and fabricated into assemblies have been financed principally by means of (1) unsecured short-term bank borrowings and sale of Connecticut Yankee's commercial paper, (2) retained earnings, and (3) revenues from Connecticut Yankee's sale of electricity to the Sponsors. However, Connecticut Yankee projects that by the end of 1981 and during succeeding years, Connecticut Yankee will incur off-site nuclear fuel costs in excess of $50,000,000. This is several times greater than the amount of off-site nuclear fuel required to be financed in the past, and it is anticipated that funds available from existing sources will not be sufficient to cover such costs. In addition, it is stated that funds from these sources are needed to finance portions of Connecticut Yankee's on-site fuel costs and construction program.

In order to provide a comprehensive framework for the financing of nuclear fuel during the off-site portions of the nuclear fuel cycle, Connecticut Yankee proposes to enter into arrangement with Bankers Trust Company, not in its individual capacity but solely as trustee ("Trustee") of the Haddam Fuel Supply Trust ("Trust"), which will be specially created for the purpose of such financing pursuant to a proposed Trust agreement ("Trust Agreement") dated July 1, 1979 between The Connecticut Bank and Trust Company as trustor ("Trustor"), the Trustee and Connecticut Yankee, as beneficiary. Pursuant to a proposed Nuclear Fuel Sale Agreement ("Sale Agreement") dated July 1, 1979 between Connecticut Yankee and the Trustee, Connecticut Yankee will agree to assign to the Trustee all of its right, title and interest in and to all or part of certain nuclear fuel contracts and nuclear fuel pursuant to one or more assignments ("Assignments"). The Trustee, in turn, will agree to either reimburse Connecticut Yankee for payments made to contractors under the assigned nuclear fuel contracts or to make such payments directly to the contractors. The Sale Agreement and the Assignments will allow Connecticut Yankee to assign to the Trustee the nuclear fuel contract rights with respect to one or more reload batches of fuel, and to request the Trustee to finance such reload batches, without assigning or asking the Trustee to finance all of the reload batches covered by a given contract.

Upon making a payment with respect to any nuclear fuel, the Trustee will acquire title to such nuclear fuel (or, in some circumstances, the right to acquire title in the future) and the related nuclear fuel contract rights. When a quantity of nuclear fuel constituting a reload batch reaches an agreed upon stage of the nuclear fuel cycle or on any earlier date selected by Connecticut Yankee, Connecticut Yankee will be required to purchase such nuclear fuel at a price equal to the seller's cost, which includes, among other things, (1) all payments made by the Trustee to any contractor under any assigned nuclear fuel contract and any amounts paid to Connecticut Yankee to reimburse it for payments made to contractors, (2) all taxes and other expenses related to such nuclear fuel which have been paid by the Trustee, (3) all finance charges incurred or accrued by the Trustee in connection with obtaining funds necessary to make payments on account of such nuclear fuel, including interest expenses, amortization of debt discount, and commitment and letter of credit fees, and (4) other fees, costs and expenses incurred or accrued by the Trustee. Connecticut Yankee's obligation to purchase the fuel and to make such payments to the Trustee will be absolute and unconditional.

The initial term of the Sale Agreement will extend until the earlier of June 30, 1984, or the occurrence of any event of termination, as defined in such Agreement. The Sale Agreement will automatically be extended each year for an additional term of one year, unless the Trustee has given notice on or before May 1 in any year that the commitment will terminate on June 30 of the fourth following year. Connecticut Yankee may terminate the Sale Agreement on 90 days written notice to the Trustee. The commitment shall terminate in any event no later than June 30, 2000.

Pursuant to a proposed Credit Agreement ("Credit Agreement") dated July 1, 1979 between the Trustee and the Bank, the Trustee will finance its own payments to Connecticut Yankee and the contractors through the sale of the Trust's commercial paper notes backed by the irrevocable letters of credit of the Bank, which are preprinted on such notes ("CP Notes"). If the Trustee cannot sell CP Notes or if certain other circumstances arise the Bank will be obligated to make loans to the Trustee which are sufficient in amount to enable the Trustee to make nuclear fuel payments to Connecticut Yankee or to contractors. Connecticut Yankee may also instruct the Trustee to borrow from the Bank instead of issuing CP Notes. The Bank's obligation to extend credit to the Trustee by issuing letters of credit preprinted on CP Notes or making loans will be limited to a total commitment of $50,000,000, subject to termination in whole or in part pursuant to the Credit Agreement.

The Bank may enter into a Participation Agreement dated July 1,

1979 ("Participation Agreement") with Continental Illinois National Bank and Trust Company of Chicago ("Continental"), pursuant to which the Bank would agree to sell, and Continental would agree to buy, an undivided participation and interest of up to 30% in and to all letters of credit issued and loans made by the Bank under the Credit Agreement, as well as all fees and other payments payable to the Bank under the Credit Agreement.

The Bank will also agree to act as the Trustee's agent for the issuance, delivery and payment of the Trust's CP Notes in accordance with the terms of a proposed Depositary Agreement (the "Depositary Agreement") dated July 1, 1979. The Bank will receive a fee for its services under the Depositary Agreement in an amount to be determined from time to time by agreement between the Bank and the Trustee as it is instructed by Connecticut Yankee. Initially the Bank will receive a fee of $6.00 per CP Notes issued and a fee of $.65 per CP Note paid. Pursuant to the terms of a proposed Dealer Agreement dated July 1, 1979 between the Trustee and Lehman Brothers Kuhn Loeb Incorporated ("LBKL"), acting directly or through one or more of its wholly-owned subsidiaries (LBKL and such subsidiaries being herein collectively called "Lehman"). Lehman will agree to act as dealer for the sale of the CP Notes of the Trust. For arranging the sale of any CP Note, Lehman will receive a fee equal to ⅛% of the principal amount thereof.

The Trustee will be required to pay the Bank the following fees pursuant to the Credit Agreement: (1) a letter of credit fee computed at ¾ of 1% per annum on the daily average undrawn amount of letters of credit outstanding during each calendar quarter, (2) a commitment fee computed at the rate of ⅛ of 1% per annum on the daily average unused portion of the commitment in effect during each calendar quarter, except that no commitment fee will be payable with respect to any day on which such unused portion is less than 30% of the commitment, and (3) interest on any drawings under letters of credit or loans made by the Bank at a base rate of 120% of the higher of the Banks's prime rate or 90 day certificate rate. Connecticut Yankee will pay the trustee an annual administration fee of $5,000 and a one time acceptance fee of $17,000.

Asssuming that the base rate normally would be determined by reference to the Bank's prime rate rather than the certificate rate, and assuming further that the prime rate normally would be approximately 1% higher than the prevailing commercial paper rate, with an assumed commercial paper rate of 11%, loans from the Bank under the Credit Agreement would have an effective cost of 14.48% per annum. Connecticut Yankee would not expect to use this source of funds unless the CP Notes of the trust could not be sold or unless a change occurred in the normal relationship between the prime rate and the commercial paper rate. The cost of borrowing through the sale of the CP Notes of the trust would be as follows: Assuming (1) that all $50,000,000 of the Bank's commitment is in effect and has been utilized by the issuance of CP Notes in connection with fuel payments, (2) that the total number of CP Notes issued during a twelve-month period is 1,200 and (3) that the average CP Note (a) is issued in a principal amount (before discount) of $500,000, (b) has a maturity of 30 days and (c) is sold on a discounted basis with an interest rate (including the dealer's fees of ⅛%) of 11% per annum, then the maximum effective cost for an average CP Note would be 11.94% per annum.

In order to secure the Trustee's obligations to the Bank, the Trustee will assign to the Bank, as collateral security, all of its rights in the nuclear fuel to be financed by the Trustee and the related nuclear fuel contract rights and will grant a security interest to the Bank in such fuel and such nuclear fuel contract rights. Upon Connecticut Yankee's repurchase of the nuclear fuel from the Trustee, the Bank will release to the Trustee all of its rights in such fuel, including its security interest.

As additional security for the Trustee's obligations to the Bank, the Trustee will be required under the Credit Agreement to establish and maintain with the Bank a cash collateral account ("Cash Collateral Account") which at all times will be subject to the Bank's sole control. The Trustee will be required to deposit in the Cash Collateral Account (i) all proceeds of the sale of any CP Notes or of any loans made by the Bank to the Trustee and (ii) any amounts payable to the Trustee under the Sale Agreement or any assigned nuclear fuel contract. Funds deposited in the Cash Collateral Account will first be applied by the Bank to payment of (i) any amounts then due to the Trustee, (ii) any unpaid CP Notes which have matured, (iii) any unpaid drawings under any of the Bank's letter of credit preprinted on the CP Notes, and (iv) any amounts then due to the Bank. Any funds remaining in the Cash Collateral Account after such mandatory payments will be applied, at the Trustee's request, acting pursuant to instructions from Connecticut Yankee, either to payments to Connecticut Yankee or to contractors pursuant to the Sale Agreement or to the prepayment of the unpaid principal amount of any loans made by the Bank to the Trustee. Any funds not so applied will be accumulated by the Bank and held for the payment at maturity of the CP Notes or any loans made by the Bank or the Trustee. Ordinarily, proceeds from the sale of CP Notes or loans will not remain in the Cash Collateral Account but will be paid out immediately since the Trustee, acting pursuant to Connecticut Yankee's instructions, will issue CP Notes or request loans from the Bank only at such times and in such amounts as will be required to make payments when due to the Trustee, Bank, noteholders, contractors, or Connecticut Yankee.

It is stated that Connecticut Yankee intends to maintain a capital structure in which total equity is equal to at least 35% of the sum of total equity plus total loan term debt, including nuclear fuel trust payables.

A statement of the fees, commissions and expenses to be incurred by Connecticut Yankee in connection with the proposed transaction will be filed by amendment. It is stated that the proposed transaction is subject to the jurisdiction of the Connecticut Division of Public Utility Control. It is further stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 9, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from

such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-29241 Filed 9-19-79; 8:45 am]

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[Rel. No. 10868; 812-4520]

Investors' Municipals-Income Trust; Filing of Application

September 12, 1979.

Notice is hereby given that Investors' Municipals-Income Trust (and its predecessors Insured Municipals-Income Trust and The First National Dual Series Tax-Exempt Bond Trust) (the "Municipal Fund"), Investors' Municipal-Yield Trust (the "Yield Fund"), Investors' Corporate-Income Trust (the "Corporate Fund"), and Investors' Governmental Securities-Income Trust (the "Government Fund"), registered under the Investment Company Act of 1940 ("Act") as unit investment trusts (collectively referred to herein as the "Funds"), their sponsor, Van Kampen Sauerman, Inc., 208 South LaSalle Street, Chicago, Illinois 60604, and a co-sponsor of the Corporate Fund, Dain, Kalman & Quail, Inc. ("Sponsors") (collectively with the Funds referred to as the "Applicants"), filed an application on August 17, 1979, and an amendment thereto on September 7, 1979, requesting an order of the Commission (1) pursuant to Section 11 of the Act permitting the exchange of units of any series of a Fund for units of any other series of the same Fund at net asset value plus a fixed and reduced sales charge of $15 per unit pursuant to a conversion option, and (2) for an order pursuant to Section 6(c) of the Act exempting such transactions of the Applicants from the provisions of Section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The investment objectives of the Municipal Fund and the Yield Fund are tax-exempt income and conservation of capital through an investment in a diversified portfolio of tax-exempt bonds. All of such bonds are obligations issued, by or on behalf of states, counties, territories or municipalities of the United States and authorities or political subdivisions thereof, the interest on which in the opinion of counsel to the various issuers of such bonds is exempt from all Federal income taxes under existing law. The investment objectives of the Corporate Fund and the Government Fund are preservation of capital and a high level of interest income through an investment in a diversified portfolio of either taxable corporate debt obligations in the case of the Corporate Fund or taxable securities guaranteed or backed by the full faith and credit of the United States in the case of the Government Fund. The underlying bonds in the portfolios of the Funds are collectively referred to herein as the "Bonds". Applicants state that with respect to each series of the Municipal Fund Van Kampen Sauerman, Inc. obtains a portfolio insurance policy protecting the Bonds therein against default in the payment of principal and interest from MGIC Indemnity Corp., a subsidiary of MGIC Investment Corp. In certain series, there have been or may be a Bond or Bonds on which separate insurance has been obtained by the issuer thereof.

At the present time more than 47 series of the Funds have been issued. Units of beneficial interest in the various series of each Fund have been offered for sale to the public pursuant to effective registration statements under the Securities Act of 1933. It is anticipated that further Fund series will be created in full compliance with the representations herein made concerning the respective series now outstanding.

Each series of the various Funds is presently governed by the provisions of such series' trust indenture and agreement ("Indenture") entered into or to be entered into in respect thereof by the Sponsors and a corporation organized and doing business under the laws of the United States or a state thereof, which is authorized under such laws to exercise corporate trust powers and having at all times an aggregate capital, surplus and undivided profits of not less than $5,000,000 in the case of the Municipal Fund and Yield Fund and $2,500,000 in the case of the Corporate Fund and Government Fund (collectively referred to herein as the "Trustee").

A separate Indenture is entered into each time a series of a Fund is created and the Bonds to comprise its portfolio are deposited with the trustee. Pursuant to the related Indenture the Trustee may dispose of Bonds when events occur which may affect their investment stability and must sell Bonds if necessary for the payment of the redemption price of units tendered for redemption. In the case of the Municipal and Yield Funds, proceeds from such sales must be distributed in partial liquidation to certificateholders, while such proceeds may be reinvested in the case of the Corporate and Government Funds.

The Sponsors propose to offer, as described below, a conversion option (the "Plan") to certificateholders of the various series of the Funds. The purpose of the plan is to provide investors in each of the Funds a convenient means of transferring interests as their investment requirements change. The Sponsors intend to hold open this option at all times although they reserve the right to modify, suspend or terminate the Plan at any time without further notice to certificateholders. It is intended that the Plan will operate as follows: A certificateholder wishing to dispose of his units in a Fund series for which a secondary market is being maintained will have the option to convert his units into units of any other series of the same Fund for which units are available for sale in the secondary market. When a certificateholder notifies the Sponsors of his desire to exercise such a conversion option, the Sponsors will mail a current prospectus for each series that the certificateholder indicates interest. The certificateholder may then select the series into which he desires his investment to be converted. As indicated in the various prospectuses of each Fund the Sponsors intend to maintain a market for the units of each series of the respective Funds. However, there is no obligation to maintain such a market and this Plan is not meant in any way to create such obligation.

A conversion transaction will operate in a manner essentially identical to any secondary market transaction, except that Applicants propose to allow a reduced sales charge for all transactions effected under the Plan. Traditionally, units in the Municipal Fund, Yield Fund and Government Fund (the "Daily Valued Funds") are repurchased by the Sponsor and other underwriters of such Funds at prices based on the bid side evaluations of the underlying securities in the portfolio of each Fund series and are resold at that price per unit (the "public offering price") plus a sales charge of 5.7%, 6.2% and 4.0%, respectively, of such public offering price. Traditionally, units in the Corporate Fund are repurchased by the sponsors and other underwriters of that Fund at the aggregate offering side

evaluations of the underlying securities in the portfolio of each Corporate Fund series, and are resold at that price per unit (the "public offering price") plus a sales charge of 4.5% of such public offering price.

During the initial distribution of units in the Municipal Fund, Yield Fund, Government Fund and Corporate Fund, the units are sold at the aggregate offering side evaluations of the underlying securities (except for bid price evaluations of existing Fund units, if any, deposited in the daily Valued Funds) (the "public offering price") plus a sales charge of 4.7%, 5.2%, 3.5% and 4.5%, respectively, of such public offering price. Applicants propose to resell units in the secondary market under the Plan at the secondary market public offering price of the various Funds plus a fixed sales charge of $15.00 per unit (approximately 1.5% of the secondary market public offering price at current market values).

It should be noted that the plan will only be available for conversions into secondary market units of the Funds. Applicants state that restricting the conversion option to conversions into secondary market units of the Funds is appropriate in light of the different methods of determining the public offering price utilized by the funds and the varying sales charges between the primary and secondary markets for the sale of units of the Funds. Conversion transactions will also only be effected in whole units. Any amounts not used to acquire whole units under the Plan will be remitted to certificateholders and certificateholders will not be permitted to make up any difference between the amount representing the units being submitted for conversion and the units of the new Fund series being acquired.

To illustrate how the Plan would work, a holder of three units of a series in the Municipal Fund with a bid side evaluation of $1,020 per unit might seek conversion into units of a different series of the municipal Fund available in the secondary market with a bid side evaluation of $880 per unit. In this example, the certificateholder's units will yield $3,060 which amount may be invested in units of the new series. Should three units in the new series of the Municipal Fund be purchased the cost would be $2,685 ($2,640 for the units and a $45 sales charge). The remaining $375 would be returned to the certificateholder in cash. Where the certificateholder to have purchased three units of the new series directly, the sales charges imposed on such transaction would have been $159.58.

Applicants state that as a result of the differences in methods of evaluation and sales charges between primary and secondary market transactions as the same relate to the Funds, a potential for abuse in effecting conversion transactions under the Plan may arise. It is possible, although unlikely, that under the different methods of valuing units (i.e. the offering vs. bid price) and with the varying sales charges imposed by the Funds, that there could be created inequities between a person buying units of a Fund directly and another person acquiring such units under the Plan. Specifically, it could be possible under certain circumstances for a person to acquire units in one series of a Fund and immediately convert such units to another series of such Fund and pay a lower total sales charge than a person acquiring at the same time such units directly. Applicants state that under normal circumstances this situation is unlikely to occur since the initial sales charge on the units being converted plus the conversion sales charge usually will exceed the sales charge related to direct purchases of those Fund units being acquired under the Plan. However, if the price of the units of a series (particularly a series with a higher sales charge) were to increase sharply, the $15.00 per unit sales charge on conversion could represent less than the difference between the sales charge on units sought to be converted and the sales charges related to the direct purchase of units, in which case the converting certificateholder could obtain an unfair price advantage when compared to investors making direct purchases of units in the applicable series. However, after a certificateholder of a Fund series has held his units for an adequate period of time, the Applicants state that they believe the discriminatory nature of his effecting a conversion transaction is not as compeling, and thus argue that the possible abuses outlined above are not material if the converting certificateholder has held his Fund units for at least a six month period of time. Thus, Applicants propose that certificateholders who have held their Fund units for a period of six months or more be allowed to exercise the conversion option at the unit secondary market public offering price plus a fixed sales charge of $15.00 per unit.

Applicants assert that applying a sales charge of less than the customary charge for effecting secondary market transactions in the case of Plan conversions will be both beneficial to investors and warranted in light of related cost savings. Applicants state that the largest part of a sales charge on mutual fund shares is attributable to initially soliciting a customer, ascertaining his financial requirements and counseling him on investments; and where the customer has already been solicited and his financial requirements have been ascertained, the sales costs are reduced, and it is desirable to pass the cost savings on to investors.

Applicants state that under the Plan a person desiring to acquire units in a new series of the same Fund by means of a conversion transaction will presumably do so because of changes in his particular financial goals or requirements, or in order to take advantage of possible tax benefits flowing from the conversion; thus, there may well be a continuing need to assess an investor's financial needs and tax position. However, the fact that the investor has already been identified should produce some transaction savings. Further, Applicants represent that in view of the fact that each series of the Funds are similar investment vehicles a converting certificateholder will require somewhat less professional advice than if he were acquiring an interest in an entirely different kind of investment.

It is the Applicant's belief that a charge of $15.00 is a reasonable and justifiable expense to be allocated to the broker for his professional assistance in connection with effecting a conversion transaction. Applicants state that this per unit fixed sales charge for Plan conversions will result in the individuals effecting such conversions being charged a reasonable fee which is related to the periodic professional, financial advice that it is anticipated will be provided to them. This $15.00 per unit sales charge compares favorably to the regular sales charges which are currently allocated to broker-dealers in all primary and secondary market sales of units of the Funds. Thus, the Sponsors submit that a sales charge of $15.00 is warranted in that such charges will cover the reasonable costs related to the conversion of units under the Plan and yet give participants an opportunity to share in cost savings.

Section 11(c) of the Act provides, among other things, that exchange offers involving registered unit investment trusts are subject to the provisions of Section 11(a) of the Act irrespective of the basis of exchange. Section 11(a) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make, or cause to be made, an offer to the holder of a security of such company or 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 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. The sales charge described in the prospectuses of each of the Funds for effecting regular secondary market purchase and sale transactions is greater than the sales charge which will be applicable to transactions under the Plan. Rule 22d–1 under the Act permits certain variations in sales charges, none of which it is alleged will be applicable to transactions under the Plan.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may 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 of any rule or regulation under the Act, if and to the extent 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.

Notice is further given that any interested person may, not later than October 4, 1979 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons 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 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. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein 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. 79–29236 Filed 9–19–79; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 21213; 70–6344]

Middle South Energy, Inc.; Proposed Sale and Leaseback of Nuclear Fuel

September 13, 1979.

Notice is hereby given that Middle South Energy, Inc. ("MSEI"), 225 Baronne Street, New Orleans, Louisiana 70112, a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

MSEI proposes to enter into a lease with Port Gibson Energy, Inc. ("Port Gibson"), under which MSEI would lease nuclear fuel and facilities incident to its use from Port Gibson. The nuclear fuel will be used to satisfy the fuel requirements of MSEI's Grand Gulf Generating Station Unit No. 1 ("Grand Gulf 1") nuclear-fired electric generating facility under construction near Grand Gulf, Mississippi. Port Gibson will be a wholly-owned subsidiary of Lehman Leasing, Inc. ("Lehman Leasing"), a leasing subsidiary of Lehman Brothers Kuhn Loeb, Inc., an investment banking firm. Neither Lehman Leasing, its subsidiaries, Port Gibson, Lehman Brothers Kuhn Loeb, Inc., nor any persons affiliated with any of these companies is affiliated with Middle South or any of its affiliated companies.

MSEI currently owns a supply of nuclear fuel in the form of enriched UF_6 and contracts for the fabrication of nuclear fuel cores to be used in Grand Gulf 1. It is expected that the fabrication of the initial core will be completed in 1980, and that the fuel loading of the initial core in the reactor will commence that same year. Upon receipt of the order of the Commission in this matter, MSEI will sell to Port Gibson its interest in the nuclear fuel for the initial core of Grand Gulf 1 and simultaneously will enter into a lease with Port Gibson. Port Gibson will pay MSEI its book cost (including applicable allowance for funds used during construction) of such interest, which at June 30, 1979, was $44,134,000.

Under the terms of the lease, Port Gibson will make additional payments to suppliers, processors and manufacturers necessary to carry out the terms of MSEI's contracts for nuclear fuel for Grand Gulf 1 or MSEI will make such payments and will be reimbursed by Port Gibson. Port Gibson may also make such payments to future suppliers of nuclear fuel for Grand Gulf 1 or MSEI will make such payments, subject to reimbursement by Port Gibson. Port Gibson's maximum commitment to make payments for nuclear fuel is $79,000,000 at any one time outstanding.

Under the lease, MSEI will be responsible for operating, maintaining, repairing, replacing, and insuring the nuclear fuel and for paying all taxes and costs arising out of the ownership, possession or use thereof. The term of the lease will be through October 15, 2029; however, if either party gives written notice of termination by October 15, 1980, or any subsequent October 15, the lease shall automatically terminate on October 15 of the second following year.

The obligations to make quarterly lease payments will commence with the term of the lease. These payments will include (A) a quarterly lease charge, which will represent an administrative charge of ⅛ of 1% per annum of the stipulated loss value, as payable by Port Gibson to Lehman Leasing, and Port Gibson's other allocated operational costs, and (B) a burn-up charge equal to the cost of the nuclear fuel consumed while it is in the reactor and producing heat. Prior to commercial operation of Grand Gulf 1 or when the nuclear fuel is not in the reactor and producing heat, MSEI may elect to capitalize quarterly lease charges or daily portions therof so long as the amount of credit still available to Port Gibson under its $80,000,000 Credit Agreement, obtained with various commercial banks ("Banks") to finance its obligations under the lease, exceeds the sum of the stipulated loss value of the nuclear fuel, the amount of such charges, and $1,000,000. MSEI may consequently, subject to the foregoing limitation, defer rental payments until those times during commercial operation when the nuclear fuel is in the reactor and producing heat in the production of electric energy.

MSEI may terminate the lease at any time. Port Gibson may terminate the lease under certain circumstances.

including, among others, if it becomes subject to certain adverse rules, regulations or declarations with respect to its status or the conduct of its business. Upon the occurence of any event of termination, title to the nuclear fuel shall automatically be transferred to MSEI. Within 120 days, but not less that 90 days after notice of termination, MSEI will be unconditionally obligated to purchase the nuclear fuel from Port Gibson at a purchase price equal to the sum of the stipulated loss value of the nuclear fuel plus the termination rent (defined as an amount which, when added to the stipulated loss value then payable by MSEI, will enable Port Gibson to retire all of its obligations under the credit agreement at their respective maturities), both computed as of the day of purchase. Upon consummation of such purchase, all obligations of MSEI under the lease will terminate except to the extent provided therein.

Upon the occurence of certain events of default, Port Gibson may (A) treat the event of default as an event of termination with the results specified in the proceeding paragraph and proceed at law or in equity for enforcement of the applicable provisions of the lease or for damages, and/or (B) it may terminate the lease. If Port Gibson terminates the lease as a result of the occurence of an event of default, MSEI's interest in the nuclear fuel will terminate and Port Gibson may take possession of the nuclear fuel and sell it. In the event of such a termination, Port Gibson may recover from MSEI damages and expenses resulting from the breach of the lease, all accrued unpaid damages and expenses resulting from the breach of the lease, all accrued unpaid amounts owed to it by MSEI, and liquidated damages.

Under the terms of the lease, the amount of the quarterly lease payments by MSEI will be measured by, among other things, the amount of cost, including financing costs, incurred by Port Gibson in connection with its acquisition of the nuclear fuel. MSEI has been advised that, based upon a commercial paper rate for the highest-rated commercial paper of 10.5% per annum, the effective interest cost to Port Gibson of its proposed borrowings would be 11.15% per annum, assuming all borrowings were made through the issuance of commercial paper and total borrowings were $62.8 million (the average outstanding borrowings expected from October 1979 to March 1987). MSEI has also been advised that: (1) if all borrowings were made by means of revolving credit loans, the interest rate on which was based upon the London interbank market, such interest rate was 12.75% per annum and total borrowings were $62.8 million, then the net effective interest cost to Port Gibson would be 13.71% per annum; and (2) if all borrowings were made by means of revolving credit loans, the interest on which was based on the base rate (as defined in the Credit Agreement), such rate was 12.5% per annum and total borrowings were $62.8 million, then the net effective interest cost to Port Gibson would be 13.90% per annum. MSEI proposes to charge the rent under the lease to fuel expenses and to account for the transaction as a lease rather than a purchase.

Under the Credit Agreement, Port Gibson would issue and sell its commercial paper, supported by an irrevocable letter of credit ("Letter of Credit") issued by the agent for the Banks. Port Gibson proposes to use Lehman Brothers Kuhn Loeb Incorporated or Lehman Commercial Paper Incorporated as dealers in connection with the sale of the commercial paper, which sale will be at a rate expected to be equal to the best rate available (including a ⅛ of 1% per annum dealer amount discount) consistent with prudent marketing considerations. Manufacurers Hanover Trust Company ("Depositary") would, under a depositary agreement, act as issuing agent for Port Gibson's commercial paper. Under the Credit Agreement, Port Gibson could also obtain revolving credit loans from the Banks ("Revolving Credit Loans") to be evidenced by Port Gibson's promissory notes. The Credit Agreement will have an initial term extending through October 15, 1982; it will be extended for an additional year on October 15, 1980 and on each succeeding October 15, unless either party has given prior notice of termination, up to October 15, 2029.

MSU will guarantee the obligations of MSEI under the lease pursuant to the terms of a guaranty to be entered into between MSU and Port Gibson. Request by MSU for authorization under the Act to enter into the guaranty is the subject of a separate filing. (*See* File No. 70-6347; HCAR No. 21214). MSEI has been advised by representatives of Port Gibson that the Banks will receive an assignment of the rents and certain of Port Gibson's other rights under the lease and an assignment of Port Gibson's rights under the guaranty referred to in File No. 70-6347 (HCAR No. 21214) as security for Port Gibson's obligations under the Credit Agreement. Port Gibson has also advised that the Banks will receive a security interest in the nuclear fuel. MSEI will agree in the lease to acknowledge notice, and agree to the terms, of the assignment. MSEI further understands from Port Gibson that Lehman Leasing will guarantee the payment of up to 15% of the obligations of Port Gibson under the credit agreement.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that the United States Nuclear Regulatory Commission has leasing and regulatory jurisdiction over the ownership, possession, storage and handling of the nuclear fuel involved in the transaction. It is stated that no state or other federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 11, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-29237 Filed 9-19-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21214; 70-6347]

Middle South Utilities, Inc.; Proposed Guarantee by Parent of Nuclear Fuel Lease of Subsidiary

September 13, 1979.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisana 70122, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to Section 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Middle South Energy, Inc. ("MSEI") a subsidiary of Middle South Utilities, Inc. ("Middle South"), has proposed, by application to the Commission dated August 20, 1979 (File No. 70-6344; HCAR No. 21213), to enter into a lease with Port Gibson Energy, Inc. ("Port Gibson") under which MESI would lease from Port Gibson nuclear fuel and facilities incident to its use ("Nuclear Fuel"). The Nuclear Fuel will be used in Unit No. 1 of MSEI's Grand Gulf Generating Station ("Grand Gulf 1") under construction near Grand Gulf, Mississippi. For further information with respect to the terms of the lease, see File No. 70-6344 and HCAR No.

In order to induce Port Gibson to enter into the Lease, it will be necessary for Middle South to guarantee, to the Lessor, MSEI's obligations under the lease. Middle South proposes, therefore, to enter into a guaranty under which Middle South will guarantee to Port Gibson that MSEI will perform its various obligations and covenants under the lease. Middle South will agree that its obligations under the guaranty will be unconditional and not subject to any set-off, counterclaim, offset or recoupment whatsoever.

The fees, commissions and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 11, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereon or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-29238 Filed 9-19-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16203; File No. SR-NSCC-79-12]

Self-Regulatory Organizations; Proposed Rule Changes by National Securities Clearing Corp.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 14 U.S.C. 78s (b) (1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 7, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The text of Rule 12, Section 1 of the SCC Division of National Securities Clearing Corporation ("NSCC") is proposed to be amended as follows (italics indicate material to be added; brackets indicate material to be deleted):

Settlement

Rule 12. SEC. 1. Settlement of money payments between the Corporation and Settling Members and between Settling Members arising out of or based upon the Balance Order System and the CNS System and transactions or matters covered by Rules 5, 8, 9, 11, 13, 14, 15, 16, 24, 25, 26, 30, 31, 40, 41, 42 and 43 shall be made as provided in this Rule. The Corporation shall debit or credit itself and Settling Members with the amounts payable and receivable in accordance with the provisions of such Rules.

The Corporation shall produce, each business day, a preliminary settlement statement which will reflect the debits and credits which have been entered into the Settling Member's account and shall reflect a net amount payable to or payable by the Corporation.

The Corporation shall also produce, each business day, a final settlement statement which shall reflect the information contained in the preliminary settlement statement, any adjustments to those amounts (including adjustment checks or drafts) and the check paid to or paid by the Corporation that afternoon.

If [at the close of any business day], *based upon the preliminary settlement statement or in its absence, based upon the Settling Member's own records,* a balance is due the Corporation from a Settling Member, the amount thereof shall be paid by check payable in [New York Clearing House] funds [satisfactory] *acceptable* to the Corporation drawn [on a bank in the vicinity of a facility of the Corporation] or endorsed to the order of National Securities Clearing Corporation—SCC Division or such person as it shall designate as its agent for such purpose which check shall be delivered to the Corporation before the time on business days specified by the Corporation. [The] *Such* check *and any adjustment checks* shall be a certified or official bank check if for $5,000 or over unless such requirement is waived by the Corporation in its discretion. If the check is in payment of a balance due by a Member, Non-Member Bank or Non-Clearing Member, it shall be a check of the Member, Non-Member Bank or Non-Clearing Member or a check of DTC payable to the order of the Member or Non-Member Bank and endorsed to the order of National Securities Clearing Corporation—SCC Division or such person as it shall designate as its agent for such purpose.

In the event an uncertified adjustment check is tendered as settlement for a Settling Member to Settling Member cash adjustment, the Corporation in its discretion may, but shall not be required to, receive such check; however, the Corporation shall have the unlimited right to reverse any tentative adjustment represented by such uncertified checks which it elects to receive at any time; such tentative adjustment shall not represent an entry on the books of the Corporation unless

and until the uncertified check representing such tentative adjustment is, upon presentment, paid or certified.

[Notwithstanding the foregoing, if at the time a balance is due the Corporation from a Settling Member, the ASECC Division or the NCC Division or both such Divisions shall be obligated to make payment to the Settling Member, National Securities Clearing Corporation may apply a portion of or all the amounts such Division or Divisions are obligated to pay the Settling Member to the balance due the Corporation.]

If [at the close of any business day], *based upon the preliminary settlement statement or, in its absence, based upon the Settling Member's own records,* a balance is due a Settling Member by the Corporation, a memorandum of such balance in such form as the Corporation shall require shall be presented to the Corporation before the time on business days specified by the Corporation. The Corporation shall make available to the Settling Member its check for the amount of such balance not later than the time on business days specified by the Corporation.

If the Corporation does not produce a preliminary settlement statement during business hours, the Settling Member shall settle with the Corporation by determining the amount payable to or by the Settling Member as reflected on the Settling Member's records. Any difference between said amount and the net settlement amount reflected on the preliminary and final settlement statements which cannot be settled by a check or draft on settlement day shall be settled on the next business day in certified funds except as provided in this Rule. The Corporation, however, in its discretion may require said amounts to be settled in Federal Funds, to the extent such amounts exceed $500,000 or such other standard as the Board of Directors may approve.

A Settling Member shall pay the Corporation or such person as it shall designate as its agent the whole or any part of the amount he owes to the Corporation at any time on its demand. At the request of the Corporation, a Settling Member shall immediately furnish it with such assurances as it shall require of his ability to finance his commitments and shall conform to any conditions which the Corporation deems necessary for its protection and the protection of other Settling Members. In addition, notwithstanding any other provision of these Rules, the Corporation may require any Member or Non-Member Bank to pay for any securities deliverable to such Member or Non-Member Bank prior to the delivery thereof; **provided, however,** that if the Corporation shall not so require payment prior to delivery, the obligation of the Member or Non-Member Bank to make payment shall nevertheless continue in effect.

In case of failure of the Settling Member (i) to tender certified funds when required to the Corporation on settlement date for amounts due to the Corporation as a result of the preliminary settlement statement or in the absence of such preliminary settlement statement, based upon the Settling Member's own records, or (ii) to settle adjustments appearing on the final settlement statement in certified funds when required, or at the discretion of the Corporation in Federal Funds on the next business day, such Settling Member shall be subject to possible action by the Corporation pursuant to these Rules. Such Settling Member shall also be subject to such fines as the Corporation deems appropriate pursuant to these Rules and the Securities Exchange Act of 1934 as amended and the Rules and Regulations promulgated thereunder.

Notwithstanding any other provisions of these Rules, the Corporation maintains the right to require a Settling Member to furnish to the Board of Directors, or a committee thereof, all documents relied upon by the Settling Member in determining amounts payable to or by the Corporation in respect of this Rule.

In the event said Board of Directors or such committee determines that such books, records and documents do not appropriately support amounts tendered pursuant to this Rule, such Settling Member shall be subject to sanctions by the Corporation as permitted by these Rules or the Securities Exchange Act of 1934, as amended.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change conforms the actual text of Rule 12, Section 1 of the SCC Division, as approved by the Commission in connection with Filing SR-NSCC-77-10, to the substance of the present policy and practice concerning administration of such rule, as described in the interpretation contained in Filing SR-NSCC-78-9. As amended, the text of Rule 12, Section 1 would specifically reference, for example, the following present practices and policies of NSCC, as authorized by other provisions of the Rules and Procedures of the SCC Division:

The obligation of a Member to make money settlement with NSCC based upon the Member's books and records in the event NSCC is unable to produce settlement statement for the Member on a timely basis; the obligation of a Member to tender Federal Funds to NSCC in order to settle amounts suspensed the previous night. It should be noted that NSCC presently waives the requirement that settlement be made by certified or official bank check when, by example, a Member chooses to make settlement in satisfaction of the Federal Funds requirement by wire transfer instead of by check.

The proposed rule change relates to NSCC's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible and to safeguard securities and funds in its custody or control or for which it is responsible by requiring that Members' settlement obligations which, for various reasons are not settled by timely payment in certified funds, may be settled the next day by tender of Federal Funds. Clarifying the above requirement will also assist Members in complying with NSCC's rules and accordingly, the proposed rule change also relates to NSCC's capacity to enforce compliance by it participants with its rules.

No comments on the proposed rule change have been solicited or received.

The Corporation does not perceive that the proposed rule change would constitute a burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and

should be submitted within twenty-one days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 14, 1979.

[FR Doc. 79-29239 Filed 9-19-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region I Advisory Council; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Augusta, Maine, will hold a public meeting at 1:30 p.m., Thursday, November 15, 1979, in Room 201, Federal Building, 40 Western Avenue, Augusta, Maine, 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 Thomas A. McGillicuddy, District Director, U.S. Small Business Administration, Federal Building, 40 Western Avenue, Augusta, Maine 04330—(207) 622–6171, Ext. 225.

Dated: September 14, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-29159 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration region VI Advisory Council, located in the geographical area of Little Rock, Arkansas, will hold a public meeting at 1:00 p.m., Wednesday, October 3, 1979, in the 10th Floor Conference Room, Blue Cross-Blue Shield Building, 7th & Gaines Streets, Little Rock, Arkansas, 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 Mr. Maurice Britt, District Director, U.S. Small Business Administration, P.O. Box 1401, Little Rock, Arkansas 72201—(505) 378–5871.

Dated: September 14, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-29164 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Lubbock, Texas, will hold a public meeting from 10:00 a.m. to 4:00 p.m., on Friday, October 26, 1979, at the Rodeway Inn, 6201 Gateway West, El Paso, Texas, 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 Philip J. O'Jibway, District Director, U.S. Small Business Administration, 712 Federal Office Building & Courthouse 1205 Texas Avenue, Lubbock, Texas 79401 (806) 762–7462.

Dated: September 14, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-29160 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Houston, Texas, will hold a public meeting at 10:00 a.m., Thursday, October 11, 1979, in the Conference Room of its offices located in Suite 705, One Allen Center, 500 Dallas Avenue, Houston, Texas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others atttending.

For further information, write or call Mr. John L. Carey, District Director, U.S. Small Business Administration, One Allen Center, 500 Dallas Avenue, Suite 705, Houston, Texas 77002—(713) 226–4897.

Dated: September 14, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-29163 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M.

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Dallas, Texas, will hold a public meeting at 9:30 a.m., Monday, October 15, 1979, at the Holiday Inn, 1015 Elm Street, Dallas, Texas, 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 Emly S. Atkinson, District Director, U.S. Small Business Administration, 1100 Commerce Street, Dallas, Texas 75202—(214) 767–0600.

Dated: September 14, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-29165 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Seattle, Washington, will hold a public meeting at 9:00 a.m., Friday, October 19, 1979, in Room 1042, Federal Building, 915 Second Avenue, Seattle, Washington, 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 Robert F. Caldwell, District Director, U.S. Small Business Administration, Room 1744, Federal Building, 915 Second Avenue, Seattle, Washington 98174 (206) 442–7791.

Dated: September 14, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-29161 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Boise, Idaho, will hold a public meeting at 9:30 a.m. (MST), Tuesday, October 16, 1979, at the Owyhee Plaza Motel "Crystall Room," 11th and Main, Boise, Idaho, to discuss such business as may be presented members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Verne A. Leighton, District Director, U.S. Small Business Administration, 1005 Main Street, Boise, Idaho 83702—(208) 384–1096.

Dated: September 14, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-29162 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5158]

Safeco Capital, Inc.; Issuance of a License To Operate as a Small Business Investment Company

On January 17, 1979, a notice was published in the **Federal Register** (44 FR 3598), stating that Safeco Capital, Inc., located at 309 N. W. 27th Avenue, Miami, Florida 33125, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1978), 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 February 1, 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. 04/04–5158 to Safeco Capital, Inc., on August 30, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 12, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-29167 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5176]

Space Ventures, Inc.; Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR 107.701 (1979)) for transfer of control of Space Ventures, Inc., 2230 East Imperial Highway, El Segundo, California 90245, a Federal licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of control of Space Ventures, Inc., is subject to the prior written approval of SBA.

Space Ventures, Inc., was licensed by SBA on November 1, 1974, with private paid-in capital and paid-in surplus (private capital) of $310,070. The current private capital of the licensee is $1,010,000.

Pursuant to an agreement between First California Business and Industrial Development Corporation (1st BIDCO) and Rockwell International Corporation, the sole stockholder of Space Ventures, Inc., 1st BIDCO has offered to purchase all 10,000 shares of the outstanding stock of the licensee for a total purchase price of $675,000.

Assuming consummation of the proposed transfer of ownership and control, the offices of the licensee will be moved to 3901 MacArthur Blvd., Suite 101, Newport Beach, California 92660. The management of Space Ventures, Inc., will be:

James Roosevelt, 1901 Yacht Resolute, Newport Beach, Ca. 92660; President, Chairman of the Board of Directors.
Sidney Nadler, 2212 Aralia Street, Newport Beach, Ca. 92660; Executive Vice President & General Manager/Director.
W. Kurt Wood, 6031 Trinette, Garden Grove, Ca. 92645; Secretary/Treasurer, Director.
Saul Izen, 9212 Smoketree Lane, Villa Park, Ca. 92667; Director.
Paul Morgan, 30128 via Borica, Rancho Palos Verdes, Ca.; Director.
Andrew J. Erdely, 5373 Oxford Dr., Cypress, Ca. 90630; Director.

The entities who will own 10 or more percent of BIDCO's stock, and thereby indirectly stock of the applicant are:

Jack H. Bennett, 2101 Aralia Street, Sherman Oaks, California 92663.
Certified Egg Farm, 13400 Riverside Drive, Sherman Oaks, California 92663.
Sidney and Shila Nadler, 2212 Aralia Street, Newport Beach, California 92660.
Robert F. Palmer, Advance Business Management, Retailers Cooperative Service, Inc., Paul Morgan, Helen Palmer (In trust; Trustee C. Dean Olson), 919 Bayside Drive, #H-1, Newport Beach, California 92660.
John J. Tuttle, 200 Via Lido Nord, Newport Beach, California 92660.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new shareholders and management, and the probability of successful operations of the company under such management (including profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any person may, not later than October 5, 1979, submit written comments on the proposed transfer of ownership and control 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 will be published in a newspaper of general circulation in Newport Beach, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: September 14, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-29156 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5374]

Square Deal Venture Capitol 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 Square Deal Venture Capital Corporation (Square Deal), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers, directors and principal stockholders of Square Deal are as follows:

Mordechia Z. Feldman, 9 Adams Lane, New Square, New York 10977; Chairman, President, Director.
Samuel Amrom Weissmandl, 1 Roman Boulevard, Monsey, New York 10952; Secretary, Director.
Jesajahu Braun, 15 Jackson Avenue, New Square, New York 10977; Director.
Mendal Hoffman, 27 Roosevelt Avenue, New Square, New York 10977; Director.
Jocab Moshel, 35 Jackson Avenue, New Square, New York 10977; Director.
Sheldon Rosenblum, 35 Eisenhower Avenue, New Square, New York 10977; Director.

Square Deal, a New York corporation with its principal place of business located at Lincoln and Jefferson Avenues, New Square, New York 10977, will begin operations with $500,000 of net combined paid-in capital and paid-in surplus derived from the sale of 5,000 shares of common stock to New Square Local Development Corporation, a non-profit corporation. The Board of Directors of New Square Local Development Corporation are the same officers and directors of Square Deal, as set forth above.

Square Deal will conduct its activities primarily in the State of New York.

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 October 1, 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 New Square, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 14, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-29158 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 03/03-5143]

Urban Investment 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 Urban Investment Corporation (Urban), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers, directors and principal stockholders of Urban are as follows:

Herbert J. Bailey, 372 West Johnson Street, Philadelphia, PA 19144; President, Director.
Andrea Lander, 536 Lombard Street, Philadelphia, PA 19106; Secretary, Director.
John Deeney, 216 Kings Croft, Cherry Hill, NJ 08034; Treasurer, Director.

Urban, a Pennsylvania corporation with its principal place of business located at 100 South Broad Street, Suite 2032, Philadelphia, Pennsylvania 19110, will begin operations with $365,000 of net combined paid-in capital and paid-in surplus derived from the sale of 37,000 shares of common stock to the Philadelphia Neighborhood Development Corporation (PNDC), a non-profit Pennsylvania corporation. The Board of Directors of PNDC are the same officers and directors of Urban, as set forth above.

Urban will conduct its activities primarily in the State of Pennsylvania.

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 October 1, 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 Philadelphia, Pennsylvania.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 17, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-29157 Filed 9-19-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/228]

Advisory Committee on International Investment, Technology, and Development; Meeting

Two working groups of the Advisory Committee on International Investment, Technology and Development will meet on October 4 in Room 1406 of the Department of State. The Working Group on Restrictive Business Practices will meet from 9:30 to 12:00 and the Working Group on Transfer of Technology will meet from 1:30 to 4:00.

The discussions at the meetings will concern the current status of the negotiations on restrictive business practices and transfer of technology, the results of State Department conversations on these areas with Group B representatives on September 3, and the results of the preparatory conferences for restrictive business practices and transfer of technology scheduled for the end of September.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: September 14, 1979.

Richard D. Kauzlarich,

Executive Secretary.

[FR Doc. 79-29176 Filed 9-19-79; 8:45 am]

BILLING CODE 4710-07-M

Agency for International Development

[Redelegation of Authority No. 38.22]

Asia Bureau; Authority of Mission Directors, et al. To Waive Advertisement of Invitation for Bids

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 38, dated June 3, 1977 (42 FR 31511), I hereby redelegate to the Directors, Office of Project Development, Bureau for Asia, the Mission Directors of Bangladesh, India, Sri Lanka, Nepal, Pakistan, Thailand, Philippines and Indonesia, the A.I.D. Representatives for Burma and the South Pacific, and to any duly designated persons who are performing the functions of such officers in an acting capacity, retaining for myself concurrent authority, the authority to issue waivers of the requirement of publish a notice in the Commerce Business Daily or elsewhere, of the availability of an invitation for bid (IFB) or request for proposals (RFP) for procurement of goods and services by foreign governments in furtherance of an A.I.D.-financed assistance project,

PROVIDED that waivers by the Director, Office of Project Development and by Mission Directors of advertising requirements may be issued only where the aggregate amount of each individual contract does not exceed $250,000, and waivers by A.I.D. Representatives may be issued only where the aggregate amount of each individual contract does not exceed $100,000.

Any person issuing a waiver under this authority shall include appropriate documentation of the justification for issuing each such waiver in the Bureau or Mission files together with documentation of actions undertaken to secure proposals or bids from a reasonable number of potential suppliers.

The authorities enumerated above may be redelegated by the individuals listed above, as appropriate, but not successively redelegated.

This Redelegation of Authority is effective immediately.

Dated: September 6, 1979.

John H. Sullivan,

Assistant Administrator, Bureau for Asia.

[FR Doc. 79-29126 Filed 9-19-79; 8:45 am]

BILLING CODE 4710-02-M

Office of the Secretary

[Public Notice 684]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its August 1979 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: September 10, 1979.

Paul J. Byrnes,

Director, Office of International Conferences.

U.S. Delegation to the United Nations Conference on Science and Technology for Development (UNCSTD), Vienna, August 20–31, 1979

Representatives

The Honorable Theodore M. Hesburgh (Chairman), United States Ambassador, United Nations Conference on Science and Technology for Development.

The Honorable Jean Wilkowski (Vice Chairman), United States Ambassador and Coordinator for the United Nations Conference on Science and Technology.

Alternate Representatives

The Honorable Lucy Wilson Benson, Under Secretary for Security Assistance, Science and Technology.

The Honorable Robert H. Nooter, Deputy Administrator, Agency for International Development.

The Honorable Thomas R. Pickering, Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

The Honorable Milton A. Wolf, United States Ambassador to Austria.

Special Advisers

Wrentham Gathwright, Policy Planning Staff, Department of State.

John W. McDonald, Bureau of International Organization Affairs, Department of State.

James Stromayer, Deputy US Coordinator for the United Nations Conference on Science and Technology.

Advisers

Harvey Averch, Assistant Director for Scientific, Technological and International Affairs, National Science Foundation.

The Honorable Jordan Baruch, Assistant Secretary for Science and Technology, Department of Commerce.

William R. Brew, Deputy Director, Office of Business Practices, Department of State.

Nathaniel Fields, Office of Science and Technology Policy, Executive Office of the President.

James Grant, President, Overseas Development Council.

Lois Hobson (Secretary of Delegation), Office of the United States Coordinator for United Nations Conference on Science and Technology for Devlopment.

Benjamin Huberman, Associate Director, Office of Science and Technology Policy, Executive Office of the President and Staff Member of National Security Council.

Louis E. Kahn, Office of Advanced Technology, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

David A. Katcher, Special Assistant to the Under Secretary for Security Assistance, Science and Technology, Department of State.

Francis M. Kinnelly, Office of Advancement Technology, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

The Honorable Sander Levin, Assistant Administrator for Development Support, Agency for International Development.

Princeton Lyman, Deputy Director, Planning Office, Institute for Scientific and Technological Cooperation.

William A. Noellert, International Economist, Office of Foreign Economic Policy, Bureau of International Affairs, Department of Labor.

William Stibravy, Minister-Counselor, Deputy United States Representative to the Economic and Social Council, United States Mission to the United Nations.

Quentin West, Special Assistant for International Scientific and Technical Cooperation, Department of Agriculture.

Private Sector Advisers

The Honorable Samuel Adams, Former Assistant Administrator, Agency for International Development.

Jack Behrman, School of Business Administration, University of North Carolina, Chapel Hill, North Carolina.

David Bell, Executive Vice President, Ford Foundation.

Lewis Branscomb, Vice President and Chief Scientist, IBM Corporation.

Harrison Brown, Director, Resource Systems Institute, East-West Center.

Irving Brown, European Representative, AFL–CIO.

Fletcher Byrom, Chairman of the Board, Koppers Company, Inc.

William Carey, Executive Officer, American Association for the Advancement of Science.

Jewel Plummer Cobb, Board of Directors, National Science Board.

Cleveland Dennard, President, Atlanta University.

Frank M. Grimsley, Vice President, Caterpillar Tractor Company.

Leah Janus, Board of Directors, Overseas Education Fund, League of Women Voters.

Mildred Robbins Leet, Director, Chairperson, United Nations Task-force on Roles of Women for United Nations Conference on Science, and Technology for Development.

Thomas Malone, Foreign Secretary, National Academy of Sciences.

William May, Chairman, American Can Company.

Richard Morrison, President, Alabama A&M University.

Rodney Nichols, Executive Vice President, Rockefeller University.

Victor Rabinowitch, Commission on International Relations, National Academy of Sciences.

Roger Revelle, Science, Technology and Public Affairs, University of California, San Diego, California.

Frederick Seitz, Former President, National Academy of Sciences.

Guyford Stever, Former Science Adviser to the President.

Harvey Wallender, Managing Director, Council of the Americas.

Congressional Advisers

The Honorable Adlai E. Stevenson, United States Senate.

The Honorable Jerome A. Ambro, United States House of Representatives.

The Honorable Jonathan B. Bingham, United States House of Representatives.

The Honorable James J. Blanchard, United States House of Representatives.

The Honorable William S. Broomfield, United States House of Representatives.

The Honorable George E. Brown, Jr., United States House of Representatives.

The Honorable Dante B. Fascell, United States House of Representatives.

The Honorable Floyd J. Fithian, United States House of Representatives.

The Honorable Don Fuqua, United States House of Representatives.

The Honorable Kent Hance, United States House of Representatives.

The Honorable Harold C. Hollenbeck, United States House of Representatives.

The Honorable Robert J. Lagomarsino, United States House of Representatives.

The Honorable Mike McCormack, United States House of Representatives.

The Honorable Dan Mica, United States House of Representatives.
The Honorable Donald J. Pease, United States House of Representatives.
The Honorable Robert A. Roe, United States House of Representatives.
The Honorable James H. Scheuer, United States House of Representatives.
The Honorable Harold L. Volkmer, United States House of Representatives.
The Honorable Larry Winn, Jr., United States House of Representatives.
The Honorable Howard Wolpe, United States House of Representatives.
The Honorable John W. Wydler, United States House of Representatives.
The Honorable Clement J. Zablocki, United States House of Representatives.

[FR Doc. 79-29125 Filed 9-19-79; 8:45 am]
BILLING CODE 4710-19-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal-Aid for Resurfacing, Restoration, and Rehabilitation (RRR) Work on Interstate Toll Roads and Transfer of Excess Interstate RRR Funds

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides interim guidance to the States concerning the preparation of agreements for Federal assistance for resurfacing, restoration, and rehabilitation (RRR) work on certain toll roads as authorized by the Surface Transportation Assistance Act of 1978 (STAA). Guidance is also provided concerning the transfer of excess Interstate RRR funds as authorized by the STAA.

FOR FURTHER INFORMATION CONTACT: Lawrence A. Staron, Chief, Interstate Reports Branch, Federal-Aid Division, Office of Engineering, 202-426-0404; Wilbert Baccus, Office of Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Sections 105 and 116 (23 U.S.C. 119) of the STAA, Publ. L. 95-599, permit the use of Interstate RRR funds for projects on toll roads on the Interstate System which are covered by an agreement as specified in Section 105 and provide that the covered toll roads can be included in the basis for apportioning RRR funds to the States. Section 105 also provides that where a State certifies that there are apportioned Interstate RRR funds in excess of its RRR needs, the excess funds may be transferred to the State's Federal-aid primary apportionment.

In order that States wishing to take advantage of Sections 105 and 116 of the STAA may begin developing the necessary agreements, the following information on these provisions is furnished:

1. The agreements must include the following provisions of Section 105 of the STAA:

> * * * that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. The agreement referred to in the preceding sentence shall contain a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls, as specified in the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.

The agreements should also cover the entire portion of the toll road designated as an Interstate route within a State but need not include an entire toll system within a State. Inasmuch as any toll segment, upon which a RRR project is authorized, must be maintained in accordance with the guidelines being developed by FHWA pursuant to 23 U.S.C. 109(m), the toll agreements should also include appropriate provisions covering the maintenance responsibilities as described in 23 U.S.C. 116.

2. For those States which already have agreements in effect in accordance with 23 U.S.C. 129, such agreements can be amended or supplemented with the provisions specified in Item 1 above.

3. Toll bridges and tunnels and their approaches are eligible for RRR funding and for inclusion in the apportionment base under the provisions of §§ 105 and 116 of the STAA, provided they are covered by an agreement which includes the provisions of Section 105 of the STAA and meet the requirements of Item 5 below.

4. Toll roads designated under 23 U.S.C. 139(a) are eligible for RRR funding under the same conditions that apply to toll roads designated under 23 U.S.C. 103.

5. Sections 105 and 116 of the STAA require that the toll facilities must have been in use for more than 5 years before being eligible for RRR funding. The agreement submissions should indicate the date the toll road was opened to traffic.

6. All agreements, both new and amended or supplemented, are to be submitted to the Washington Headquarters of the FHWA (HNG-13) for review and execution by the Federal Highway Administrator. Upon execution of the required agreements, the Division Administrator may authorize RRR funding for toll facility projects on the same basis and in the same manner as for free Interstate routes. Execution of the necessary agreements will also permit inclusion of the toll mileage and travel in the basis for apportioning Interstate RRR funds.

Section 105 of the STAA also permits the transfer of excess Interstate RRR funds to a State's Federal-aid primary system apportionment if the State certifies, and the Secretary accepts the certification, that such excess exists. The Federal Highway Administrator is authorized to accept the State's certification and approve transfer requests. In evaluating the State's certification, particular attention will be given to the amount, type, and urgency of Interstate RRR needs, as reflected in the 1976-77 "Interstate Resurfacing, Restoration, and Rehabilitation Study," Congressional Report 95-28 (95th Congress, 1st Session), September 1977. The State's transfer request and certification should be submitted to the FHWA Office of Fiscal Services, Program Analysis Division (HFS-30), in Washington Headquarters. On approval, the transaction will be recorded in the apportionment records as a transfer into the segment of the consolidated primary apportionment that is not reserved for RRR work.

The information contained in this notice will be included in future revisions to the appropriate FHWA directives and regulations.

Issued on: September 11, 1979.

John S. Hassell, Jr.,
Deputy Administrator.

[FR Doc. 79-28986 Filed 9-19-79; 8:45 am]
BILLING CODE 4910-22-M

Federal Aviation Administration

[Summary Notice No. PE-79-21]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of

certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 10, 1979.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ————, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19495	Yosemite Airlines (Russell T. Weil)	14 CFR § 135.243(a)	To permit Russell T. Weil to serve as pilot-in-command for Yosemite Airlines without holding an Airline Transport Pilot Certificate (ATPC).
19494	Key Airlines	14 CFR § 135.261(b)	To allow petitioner to operate a helicopter in hospital medical emergency service without having to meet the flight and duty time limitations.
19496	Windstar Aviation Corp	14 CFR § 121.383(c)	To permit petitioner to use Mr. Henry J. Deutschendorf as pilot in air carrier operations after he reaches his 60th birthday.
15735	Cessna Aircraft Co.	14 CFR §§ 65.81(a) and 145.39	To extend for 1 year, Exemption No. 2353 to 14 CFR §§ 65.81(a) and 145.39(d) as they apply to the eighteen-month experience requirements for Propeller Repairmen.
18446	Air Cargo America, Inc	14 CFR § 121.357(a)	To extend Exemption No. 2642A from Section 121.357(a), to allow petitioner to continue its operation of its DHC-4A Caribou aircraft N554Y without airborne weather radar installed.
19505	Swift Aire Lines	14 CFR § 135.173	To allow petitioner to operate its DH-114 Heron aircraft without thunderstorm detection equipment.
18915	Virgin Air, Inc	14 CFR § 135.243(a)	Petitioner requests reconsideration of denial of Exemption No. 2769 from Section 135.243(a) re pilot in command to operate without an Airline Transport Pilots Certificate (ATPC).

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19330	Air Wisconsin	14 CFR § 65.53(a)	To allow Mr. Preston H. Wilbourne, Jr., to serve as a dispatcher in domestic air carrier operations before reaching age 23. *Granted 9/6/79.*
AP-CE 79-1	The City of Manhattan	14 CFR § 139.49	To allow petitioner to operate without an Index "B" crash, fire and rescue vehicle until March 15, 1980. *Granted 9/5/79.*
19304	Ventura Air Services Inc	14 CFR §§ 91.79 (b) and (c), and 135.203(a)(1).	To permit the petitioner to operate under Visual Flight Rules between Long Island and New York City, New York, at altitudes less than 500 feet above the surface along specific routes. *Granted 9/11/79.*
11585	Cathay Pacific Airways, Ltd	14 CFR Parts 21, 61, 63, and 91	To amend and extend Exemption No. 2280C to allow for the operation of leased, U.S.-registered L-1011 aircraft and obtain U.S. airman certificates for certain of its airmen. *Granted 9/11/79.*
FAR-139-79-ASO-7	Huntsville Madison County Airport	14 CFR § 139.59(b)(1)(i)	To allow the petitioner an exemption from the regulations that all ground vehicles operating on usable runways or taxiways of a certificated airport having an air traffic control tower have two-way radio communications with the tower, or be escorted by a vehicle having such communications with the tower, or be escorted by a vehicle having such communications. *Granted 9/11/79.*

[FR Doc. 79-29198 Filed 9-19-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of The Secretary

Certain Steel I-Beams From Belgium; Antidumping Determination of Sales at not Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Determination of Sales at Not Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that certain steel I-beams from Belgium are not being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less

than the price of such or similar merchandise sold in the exporter's home market or to third countries. This determination closes the investigation.

EFFECTIVE DATE: September 20, 1979.

FOR FURTHER INFORMATION CONTACT: John R. Kugelman, Operations Officer, Trade Analysis Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202–566–5492.

SUPPLEMENTARY INFORMATION: On January 2, 1979, a petition in proper form was received pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Connors Steel Company, alleging that certain steel I-beams from Belgium are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the **Federal Register** of February 9, 1979 (44 FR 8408–9). A notice of "Tentative Determination of Sales at Not Less Than Fair Value" was published in the **Federal Register** of June 13, 1979 (44 FR 33997–8).

For purposes of this investigation, the term "certain steel I-beams" means hot-rolled steel I-beams, with symmetrical flanges or with one or more flanges offset, less than six inches in height and weighing not over 4½ pounds per linear foot, provided for under item number 609.80 of the Tariff Schedules of the United States Annotated (TSUSA).

Determination of Sales at not Less Than Fair Value

On the basis of the information developed in the Customs investigation and for the reasons noted below, I hereby determine that certain steel I-beams from Belgium are not being, nor are likely to be, sold at less than fair value, within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which This Determination Is Based

a. *Scope of the Investigation.* All imports of the subject merchandise from Belgium were sold for export to the United States by S. A. Cockerill-Ougree-Providence-et-Esperance-Longdoz. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis for comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used, since all export sales to the United States of these I-beams from Belgium were made to unrelated purchasers in the United States prior to the dates of exportation. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such merchandise was sold in the home market in sufficient quantities to provide an adequate basis of comparison for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales of this merchandise to the U.S. involving shipments during the period August 1, 1978, through January 31, 1979, and home market sales occurring at or about the time of sales to the U.S.

c. *Purchase Price.* For the purpose of this determination, since all merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, purchase price was used. In these factual circumstances, petitioner's claim that exporter's sales price should be used, has been denied.

The petitioner has claimed that the purchase price should be calculated on the basis of the c.i.f., landed, duty-paid price, rather than the f.o.b. Antwerp price used for purposes of the tentative determination. Upon further investigation, petitioner's claim has been found correct and has been granted. Therefore, the purchase price has been calculated on the basis of the c.i.r. landed, duty-paid price to unrelated United States purchasers, with deductions for ocean freight, marine insurance, Customs duty, entry fees, U.S. inland freight and wharfage costs, and Belgian inland freight and wharfage costs, as appropriate. All such prices and terms have been verified.

d. *Home Market Price.* For the purposes of this determination, the home market price was calculated on the basis of the weighted average delivered prices to both related and unrelated purchasers, with appropriate deductions for Belgian inland freight. Sales to related purchasers were considered to be arm's length transactions since they did not occur at ex factory prices less than those applicable to sales to unrelated purchasers.

Counsel for petitioner claimed adjustments should have been made for differences in commissions, credit costs and advertising expenses in the U.S. and home markets, pursuant to § 153.10, Customs Regulations (19 CFR 153.10). Since no advertising costs were found to have been incurred during Customs investigation, this claim for deduction was denied. Credit terms granted to home market purchasers were found to be more liberal than those granted to unrelated United States purchasers. Since insufficient information was available, on the precise expenses incurred in the two markets, no adjustment was made. It is noted, however, that such an adjustment would have resulted in a lower foreign market value. A U.S. affiliated company of the Belgian exporter received remuneration for selling expenses incurred in the United States market. It has been determined that even if this claim were allowed, the deduction of the remuneration received from the price to unrelated United States purchasers would not lower the price so as to result in a determination of sales at less than fair value. No other adjustments were claimed or allowed.

Counsel for petitioner claimed that sales in the home market were inadequate for fair value comparison purposes, and that recourse to third-country sales for that purpose is necessary. Roughly 6 percent of all non-U.S. sales occurred in the home market. In these circumstances, it has been determined that there were sufficient sales in the home market for fair value comparison purposes.

Counsel for petitioner has claimed that Customs should have investigated the possibility of sales below the cost of production within the meaning of section 205(b) of the Act (19 U.S.C. 164(b)), based, *inter alia*, upon petitioner's allegation of subsidization from the Government of Belgium and the European Communities. An allegation of subsidization does not adequately place in issue sales below the cost of production under the Antidumping Act; to the contrary, to the extent a producer's production or sales are subsidized, *its* cost of production may be lessened or its sales revenues increased. Other information presented by counsel for petitioner relevant to the cost of production of certain steel I-beams from Belgium was presented too late to be considered.

Results of Fair Value Comparisons

Using the above criteria, purchase price was found to be not less than the home market price of such merchandise. Comparisons were made on approximately 100 percent of the sales of these I-beams to the United States

from Belgium involving shipments during the period of investigation.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

This determination and statement of reasons therefor are published pursuant to § 153.34(c), Customs Regulations (19 CFR 153.34(c)).

September 14, 1979.

David R. Brennan,

Acting General Counsel of the Treasury.

[FR Doc. 79-29202 Filed 9-19-79; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Announcement of Status of Tax Treaty Negotiations

The Treasury Department today announced the countries with which it is engaged in tax treaty negotiations, and invited comments.

The Treasury Department has a general policy of announcing initial income tax treaty negotiations with particular countries, and giving an opportunity for comment. However, negotiations are sometimes scheduled on short notice, making such an announcement impractical, and often negotiations extend over a period of several years, so that earlier comments no longer reflect current problems. In order to give better guidance and in order to obtain comments from interested persons, the Treaury Department today announced the status of treaties and negotiations with the following countries:

I. Income Tax Treaties

Sent to Senate for advice and consent to ratification	Date transmitted
Morocco	May 1978.
Philippines	December 1976.

Negotiations completed but text not yet signed	Signature expected
Argentina	1979.
Bangladesh	1979.
Israel (Protocol)[1]	1979.
Jamaica	1979.
Malta	1979.
Norway (Protocol)	1979.
USSR (Protocol)	1979.

[1] A Convention with Israel was signed in 1975 and transmitted to the Senate. A Protocol is soon to be signed. When the Protocol is signed, it will be transmitted to the Senate for consideration along with the 1975 Convention.

Ongoing negotiations	Next meeting (or last discussions)
Australia	(May 1979).
Brazil	Late 1979.
Canada	(July 1979).
Costa Rica	(May 1979).
Cyprus	(June 1978).
Denmark	(September 1978).
Egypt (Protocol)[2]	(November 1978).
Germany	Late 1979 or early 1980.
Italy	(May 1978).
Nigeria	(January 1979).
Tunisia	(May 1979).

[2] A Convention with Egypt was signed in 1975 and transmitted to the Senate. A Protocol is under negotiation. When the Protocol is signed, it will be transmitted to the Senate for consideration along with the 1975 Convention.

Negotiations announced but not yet begun	Date of announcement
Netherlands Antilles	June 27, 1979.
U.K. Extensions	August 16, 1979.

Negotiations initiated but currently inactive	Last meeting
Botswana	August 1974.
India	December 1977.
Indonesia	(Correspondence October 1978).
Kenya	January 1977.
Netherlands	December 1972.
New Zealand	June 1977.
Singapore	April 1977.
Spain	March 1977.
Sri Lanka	June 1977.
Yugoslavia	February 1976.

II. Estate Tax Treaties

Denmark—negotiations held in September 1978.

Germany—negotiations scheduled to resume in late 1979 or early 1980.

Luxembourg—negotiations in advanced state but currently inactive.

The Treasury Department would welcome amendments to previous comments, or new or supplemental comments concerning negotiations with those courtries. Comments should be sent in writing to H. David Rosenbloom, International Tax Counsel, U.S. Treasury Department, Room 3064, Washington, D.C. 20220. In addition, the Treasury Department always welcomes comments with respect to the advisability of entering into or revising tax treaties with any country.

Dated: September 12, 1979.

Donald C. Lubick,

Assistant Secretary (Tax Policy).

[FR Doc. 79-29115 Filed 9-19-79; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on 15 October 1979, at 9:00 a.m. the Fargo Veterans Administration Medical and Regional Office Center Station Committee on Educational Allowances shall at Room 105, Veterans Administration Regional Office, 655 First Avenue North, Fargo, North Dakota, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Minot Aircraft Sales at Minot, North Dakota 58701, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: September 10, 1979.

Irvin D. Noll,

Center Director, Veterans Administration Medical and Regional Office Center, Fargo, N. Dak. 58102.

[FR Doc. 79-29231 Filed 9-19-79; 8:45 am]

BILLING CODE 6320-01-M

INTERSTATE COMMERCE COMMISSION

Public Tariff File; Notice of Relocation

This is notice of the relocation of the Commission's Public Tariff File on Monday, September 24, 1979, from Room 6217 at the Commission's headquarters to Suite 50, 1015 15th Street, N.W., Washington, D.C. 20006.

The tariffs and documents will be available for public use daily from 8:30 a.m. to 5 p.m., Monday through Friday, excluding Federal Holidays.

The file is to be maintained by Macro Systems, Inc., on a contract basis.

Further information may be obtained by contacting Mr. William P. Geisenkotter, Chief, Section of Tariffs (202-275-7739).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29171 Filed 9-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

September 12, 1979.

Notice to the parties:

A decision of the Commission in this proceeding was served September 11, 1979 (44 FR 53836, September 17, 1979). Please correct the copies in your possession to reflect the following correction in the Appendix to that decision:

Under the last title, *"Percent Surcharge Allowed"*, Change "9.7%" to read "9.5%".

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29170 Filed 9-19-79; 8:45 am]

BILLING CODE 7035-01-M

[No. 37227]

Minnesota Intrastate Freight Rates and Charges—1979—Pulpwood

Decided: September 14, 1979.

By joint petition filed July 19, 1979, 8 railroads [1] operating in intrastate commerce in Minnesota, request that this Commission institute an investigation of Minnesota intrastate freight and charges on pulpwood, under 49 U.S.C. 11501 and 11502. Petitioners seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 349. Petitioners have stated grounds sufficient to warrant instituting an investigation.

Petitioners filed an application in October, 1978, with the Minnesota Public Service Commission to apply the rate increases authorized in Ex Parte No. 349. In an order entered in June, 1979, the Minnesota Commission granted the sought rates increases on all commodities except pulpwood.

It is ordered: The petition for investigation is granted. An investigation, under 49 U.S.C. 11501 and 11502, is instituted to determine whether the Minnesota intrastate rail freight rates and charges in any respect cause any unjust discrimination against or any undue burden on their interstate or foreign commerce operations, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 349. In the investigation we shall also determine if any rates or charges, or maximum or minimum charges, or both, maintained by petitioners should be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 5, 1979. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this decision shall be served upon petitioners, and copies shall be sent by certified mail to the Minnesota Public Service Commission, and the Governor of Minnesota. Further notice of this proceeding shall be given to the public by depositing a copy of this decision in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the **Federal Register.**

This decision will not affect either the quality of the human environment or conservation of energy resources.

By the Commission, Alan Fitzwater, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29169 Filed 9-19-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions

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, and has the necessary equipment and facilities for performing that service, and (2) has either performed service within the scope of the application or has solicited business which is controlled by those supporting the application and which would have involved transportation performed within the scope of the application.

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, 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 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 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 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 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

[1] Burlington Northern Inc., Canadian National Railways, Chicago, Milwaukee, St. Paul and Pacific Railroad, Stanley E. G. Hillman, Trustee, Chicago and North Western Transportation Company, Chicago, Rock Island and Pacific Railroad Company, William M. Gibbons, Trustee, Duluth, Missabe and Iron Range Railway Company, Duluth, Winnipeg and Pacific Railway, and Soo Line Railroad Company.

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 on or before October 22, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of 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.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 155

Decided: August 29, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 2605 (Sub-8F), filed April 19, 1979. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 Adams Ave., Philadelphia, PA 19124. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107. 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), (A) over regular routes, (1) between Baltimore, MD, and Norfolk, VA, from Baltimore over MD Hwy 2 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Salisbury, MD, then over U.S. Hwy 13 to Norfolk, VA, and return over the same route, serving no intermediate points, and serving Salisbury, MD, for purposes of joinder only, and (2) between Wilmington, DE, and Salisbury, MD, over U.S. Hwy 13, serving no intermediate points, and serving Salisbury, MD for purposes of joinder only and (B) over irregular routes, between Norfolk, VA, Baltimore, MD, Wilmington, DE, Philadelphia, PA, and New York, NY, on the one hand, and, on the other New Cumberland, Mechanicsburg, and Chambersburg, PA, restricted in (A) and (B) above to the transportation of traffic having an immediate prior or subsequent movement by water. (Hearing site: Philadelphia, PA.)

MC 24784 (Sub-24F), filed April 23, 1979. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting (1) *steel containers*, and (2) *materials and supplies* used in the manufacture of steel containers, between the facilities of Cortland Container Corp., at Kansas City, KS, on the one hand, and, on the other, points in CO, IL, IA, MI, MN, MO, NE, OK, and TX. (Hearing site: Kansas City, MO.)

MC 30844 (Sub-645F), filed May 4, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *meats, packing-house products, and commodities used by packing houses*, as described in Appendix I to the Report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except dairy products, hides, and commodities in bulk), between the facilities of (a) Lauridsen Foods, Inc., at or near Britt, IA, and (b) Armour and Co., at Mason City, 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 named facilities. (Hearing site: St. Paul, MN, or Washington, DC.)

MC 36734 (Sub-11F), filed May 4, 1979. Applicant: FLEMING'S EXPRESS, INC., 116 Washington Street, P.O. Box 1598, Plainville, MA 02762. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting *confectionery* (except in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from the facilities of Nabisco Confections, Inc., at or near Boston and Mansfield, MA, to points in CA, CO, GA, IL, LA, NY, NC, OH, OR, TN, TX, and UT. (Hearing site: Boston, MA, or Providence, R.I.)

MC 60014 (Sub-115F), filed May 4, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146 Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *Building materials* (except in bulk), from the facilities of Johns Manville Products Corps., at or near (a) Manville, NJ, and (b) Woodstock, VA, to those points in the United States in and east of MN, WI, IL, KY, TN, MS, and LA (except points in DE, MD, NJ, NY, PA, VA, WV, and DC), and (2) *pipe*, from the facilities of Johns Manville Products Corp., at or near Manville, NJ, to those points in the United States in and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Washington, DC.)

MC 73165 (Sub-467F), filed May 2, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *prefabricated metal building panels, metal building sections, and metal structural components*, and (2) *accessories* for the commodities in (1) above, from (a) the facilities of Engineered Components, Inc., at or near Jemison, AL, to points in FL, GA, IL, IN, KY, MI, NC, SC, TX, and WI, and (b) Stafford, TX, to points in AL, FL, GA, and MS. (Hearing site: Dallas, TX.)

MC 73165 (Sub-468F), filed May 2, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *pipe, fittings, valves, hydrants, gaskets*, and *iron* and *steel castings*, and (2) *accessories* for the commodities in (1) above, from the facilities of Central Foundry, Inc., at or near Quakertown, PA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin. (Hearing

site: New Orleans, LA, or Jacksonville, FL.)

MC 73165 (Sub-470F), filed May 2, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *asbestos cement pipe, couplings, fittings,* and (2) *accessories* used in the installation of the commodities in (1) above (except commodities in bulk), from the facilities of CertainTeed Corp. at Hillsboro, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Birmingham, AL.)

MC 107295 (Sub-914F), filed April 16, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *materials and supplies* used in the manufacture of (a) trays, channels, nuts, bolts, and washers, (b) fittings, and accessories for (a) above, (c) junction boxes, wireways, and fabricated metal panels, and (d) component parts for (c) above, (except commodities in bulk, from points in the United States (except AK and HI), to Highland and Troy, IL. (Hearing site: St. Louis, MO.)

MC 107295 (Sub-916F), filed May 3, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *iron and steel articles,* from the facilities of the Inland Steel Company, at East Chicago, IN, to points in IL, KY, MN, MO, TN, WI, and MS. (Hearing site: Chicago, IL.)

MC 107515 (Sub-1267F), filed April 19, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Georgia 30050. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atalanta, Georgia 30326. Transporting *drugs and such commodities* as are dealt in by food business houses (except commodities in bulk), from facilities used by Bristol-Meyers, Inc., at or near Atlanta, GA, to points in IN. (Hearing site: Atlanta, Ga.)

Note.—Dual operations may be involved.

MC 109564 (Sub-19F), filed May 3, 1979. Applicant: LYONS TRANSPORTATIONS LINES, INC. 138 East 26th St., Erie, PA 16512. Representative: John P. McMahon, 100 East Broad ST., Columbus, OH 43215. 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 Pittsburgh and Altoona, PA: from Pittsburgh over U.S. Hwy 22 to junction PA Hwy 36, then over PA Hwy 36 to Altoona, and return over the same route, (2) between junction U.S. Hwy 22 and PA Hwy 56, and Johnstown, PA, over PA Hwy 56, (3) between Pittsburgh, PA, and Johnstown, PA, from Pittsburgh, over U.S. Hwy 30 to junction PA Hwy 271, then over PA Hwy 271 to Johnstown, PA and return over the same route, (4) between junction U.S. Hwy 30 and PA Hwy 271, and Easton PA, from junction U.S. Hwy 30 and PA Hwy 271 over U.S. Hwy 30 to junction U.S. Hwy 222, then over U.S. Hwy 222 to Allentown, PA, then over U.S. Hwy 22 to Easton, PA, and return over the same route, (5) between Pittsburgh, PA, and Pottstown, PA, from Pittsburgh, over Interstate Hwy 76 to Harrisburg, PA, then over U.S. Hwy 422 to Pottstown, PA, and return over the same route, (6) between Harrisburg, PA, and Reading, PA, from Harrisburg over Interstate Hwy 76 to junction Interstate Hwy 176, then over Interstate Hwy 176 to Reading, PA, and return over the same route, (7) between Youngstown, OH, and Watertown, NY, from Youngstown over Interstate Hwy 80, to junction Interstate Hwy 81, then over Interstate Hwy 81, to Watertown, NY, and return over the same route, (8) between junction Interstate Hwy 81 and Interstate Hwy 76, and Carbondale, PA, from junction Interstate Hwy 81 and Interstate Hwy 76 over Interstate Hwy 81 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Carbondale, and return over the same route, (9) between Scranton, PA and Pottstown, PA, from Scranton over PA Hwy 9 to Allentown, PA, then over PA Hwy 100 to Pottstown, PA, and return over the same route, and (10) between Buffalo, NY and Albany, NY, over Interstate Hwy 90, in (1) through (10) above, serving all intermediate points and the off-route points of Williamsport, PA, and Rochester, NY. (Hearing site: Columbus, OH.)

MC 112801 (Sub-229), filed April 25, 1979. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, Illinois 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Transporting *hydrochloric acid,* in bulk, in tank vehicles, from Cincinnati, OH, to points in IL, IN, MI, WI and IA. (Hearing site: Chicago, IL or Washington, DC)

MC 121095 (Sub-2F), filed April 15, 1979. Applicant: VAN'S MOVING AND STORAGE, a corporation, 3208 D. Ave., Gulfport, MS 39501. Representative: Jack R. Van Landingham, 15 53rd Circle, Gulfport, MS 39501. Transporting *used household goods,* as defined by the Commission, and containerization or unpacking, uncrating and decontainerization of such traffic, between (1) points in Hancock, Marion, Greene, Harrison, Jackson, Covington, Forrest, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Perry, Pike, Walthall, Wayne, Stone, George, and Pearl River Counties, MS, and (2) points in Baldwin, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington Counties, AL, and (3) points in Jefferson, Orleans, St. Bernard, St. Tammany, and Washington Parishes, LA, restricted to the transportation of traffic, having a prior or subsequent movement, restricted to the performance of a pick-up and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. (Hearing site: Biloxi, MS.)

MC 124744 (Sub-51F), filed March 19, 1979. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: E. Steward Butler (same address as applicant). Transporting *refractories,* from points in PA to points in IA. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 124174 (Sub-142F), filed April 23, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting (1) *such commodities* as are dealt in by food business houses, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, between Clinton and Davenport, IA, on the one hand, and on the other, points in IL, IN, MI, MO, and OH. (Hearing site: Chicago, IL, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 124174 (Sub-144F), filed April 23, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *iron and steel articles,* from Granite City, IL, to points in IA, WI, KS, and MN. (Hearing site: Chicago, IL, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 127505 (Sub-78F), filed May 4, 1979. Applicant: R. H. BOELK, d.b.a. BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting (1) *paper* and *paper articles,* and (2) *materials, equipment,*

and supplies used in the manufacture and distribution of the commodities named in (1) above, between Plainfield, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Chicago, IL.)

MC 133085 (Sub-13F), filed April 16, 1979. Applicant: TRENCO, INC., 2109 Marydale Avenue, P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *building materials and supplies*, in cargo containers, between the facilities of Masonite Corp., in Bradford County, PA, on the one hand, and, on the other, New York, NY, and Philadelphia, PA, and (2) *empty cargo containers, from in the reverse direction. (Hearing site: Washington, DC.)*

MC 133384 (Sub-2F), filed May 3, 1979. Applicant: BARBERTON RECON CENTER, INC., 5075 Wooster Rd., W., Barberton, OH 44203. Representative: E. H. van Deusen, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. Transporting *used automobiles and trucks*, in truckaway service, from the facilities of Ford Motor Company, at or near Dearborn, MI, to Chicago, IL, Kansas City, and Springfield, MO, Mason City, IA, Nashville, TN, Columbus, OH, Darlington SC, and Minneapolis, MN. (Hearing site: Columbus, OH.)

MC 133775 (Sub-21F), filed April 27, 1979. Applicant: REEFER TRANSIT LINE, INC., 1977 West 103rd St., Chicago, IL 60643. Representative: Elaine, M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from points in IL, IN, KS, MN, MO, NE, SD, and WI, to the facilities of Lauridsen Foods, Inc., at or near Britt, IA; and (2) from the facilities of (a) Lauridsen Foods, Inc., at or near Britt, IA, and (b) Armour and Company, at or near Mason City, IA, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, LA, MA, MD, ME, MI, MO, MN, MS, NE, NC, ND, NY, NJ, NH, OK, OH, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV, restricted to the transportation of traffic originating at or destined to the above-named facilities.

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 30 days from the date of publication. (Hearing site: Phoenix, AZ.)

MC 136545 (Sub-18F), filed April 17, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of in-plant handling and processing equipment, from points in the United States (except AK and HI), to the facilities of Marquip, Inc., at or near Phillips, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 139244 (Sub-3F), filed May 3, 1979. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Chicago, IL, to points in AR, CO, DE, FL, GA, IA, IN, KS, KY, MD, MI, MO, MN, OH, OK, PA, SC, SD, TN, TX, and WI, under continuing contract(s) with Kaiser Aluminum & Chemical Corp., of Oakland, CA. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 139495 (Sub-431F), filed April 10, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting (1) *chemicals*, and (2) *cleaning compounds (except those which are chemicals), plastic liquid, defoaming compounds, ink*, (except printer's ink), *plastic sheeting, laminating machinery*, and *laminating machinery parts*, (except commodities in bulk, in tank vehicles), from Tustin and Orange, CA, to points in FL, IL, IN, MA, MS, MI, NJ, NY, NC, TX, and VA. (Hearing site: Washington, DC.)

MC 139495 (Sub-441F), filed May 2, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick La. Silver Spring, MD 20910. Transporting *chemicals* (except pesticides) *and pesticides* (except commodities in bulk, in tank vehicles), from Kansas City, MO, to points in AZ, CA, CO, FL, ID, IL, LA, MS, NV, NM, OR, TN, TX, UT, WA, and WY. (Hearing site: Washington, DC.)

MC 139495 (Sub-442F), filed May 3, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *plastic and rubber articles foodstuffs* and *drugs*, (except commodities in bulk), from the facilities of Ross Laboratories, at or near Altavista, VA, to points in AR, AZ, CA, CO, ID, LA, MT, NM, OR, OK, TX, UT, and WA. (Hearing site: Washington, DC.)

MC 140294 (Sub-5F), filed March 12, 1979. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting (1) *toys and games*, and (2) *accessories for* the commodities in (1) above, (a) between the facilities of CBS Toys, a division of CBS, Inc., at or near Harrisburg, Lancaster, and Herndon, PA, on the one hand, and, on the other, Baltimore, MD, restricted to the transportation of traffic having a prior or subsequent movement by water or rail and (b) between the facilities of CBS Toys, a division of CBS, Inc., at or near Harrisburg, Lancaster, and Herndon, PA, on the one hand, and, on the other, the facilities of CBS Toys, a division of CBS, Inc., at or near Hagerstown, MD. (Hearing site: Hagerstown, MD.)

MC 140744 (Sub-9F), filed April 30, 1979. Applicant: ARCTIC AIR TRANSPORT, INC., 103 North Eau Claire St., Mondovi, WI 54755. Representative: Stanley C. Olsen Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. Transporting (1) *meat, meat products, meat byproducts*, and *articles distributed by meat-packing houses* (except hides and skins), from Buffalo Lake and Minneapolis, MN, and Eau Claire, WI, to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MS, MO, NC, OH, SC, and TN; and (2) *frozen prepared foods*, (a) from Fairmont, MN, to Eau Claire, WI, and (b) from Fairmont, MN, and Eau Claire, WI, to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MS, MO, NC, OH, SC, and TN. (Hearing site: Minneapolis, MN.)

MC 141804 (Sub-213F), filed May 1, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *carpet padding, rug padding*, and *sponge rubber*, between Columbus, MS, on the one hand, and, on the other, points in CA, WA, OR, MT,

ID, CO, WY, NM, AZ, NV, and UT. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-249F), filed April 4, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *steel welding rods, wire, metal alloys, castings, powder, electric welders, and parts* for welders, and (2) *welding compounds and materials* used in the manufacture of the commodities in (1) above, between Pittsburgh, PA, 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 the Stoody Co. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141914 (Sub-59F), filed April 19, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108–A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *manufactured wooden articles* from North Vassalboro, ME, to those points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI). (Hearing site: Portland, ME.)

MC 142525 (Sub-3F), filed May 2, 1979. Applicant: BARNARD D. HARNER AND SON, INC., R.R. 2, Washington, IN 47501. Representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry feed and feed ingredients*, in bags and in bulk, between the facilities of Ralston Purina Company, at Louisville, KY, on the one hand, and, on the other, points in KY, TN, and those points in IN on and south of U.S. Hwy 40, those in OH on and south of Interstate Hwy 70, those in VA on and west of U.S. Hwy 220, and those in WV on and west of Interstate 77. (Hearing site: Indianapolis, IN, or Louisville, KY.)

MC 142864 (Sub-15F), filed April 16, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *pulpboard and pulpboard products*, from Massillon, OH, to Chicago and Joliet, IL, Ft. Wayne and Montpelier, IN, Franklin, KY, Bristol, PA, and points in NJ and WI. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144054 (Sub-7F), filed April 16, 1979. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Rd., Medford, OR 97501. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *materials, equipment and supplies* used in the manufacture, processing and packaging of packaged foods, food products, and commodities dealt in by retail gift shops, between the facilities of Harry and David at or near Medford, OR, on the one hand, and, on the other, points in CA. (Hearing site: Medford, OR.)

MC 145044 (Sub-3F), filed May 3, 1979. Applicant: FOREDECK TRANSPORTATION, INC., Whitewood Lane, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *confectionery*, between St. Louis, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Washington, DC.)

MC 145904 (Sub-6F), filed May 3, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. 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), from the facilities of Farmland Foods, Inc., at (a) Carroll, Cherokee, Denison, Des Moines, Ft. Dodge, Iowa Falls, and Sioux City, IA, to points in CT, IL, IN, KS, MD, MA, MI, MN, MO, NE, NJ, NY, OH, PA, RI, VA, AND WI, and (b) Crete, Lincoln, Omaha, NE, to points in CT, IA, IL, IN, KS, MD, MA, MI, MN, MO, NJ, NY, OH, PA, RI, VA, and WI, restricted in (a) and (b) to the transportation of traffic originating at the name origins and destined to the indicated designations. (Hearing site: Des Moines, IA.)

MC 145904 (Sub-7F), filed May 3, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near (a) Sioux Falls, SD, and (b) Estherville and Sioux City, IA, to points in IN, MI, and OH, restricted to the transportation of traffic originating at the named origins. (Hearing site: Des Moines, IA.)

MC 147154F, filed, April 19, 1979. Applicant: JUSTUS TRUCK LINES, INC., P.O. Box 328, Hendersonville, NC 28739. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, (1) *such commodities* as are dealt in by food business houses, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities named in (1) above, between the facilities of Seneca-Lincoln Foods, a division of Seneca Foods Corporation, at or near Mountain Home, NC, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, MD, NJ, NY, OH, PA, SC, TN, VA, WV, and DC, under continuing contract(s) with Seneca-Lincoln Foods, a division of Seneca Foods Corporation, of Dundee, NY. (Hearing site: Asheville, NC, or Washington, DC.)

MC 147175F filed May 3, 1979. Applicant: RELIABLE TRUCK LINES, INC., Route 13, Laurel, DE 19956. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *canned goods*, from the facilities of KMC Foods, Inc., at or near (a) Queen Anne, MD, (b) Milton, DE, and (c) Cheriton, VA, to points in AL, CT, WV, DE, IL, IN, KY, LA, MA, ME, MI, MD, MS, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VT, VA, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 147935F, filed April 13, 1979. Applicant: TRANT EQUIPMENT SCRAP IRON INC., Route 20, Brimfield, MA 01010. Representative: Carl Trant, Route 20, Palmer, MA 01069. Transporting *scrap metal*, from Worcester, MA, to Providence, RI. (Hearing site: Boston, MA.)

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Decided: August 24, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 2229 (Sub-208F), filed April 23, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). Transporting *cast iron pipe, fittings, valves, and hydrants*, from Birmingham and Bessemer, AL, to points in OK and

TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 25798 (Sub-375F), filed April 26, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same as applicant). Transporting *cleaning, scouring, and lubricating compounds, bleach, adhesives, dessert preparations, flavoring syrups and flavoring compounds, imitation flavors, food extracts, and food preserving compounds* from Dallas, TX, to points in the United States (except AK, HI, ND, SD, and TX), restricted to the transportation of traffic originating at the facilities of Southland Chemical Corporation, at Dallas, TX. (Hearing site: Tampa, FL.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343 (a) (formerly section 5(2) of the Interstate Commerce Act) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due within 20 days after publication.

MC 25869 (Sub-149F), filed April 26, 1979. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, Omaha, NE 68107. Representative: Irwin Schwartz, P.O. Box 7184, South Omaha Sta., Omaha, NE 68107. Transporting *clothing, and material, supplies and equipment* used in the manufacture, sale, and distribution of clothing, between points in NH, NY, PA, WI, and CO. (Hearing site: Omaha, NE.)

MC 39249 (Sub-21F), filed May 3, 1979. Applicant: MARTY'S EXPRESS, INC., 4201 Tacony Street, Philadelphia, PA 19124. Representative: Leonard A. Jaskiewicz, 1730 M. Street NW., Suite 501, Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Alexandria, VA, New York, NY, and DC, points in DE, MD, and NJ, those points in PA on and east of U.S. Hwy 220, and points in Loudoun, Price William, and Arlington Counties, VA. (Hearing site: Philadelphia, PA.)

MC 57778 (Sub-28F), filed April 26, 1979. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI 48209. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *pet food*, in packages, from the facilities of Kal Kan Foods, Inc., at Columbus, OH, to points in CT, IL, IN, KY, MD, MA, MI, ME, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, WI, and DC. (Hearing site: Columbus, OH.)

MC 78228 (Sub-119F), filed April 26, 1979. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting (1) *rolling mill rolls and rolling mill machinery, and* (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between Avonmore and Hyde Park, PA, on the one hand, and, on the other, points in IL, IN, MI, and KY. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 96448 (Sub-8F), filed May 3, 1979. Applicant: BROOK LEDGE, INC., R.D. 1, Box 56, OL Oley, PA 19546. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *horses other than ordinary, and equipment and accessories* for the transportation, care, and display of horses, between points in CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC, on the one hand, and, on the other, points in AL, AZ, AR, CA, LA, MS, NM, OK, TN, TX, and WI. (Hearing site: New York, NY.)

MC 106398 (Sub-878F), filed April 25, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same as applicant). Transporting *plywood, paneling, gypsum board, composition board, molding, and particleboard*, from the facilities of Pan American Gyro Tex Company, at or near Jasper, FL, to points in the United States in and east of MN, IA, NE, KS, OK, and TX (except FL). (Hearing site: Dallas, TX.)

MC 106398 (Sub-885F), filed April 26, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same as applicant). Transporting *iron and steel articles*, from the facilities of Nucor Corporation, at Jewett, TX, to points in the United States (except AK and HI.) (Hearing site: Dallas, TX.)

MC 106398 (Sub-887F), filed April 26, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same as applicant). Transporting *metal scrap and battery scrap* between points in the United States (except AK and HI.) (Hearing site: Dallas, TX.)

MC 106398 (Sub-892F), filed April 26, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same as applicant). Transporting *buildings, complete, knocked down or in sections*, from (1) the facilities of Mesco Buildings, Inc., at Grapevine, TX, to points in the United States (except AK and HI), and (2) the facilities of Mesco Buildings Inc. at Chester, SC, to points in CO, ID, MT, ND, OK, OR, TX, UT, WA and WY. (Hearing site: Chicago, IL.)

MC 106398 (Sub-896F), filed April 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same as applicant). Transporting *diplay materials and cabinets*, from the facilities of S.A.P. #1, Inc., at or near St. Augustine, FL, to points in the United States (except AK and HI.) (Hearing site: Dallas, TX.)

MC 106398 (Sub-897F), filed April 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same as applicant). Transporting *building boards, wall boards, and insulating boards*, from Woodstock, VA, to points in OH, IN, and WV. (Hearing site: Chicago, IL.)

MC 109449 (Sub-29F), filed April 20, 1979. Applicant: KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). Transporting, *foodstuffs*, from points in MN and WI to Mobile, AL, Pensacola, FL, and points in AR, LA, MS, OK, and TX, restricted to the transportation of traffic originating at the facilities of Land O'Lakes, Inc., and destined to the indicated destinations. (Hearing site: St. Paul, MN, or Washington, DC.)

MC 110988 (Sub-386F), filed April 26, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. Transporting *chemicals, acids, and cleaning compounds* from Minneapolis, MN, to points in IA, MN, ND, SD, and WI. (Hearing site: Chicago, IL.).

MC 117119 (Sub-737F), filed April 23, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. BOX 188, Elm Springs, AR 72728. Representatives: L. M. McLean (same address as applicant). Transporting, *metal and wood buildings*, knocked down or in sections, *and parts of and accessories for metal and wood buildings*, from Niles, OH, to points in ID, MT, OR, SD, UT, WA, and WY. (Hearing Site: Chicago, IL, or Washington, DC.)

MC 112668 (Sub-60F), filed May 4, 1979. Applicant: HARVEY R. SHIPLEY & SONS, INC., 3306 Baltimore Boulevard, P.O. Box 266, Finksburg, MD 21408. Representative: Theodore Polydoroff, 1307 Dolley Madison Boulevard, Suite

301, McLean, VA 22101. Transporting *stone and stone products,* in bulk, from the facilities of GAF Corporation, at or near Gladhill, PA, to points in CT, DE, GA, MD, NC, SC, VA, WV, NJ, NY, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 113678 (Sub-806F), filed April 24, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *alcoholic beverages* (except in bulk), from Lawrenceburg, IN, Lynchburg, TN, and St. Louis, MO, to Wichita, KS. (Hearing site: Kansas City, MO.)

MC 114028 (Sub-31F), filed April 26, 1979. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *foodstuffs* (except in bulk) from Clifton, NJ, to points in IL, IN, IA, KS, MI, MN, MO, NE, OH, and WI. (Hearing site: Chicago, IL, or New York, NY.)

MC 117119 (Sub-741F), filed May 3, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *canned goods,* in vehicles equipped with mechanical refrigeration, from points in Cameron, Hidalgo, and Webb Counties, TX, to points in AL, AR, CT, DE, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NH, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: San Antonio, TX, or Washington, DC.)

MC 119789 (Sub-573F), filed April 23, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. BOX 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting (1) *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, and (2) *restaurant furniture, fixtures, and supplies,* in mixed loads with foodstuffs, from Dallas, TX, to Doraville, GA. (Hearing site: Dallas, TX.)

MC 119789 (Sub-588F), filed April 30, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. BOX 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *drugs* from Michigan City, IN, to Burlington, MA, and Somerset, NJ. (Hearing site: Newark, NJ.)

MC 123048 (Sub-438F), filed May 3, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting (1) *irrigation systems,* from Tifton, GA, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of irrigation systems, in the reverse direction. (Hearing site: Denver, CO, or Chicago, IL.)

MC 124078 (Sub-962F), filed April 30, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting *cement,* in bulk, from Buffington, IN, to Plainview, NY. (Hearing site: Pittsburgh, PA.)

MC 125708 (Sub-164F), filed April 20, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *iron fittings and aluminum fittings,* from Martins Ferry, OH, to points in CA and WA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 125708 (Sub-165F), filed April 20, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting (1) *rubber articles and plastic articles;* (except commodities in bulk), from the facilities of Entek Corp. of America, at or near Irving, TX, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies used in the manufacture and distribution of the commodities named in* (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Dallas, TX, or Washington, DC.)

MC 126899 (Sub-127F), filed April 20, 1979. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, KY 42001. Representatives: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. Transporting, *petroleum and petroleum products,* from Memphis, TN, to points in AR, MS, and MO. (Hearing site: Memphis, TN, or Paducah, KY.)

MC 127019 (Sub-14F), filed April 23, 1979. Applicant: LARUE LAMB d.b.a. LARUE LAMB TRUCKING, Box 374, Myton, UT 84052. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 94111. Transporting *cement,* in bulk, from the facilities of Southwest Cement Co., at or near Bushland, TX, to points in UT and WY. (Hearing site: Salt Lake City, UT, or Washington, DC.)

MC 128648 (Sub-17F), filed April 23, 1979. Applicant: TRANS-UNITED, INC., 425 West 152nd Street, P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles,* from the facilities of Scott Paper Company, at Philadelphia, Pa, to points in IL, IN, MI, and OH, under continuing contract(s) with Scott Paper Company, of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

MC 133119 (Sub-159F), filed April 20, 1979. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *foodstuffs,* from Council Bluffs, IA, Laramie, WY, and Omaha, NE, to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, ND, NE, OK, NM, NV, OH, OR, SD, TX, UT, WA, and WI, restricted to the transportation of traffic originating at the facilities of Blue Star Foods, Inc. (Hearing site: Council Bluffs, IA, or Omaha, NE.)

MC 133119 (Sub-162F), filed May 4, 1979. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *meats, meat products and 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 commodities in bulk), (1) between the facilities of Armour and Co., at Mason City, IA, and 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, HI, PA, NY, NJ, CT, MA, RI, VT, NH, and ME), restricted to the transportation of traffic originating and destined to points in the above described territory. (Hearing site: Phoenix, AZ, or Omaha, NE.)

MC 134349 (Sub-27F), filed April 23, 1979. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers and distributors of laboratory furniture, fixtures, and supplies,* (except commodities in bulk, and those which because of size of weight require the use of special equipment), between the facilities of Duralab Equipment Corp., at or near Brooklyn, NY, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Duralab Equipment Corp., of Brooklyn, NY. (Hearing site: New York, NY.)

MC 135078 (Sub-50F), filed April 20, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *motor vehicle parts and tools* from the facilities of Moog Automotive, Inc., at or near St. Louis, MO, to points in AL, CT, DE, GA, IN, KY, MA, MD, NH, NJ, NY, OH, PA, RI, TN, VA, and DC. (Hearing site: Omaha, NE, or Kansas City, MO.)

Note.—Dual operations may be involed.

MC 136818 (Sub-71F), filed April 23, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *iron and steel grinding rods,* from Geneva, UT, to Twin Buttes Mine, at or near Sahuarita, AZ. (Hearing site: Phoenix, AZ.)

Note.—Dual operations are involved.

MC 136818 (Sub-72F), filed April 23, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *frozen foods,* from Ontario, OR, and Burley, ID, to points in CA, NV, CO, NM, TX, and WY. (Hearing site: Phoenix, AZ).

Note.—Dual operations are involved.

MC 136818 (Sub-73F), filed April 23, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds,* (except commodities in bulk, in tank vehicles), and *filters,* from points in Warren County, MS, to points in AR, AZ, CA, CO, IA, ID, IL, KS, LA, MO, NE, NV, NM, OK, OR, TX, UT, and WY; and (2) (a) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, and filters,* and (b) *materials, equipment, and supplies, used in the manufacture and distribution of the commodities named* in (2)(a) (except commodities in bulk, in tank vehicles), from points in OK, to points in Warren County, MS, restricted, in (1) and (2), to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Phoenix, AZ.)

Note:—Dual operations are involved.

MC 136899 (Sub-38F), filed April 30, 1979. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *paper, paper products, cellulose products, and textile softeners,* from the facilities of Procter & Gamble Paper Products Co., at or near Neelys Landing, MO, to points in IL, IN, IA, KS, MN, NE, ND, OH, SD, and WI. (Hearing site: Madison, WI, or Cincinnati, OH.)

MC 138308 (Sub-70F), filed April 23, 1979. Applicant: KLM, INC., Old Highway 49 South (P.O. Box 6098), Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *plastic articles,* (except expanded plastic articles and commodities in bulk, in tank vehicles), from Florence, MA, and Wallingford, CT, to the facilities of National Home Products, Inc., at or near Port Gibson, MS. (Hearing site: Jackson, MS, or Washington, DC.)

Note.—Dual operations are involved.

MC 138438 (Sub-46F), filed April 30, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting (1) *pipe, pipe fittings, conduit, couplings, PVC building materials,* and (2) *materials and supplies used in the installation of the commodities described in (1)* above, from the facilities of CertainTeed Corporation at or near (a) Williamsport, MD, to points in AL, FL, GA, and (b) Social Circle, GA, Eads, TN, and Ambler, PA, to points in the United States in and east of WI, IL, KY, TN, MS, and LA. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 138469 (Sub-142F), filed April 24, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting, (1) *fireplaces,* (2) *fireplace parts and fireplace accessories* and (3) *materials, equipment, and supplies used in the manufacture and distribution of fireplaces,* from the facilities of Heatilator Fireplaces, Division of Vega Industries, Inc., at or near Centerville and Mt. Pleasant, IA, to points in AL, AZ, AR, CA, CO, FL, GA, ID, LA, MS, MT, NV, NM, NC, OK, OR, SC, TN, TX, UT, WA, and WY, restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL.)

MC 138609 (Sub-3F), filed April 26, 1979. Applicant: ROBERT L. ARNOLD, d.b.a. PLANTATION TRANSPORT COMPANY, P.O. Box 1171, Albany, GA 31702. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. Transporting *forest products, and lumber and lumber mill products,* between points in GA, FL, AL, and TN. (Hearing site: Atlanta, GA.)

MC 138609 (Sub-4F), filed April 30, 1979. Applicant: ROBERT L. ARNOLD d.b.a. PLANTATION TRANSPORT CO., P.O. Box 1171, Albany, GA 31702. Representative: Robert L. Arnold (same address as applicant). Transporting *wooden pallets and boxes* from points in Randolph County, GA, to points in FL and AL. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 140829 (Sub-236F), filed May 3, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *foodstuffs and materials, equipment, and supplies* used in the manufacture, sale, and distribution of foodstuffs, (except frozen foods), between the facilities of Stokely-Van Camp, Inc., at or near (a) Gibson City, Hoopeston, and Rochelle, IL, (b) Indianapolis and Tipton, IN, (c) Hart and Scottville, MI, (d) Fairmont and Lakeland, MN, (e) Norwalk and Paulding, OH, and (f) Appleton, Columbus, Cumberland, Frederic, and Plymouth, WI, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at and destined to points in the above-described territory. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144259 (Sub-5F), filed April 26, 1979. Applicant: JENNARO LINES, INC., 2332 South Peck Rd., Whittier, CA 90601. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract*

carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foundry compounds, foundry fluxes, foundry supplies and equipment, refractories, and chemicals* (except commodities in bulk), from Cleveland and Columbus, OH, Milwaukee, WI, Muse, PA, and Birmingham, AL, to the facilities of Industrial & Foundry Supply Co., at Oakland, CA, under continuing contract(s) with Industrial & Foundry Supply Co., of Oakland, CA. (Hearing site: San Francisco or Los Angeles, CA.)

MC 144749 (Sub-1F), filed April 23, 1979. Applicant: VIRGIL ARNOLD CANFIELD, 799 S.W. 11th Avenue, Forest Lake, MN 55025. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *polypropylene agricultural baler twine*, from Albert Lea, MN, to points in AL, AR, GA, IA, IL, KS, KY, LA, MO, MS, NE, OK, SD, TN, TX, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 144939 (Sub-4F), filed April 30, 1979. Applicant: LARRY A. HOUSEHOLDER, d.b.a. HOUSEHOLDER TRUCKING, R.R. #1, Fenton, IA 50539. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *green and salted hides*, from the facilities of John Morrell & Co., at Estherville, IA, to Kansas City, MO. (Hearing site: Chicago, IL.)

MC 145219 (Sub-4F), filed April 27, 1979. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Transporting *cans and can ends*, from Plymouth, IN, to Atlanta, GA. (Hearing site: Washington, DC, or Atlanta, GA.)

Note.—Dual operations are involved.

MC 146258 (Sub-6F), filed April 25, 1979. Applicant: M. R. BRUTON, INC., P.O. Box 547, Cuba, MO 65453. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *feed and fertilizer, and feed and fertilizer supplements* (except commodities in bulk), from points in Saline County, to points in IL and MO. (Hearing site: St. Louis, MO.)

MC 146519 (Sub-4F), filed April 30, 1979. Applicant: CALIANA MARKETING, INC., 2120 Prairieton Road, Terre Haute, IN 47802. Representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *dry corn products* (except in bulk), from the facilities of Illinois Cereal Mill, Inc., at or near Paris, IL, to points in AR, OK, LA and TX, under continuing contract(s) with Illinois Cereal Mill, Inc., of Paris, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 146758 (Sub-2F), filed April 23, 1979. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main Street, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting (1) *cheese, cheese products, and synthetic cheese*, and (2) *materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1) above*, from points in WI, to points in IL, IA, and MO. (Hearing site: Minneapolis or St. Paul, MN.)

MC 146828 (Sub-1F), filed April 23, 1979. Applicant: WILLIE ODELL DAWSON, 47D N.E. Middlefield Rd., Portland, OR 97211. Representative: John A. Anderson, Suite 1440—200 Market Building, 200 S.W. Market Street, Portland, OR 97201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *shakes, shingles*, and *ridgetrim*, from points in WA, to points in CA, under continuing contract(s) with Lovejoy Building Materials, of Fresno, CA. (Hearing site: Portland, OR.)

MC 146968F, filed May 3, 1979. Applicant: J. L. COATS, P.O. Box 745, Route 2, Cambridge, OH 43725. Representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Transporting *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in OH and WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 147158F, filed April 23, 1979. Applicant: FOREST TRANSPORT LIMITED, P.O. Box 3170, Thunder Bay, Ontario P7B 5G6 Canada. Representative: John B. Van de North, Jr., 2200 First National Bank Building, Saint Paul, MN 55101. To operate as a *contract carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *lumber*, from all points of entry on the International Boundary line between the United States and Canada, to points in MN, WI, IA, IL, IN, MI, ND, SD, NE, KS, OH, KY, MO, NY, PA, CO, and OK, under a continuing contract(s) with Great West Timber Limited, of Thunder Bay, Ontario, Canada. (Hearing site: Duluth or St. Paul, MN.)

MC 147159F, filed April 23, 1979. Applicant: PIPE HAULERS, INC., 2045 South High Street, Columbus, OH 43207. Representative: Joe F. Asher, 88 East Broad Street, Columbus, OH 43215. Transporting (1) *concrete products, reinforcing steel, wire mesh, casting channels, and* (2) *materials, equipment and supplies used in the manufacture, erection, and installation of concrete products*, between Columbus, Dayton, Cincinnati, Delaware, Amherst, and Massillon, OH, on the one hand, and, on the other, points in PA, WV, VA, KY, IN, and MI. (Hearing site: Columbus or Dayton, OH.)

MC 147918F, filed May 2, 1979. Applicant: PHILIPS INDUSTRIES, INC., 4801 Springfield Street, Dayton, OH 45401. Representative: Michael F. Morrone, 1150 17th Street, NW., Suite 1000, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *windows, patio doors, storm doors, screens, and wood trim*, from Rock Island, IL, to points in MI, IN, and PA, under continuing contract(s) with Rodman Industries, Inc., Rimco Division, of St. Paul, MN. (Hearing site: Dayton, OH, or Washington, DC.)

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Decided: August 27, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 28973 (Sub-9F), filed June 3, 1979. Applicant: SCHNEPPER TRUCK LINE, INC., 1900 North Kentucky Avenue, Evansville, IN 47717. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. 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 Evansville and Griffin, IN: from Evansville over IN Hwy 66 to New Harmony, IN, then over IN Hwy 68 to Poseyville, IN, then over IN Hwy 68 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Griffin, and return over the same route, serving all intermediate points; (2) between Poseyville and Owensville, IN: from Poseyville over IN Hwy 68 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Cynthiana, IN, then over IN

Hwy 65 to Owensville, and return over the same route, serving all intermediate points; (3) between Evansville and Mt. Vernon, IN, over IN Hwy 62, serving all intermediate points and serving the Uniontown Dam Site and points within a five mile radius of Mt. Vernon as off-route points, (4) between Evansville, IN, and the facilities of Warrick Works of Aluminum Company of America and the Southern Indiana Gas and Electric Company Power Plant at or near Newburgh, IN: from Evansville over IN Hwy 66 to junction unnumbered county hwy, then over unnumbered county hwy to Newburgh, and return over the same route, serving no intermediate points. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. Section 11343(a) (formerly section 5(2) of the Interstate Commerce Act) or submit an affidavit within 20 days from date of publication indicating why such approval is unnecessary. (Hearing site: Indianapolis, IN, or Louisville, KY.)

MC 35072 (Sub-11F), filed April 19, 1979. Applicant: EDWIN L. ELLOR & SON, INC., 29 Mountain Blvd., Warren, NJ 07060. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities*, the transportation of which because of size or weight requires the use of special equipment, and *culvert*, and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above, between the facilities of Buffalo Tank Division of Bethlehem Steel Corporation, at Dunellen, NJ, on the one, hand, and, on the other, points in NJ, NY, PA, CT, RI, MA, MD, DE, VT, and NH, under continuing contract(s) with Buffalo Tank Div. of Bethlehem Steel Corporation, of Bethlehem, PA. (Hearing site: New York, NY, or Washington, DC.)

MC 44783 (Sub-10F), filed May 10, 1979. Applicant: THE MAHONING EXPRESS COMPANY, a corporation, P.O. Box 557, Union Street, Mineral Ridge, OH 44440. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. 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 Wheeling-Pittsburgh Steel Corporation, at Allenport, PA, to points in IN, OH, and the Lower Peninsula of MI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 70502 (Sub-1F), filed May 11, 1979. Applicant: WARNER STORAGE, INC., 3208 Broadview Road, Cleveland, OH 44109. Representative: Richard D. Mathias, Suite 1200, 1100 Connecticut Avenue NW., Washington, DC 20036. 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, (1) between points in Cuyahoga County, OH, on the one hand, and, on the other, points in CT, DE, GA, IN, KY, ME, MD, MA, MN, MO, NH, NJ, NC, RI, SC, TN, VA, VT WI, and DC, and (2) beween points in Lorain, Medina, Summit, Portage, Geauga, and Lake Counties, OH, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, VT, WV, WI, and DC. (Hearing site: Cleveland, OH.)

MC 105813 (Sub-256F), filed May 11, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chain grocery and food business houses, in vehicles equipped with mechanical refrigeration, between points in AR, IL, IN, IA, KS, KY, MA, MI, MN, MO, NE, NY, ND, OH, PA, SD, VA, and WI, on the one hand, and, on the other, points in AL, FL, GA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Chicago, IL.)

MC 106603 (Sub-199F), filed May 7, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building and roofing materials*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk), from the facilities of Bird & Son, Inc., at Chicago, IL, to points in IA. (Hearing site: Washington, DC, or Chicago, IL.)

MC 107012 (Sub-367F), filed May 15, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *windows and doors*, and (2) *parts and accessories* for windows and doors, from the facilities of Caradco Window and Door Division, Scovill Manufacturing, at or near Rantoul, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 107103 (Sub-15F), filed March 26, 1979, and previously published in the **Federal Register** on July 11, 1979. Applicant: ROBINSON CARTAGE CO., a corporation, 2712 Chicago Dr. SW., Grand Rapids, MI 40509. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *iron and steel articles, and materials, equipment, and supplies used in the manufacture or distribution of iron and steel articles*, between the port of entry on the international boundary line between the United States and Canada at Sault Ste. Marie, MI, on the one hand, and, on the other, points in the United States (except AK, HI, and MI). (Hearing site: Lansing or Detroit, MI.)

Note.—The purpose of this republication is to correctly show the radial movement throughout the United States.

MC 107103 (Sub-18F), filed May 8, 1979. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive SW., Grand Rapids, MI 40509. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, forest products, and lumber mill products*, from the port of entry on international boundary between the United States and Canada at Sault Ste. Marie, MI, to points in MI, IN, IL, OH, WI, and MN. (Hearing site: Lansing, or Detroit, MI.)

MC 107403 (Sub-1216F), filed May 15, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *vegetable oils*, in bulk, in tank vehicles, between Louisville, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 108053 (Sub-161F), filed May 11, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. 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 chain grocery and food business houses, in vehicles equipped with mechanical refrigeration, between points in AZ, ID, MT, and UT, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MA, MI, MO, MN, NE, NY, ND, OH, PA, SD, VT, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Chicago, IL.)

MC 111812 (Sub-641F), filed May 15, 1979. Applicant: MIDWEST COAST TRANSPORT, INC. P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by grocery, hardware, and drug stores, in containers, (2) *industrial, institutional, and swimming pool products*, and (3) *equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (except commodities in bulk), between points in Los Angeles County, CA, on the one hand, and, on the other, points in IL, MN, MO, NJ, NY, OH, and PA, restricted to the transportation of traffic originating at or destined to the facilities of the Purex Corporation. (Hearing site: Los Angeles CA.)

MC 114552 (Sub-211F), filed May 10, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg, Columbia, SC 29201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement compounds, ground iron borings, concrete surface curing compounds, concrete or masonry plasticizer and water reducing compounds, dry building mortar, and buffing compounds*, from the facilities of Master Builders at Buffalo, NY, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Columbia, SC, or Charlotte, NC.)

MC 114552 (Sub-212F), filed May 11, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg, Columbia, SC 29201. 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 Tower Pipe and Steel Company, a Division of Oxylance Corporation, in Harris and Jefferson Counties, TX, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Columbia, SC, or Charlotte, NC.)

MC 115793 (Sub-26F), filed May 10, 1979. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Lenoir, NC 28645. Representative: C. Douglas Woods (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *limestone and gypsum products*, from Irvington, KY, to points in NC and SC. (Hearing site: Charlotte or Hickory NC.)

MC 115793 (Sub-27F), filed May 10, 1979. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Hwy 321 S., Lenoir, NC 28645. Representative: C. Douglas Woods (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from the facilities of RAGU Foods, at Owensboro and Henderson, KY, and Evansville, IN, to points in NC and those in TN on and east of Interstate Hwy 75. (Hearing site: Charlotte, NC, or Hickory, NC.)

MC 116323 (Sub-4F), filed May 11, 1979. Applicant: STEGALL MILLING CO., INC., P.O. Box 607, Marshville, NC 28103. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cement, cement mixes, mortar mixes, cold mix asphalt, sand, vinyl concrete patcher, lime, masonry coating, tile grout, hydraulic cement, and adhesives*, in containers, from the facilities of W. R. Bonsal Company, at or near Lilesville, NC, to points in GA, SC, TN, and VA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Atlanta, GA.)

MC 116763 (Sub-514F), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *doors, door sections, accessories and materials* used in the installation and distribution of doors and door sections (except commodities in bulk, in tank vehicles), from the facilities of McKee Door Company, at or near Aurora, IL, to points in the United States in and east of MN, IA, MO, OK, and TX, and (2) *accessories, equipment, materials and supplies* used in the manufacturing, distribution and installation of commodities named in (1) above, in the reverse direction, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 116763 (Sub-515F), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Greenville, SC, to points in FL, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destination. (Hearing site: Pittsburgh, PA.)

MC 116763 (Sub-516F), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Fremont, OH, to points in ME, MA, NH, CT, and VT, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Toledo, OH.)

MC 116763 (Sub-517F), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour, prepared mixes and bases for prepared mixes, and croutons in containers*, from the facilities of The Peavey Company, at or near Alton, IL, to points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: St. Louis, MO.)

MC 118142 (Sub-224F), filed May 11, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*,

(except commodities in bulk), from the facilities of TreeSweet Products Company, at or near Fort Pierce, FL, to points in AR, CT, KS, MI, MN, MS, MO, NH, NY, and TX. (Hearing site: Los Angeles, or San Francisco, CA.)

MC 118202 (Sub-116F), filed May 11, 1979. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, MN 55987. Representative: Thomas J. Beener, Suite 4959, One World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (except commodities in bulk), from the facilities of Quality Brands, Inc., at or near (a) Paw Paw, MI, (b) Franklin, ME, and (c) Middleport, NY, to points in AR, CO, CT, DE, GA, IA, IN, IL, KS, KY, MA, MD, ME, MI, MO, MN, NH, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, VT, WI, WV, and DC, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: New York, NY.)

MC 118202 (Sub-118F), filed May 11, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper*, from Biron and Stevens Point, WI, to Chicago, IL; and (2) *magazines and magazine sections*, (a) from Chicago, IL, and Waseca, MN, to Denver, CO, Old Saybrook, CT, Atlanta, GA, Minneapolis, MN, Buffalo, NY, Gallatin, TN, Merrifield, VA, and points in MD and PA, and (b) between Chicago, IL, and Waseca, MN. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 119422 (Sub-67F), filed May 4, 1979. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th & Lincoln, East St. Louis, IL 62204. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in bulk, in tank vehicles, from the facilities of Mobil Oil Corporation, at or near Sauget, IL, to points in MO. (Hearing site: St. Louis, MO.)

MC 119493 (Sub-294F), filed May 7, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agricultural limestone* and *gypsum* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Irvington, KY, and Knoxville, IA, on the one hand, and, on the other, points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 119642 (Sub-8F), filed May 9, 1979. Applicant: JANESVILLE AUTO TRANSPORT CO., 1800 South Jackson, P.O. Box 959, Janesville, WI 53545. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicles*, in initial movements, in truckaway service and driveaway service, from the facilities of General Motors Corporation at Tarrytown, NY, and Linden, NJ, to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI. (Hearing site: Detroit, MI.)

MC 123133 (Sub-6F), filed May 14, 1979. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printing ink*, in containers, (2) *returned or rejected shipments of printing ink*, and (3) *empty containers*, between the facilities of the Inmont Corp., at or near Louisville, KY, on the one hand, and, on the other, Salem, IL, Dayton, OH, Springfield, OH, and the facilities of the Inmont Corp., at or near Cincinnati, OH, restricted to the transportation of traffic originating at or destined to the facilities of the Inmont Corp., at or near Louisville, KY. (Hearing site: Louisville, KY.)

Note.—Dual operations may be involved.

MC 123272 (Sub-30F), filed May 14, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers*, (2) *materials and supplies used in the packaging and distribution of glass containers* (except commodities in bulk), and (3) *empty pallets*, from the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., at or near Lawrenceburg, IN, to Paducah, Frankfort and Louisville, KY, St. Louis, MO, Chicago, Peoria and Streator, IL, Milwaukee and LaCrosse, WI, and St. Paul, MN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 123993 (Sub-44F), filed May 14, 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 *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquid cleaning compounds and liquid bleaching compounds* (except commodities in bulk), from the facilities of National Marketing Associates, Inc., at or near New Orleans, LA, to points in MS, TN, and TX, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: New Orleans, LA.)

MC 125433 (Sub-263F), filed May 10, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *vibrating screening machinery and conveyors*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, from the facilities of Simplicity Engineering Co., at or near Durand, MI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 128273 (Sub-347F), filed May 8, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles, and commodities which, because of size or weight, require the use of special equipment), from points in the United States (except AK and HI), to the facilities of Bergstrom Paper Company, at or near Neenah, WI, and West Carrollton, OH, restricted to the transportation of traffic destined to the above named facilities. (Hearing site: not indicated.)

MC 129102 (Sub-6F), filed May 9, 1979. Applicant: EDMIER TRANSPORTATION, INC., 1500 South Cicero, Cicero, IL 60650. Representative: Joel H. Steiner, Esquire, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, in bulk, in tank vehicles, from Chicago, IL, to points in MI. (Hearing site: Chicago, IL.)

MC 133852 (Sub-3F), filed May 14, 1979. Applicant: DUNLOP TRANSPORT LIMITED, 21 Highway, Box 359, Petrolia, Ontario, Canada. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *contract carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *soy bean meal*, in bulk, in dump vehicles, from Goodells, MI, to the port of entry on the international boundary line between the United States and Canada on the St. Clair River, under continuing contracts(s) with Pillsbury Canada Ltd. of London, Ontario, Canada. (Hearing site: lansing or Detroit, MI.)

MC 134282 (Sub-21F), filed May 11, 1979. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, TX 75119. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials* (except commodities in bulk), from the facilities of the Celotex Corporation, at (1) Houston, TX, to points in LA, AR, and OK, (2) marrero, LA, to points in AR, MS, OK, and TX, (3) Camden, AR, to points in LA, OK, and TX, and (4) Texarkana, AR, to points in LA, MS, OK, and TX. (Hearing site: Tampa, FL, or New Orleans, LA.)

MC 134783 (Sub-55F), filed May 15, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods*, from the facilities of Sweet Sue Kitchens, Inc., at or near Gonzales, TX, and Athens, AL, to points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Birmingham, AL, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 134922 (Sub-292F), filed May 10, 1979. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tile* and *such commodities* as are dealt in and used by wholesale, retail, and discount stores, (except commodities in bulk, and commodities the transportation of which because of size or weight require the use of special equipment), between Fayette, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 135003 (Sub-3F), filed May 4, 1979. Applicant: C.R.X. CORPORATION, 5016-7th Place, Winona, MN 55987. Representative: Gary D. Huntbatch (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen potatoes and potato products*, from the facilities of Northern Star Company, at or near Minneapolis, MN, to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the above named origin facilities. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 135542 (Sub-10F), filed May 9, 1979. Applicant: TIMOTHY D. SHAW, Stanton, & Empire Sts., Wilkes-Barre, PA 18702. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Ave. & 13th Street, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sweeping and cleaning compounds*, from Turbotville, PA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 139482 (Sub-123F), filed May 11, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of Green Giant Company, in MN, to points in WI and IL, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Minneapolis or St. Paul, MN.)

MC 139482 (Sub-126F), filed May 10, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery goods* (except frozen), (1) from the facilities of Interbake Foods, Inc., at Richmond, VA, to points in AL, AR, CT, FL, GA, IL, IN, KS, KY, LA, ME, MA, MI, MN, MS, NE, ND, OH, OK, PA, RI, SD, TN, TX, and WI, (2) from the facilities of Interbake Foods, Inc., at Battle Creek, MI, to points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, KS, KY, LA, MN, MS, MO, NE, NM, ND, OH, OK, SC, SD, TN, TX, and WI, and (3) from the facilities of Interbake Foods, Inc., at North Sioux City, SD, to points in the United States (except AK and HI). (Hearing site: Minneapolis or St. Paul, MN.)

MC 140633 (Sub-4F), filed May 11, 1979. Applicant CAPITAL PARCEL DELIVERY COMPANY, a corporation, P.O. Box 161115, Sacramento, CA 95816. Representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail department stores and mail order houses, between San Francisco, CA, and Reno, NV, under continuing contract(s) with Macy's California, of San Francisco, CA. (Hearing site: San Francisco, CA.)

MC 142452 (Sub-1F), filed May 10, 1979. Applicant: RIMAR TRANSPORT, INC., 850 Curie Road, North Brunswick, NJ 08902. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *engines and generators*, and *parts and accessories* for engines and generators, (1) from Armonk, NY, to those points in the United States in and east of MN, IA, MO, AR, and LA, and (2) from Pekin, Peoria, and Mossville, IL, to Armonk, NY, under continuing contract(s) with H. O. Penn Company, of Armonk, NY. (Hearing site: New York, NY.)

MC 143032 (Sub-16F), filed May 10, 1979. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. 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 foreign commerce only, over irregular routes, transporting (1) *lumber and wood products*, from ports of entry on the international boundary line between the United States and Canada in MN and WI to points in NE, ND, SD,

MN, IA, MO, IL, IN, MI, WI, KS, AR, OH, and PA; and (2) *railroad ties*, from Land O'Lakes, WI, to the ports on entry on the international boundary line between the United States and Canada. (Hearing site: Duluth or Minneapolis, MN.)

MC 14302 (Sub-17F), filed May 10, 1979. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. 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 (1) *roofing granules and crushed stone*, in bulk, from the facilities of 3–M Corporation, at Wausau, WI, to the facilities of CertainTeed Corporation, at Shakopee, MN, Chicago Heights, IL, and Avery, OH; and (2) *roofing granules and granulated slag*, in bulk, from Gibson, IN, to the facilities of CertainTeed Corporation at Shakopee, MN. (Hearing site: Philadelphia, PA, or Minneapolis, MN.)

MC 143032 (Sub-18F), filed May 10, 1979. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. 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 foreign commerce only, over irregular routes, transporting *lumber, lumber products, wood products, and building materials*, (except commodities in bulk), from the facilities of Weyerhaeuser Company, at or near Duluth, MN, to points in Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Iron, Polk, Price, Rusk, St. Croix, Sawyer, and Washburn Counties, WI. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 143732 (Sub-1F), filed May 10, 1979. Applicant: PICK-A-TREAT, INC., 3820 West Wisconsin Avenue, Milwaukee, WI 53208. Representative: William C. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *magazines, periodicals, and dated publications*, from Milwaukee, WI, and Minneapolis, MN, to Belvidere, Rockford, and Sterling, IL, and points in WI and the Upper Peninsula of MI, under continuing contract(s) with Triangle Publications, Inc., of Radnor, PA. (Hearing site: Milwaukee, WI.)

MC 144703 (Sub-2F), filed May 7, 1979. Applicant: MICHAEL PETERSEN TRUCKING, INC., 7531 McFadden Avenue, Huntington Beach, CA 92647. Representative: Greg P. Stefflre, Esq., 700 S. Flower St., Suite 1724, Los Angeles, CA 90017. To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting (1) *bagels, bagelettes, bagel chips, bagel specialty products, bagel promotional materials*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (a) from the facilities of Lender's Bagel Bakery, Inc., and Abel's Bagels, at or near New Haven and West Haven, CT, and Buffalo, NY, to points in PA, NJ, MD, OH, MI, IL, WI, MN, MO, TX, CO, UT, AZ, CA, OR, and WA, and (b) between the facilities of Lender's Bagel Bakery, Inc., at or near New Haven and West Haven, CT, and Buffalo, NY, under a continuing contract(s) with Lender's Bagel Bakery, Inc., of West Haven, CT. (Hearing site: New Haven, CT, or Washington, DC.)

MC 145802 (Sub-3F), (Correction) filed April 3, 1979. Published in the **Federal Register**, issue of July 12, 1979, and republished, as corrected, this issue. Applicant: RONALD E. REED, d.b.a. TRIPLE R TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corporation, at or near Storm Lake and Cherokee, IA, to points in FL, GA, IL, IN, LA, MI, NC, OH, and SC, restricted to the transportation of traffic originating at the above named origin facilities and destined to the indicated destinations. (Hearing site: Omaha, NE.)

Note.—The purpose of this republication is to correct the application to reflect *common carrier*, in lieu of *contract*.

MC 145872 (Sub-2F), filed May 9, 1979. Applicant: TREVIS BERRY TRANSPORTATION, a corporation, P.O. Box 1802, Gilroy, CA 95020. Representative: Trevis L. Berry (same address as applicant). To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper articles*, from the facilities of Champion International Corporation, at or near Salinas, CA, to Reno And Sparks, NV, and (2) *waste paper products*, from Reno and Sparks, NV, to points in Alameda, Contra Costa, Monterey, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Stanislaus and Yolo Counties, CA, under a continuing contract(s) with Champion International Corporation of Hamilton, OH. (Hearing site: San Francisco, CA)

MC 146132 (Sub-2F), filed May 5, 1979. Applicant: JIM LESTER, 4th & Davidson Streets, South Point, OH 45680. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *carpets and carpeting*, and *materials and supplies* used in the sale and installation of carpets and carpeting, between points in Whitfield, Murray, Floyd, Chattooga, Catoosa, Dade, Walker, Bartow, and Gordon Counties, GA, and Marion and Monroe Counties, TN, on the one hand, and, on the other, points in Cabell and Wayne Counties, WV, Boyd, Lawrence, and Carter Counties, KY, and Lawrence and Scioto Counties, OH. Conditions: Applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other business activities. Applicant shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier. (Hearing site: Charleston, WV.)

MC 146702 (Sub-2F), filed May 9, 1979. Applicant: TOLER CARTAGE, INC., 520 Lincoln Boulevard, Marion, IN 46952. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *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 Adams, Allen, Blackford, Cass, Clinton, Delaware, Elkhart, Grant, Hendricks, Henry, Howard, Huntington, Jay, Kosciusko, Madison, Marion, Miami, Randolph, Tippecanoe, Tipton, Wabash, Wayne, Welsh, and Whitley Counties, IN, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Indianapolis, IN.)

MC 146783 (Sub-2F), filed April 30, 1979. Applicant: S & L TRANSPORTATION, INC., 59–21 156th Street, Flushing, NY 11355. Representative: George A Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle,

in interstate or foreign commerce, over irregular routes, transporting *copper, brass, and alloys* in bars, sheets, strips, and rods from New York, NY, New Orleans, LA, and Houston, TX, to points in the United States (except AK and HI), restricted to the transportation of traffic having a prior movement by water. (Hearing site: New York, NY, or Washington, DC.)

MC 146992 (Sub-3F), filed May 14, 1979. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, IL 60521. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, 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 Section A, C, and D of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and Armour and Company, at or near Mason City, IA, on the one hand, and, on the other, points in AL, FL, GA, IL, KY, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at or destined to the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and Armour and Company at or near Mason City, IA. (Hearing site: Chicago, IL or Washington, DC.)

MC 147322F, filed May 10, 1979. Applicant: NOR-PAC DISTRIBUTING CORP., P.O. Box 429, Cosmopolis, WA 98537. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, particle board, hardboard, cants, and wood pulp*, (1) between points in WA and OR, and (2) between the ports of entry on the International boundary line between the United States and Canada in WA and OR, on the one hand, and, on the other, points in WA and OR. (Hearing site: Seattle, WA.)

MC 147443F, filed May 10, 1979. Applicant: ROGER E. SCHAGER, d.b.a. Schager Trucking Company, Box 391, Genoa, NE 68640. Representative: Donald R. Treadway, 407 3rd St., Fullerton, NE 68638. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer*, from points in Lea and Eddy Counties, NM, to points in NE. (Hearing site: Lincoln, or Omaha, NE.)

MC 147872F, filed March 8, 1979. Applicant: MERCHANTS HOME DELIVERY SERVICE OF PENNSYLVANIA, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture, new applicances, house and office furnishing accessories, and carpeting*, between the facilities of Finleyville Furniture Company/Manor Furniture Company, Inc., at or near Pleasant Hills, PA, on the one hand, and, on the other, those points in OH within an area defined by a boundary line beginning at the OH-PA State line, and extending along Interstate Hwy 80 to junction Interstate Hwy 77, then along Interstate Hwy 77 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the OH-WV State line, and those in WV on and north of a line beginning at the OH-WV State line, and extending along U.S. Hwy 33 to junction U.S. Hwy 219, then along U.S. Hwy 219 to the WV-MD State line. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—The person or persons who appear to be engaged in common control with other carriers must either file an application under 49 U.S.C. Section 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

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Decided: August 30, 1979

By the Commission, Review Board Number 4, Members Carleton, Joyce, and Jones.

MC 107012 (Sub-368F) filed May 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *new furniture*, from the facilities of Le High Furniture, at or near Marianna, FL, to points in CT, DE, MD, and NJ. (Hearing site: Mobile, AL, or Washington, DC.)

MC 107012 (Sub-380F) filed May 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *such commodities* as are dealt in by retail department stores (except foodstuffs), from the facilities of Wesmore Shipping, Inc., at or near Secaucus, NJ, to the facilities of Zayre's Corp., at or near Forest Park, GA. (Hearing site: Boston, MA, or Washington, DC.)

MC 107403 (Sub-1200F) filed April 30, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *petroleum, petroleum products, and chemicals*, in bulk, in tank vehicles, (1) from points in IL and those in IN which are within the Chicago, IL, commercial zone, to those points in the United States in and east of ND, SD, NE, CO, and NM, and (2) from Columbus, OH, to points in IL. (Hearing site: Washington, DC.)

MC 108473 (Sub-49F), filed May 11, 1979. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: John F. O'Donnell, P.O. Box 238, 60 Adams Street, Milton, MA 02187. 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 Schenectady, NY, and junction NY Hwy 7 and U.S. Hwy 11, over NY Hwy 7; (2) between Binghamton and Tarrytown, NY, from Binghamton over NY Hwy 17 to junction Interstate Hwy 287, then over Interstate Hwy 287 to Tarrytown, and return over the same route; (3) between Kingston and Port Jervis, NY, over U.S. Hwy 209; (4) between Port Jervis, NY, and junction U.S. Hwy 6 and NY Hwy 22, over U.S. Hwy 6; (5) between Mount Vernon and Mooers, NY, over NY Hwy 22; (6) between Amenia and Hancock, NY, from Amenia over U.S. Hwy 44 to Kerhonkson, NY, then over U.S. Hwy 209 to Ellenville, then over NY Hwy 52 to junction NY Hwy 42, then over NY Hwy 42 to Monticello, then over NY Hwy 17B to Callicoon, then over NY Hwy 97 to Hancock, and return over the same route; (7) between Port Jervis and Hancock, NY, over NY Hwy 97; (8) between Hancock and Malone, NY, over NY Hwy 30; (9) between Hillsdale and Norwich, NY, over NY Hwy 23; (10) between Binghamton and Clayton, NY, over NY Hwy 12; (11) between Kingston and Warrensburg, NY, from Kingston over NY Hwy 28 to junction U.S. Hwy 9W, then over U.S. Hwy 9W to junction NY Hwy 199, then over NY Hwy 199 to Red Hook, then over U.S. Hwy 9 to Warrensburg, and return over the same route; (12) between Binghamton and Champlain, NY, over U.S. Hwy 11; (13) between Albany and Buffalo, NY, over U.S. Hwy 20; (14) between Endicott and Watertown, NY, over NY Hwy 26; (15)

between Deposit and Ticonderoga, NY, from Deposit over NY Hwy 8 to Hague, then over NY Hwy 9N to Ticonderoga, and return over the same route; (16) between Plattsburgh and Hannibal, NY, over NY Hwy 3; (17) between Malone and Niagara Falls, NY, from Malone over NY Hwy 37 to Watertown, then over NY Hwy 3 to Mexico, then over NY Hwy 104 to Niagara Falls, and return over the same route; (18) between Binghamton and Westfield, NY, over NY Hwy 17; (19) between Jasper and Ripley, NY, from Jasper over NY Hwy 417 to Olean, then over NY Hwy 17 to Falconer, then over NY Hwy 394 to junction NY Hwy 474, then over NY Hwy 474 to North Clymer, then over NY Hwy 76 to Ripley, and return over the same route; (20) between Buffalo and Ripley, NY, (a) over U.S. Hwy 20, and (b) over NY Hwy 5; (21) between Hamburg and Salamanca, NY, over U.S. Hwy 219; (22) between Hamburg and Jamestown, NY, over U.S. Hwy 62; (23) between Utica and Fulton, NY, over NY Hwy 49; (24) between Utica and Mexico, NY, from Utica over NY Hwy 69, to junction NY Hwy 104, then over NY Hwy 104 to Mexico, and return over the same route; (25) between Syracuse and Oswego, NY, over NY Hwy 57; (26) serving all intermediate points in routes (1) through (25) above, and serving points in NY as off-route points in connection with carrier's regular-route operations. (Hearing site: Albany, NY, or Boston, MA.)

Note.—Applicant intends to tack the above authority with carrier's existing authority.

MC 109533 (Sub-113F), filed May 10, 1979. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1000 Semmes Avenue, Richmond, VA 23224. Representative: Eugene T. Liipfert, Suite 1000, 1660 L Street NW., Washington, DC 20036. 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 Toledo and Marion, OH, from Toledo over Interstate Hwy 75 to junction OH Hwy 15, then over OH Hwy 15 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction OH Hwy 309, then over OH Hwy 309 to Marion, and return over the same route, serving no intermediate points and serving Marion for purposes of joinder only, (2) between Toledo, OH, and Hagerstown, MD, from Toledo over Interstate Hwy 280 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 70 at or near New Stanton, PA, then over Interstate Hwy 70 to Hagerstown, MD, and return over the same route, serving no intermediate points as an alternate route for operating convenience only, and serving Hagerstown for purposes of joinder only. (Hearing site: Toledo, OH.)

Notes.—(1) Applicant states that it presently serves Toledo, OH, under existing irregular-route authority, and that the purpose of this application is to convert its Toledo authority to regular-route authority and eliminate its Cincinnati, OH, gateway on Toledo traffic. (2) Applicant also states it intends to tack the authority here sought with regular and irregular routes which applicant is or may be authorized to serve.

MC 109633 (Sub-43F), filed May 16, 1979. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *flour, edible mixes, and bases for mixes* (except commodities in bulk), between Alton, IL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Chicago, IL.)

MC 110563 (Sub-298F), filed June 13, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *roasted coffee, instant coffee*, and *dry beverage preparations*, in containers, from Edgewater, Ridgefield and Fairview, NJ, to points in CO, IL, IN, IA, KY, MI, MN, OH, OK, TX, and WI. (Hearing site: New York, NY, or Washington, DC.)

MC 111812 (Sub-642F), filed May 16, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *insulating materials and building and wall board*, and *materials and supplies* used in the installation of insulating materials and building and wall board (except commodities in bulk), from the facilities of Armstrong Cork Co., at or near (1) (a) Beaver Falls and Marietta, PA, and (b) Pensacola, FL, to points in IL, IA, KS, MN, MO, NE, ND, SD, and WI; and (2) at or near Beaver Falls and Marietta, PA, to points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA.)

MC 112893 (Sub-59F), filed May 16, 1979. Applicant: BULK TRANSPORT COMPANY, a corporation, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *lubricating oils* (except petroleum), *petroleum oils and waxes*, in bulk, in tank vehicles, from the facilities of Mobile Oil Corporation, at or near Cicero, IL, to points in IA, IN, MI, MN, and OH. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114552 (Sub-219F), filed May 14, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Transporting, *composition board*, from the facilities of Champion International Corporation, at or near (1) Catawba, SC, (2) Oxford, MS, and (3) South Boston, MA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbia, SC, or Charlotte, NC.)

MC 116763 (Sub-509F), filed April 27, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Transporting, (1) *such merchandise* as is dealt in by wholesale, retail, chain grocery and feed business houses, *soy products, paste, flour products, dairy based products*, and (2) *materials, ingredients, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), between those points in the United States in and east of ND, SD, NE, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: St. Louis, MO.)

MC 124692 (Sub-279F) (correction), filed April 24, 1979, published in the **Federal Register** issue of August 23, 1979, and republished, as corrected this issue. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a common carrier, by motor vehicle, in foreign commerce only, over irregular routes, transporting *general commodities*, (except commodities in bulk, household goods as defined by the Commission and classes A & B explosives), between points in the United States, on the one hand, and, on the other, ports of entry in AZ, CA, NM, and TX, on the international boundary

line between United States and Mexico. (Hearing site: Dallas, TX.)

Note.—The purpose of this republication is to correct the exceptions following *general commodities.*

MC 125293 (Sub-14F), filed May 16, 1979. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 14750 S.W. 72nd Avenue, Tigard, OR 97223. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chemical companies (except commodities in bulk, in tank vehicles), (1) between points in CA, ID, OR, UT, WA, and WY, (2) between points in WY, on the one hand, and, on the other, Wichita, KS, and (3) from Wichita, KS, to points in ID, OR, and UT, under continuing contract(s) with Great Western Chemical Co., of Portland, OR. (Hearing site: Portland, OR.)

MC 125872 (Sub-8F), filed May 8, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contact carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *salt and salt products*, and (2) *materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products, from the facilities of Great Salt Lake Mineral & Chemical Corp., at or near Little Mountain, UT, to points in AZ, CA, NV, and NM, under a continuing contract(s) with Great Salt Lake Mineral & Chemical Corp., of Little Mountain, UT. (Hearing site: Salt Lake City, UT.

MC 127042 (Sub-269F), filed May 16, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). Transporting *such commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AR, AZ, IA, ID, IL, IN, KS, KY, MI, MN, MO, MT, ND, NE, SD, TN, TX, UT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc., (Hearing site: Washington, DC, or Chicago, IL.)

MC 134922 (Sub-285F), filed March 19, 1979. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting *steel wire rolls*, (except those, which, because of size or weight require the use of special equipment), from Wilmington, DE and Cannonsburg, PA, to points in IL, MO, OK, TX, AZ, AR, LA, MS, AL and FL. (Hearing site: Philadelphia, PA or Washington, DC.)

Note.—Applicant states the purpose of this application is to substitute single-line service for existing joint-line service.

MC 134922 (Sub-291F), filed May 16, 1979. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting *paint*, (except in bulk), from Fort Madison, IA, to points in WA, OR, and CA. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 135562 (Sub-8F), filed May 3, 1979. Applicant: O.C.C., INC., 2214–4th Avenvue South, Seattle, WA 98134. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To Operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *craft kits, games, and toys*, and *materials and supplies* used in the manufacture of toys and games, (1) from Mt. Clemens, MI, and Toledo, OH, to points in WA, OR, CA, NV, NM, AZ, UT, ID, MT, CO, and WY, and (2) from Seattle, WA, and the ports of entry on the international boundary line between the United States and Canada in WA, to Mt. Clemens, MI, and Toledo, OH, restricted in (2) above to the transportation of traffic moving in foreign commerce only, under continuing contract(s) in (1) and (2) above with Fun Dimensions, Inc., of Mt. Clemens, MI, (Hearing site: Chicago, IL, or Detroit, MI.)

MC 139482 (Sub-121F), filed May 10, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. 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 Minneapolis, MN, and the MN–IA State line, from Minneapolis over U.S. Hwy 212 to junction MN Hwy 15, then over MN Hwy 15 to the MN–IA State line, and return over the same route, serving all intermediate points between Young America and the MN–IA State line, including Young America; (2) between junction U.S. Hwy 212 and MN Hwy 5 at or near Eden Prairie, MN, and junction MN Hwy 5 and MN Hwy 19, over MN Hwy 5, serving all intermediate points between Young America and junction MN Hwy 5 and MN Hwy 19, including Young America; (3) between junction U.S. Hwy 212 and MN Hwy 15 and the MN–SD State line, over U.S. Hwy 212, serving all intermediate points; (4) between Mankato, MN, and MN–SD State line, over MN Hwy 68, serving all intermeditate points; (5) between Waseca, MN, and the MN–SD State line, over U.S. Hwy 14, serving all intermediate points; (6) between Maynard, MN, and junction MN Hwy 23 and U.S. Hwy 16, over MN Hwy 23, serving all intermediate points; (7) between Blooming Prairie, MN, and the MN–SD State line, over MN Hwy 30, serving all intermediate points; (8) between Blue Earth, MN, and the MN–SD State line, over U.S. Hwy 16, serving all intermediate points; (9) between Waterville, MN, and the MN–IA State line, over MN Hwy 60, serving all intermediate points; (10) between Minneapolis, MN, and the MN–IA State line, over U.S. Hwy 169, serving all intermediate points between Jordan and the MN–IA State line, including Jordan; (11) between Glencoe and Nicollet, MN, from Glencoe over MN Hwy 22 to junction MN Hwy 111, then over MN Hwy 111 to Nicollet, and return over the same route, serving all intermediate points; (12) between Jordan and New Richland, MN, from Jordan over MN Hwy 21 to junction MN Hwy 13, then over MN Hwy 13 to New Richland, and return over the same route, serving all intermediate points; (13) between Hector, MN, and the MN–IA State line, over MN Hwy 4, serving all intermediate points; (14) between Olivia, MN, and the MN–IA State line, over U.S. Hwy 71, serving all intermediate points; (15) between Montevideo, MN, and the MN–IA State line, over U.S. Hwy 59, serving all intermediate points; (16) between junction U.S. Hwy 212 and U.S. Hwy 75, and the MN–IA State line, over U.S. Hwy 75, serving all intermediate points; (17) between Russell, MN, and the MN–IA State line, over MN Hwy 91, serving all intermediate points; (18) between Lonsdale, MN, and the MN–SD State line, over MN Hwy 19, serving all intermediate points; (19) between junction Interstate Hwy 35 and Interstate Hwy 90 and the MN–SD State line, over Interstate Hwy 90, serving all intermediate points except Albert Lea, MN; (20) serving as off-route points in connection with applicant's otherwise authorized regular-route operations, those points in MN on, south, and west of a line beginning at the IA–MN State line and extending along Interstate Hwy 35 to junction MN Hwy 13, then along

MN Hwy 13 to junction MN Hwy 21, then along MN Hwy 21 to junction U.S. Hwy 169, then along U.S. Hwy 169 to junction U.S. Hwy 212, then along U.S. Hwy 212 to the MN–SD State line (except Albert Lea and Owatonna, MN); (21) serving as alternate routes for operating convenience only, and serving no intermediate points: (a) between Minneapolis and Waterville, MN, from Minneapolis, over Interstate Hwy 35 to junction MN Hwy 60, then over MN Hwy 60 to Waterville, and return over the same route; (b) between Minneapolis and Waseca, MN, from Minneapolis over Interstate Hwy 35 to junction U.S. Hwy 14, then over U.S. Hwy 14 to Waseca, and return over the same route; (c) between Minneapolis, MN, and junction Interstate Hwy 35 and MN Hwy 30, over Interstate Hwy 35; (d) between Minneapolis and Blue Earth, MN, from Minneapolis over Interstate Hwy 35 to junction U.S. Hwy 16, then over U.S. Hwy 16 to Blue Earth, and return over the same route; (e) between Minneapolis and Lonsdale, MN, from Minneapolis over Interstate Hwy 35 to junction MN Hwy 19, then over MN Hwy 19 to Lonsdale, and return over the same route. (Hearing site: St. Paul, MN.)

Note.—Applicant intends to tack the authority sought above with existing regular and irregular-route authorities.

MC 139973 (Sub-72F), filed May 16, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *printed matter,* from Chicago, IL, to points in AZ, CA, OR, WA, UT, and NV. (Hearing site: Chicago, IL.)

MC 142603 (Sub-12F), filed May 16, 1979. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail department stores, from points in the United States (except AK, HI, and MI), to the facilities of Meijer, Inc., in MI, under continuing contract(s) with Meijer, Inc., of Grand Rapids, MI. (Hearing site: Grand Rapids, MI, or Springfield, MA.)

MC 142703 (Sub-16F), filed March 14, 1979. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. 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 points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX, (2) between points in IN, KY, OH, IL, and MO, those in the lower peninsula of MI, and those points in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntington, Indiana, Jefferson, Juniata, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland Counties, PA, restricted in (1) and (2) to the transportation of traffic having a prior or subsequent movement by rail in trailer-on-flatcar service. (Hearing site: Columbus, OH.)

MC 143812 (Sub-11F), filed May 15, 1979. Applicant: MARTIN E. VAN DIEST, d.b.a. M. VAN DIEST COMPANY, 8087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. In foreign commerce only, transporting *orange juice concentrate,* in bulk, from Fullerton, CA, to the ports of entry on the international boundary line between the United States and Canada located in WA. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. Section 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit within 20 days from date of publication indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA.)

MC 143812 (Sub-13F), filed May 16, 1979. Applicant: MARTIN E. VAN DIEST, d.b.a. M. VAN DIEST COMPANY, 8087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *cleaning compounds,* in bulk, from Hoboken, NJ, to Hawthorne, CA. (Hearing site: Los Angeles, CA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. Section 11343(a) formerly Section 5(2) of the Interstate Commerce Act or submit an affidavit within 30 days from date of publication indicating why such approval is unnecessary.

MC 144513 (Sub-9F), filed May 1, 1979. APPLICANT: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *metal and plastic containers,* and *parts* for metal and plastic containers, from the facilities of Standard Container Company, at or near (a) Homerville and Valdosta, GA, (b) Jacksonville, FL, and (c) Picayune, MS, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the production and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved in this proceeding.

MC 145102 (Sub-36F), filed April 16, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark C. Ellison, 1200 Gas Light Tower, 235 Peachtree Street, NE, Atlanta, GA 30303. Transporting *foodstuffs,* (except in bulk), from the facilities of Geo. A. Hormel and Company, at Austin and Owatonna, MN, to points in CA. (Hearing site: Chicago, IL, or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 145443 (Sub-1F), filed May 16, 1979. Applicant: STERLING RANCH WHOLESALE SUPPLY, INC., 216 Oak Street, Sterling, CO 80751. Representative: Glen J. McKie, 50 South Steele Street, Suite 650, Denver, CO 80209. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of Sterling Colorado Beef Company, at or near Sterling, CO, to points in AR, IL, IN, IA, KS, KY, MI, MN, MO, ND, NE, NY, OH, OK, PA, SD, TN, TX, WI, and NJ, under continuing contract(s) with Sterling Beef Company, of Sterling, CO. Conditions: (1) Applicant shall conduct separately its for-hire carriage and other business operations; (2) it shall maintain separate accounts and records for each operations; and (3) it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Denver, CO.)

MC 146293 (Sub-19F), filed May 15, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE., Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. 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 the use of special equipment), (1) between points in CA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, VT, WV, and DC, (2) from points in AL, GA, IL, MA, MO, NJ, NY, NC, PA, SC, TN, and VA, to points in AZ, CA, NV, OR, UT, and WA, and (3) between points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada (except points in IN), on the one hand, and, on the other points in AZ, CA, NV, OR, and WA, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8) (formerly Section 402(a)(5) of the Interstate Commerce Act). (Hearing site: Atlanta, GA.)

MC 146293 (Sub-22F), filed May 15, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE., Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *paper and paper products*, and *materials and supplies* used in the manufacture of paper and paper products, (except commodities in bulk, in tank vehicles), between the facilities of International Paper Company, at Georgetown, SC, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at and destined to the named points. (Hearing site: Atlanta, GA.)

MC 146482 (Sub-2F), filed May 15, 1979. Applicant: ROBERT MORGAN & SONS, INC., 309 West Street, LeRoy, IL 61752. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a contract, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prefabricated buildings*, from LeRoy, IL, to points in IN, IA, KY, MI, MO, and WI, under continuing contract(s) with Omni-Tech Systems, Inc. d/b/a Permabilt of Illinois, of LeRoy, IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 147063 (Sub-1F), filed May 11, 1979. Applicant: A & J TRANS PLUS, INC., 865 South 18th Street, Newark, NJ 07108. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a contract, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *woodpulp and scrap or waste paper*, between points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, and DC, under continuing contract(s) with Perry H. Koplik & Sons, Inc., of New York, NY. (Hearing site: Newark, NJ, or New York, NY.)

MC 147913 (Sub-1F), filed March 7, 1979. Applicant: ACME TRANSFER & STORAGE CO., INC., 2500 N.E. Kennedy Street, Minneapolis MN 55413. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street, NW., Washington, DC 20036. Transporting, *general commodities*, (except those of unusual value, classes A and B expolsives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, MN, on the one hand, and, on the other, points in MN. (Hearing site: Washington, DC or Minneapolis, MN.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29168 Filed 9-19-79; 8:45 am]

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[Volume No. 32]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Instrastate Applications, Gateways, and Pack and Crate

Dated: September 7, 1979.

Petitions for Modification, Interpretation, or Reinstatement of Motor Carrier Operating Rights Authority

Notice

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., M1F, M2F) 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 it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 76184 (M1F) and MC 76184 (Sub-3M1F), Notice of petition to modify certificates, filed April 20, 1979. Petitioner: MID CONTINENT VAN SERVICE, INC., 1601 Pennsylvania Avenue, St. Louis, MO 63103. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Petitioner holds motor *common carrier* certificate in Docket No. MC 76184, issued September 12, 1977, authorizing transportation, over irregular routes, of: (1) *Paper*, from Alton, IL, to St. Charles, MO. (2) *Furniture*, and *office and restaurant furnishings and equipment*, all uncrated (except household goods as defined by the Commission), from St. Louis, MO, and points in St. Louis County, MO, to points in that part of IL on and south of U.S. Hwy 36 and on and west of IL Hwy 130, from points in IL in the St. Louis, MO-East St. Louis, IL, Commercial Zone as defined by the Commission, to points in Franklin, Jefferson, Lincoln, Montgomery, Pike, St.

Charles, St. Louis, Warren, and Washington Counties, MO. (3) *New custom architectural interiors and components thereof,* and *related supplies* when moving in mixed loads with new custom architectural interiors, from St. Louis, MO, and points in St. Louis County, MO, to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, PA, TN, TX, and WI. (4) *Materials* used in the manufacture of new custom architectural interiors, uncrated, from Chicago, IL, and Pittsburgh, PA, to St. Louis, MO, and points in St. Louis County, MO. In addition, Petitioner holds motor *common carrier* certificate in Docket No. MC 76184 (Sub-3), issued March 28, 1979, authorizing transportation, over irregular routes, of: *New custom architectural interiors and components thereof, and related supplies* when moving in mixed loads with new custom architectural interiors, from St. Louis, MO, to points in ND, CO, RI, DE, VA, NC, FL, NY, NJ, CT, SC, WV, MD, SD, and MA. By the instant Petition, Petitioner seeks to add Wright City, O'Fallon and Union, MO to the origin territory granted in the third paragraph of its certificate in MC 76184; and to include the same towns to the origin territory granted in MC 76184 Sub-3, in addition to adding DC to the destination territory.

MC 115194 (M1F), notice of filing of petition to modify the commodity in a permit, filed April 11, 1979. Petitioner: MILDRED REINING, GERALD M. REINING, and FLOYD T. OLVER, d.b.a. W. J. REINING & SONS, Beachlake, PA 18405. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Petitioner holds *contract carrier authority* in MC–115194, served August 1, 1973, authorizing, as pertinent, *agricultural pulverized limestone,* from the site of the plant of Limestone Products Corporation of America, at Lime Crest, NJ, to points in that part of Delaware County, NY, west and south of NY Hwy 28 (which extends between Margaretville and Oneonta, NY), and to points in that part of Broome County, NY, east of the east branch of the Susquehanna River, under continuing contract(s) with Limestone Products Corporation of America, and *pulverized limestone,* from the site of the plant of the Limestone Products Corporation of America, at Lime Crest, NJ, to points in Wayne and Pike Counties, PA, and Sullivan County, NY, restricted to the following conditions: (1) Carrier's operations shall be conducted separately from its other business enterprises. (2) Carrier shall maintain separate records and accounts for such operations. (3) Carrier shall not transport property both as a for-hire and private carrier at the same time and in the same vehicle. By the instant petition, petitioner seeks to modify the commodity descriptions to read "limestone and limestone products".

MC 127784 (M1F), notice of filing of petition to modify restrictions on a certificate, filed April 19, 1979. Petitioner: R & G AIRFREIGHT, INC., RD #4, Allentown, PA 18102. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, NJ 07306. Petitioner holds *common carrier authority* in MC 127784, served October 17, 1977, transporting over irregular routes, *general commodities* (except classes A and B explosives, household goods as defined by the Commisison, commodities in bulk, and commodities requiring special equipment), (1) between the Philadelphia, International Airport, Philadelphia, PA, and the Allentown-Bethlehem-Easton Airport in Hanover Township, Lehigh County, PA, on the one hand, and, on the other, points in Lehich, Northampton, Monroe, Schuylkill, and Carbon Counties, PA, restricted in (1) above to the transportation of the traffic having a prior or subsequent movement by air, and (2) between the Newark Airport, Newark, NJ, the John F. Kennedy International Airport, New York, NY, and the LaGuardia Airport, New York, NY, on the one hand, and, on the other, points in Monroe, Schuylkill, and Carbon Counties, PA, restricted in (2) above to the transportation of traffic received from or delivered to connectiong air, motor, or water carriers. By the instant petition, petitioner seeks to modify the first restriction to read: "restricted in (1) above to the transportation of traffic having a prior or subsequent movement by air, motor, water, or rail carriers". The petioner seeks, by the instant petition, to modify the second restriction to read: restricted in (2) above to the transportation of traffic received from or delivered to connecting air, motor, water or rail carriers."

Republications of Grants of Operating Rights Authority Prior to Certification

Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 58885 (Sub-2M1F) (notice of filing of petition to modify certificate), filed May 6, 1979. Petitioner: ATLANTA MOTOR LINES, INC., 1622 Cedar Grove Rd., SE., Conley, GA 30027. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Petitioner holds *common carrier* certificate in MC-58885 Sub 2 issued October 6, 1959. The pertinent section of MC-58885 Sub 2 authorizes transportation, over regular routes, of *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodites in bulk, and those requiring special equipment, between Atlanta, GA, and Andersonville, GA serving the intermidiate and off-route points of Fort Valley, Neilvale, Marshallville, Montezuma, Oglethorpe, and Greens Mill, GA, unrestricted, and points within 15 miles of Atlanta, GA, restricted against the transportation of livestock: From Atlanta over Georgia Highway 3 to Griffin, GA, thence over Georgia Highway 7 to Fort Valley, GA, and thence over Georgia Highway 49 to Andersonville, and return over the same route. By the instant petition, petitioner seeks to modify the authority as follows: Between Atlanta, GA, and Andersonville, GA, serving all intermediate and the off-route points of Neilvale and Greens Mill, GA, and points within 15 miles of Atlanta, GA as off-route points, and to delete the livestock restriction.

MC 119988 (Sub-165F) (republication), filed September 19, 1978, publication in the **Federal Register** issue of November 28, 1978, and republished this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. A Decision of the Commission, Review Board Number 3, decided July 26, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require operations by applicant in

interstate or foreign commerce as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plant media mix, vermiculite, vermiculite products, and mine sealant* (except commodities in bulk), (1) from Pine Bluff, AR, to points in the United States (except AK, AR, and HI); and (2) from DeKalb, IL, to points in the United states (except AK, HI, and IL), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 123048 (Sub-412F) (republication), filed August 25, 1978, published in the **Federal Register** issue of October 5, 1978, and republished this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. A Decision of the Commission, Review Board Number 2, decided August 10, 1979, and served August 24, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *aluminum rods and coil, and electrical cable*, from Tucker, GA, and Bay Saint Louis, MS, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to Tucker, GA, and Bay Saint Louis, MS, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier Operating Rights Applications

Notice

The following applications, 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 it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 Fed. Reg. 50908, as modified at 43 Fed. Reg. 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 59557 (Sub-17F), filed April 12, 1979. Applicant: AUCLAIR TRANSPORTATION, INC., P.O. Box 5195, Manchester, NH 03108. Representative: Elliott Bruce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in St. Louis, MO. (Hearing site: Boston, MA, or Concord, NH.)

Note.—Applicant filed a Motion to Dismiss based on transportation by motor vehicle wholly within a commercial zone under a Plan V intermodal arrangement in connection with the line-haul operation of a railroad subject to the Commission's jurisdiction is exempt from direct regulation by the Commission by virtue of the provisions of Title 49 U.S.C. § 10523.

MC 142766 (Sub-10F), filed April 3, 1979. Applicant: WHITE TIGER TRANSPORTATION, INC., 40 Hackensack Avenue, South Kearny, NJ 07032. Representative: Jay Schiffres, 1511 K Street NW., Suite 505, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles and school supplies*, and (2) *supplies, equipment, and materials* used in the manufacture and sale of the commodities named in (1) above, (except commodities in bulk), between the facilities of Sterling Plastics, Division of Broden Chemical, Borden, Inc., at Mountainside, NJ, on the one hand, and, on the other, points in OH, IN, MI, GA, TN, AR, NE, CO, WI, MO, and TX, under continuing contract(s) with Sterling Plastics, Division of Borden Chemical, Borden, Inc., of Mountainside, NJ. (Hearing site: Newark, NJ, or New York, NY.)

Note.—Dual operations may be involved.

Finance Applications

Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) 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.

MC–F14044F. Applicant: BLUE & GREY TRANSIT, INC., Rt. 35, South Amboy, NY 08879. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425

13th Street NW., Washington, DC 20004. Edward F. Bowes, Bowes, Millner Rodgers, Liberstein and Werner, 167 Fairfield Road, Fairfield, NJ 07006. By application filed June 1, 1979, authority is sought under Section 5(2) of the Interstate Commerce Act for the purchase by BLUE & GREY TRANSIT, INC., of that portion of the operating rights of ASBURY PARK-NEW YORK TRANSIT CORP. authorizing the transportation of passengers and their baggage, etc., over regular routes, between Lincroft and Fairview, NJ, on the one hand, and, on the other, New York, NY. As certain connecting operations are required, Blue & Grey Transit, Inc., and Asbury Park-New York Transit Corp. concurrently filed applications directly related to the application under Section 5(2) of the Act, seeking authority under Section 207 of the Act for certain regular route operations in the same general area permitting the performance by such carriers of passenger operations between certain points in northern New Jersey, on the one hand, and, on the other, New York, NY, primarily via the Garden State Parkway. In the opinion of Applicants, the grant of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. The proceedings will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Interstate Commerce Commission no later than 30 days from the date of publication of the application in the Federal Register.

MC F–14097F. Transferee: Willers, Inc. d.b.a. Willers Truck Service, 1400 North Cliff Avenue, Sious Falls, South Dakota 57010. Transferror: Dakota Express, Inc., 550 East 5th Street South, South St. Paul, Minnesota 55075. Attorney: Bruce E. Mitchell, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, Atlanta, Georgia 30326. Operating rights sought to be purchased: As a common carrier by motor vehicle, over irregular routes in the transportation of: *Meats, and meat products, meat by-products, and articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 866 (except hides and commodities in bulk), From Rapid City, SD to points in ND, NE, KS, MN, IO, MO, WI, IL, IN, MI, OH, PA, CN, DE, ME, MD, MA, NH, NJ, NY, RI, VT, WV, VA, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Restrictions: The operations authorized herein are restricted to the transportation of shipments originating at the plantsite and warehouse facilities of Black Hills Packing Company at Rapid City, SD and destined to points in the named destination states.

MC F–14102F. Filed: Authority sought for lease by SYSTEM 99, a corporation, 8201 Edgewater Drive, Oakland, CA 94621 of a portion of the operating rights of SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, P. O. Box 7676, Phoenix, AZ 85011, and for acquisition of control of such rights by M. D. Gilardy, L. A. Doré, Jr. and E. R. Preston, all of 8201 Edgewater Drive, Oakland, CA 94621, Transferee's attorney, William E. Gore, Jr., 8201 Edgewater Drive, Oakland, CA 94621, Transferor's attorney, William S. Richards, P. O. Box 2465, Salt Lake City, UT 84110. Operating rights sought to be leased: General commodities, with exceptions, (1) over several regular routes in NM and TX, including routes between El Paso, TX and Animas, NM, via Las Cruces, Hatch, Deming, Silver City, and Lordsburg, NM, between El Paso, TX and Vaughn, NM via Alamogordo, and Carrizozo, NM, between Las Cruces, NM and Artesia, NM via Alamogordo, NM, between Alamogordo, NM and Roswell, NM, between El Paso, TX and Roswell, NM via Carlsbad and Artesia, NM, between Carrizozo, NM and San Antonio, NM, and between Albuquerque, NM, and Shiprock, NM via Farmington, NM, and certain other short connecting regular routes and serving named off-route points, (2) over an alternate route between Vaughn, NM, and Roswell, NM, and (3) over a regular route between Ogden and Salt Lake City, UT. As a matter directly related to the application, System 99 has petitioned for substitution as applicant in the following applications of Sundance: No. MC–F–12312 and related MC–108461, Sub 123 and MC–108461, Sub 133TA; No. MC–F–13311 and related MC–108461, Sub 128; No. MC—108461, Sub 129 and corresponding MC–108461, Sub 130TA; and MC–108461, Sub 134 and corresponding MC–108461, Sub 131TA. Transferee is authorized to operate pursuant to Certificate No. MC–98327 and Subs as a common carrier of general commodities in the states of WA, OR, ID, CA, NV, and AZ.

Summary of Authority for Publication in the Federal Register

MC–F 14103F. Transferee: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, Nebraska 68504. Transferor: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, Colorado 80201. Representative: Lavern R. Holdeman, PETERSON, BOWMAN & JOHANNS, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, Nebraska 68501. Joseph W. Harvey, Refrigerated Foods, Inc., P.O. Box 1018, Denver, Colorado 80201. Authority sought to purchase by Donald Mulder, d.b.a. Don Mulder Trucking, 1735 North 50th Street, Lincoln, NE, 68504, of a portion of the operating rights of Refrigerated Foods, Inc., P.O. Box 1018, Denver, CO, 80201, and for acquisition by Donald Mulder of control of such rights through the transaction. Applicants' representatives: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE, 68501, and Joseph W. Harvey, P.O. Box 1018, Denver, CO, 80201. Operating rights, as a *common carrier,* over irregular routes, sought to be transferred: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of Yankton Sioux Industries at Wagner, SD, to points in AZ, CA, CO, ID, IL, IA, KS, MN, MO, MT, NE, NV, NM, OR, UT, WA, WI and WY. (2) *Meats, meat products, meat byproducts, 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 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), from points in the destination States named in (1) above, to the facilities of Yankton Sioux Industries, at Wagner, SD.

RESTRICTION: The authority granted herein is subject to the following conditions: The authority granted in (1) above is restricted to the transportation of shipments (a) originating at the named facilities and destined to points in the named States, or (b) originating at the named facilities and having a subsequent movement by rail or moving in foreign commerce to a United States port. The authority granted in (2) above is restricted to the transportation of shipments originating at points in the named States or having a prior movement by rail *and* destined to the named facilities. Don Mulder Trucking holds authority as a contract carrier conducting operations between various points in the United States for the

accounts of Neu Cheese Co., D. H. Buckner, Inc., and, The Kingsford Company.

MC–F 14111. Applicant: INTERNATIONAL CARRIERS, INC., 7701 W. Jefferson, Detroit, Michigan 48209. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Michigan 48167. Applicant seeks to acquire that portion of the authority issued to Schultz Transportation Lines, Inc. in MC–5710 authorizing operations as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading: Between Buffalo, NY and Lockport, NY serving all intermediate points: From Buffalo over NY Hwy 270 to junction NY Hwy 263, thence over NY Hwy 263 via Millersport, NY to Lockport, and return over the same route. From Buffalo over NY Hwy 5 to junction NY Hwy 78, thence over NY Hwy 78 to Lockport, and return over the same route. From Buffalo over NY Hwy 270 to junction NY Hwy 31, thence over NY Hwy 31 to Lockport, and return over the same route. Between Lockport, NY and Medina, NY, serving the intermediate points of Gasport and Middleport, NY: From Lockport over NY Hwy 31 to Medina, and return over the same route. (Hearing Site: Buffalo, N.Y. or Washington, D.C.)

No.: MC–F 14112F. Authority sought for purchase by INTERIOR TRANSPORT, INC. of P.O. Box 3347, Spokane, Washington 99220, of a portion of the operating rights of Inland Empire Transport, Inc., P.O. Box 3347, Spokane, Washington, 99220. Attorney: George H. Hart, Attorney at Law, 1100 IBM Building, Seattle, Washington 98101. Authority sought to be acquired: 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 Spokane, Wash., and the site of U.S. Army Air Corps Maintenance and Supply Depot at Galena, Wash.; between points within 3 miles of Spokane, Wash., including Spokane. Machinery, camp supplies, fencing materials, fruit, tires, paper, and iron culverts, between Spokane, Wash., on the one hand, and, on the other, Portland, Oreg., points in Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, Idaho, and points in that part of Montana west of the Continental Divide. Vendee is authorized to operate as a contract carrier in Washington, California, Nebraska, Texas, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Wyoming, Illinois, Iowa, Kansas, Minnesota, Oklahoma, Wisconsin and Missouri. Vendee is authorized to operate as a common carrier in Idaho, Arizona, California, Colorado, New Mexico, Washington and Utah. Application has not been filed for temporary authority under Section 11349.

MC–F14113F. Authority sought for control through management by CRAMER MANAGEMENT CORP., P.O. Box 233, 155 South Street, Keasbey, NJ 08832 of AC-Berwick Transporters, Inc., Mutton Hollow Road, Woodbridge, NJ 07095, and Bond Transportation, Inc., P.O. Box 115, Mutton Hollow Road, Woodbridge, NJ 07095, and control of said carriers by John Cramer, John R. Cramer and Wendy Cramer, through the transaction. Applicant's representative: A. David Millner, P.O. Box 1400, 167 Fairfield Road, Fairfield, NJ 07006. AC-Berwick Transporters, Inc. holds motor common carrier authority under MC–113041 as follows: *Coal tar, coal tar distillates, water gas tar, paving tar* and *asphalt:* From: Points in Suffolk County, N.Y. To: Points in New Jersey within 30 miles of Columbus Circle, New York, N.Y. From: Points in Nassau County, N.Y. To: Points in New Jersey and those in New York south of U.S. Highway 20 and east of U.S Highway 11. *Coal tar, coal tar distillates, water gas tar, and paving tar:* From: Points in New Jersey within 30 miles of Columbus Circle, New York, N.Y. To: Points in Connecticut and those in New York south of U.S. Highway 20 and on and east of U.S. Highway 11. *Hot asphalt:* From: New York, N.Y. To: Points in Connecticut and New Jersey, those in New York south of U.S. Highway 20 and on and east of U.S. Highway 11, via interstate routes in New Jersey, and those in that part of Pennsylvania on and east of U.S. Highway 11 from the Pennsylvania-New York State line to its intersection with U.S. Highway 309, thence on and east of U.S. Highway 309 to Philadelphia, PA, including Philadelphia. From: Points in New Jersey within 30 miles of Columbus Circle, New York, N.Y. To: Points in New Jersey via interstate routes in New York, those in Connecticut, those in New York south of U.S. Highway 20 and on and east of U.S. Highway 11, and those in that part of Pennsylvania on and east of U.S. Highway 11 from the Pennsylvania-New York State line to its intersection with U.S. Highway 309 thence on and east of U.S. Highway 309 to Philadelphia, PA., including Philadelphia. *Sub 1.* Irregular routes: *Asphalt* and *Asphalt products*, from points in Hudson, Union, and Essex Counties, N.J., to New York, N.Y., and points in Westchester and Nassau Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. *Sub 4. Asphalt and tar of any kind:* From: Points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J. To: Points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665 and 2 M.C.C. 191, those in Dutchess, Rockland, Ulster, Sullivan, Orange, Nassau, Westchester and Saratoga Counties, N.Y., and those in that part of Connecticut on and west of the Connecticut River. From: New York, N.Y. To: Points in New Jersey. *Sub 5. Liquid paving compound* (With bituminous coal tar base): From: Whippany, N.J. To: Points in Delaware (except points in New Castle County), Maryland (except Baltimore), North Carolina, Pennsylvania (except Johnstown, Josephtown, Kobuta, Chester, and points in Allegheny and Beaver Counties), Rhode Island, South Carolina, and those in that part of Virginia on and south of U.S. Highway 60. *Sub 6. Pitch, asphalt, asphalt emulsion and waterproofing supplies:* From: Ganasco, Linden, Picton, East Rutherford, and Manville, N.J. To: Points and places in New York and Pennsylvania. Between New Brunswick, N.J., on the one hand, and, on the other points and places in New York and Pennsylvania. *Building and construction materials and supplies:* Between points in New Jersey, Delaware and the District of Columbia, and that part of Pennsylvania and Maryland within 125 miles of Philadelphia, PA., including Philadelphia. *Sub 8. Petroleum products, solvents, and alcohol:* From: Newark, Elizabeth, Elizabethport, Bayway, Bayonne, Carteret, Warners, Kearny, and Harrison, NJ. To: Points in Rockland and Richmond Counties, N.Y., and Passaic, Morris, and Somerset Counties, NJ. *Damaged, defective, rejected or refused shipments of petroleum products, solvents and alcohol:* From: Points in Rockland and Richmond Counties, N.Y., and Passaic, Morris, and Somerset Counties, N.J. To: Harrison, Kearny, Warners, Carteret, Bayonne, Elizabethport, Elizabeth, and Newark, N.J. *Asphalt*, in bulk, in insulated tank vehicles, with heating coils: From: Pettys Island, Pennsauken Township, Camden County, N.J. To: Lancaster, PA. *Asphalt:* From: Baltimore, MD. To: Gloucester

City, NJ. From: Paulsboro, NJ. To: Lancaster, PA. *Hot liquid asphalt and hot asphalt road oil* (except coal tar and coal tar products) in insulated tank vehicles: From: Baltimore, MD. To: Points in Adams, Centre, Cumberland, Dauphin, Franklin, Huntingdon, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Northumberland, Perry, Snyder, Union, and York Counties, PA. *Sub 10. Wax:* From: Paterson, NJ, and Petrolia, PA. To: Hammond, IN, and Lawrenceville, IL. *Sub 11. Tar pavement sealer:* From: Cheshire, Conn. To: Syracuse, N.Y. *New York PSC. Asphalt:* in insulated tank vehicles with burner equipment; *Asphalt Emulsions* and *Asphalt Cut-Back* in insulated tank vehicles with or without burner equipment: From all points in Nassau County to all points in the following counties: Nassau, Suffolk, Westchester, and New York City.

From all points in Westchester County to all points in the following counties: Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Westchester, and New York City. From all points in Suffolk County to New York City and to all points in the counties of Nassau and Suffolk. Bond Transportation, Inc., holds motor common carrier authority under MC-141843, as follows: Irregular Routes: (1) (a) *Insulation materials:* From Perth Amboy, N.J., to points in Litchfield, New Haven, and Fairfield Counties, Conn., New Castle County, Del., Columbia, Cumberland, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Luzerne, Montgomery, Montour, Northumberland, Schuykill, Snyder, and York Counties, Pa., and Albany, Broome, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Nassau, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Tioga, Tompkins, Warren, and Washington Counties, N.Y. (b) *Roofing materials, asphalt and asbestos building materials,* and *asphalt paving materials:* From Perth Amboy, N.J., to points in Litchfield, New Haven, and Fairfield Counties, Conn., New Castle County, Del., Berks, Bucks, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Montour, Northhampton, Northumberland, Philadelphia, Schuylkill, Snyder, and York Counties, Pa., and Albany, Bronx, Broome, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, and Westchester Counties, N.Y. (c) *Commodities* used or useful in the manufacture of roofing materials, asphalt and asbestos building materials, asphalt paving materials, and insulating materials (except chemicals, in bulk): From points in Connecticut, Delaware, Pennsylvania, and New York specified above to Perth Amboy, N.J. (d) *Plaster, plaster board, chip board, gypsum blocks, lime, metal lath, metal lath products, fiber board, insulation board, paints, paper bags, rockwool insulation,* and *other insulation materials:* Between Long Island City and Harlem River, N.Y., and Perth Amboy and Newark, N.J., on the one hand, and, on the other, points in New Jersey and points in Bronx, Westchester, New York, Kings, Queens, Rockland, Richmond, Sullivan, Ulster, Putnam, Dutchess, and Orange Counties, N.Y., and Bucks, Philadelphia, Berks, Chester, Delaware, Montgomery, Lehigh, and Northampton Counties, Pa. (2) (a) *Such commodities* as are dealt in by persons engaged in the manufacture of insulation materials, roofing materials, asphalt and asbestos building materials and asphalt paving materials: (1) From Perth Amboy, N.J., to the District of Columbia, points in Maryland, those in Kent and Sussex Counties, Del., those in Alleghany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates Counties, N.Y., those in Adams, Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clearfield, Clinton, Elk, Fulton, Huntingdon, Juniata, Lycoming, McKean, Mifflin, Monroe, Perry, Pike, Potter, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties, Pa., those in Clarke, Fairfax, Fauquier, Frederick, King George, Loudoun, Spotsylvania, Prince William, Stafford, Warren, Accomac, and Northampton Counties, Va., and those in Berkeley, Hampshire, Jefferson, Mineral, and Morgan Counties, W. Va.: (2) From Lyndhurst, N.J., to points in Fairfield, Litchfield, and New Haven Counties, Conn., and those in Albany, Bronx, Columbia, Delaware, Greene, Dutchess, Kings, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, Rensselaer, and Nassau Counties, N.Y. (b) *Such commodities as are used in the manufacture of insulation materials, roofing materials, asphalt and asbesto building materials, and asphalt paving materials* (except chemicals in bulk): From the District of Columbia and points in Maryland, those in Kent and Sussex Counties, Del., those in Alleghany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates Counties, N.Y., Adams, Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clearfield, Clinton, Elk, Fulton, Huntingdon, Juniata, Lycoming, McKean, Mifflin, Monroe, Perry, Pike, Potter, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties, Pa., those in Clarke, Fairfax, Fauquier, Frederick, King George, Loudoun, Spotsylvania, Prince William, Stafford, Warren, Accomac, and Northampton Counties, Va., and those in Berkeley, Hampshire, Jefferson, Mineral, and Morgan Counties, W. Va., to Perth Amboy, N.J. (c) *Asphalt,* in packages: From Bayonne, N.J., to points in Fairfield, Litchfield, and New Haven Counties, Conn., those in New Castle County, Del., those in Albany, Bronx, Columbia, Delaware, Greene, Dutchess, Kings, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, Rensselaer, and Nassau Counties, N.Y., and those in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Columbia, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Snyder, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Wayne, and York Counties, Pa. (d) *Damaged and rejected shipments:* From points in their respective destination territories to Lyndhurst and Bayonne, N.J. Any duplication in this document of authority presently held by carrier does not confer more than one operating right. This certificate may not be tacked or joined with the carrier's other irregular-route authority.

MC 141843 (Sub-1). Irregular Routes: *Asphalt* and *asphalt products:* From points in Hudson, Union, and Essex Counties, N.J., to New York, N.Y., and points in Westchester and Nassau Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at and destined to the involved points. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by

carrier shall not be construed as conferring more than one operating right. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized herein. Application has not been filed for temporary authority under 49 CFR 11349.

MC–F–14114F. Authority sought for FOOD HAUL, INC., 1215 West Mound Street, Columbus, Ohio 43223, to merge into itself its wholly owned subsidiary, J.C.D. TRANSPORTATION CORP., P.O. Box 487, 5950 Fisher Road, East Syracuse, New York 13057, and for continuance in control of the surviving corporation by Transportation Consultants, Inc., 5950 Fisher Road, P.O. Box 487, East Syracuse, New York 13057, a holding and management company. Applicant's Attorney: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Operating rights to be transferred and merged: J.C.D. Transportation Corp. is a contract carrier operating under Permit MC–129026 and Subs, serving The Great Atlantic & Pacific Tea Company, Inc. in CT, MA, MD, NJ, NY and PA. It has contract applications pending to serve Seneca Foods Corp. in the states of AL, AR, DE, FL, GA, IL, IN, KY, MI, MD, MO, MS, NC, NJ, NY, OH, PA, SC, TN, VA, WI, WV, and DC, and The Nestle Company in NY and PA. Food Haul, Inc. is a contract carrier operating under Permit MC–124939 and Subs, serving The Great Atlantic & Pacific Tea Company, Inc. in IN, KY, OH, PA and WV, and The Kroger Company in IL, IN, KY, MI, MO, NC, OH, SC, VA and WV. Transportation Consultants, Inc. holds no operating authority; however, it controls other contract carriers as follows: Fleetwood Transportation Corp., Docket MC–135284 and Subs, authorized to serve Agfoods, Inc. and The Nestle Company in CT, DC, DE, IN, KY, MA, MD, MI, NJ, NY, OH, PA, RI, VA and WV; Fairfield Transportation Corp., Docket MC–141487, authorized to serve Clinton's Ditch Cooperative Company in CT, MA, NJ, NY and PA; Barr Transportation Corp., Docket MC–141335, authorized to serve Auburn Steel Company in CT, DC, DE, MA, MD, NH, NJ, NY, OH, PA, RI, VT and WV; Cumberland Transportation Corp., Docket MC–144029, authorized to serve St. Regis Paper Company in CT, MA, NH, NJ, NY, PA and VT; DeWitt Transportation Co., Docket MC–145029, authorized to serve General Electric Company in NY and VA; and J. R. Butler, Inc., Docket MC–145298, athorized to serve Hess's, Inc. in DE, MD, NJ, and PA.

Note.—Petition to Dismiss for lack of jurisdiction under 49 U.S.C. § 11343 and Redocketing for transfer under 49 U.S.C. § 10926 filed simultaneously herewith.

MC–F14115F. Authority sought for purchase by RINGSBY TRUCK LINES, INC., 3980 Quebec Street, Denver, CO 80207, of a portion of the operating rights of RITEWAY TRANSPORT, INC., 2131 West Roosevelt, Phoenix, AZ 85005. Applicant's attorney: Russell R. Sage, 6121 Lincolnia Road, Alexandria, VA 22312. Common carrier operating rights sought to be purchased: *General commodities,* except commodities in bulk and commodities requiring special equipment, between Phoenix, AZ, on the one hand, and, on the other, points in AZ on and west of U.S. Highway 89 and north of the Colorado River. Vendee is authorized to operate as a common carrier in the States of AZ, CA, CO, CT, DE, DC, GA, ID, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SD, TX, UT, VT, VA, WA, WV, WI, and WY. Application has not been filed for temporary authority under Section 11349.

MC–F14119F. Authority sought for the purchase by SOUTH HILLS MOVERS, INC., 3132 Industrial Boulevard, Bethel Park, PA, of a portion of the operating rights of PLYMOUTH VAN LINES, INC., 4433–41 Howley Street, Pittsburgh, PA, and for acquisition by Robert Lee, 3132 Industrial Boulevard, Bethel Park, PA 15102, of control of such rights through the purchase. Transferee's Attorney: John A. Vuono, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219, (412) 471–1800. Transferor's Attorney: Robert J. Gallagher, 55 Madison Avenue, Morristown, NJ 07960. Operating rights, as a common carrier, over irregular routes, sought to be purchased: *Household goods,* as defined by the Commission, between points in WV, on the one hand, and, on the other, points in AZ, CA, CO, MI, MN, NB, NV, RI, UT and WI. Application has been filed for temporary authority under Section 210a(b).

MC–F14120F. Authority sought for control by TRIMAC TRANSPORTATION GROUP LIMITED, 736 8th Avenue, S.W., Calgary, Alberta, Canada T2P 2P9 of TANK LINES LIMITED, 736 8th Avenue, S.W., Calgary, Alberta, Canada T2P 2P9, and for acquisition by Trimac Limited, 736 8th Avenue, S.W., Calgary, Alberta, Canada T2P 2P9, J. R. McCaig, 736 8th Avenue, S.W., Calgary, Alberta, Canada T2P 2P9, M. W. McCaig, 736 8th Avenue, S.W., Calgary, Alberta, Canada T2P 2P9, and the Estate of J. W. McCaig, 736 8th Avenue, S.W., Calgary, Alberta, Canada T2P 2P9, of control of Tank Lines Limited through the acquisition by Trimac Transportation Group Limited. Applicant's attorney: Richard H. Streeter, 1729 H Street, N.W., Washington, D.C. 20006. Operating rights sought to be controlled: Fish oil, in bulk, as a common carrier by motor vehicle, over irregular routes from the port of entry on the International Boundary Line between the United States and Canada, located at or near Calais, ME, to Philadelphia, PA. Trimac Transportation Group Limited does not hold authority from this Commission. However, Trimac Transportation Group Limited controls H. M. Trimble & Sons Ltd., 736 8th Avenue, S.W., Calgary, Alberta, Canada, T2P 2P9, which is authorized to operate as a common carrier in ND, AD, WA, MT, AZ, AR, WI, WY, CA, CO, IL, IA, TN, TX, KS, ID, KY, LA, UT, MN, MS, MO, NE, NV, NM, OK, OR and SD. Trimac Transportation Group Limited and Stothert Holdings Ltd. jointly control Oil & Industry Suppliers Ltd., 736 8th Avenue, S.W., Calgary, Alberta, Canada T2P 2P9, which is authorized to operate as a common carrier in WA, OR, ID, MT, WY, ND, SD, MN, WI, UT, CO, NE, KS, IA, MO, IL, IN, NM, TX, OK and AR; and Mercury Tanklines Limited, 736 8th Avenue, S.W., Calgary, Alberta, Canada T2P 2P9, which is authorized to operate as a contract carrier between points in KY, IL, OH, MD, MI, CA, PA, NY and VA and points on the United States/Canada International Boundary Line in MI, NY, MN, WA, ND and MT. Approval of control of these carriers was given by the I.C.C. in Docket Nos. MC–F–9553 and MC–F–10380. In addition, applications are presently pending in docket No. MC–F–14015, wherein Trimac Transportation Group Limited and Stothert Holdings Ltd. are seeking approval of control of Municipal Tank Lines Limited, and in Docket No. MC–F–14043, wherein Trimac Transportation Group Limited is seeking approval of control of Soulanges Cartage & Equipment Company, Limited. An application has not been filed for temporary authority under 49 U.S.C. Section 11349. Approval of this application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC–F 14121F, filed August, 1979. Transferee: CARAVAN TOURS, INC., RD–3, Box 451, Wharton, NJ, 07885. Transferor: CHARTER COACH, INC., 3rd Ave. at Highway 35, Neptune, NJ,

07753. Representatives: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA, 22312, attorney for Transferee and Wilmer B. Hill, Suite 805, McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C., attorney for Transferor. Applicant seeks authority to purchase all of the interstate authority issued Transferor, Charter Coach Corp., in Docket No. MC-41097 authorizing the transportation of passengers in charter operations. (1) Between New York and Manaronech, NY, Atlantic City, NJ and points in Hudson, Bergen, Essex, Union, Morris, Passaic, Middlesex and Monmouth Counties, NJ on the one hand, and on the other, points in the United States, except Hawaii and Alaska; and (2) From New York, NY and Metuchen, NJ, and points within 25 miles of Metuchen to points in NJ, NY, PA, MD, DE, OK, CT, MA, VA, KY, NC, SC, TN, AL, GA, FL, and the District of Columbia; also related intrastate charter rights in the States of NY and NJ. Hearing site: Washington, D.C.

MC 14122F, filed. Transferee: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Transferor: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Joseph Harvey, P.O. Box 1018, Denver, CO 80201. Authority sought for purchase by Wayne Daniel Truck, Inc. of a portion of the operating authorities of Refrigerated Foods, Inc. The operating rights to be purchased authorize movement of (1) swimming and wading pools from West Helena, AR to points in AZ, CA, NV, NM, OR and WA; and (2) bicycles, tricycles, and gymasuim apparatus and parts and accessories thereof from Little Rock, AR to AZ, CA, CO, ID, MT, NV, OR, UT, WA and WY. Transferee is authorized to operate as a common carrier, in the states of WA, OR, CA, NV, ID, UT, AZ, NM, CO, WY, MT, NC, SD, NE, KS, OK, TX, LA, AR, MO, IA, NM, WI, IL, IN, KY, TN, MS, AL, MI, OH, and FL and is authorized to operate as a contract carrier in the states of CT, DE, MD, MA, NJ, NY, OH, DC, PA, RI, VA, GA, FL, IL, KY, TN, LA, AR, MO, IA, NM, SD, ND, NE, KS, OK, TX, NM, CO, WY, MT, ID, UT, AZ, NV, CA, OR and WA. Temporary authority application has not been filed.

MC-F 14123F. Transferee: T.F.S., INC., Box 126, Rural Route 2, Grand Island, NE 68801. Transferor: DAKOTA EXPRESS, INC., 550 East 5th St. South, So. St. Paul, MN 55075. Representative: Lavern R. Holdeman, PETERSON, BOWMAN & JOHANNS, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Paul Nelson, Executive Vice President, 550 E. 5th Street South, So. St. Paul, MN 55075. Authority sought to purchase by T.F.S., Inc., Box 126, Rural Route 2, Grand Island, Nebraska, 68801, of a portion of the operating rights of Dakota Express, Inc., 550 East 5th St. South, So. St. Paul, MN, 55075, of control of such rights through the transaction. Applicants' representatives: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE, 68501, and Paul Nelson, 550 E. 5th St. So., So. St. Paul, MN, 55073. Operating rights, as a *common carrier*, over irregular routes, sought to be transferred: (1) *Canned and preserved foodstuffs* (except frozen foodstuffs), from the plant and warehouse sites of the Green Giant Company at Le Sueur, Blake Earth, Glencoe and Montgomery, MN, to points in IA and NE, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to traffic originating at the above-named plant and warehouse sites and destined to points in IA and NE; (2) *Canned goods*, from Plymouth, IN, to points in IA, NE, ND, SD, and points in that part of NM on and south of U.S. Highway 12 (except points in the St. Paul-Minneapolis, MN, commercial zone as defined by the Commission), with no transportation for compensatin on return except as otherwise authorized. Restriction: The operations authorized above are restricted to the transportation of traffic originating at Plymouth, Inc., and from Belding, MI, to points in NE, ND, and SD, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized immediately above are restricted to the transportation of traffic originating at Belding, MI; (3) *Bananas*, and *agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when tranported in mixed loads with bananas, from Wilmington, DE, to points in KS, IL, IN, IA, MI, MN, MO, NE, ND, SD, and WI, with no transportation for compensation on return except as otherwise authorized; (4) *Meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766 (except in bulk and hides), from the facilities of Needham Packing Co., Inc., located at or near Fargo, ND, Sioux City, IA and Omaha, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VI, WV, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-described origin points and destined to the above described destination points. T.F.S., holds authority as a contract carrier conducting operations between various points in the U.S. for the accounts of Oxford Cheese Corporation, Ag Service, Inc., Morgen Manufacturing Co., Bonsail Pool Co., and Endicott Clay Products Co. Application has been filed for temporary authority under Section 210a(b).

Note.—Dual operations may be involved.

Federal Register Publication

MC-F-14124F. Authority sought for continuance of control by LEASEWAY TRANSPORTATION CORP., 3700 Park East Drive, Cleveland, Ohio 44122, of L D F, Inc., 30 Enterprise Avenue, Secaucus, New Jersey 07094, when it becomes a contract motor carrier. Applicant's Attorney: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Operating rights sought to be continued in control: L D F, Inc. is not now a motor carrier. On July 9, 1979 it filed an application (Form OP-OR-9) for authority to institute a new operation as a contract carrier under contract with The Nestle Company, Inc. for the transportation of Foodstuffs, in mechanically refrigerated equipment, from the facilities of The Nestle Company, Inc. at Charlotte, NC to points in GA, VA and SC, and points in TN on and east of Highway 127. (Docket No. MC-147101, Sub 2F, a directly related matter.) L D F, Inc. was incorporated August 1, 1972 as a subsidiary of Leaseway Transportation Corp., and it is now proposed to make L D F, Inc. a contract carrier. Leaseway Transportation Corp. is hereby seeking approval to continue in control of L D F, Inc. when it becomes a carrier. Leaseway Transportation Corp. holds no authority; however, it is in control of certain common and contract carriers which are authorized to operate at various points and places throughout the United States. Application has not been filed for Temporary Control under 49 U.S.C. 11349 (formerly 210 a (b), Motor Carrier Act).

MC-F-14126F. Authority sought for control and merger, by CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077, of MULVENA TRUCK LINE, INC., 400 W. Chisholm St., Alpena, MI 49707, and for acquisition of control of the rights and properties of Transferor by CenTra, Inc., and in turn by T. J. Moroun and M. J. Moroun, all of the same address,

through the transaction. Applicants' Attorneys, Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL, and Walter N. Bieneman, 100 W. Long Lake Road, Bloomfield Hills, MI 48013. Operating rights sought to be transferred, as follows: (A) Over *regular routes,* transporting General Commodities, with certain exceptions, between points and places specified on regular routes, serving intermediate and off-route points, all lying on or east of Interstate Hwy., 75 in MI; (B) Over *irregular routes,* transporting Artistic fencing between Alpena, MI and Greenbrush, MI, on the one hand, and, on the other, points in MI; Paper, between Alpena, MI, on the one hand, and, on the other, points in MI; Household goods, store fixtures, and office furniture, between points in MI. Central Transport, Inc. is authorized to operate as a common carrier in IL, IN, KY, MI, NY, OH, PA, WV and WI. Hearing site, Detroit, MI. Application has not been filed for temporary authority.

MC–F–14127F. Transferee: WELCH TRUCKING, INC., 1105 South Boulder, Portales, NM 88130. Transferors: JOHN WELCH, WILLIAM WELCH, and W. D. WELCH, a partnership, d.b.a. WELCH BROS. TRUCKING CO., 1105 South Boulder, Portales, NM 88130. WILLIAM WELCH and JOHN WELCH, a partnership, d.b.a. WELCH TRUCKING CO., 1105 South Boulder, Portales, NM 88130. Representative: Edwin E. Piper, Jr., P.O. Box 505, Albuquerque, NM 87103. Authority sought for transfer to WELCH TRUCKING, INC., 1105 South Boulder, Portales, NM 88130, of all of the operating rights of John Welch, William Welch and W. D. Welch, a partnership, d.b.a. Welch Bros. Trucking Co., 1105 South Boulder, Portales, NM 88130 (which operating rights are contained in Permits under MC 133228, Sub-Nos. 2, 4, 6, 7 and 10 and under MC 144439, Sub-No. ITA and granted but not yet issued in Sub-No. 2F) and of all the operating rights of William Welch and John Welch, a partnership, d.b.a. Welch Trucking Co., 1105 South Boulder, Portales, NM 88130 (which operating rights are contained in Permits under MC 127668, Sub-Nos. 2, 3, 5, 7 and the base Permit); and for acquisition by WELCH TRUCKING, INC., 1105 South Boulder, Portales, NM 88130, and John Welch, William Welch and W. D. Welch, 1105 South Boulder, Portales, NM 88130, of control of such rights through the transfer. Operating rights sought to be transferred: Welch Bros. Trucking Co.: Contract Carrier by motor vehicle over irregular routes, transporting: *Lumber,* from points in AZ, NM, TX, LA, and AR, to points in TX, OK, KS and NM, for the account of Callaway Lumber Sales, Amarillo, TX, *Lumber,* from points in AZ, CO, and NM to points in TX, for the account of George C. Vaughan & Sons, San Antonio, TX, *Gypsum products,* from the plantsite of Georgia-Pacific Corporation, at or near Acme, TX, to points in AZ, for the account of Georgia-Pacific Corp., Portland, OR, *Lumber,* from points in CO, TX and OK (except those in Latimer, Leflore, Pushmataha, McCurtain and Choctow Counties) to points in AZ, for the account of Southwest Forest Industries, Phoenix, AZ, *Gypsum, gypsum wallboard and gypsum joint cement* (except commodities in bulk) from points in Hardeman County, TX, to points in NM, for the account of Georgia-Pacific Corp., Portland, OR, Common Carrier by motor vehicle over irregular routes, transporting (under TA and granted but not yet issued in MC 144439 (Sub-No. 2F): *Roofing and roofing products, supplies and equipment, and insulation materials,* from the facilities of Owens-Corning Fiberglas Corp., at or near Lubbock, TX, to points in AZ. Welch Trucking Co.: Contract Carrier by motor vehicle over irregular routes, transporting: *Lumber,* from points in AZ, CO and NM, to points in OK, for the account of Red River Lumber Co., Oklahoma City, OK, *Hides,* from Denver, Pueblo, Colorado Springs, Montrose, Grand Junction, Durango and Cortez, CO; Lubbock, El Paso, Dallas, Fort Worth, Amarillo, Hereford, Plainview, and Friona, TX; Guymon, OK; and Albuquerque and Clovis, NM, to Phoenix, AZ, and from Phoenix, AZ, to Laredo, Fort Worth and Dallas, TX, for the account of Southwest Hide Co., Phoenix, AZ, *Lumber,* from points in AZ, CO, and NM, to points in TX, for the account of Red River Lumber Co., Oklahoma City, OK, *Prefabricated Metal Building,* complete, knocked down, or in sections, and in connection therewith, component parts thereof, and equipment and materials incidental to the erection and completion of such buildings, from the plantsite of Star Manufacturing Co., near Oklahoma City, OK, to points in AZ, and Clark and Lincoln Counties, NV, for the account of Flynn Steel Building Co., Phoenix, AZ, *Hides and bone meal,* from points in TX and NM to points in AZ; from points in NM to points in TX, for the account of Southwest Hide Co., Phoenix, AZ. (Hearing Site: Albuquerque, NM.)

MC–F–14129F. By application filed July 3, 1979, authority is sought under Section 5(2) of the Interstate Commerce Act for the purchase by HOUFF TRANSFER, INC. of that portion of the interstate motor carrier operating rights of COHEY TRUCKING COMPANY, INC., covering the transportation of general commodities, with exceptions, (1) over regular route (U.S. Highway 1) between Baltimore, MD, and Philadelphia, PA, and (2) over irregular routes, between Oxford, PA, on the one hand, and, on the other, points in a described area of Delaware and Maryland.The address of Houff Transfer, Inc., is P.O. Box 91, Weyers Cave, VA 24486, and that of Cohey Trucking Company, Inc., is 3015 Vermont Ave., Baltimore, MD 21227. Applicants are represented by John R. Sims, Jr., and John L. Boyd, Jr., of the firm of Goff, Sims, Cloud, Stroud, Shepherd & Walker, P.C., 915 Pennsylvania Bldg., 425 13th Street, NW, Washington, DC 20004. In the opinion of Applicant the grant of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Interstate Commerce Commission no later than 30 days from the date of publication of the application in the **Federal Register.** No application has been filed for temporary authority.

MC–F14131. Transferee: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, South Dakota 57101. Transferor: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, Minnesota 55075. Attorney: Bruce E. Mitchell, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, Atlanta, Georgia 30326. Operating rights sought to be purchased: As a common carrier by motor vehicle, over irregular routes in the transportation of: (a) *Foodstuffs* (except commodities in bulk) from points in NE in the Omaha, NE Commercial Zone as defined by the Commission, to points in SD, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are restricted to the transportation of traffic destined to the named destination State. (b) *Pizza crusts, pizza mix, and pizza ingredients, and tamales, enchiladas, and tortillas,* from points in NE in the Omaha, NE Commercial Zone as defined by the Commission, to points in MI, KS, and IO with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized immediately above are

restricted to the transportation of traffic originating at the above origin points and destined to points in the above-named destination States. (c) *Frozen meats*, from the facilities of Omaha Steaks International at Omaha, NE to points in that part of IO east of US Highway 71 and north of US Highway 18, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized immediately above are restricted to the transportation of traffic originating at the facilities of Omaha Steaks International, at Omaha, NE, and destined to points in the above-named destinations territory. (d) *Frozen foods*, from the facilities of Royal Pantry at Madelia, MN, to points in IO and NE, and Sioux Falls, SD with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized in part (d) above are restricted to traffic originating at the named origins and destined to the named States. (e)(1) *Foodstuffs* (except commodities in bulk) and (2) *paper articles and aluminum trays* when moving in mixed shipments with the commodities in (e)(1) above, from Omaha, NE to points in ND, with no transportation for compensation on return except as otherwise authorized. Application has been filed for temporary authority under Section 210a(b).

MC–F14136F. Transferee: J & M TANK LINES, INC., P.O. Box 544, Americus, Ga. 31709. Transferor: J & M TRANSPORTATION COMPANY, INC., P.O. Box 488, Milledgeville, Ga. 31061. Representatives: Paul M. Daniell and Ralph B. Matthews, Attorneys, Watkins & Daniell, P.C., P.O. Box 56387, Atlanta, Georgia 30343. The Motor Carrier Board granted authority for the purchase by transferee of the operating rights of transferor as set forth in Docket Number MC–115311 Subs numbered 10, 29, 32, 33, 43, 44, 46, 47, 48, 52, 55, 65, 69, 77, 78, 82, 83, 87, 99, 104, 122, 125, 129, 132, 149, 179, 264F, 291F, 294F, 313F, 314F, 321F, 335F, 347F, and 371F, authorizing the transportation of Lime, Fly Ash, Cement, Mortar Mix, Salt, Fertilizer, Corn Starch, Rock, Sand, Asphalt, Asphalt Sealer, Vinyl Concrete Patcher, Masonry Coating, Tile Grout, Paint, Adhesives, Clay, Corn Sugar, Phosphated Feed Supplements, Aluminum Clay Sulphate, Bauxite Ore, Limestone, and Fluorspar, in bulk, between numerous points in the U.S. Transferee presently holds no authority from this commission but is a wholly-owned subsidiary of Transferor. Application has not been filed for temporary authority under 49 USC 11349.

MC–F14138F, filed August 1979. Transferee: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Transferor: FREDERICK J. FAURIE d.b.a. F F EXPRESS, 438 Countyline Road, Bensenville, IL 60166. Applicant's Representative: Francis W. McInerny, 1000 16th Street NW, Washington, D.C. 20036 and Neil H. Garson, 3251 Old Lee Hwy, Fairfax, VA 22030. Authority sought to be purchased: Cetificate of Registration No. MC–98662 (Sub-No. 2) authorizing generally the transportation of general commodities by motor carrier between a fifty mile radius of Chicago on the one hand and on the other points in IL. Transferee is authorized pursuant to No. MC–110683 (and subs thereunder) to operate as a common carrier by motor vehicle in AL, AR, CT, DC, DE, FL, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI. Application has been filed for TA under 49 USC 11349. Related applications have also been filed under 49 USC 10922 and 10928 providing for the conversion of the Certificate of Registration to a Certificate of Public Convenience and Necessity and a conversion from irregular routes to regular routes. The proposed regular routes are structured to connect with transferee's existing regular routes in IL, IA, IN, and KY and include (1) between Chicago, IL, and Paducah, KY, serving all intermediate points and serving Paducah for joinder only; (2) between Rockford, IL, and Cairo, IL, serving all intermediate points; (3) between E. St. Louis, IL, and Terre Haute, IN, serving all intermediate points and serving Terre Haute for joinder only; (4) between E. St. Louis, IL, and Evansville, IN, serving all intermediate points and serving Evansville for joinder only; (5) between Rock Island, IL, and Marshall, IL, serving all intermediate points; (6) between Chicago, IL, and Burlington, IA, serving all intermediate points; (7) between Rock Island, IL, and E. St. Louis, IL, serving all intermediate points. The applications filed under 49 USC 10922 and 10928 are filed with certificates of support.

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 October 22, 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.

MC–F–C78076, filed March 8, 1979. Transferee: VALLEY DISTRIBUTING & STORAGE CO., a corporation, 1 Passan Dr., Laflin, PA 18702. Transferor: Harry L. Rothstein, 40 Poplar St., Scranton, PA 18509. Representative: Richard M. Goldberg, 700 United Penn Bank Bldg., Wilkes-Barre, PA 18701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate MC–54698 (Sub-No. 3), issued May 19, 1978, as follows: General commodities (except motor vehicles, articles of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), from the facilities of Distribution East, at or near Scranton, PA, to points in PA and NY (except Binghamton, Endicott, Johnson City, Elmira, and Waverly, NY). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. § 11349.

MC–F–C78091, filed March 21, 1979. Transferee: SHAMROCK TOWING, INC., 2216 N. 27th Ave., Phoenix, AZ 85009. Transferor: ASSOCIATED TOWING, INC., 5715 W. Maryland, Glendale, AZ 85301. Representative: Donald E. Fernaays, 4040 E. McDowell Rd. Suite 320, Phoenix, AZ 85008. Authority sought for the purchase by transferee of the entire operating rights of transferor as set forth in Certificate

No. MC–116305, issued February 13, 1978, as follows: *Wrecked and disabled vehicles*, by use of wrecker equipment only, between Phoenix, AZ, on the one hand, and, on the other, points in CA, NM, UT, and NV. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–F–C78120, filed April 1, 1979. Transferee: JOHN ELVESTROM, d.b.a. ARROWHEAD TRANSPORTATION, 103 Moore Lane, Billings, MT 59102. Transferor: Bill G. Carr and Phyllis R. Carr, d.b.a. Arrowhead Transportation, 103 Moore Lane, Billings, MT 59102. Representative: John L. Mohr, 111 West Main, Laurel, MT 59044. By decision of August 13, 1979, the Motor Carrier Board approved the purchase by transferee of operating rights of transferor in Certificates No. MC 116698 Subs 8 and 10, and Certificate of Registration Sub 12, issued December 20, 1972, October 22, 1974, and August 11, 1975, authorizing general commodities, with the usual exceptions, over regular routes, between Laurel, MT, and Red Lodge, MT, between Laurel, MT, and Bridger, MT, between Red Lodge, MT and Bridger, MT, between Billings, MT, and Laurel, MT; and dry freight, between Laurel and Billings, MT, and household goods between Laurel and Billings, MT, and points within 10 miles thereof, on the one hand, and, on the other, points in Montana. Transferee holds no ICC authority. Temporary authority is sought.

MC–F–C78159, filed May 29, 1979. Transferee: O. W. SMITH TRANSPORT, INC., Hwy 71 North, DeQueen, AR 71832. Transferor: W. D. Smith Truck Line, Inc., Hwy 71 North, DeQueen, AR 71832. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–144825 (Sub-No. 1), issued October 3, 1978, as follows: (1) *Wood residuals* and (2) *bark*, otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with wood residuals, between points in AR, LA, MS, OK, and TX, restricted against the transportation of the above-described commodities between points in LA, on the one hand, and, on the other, points in TX. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–F–C78168, filed June 1, 1979. Transferee: LUNN MOVING & STORAGE, INC., 2725 W. Willetta, Phoenix, AZ 85009. Transferor: VALLEY CARRIERS, INC. (judgement creditors E. S. DeMund and Lillian Ellsworth), 25 W. Jefferson, Phoenix, AZ 85003. Representative: Robert Wertsching, 25 W. Jefferson, Phoenix, AZ 85003. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration MC 58266 (Sub-1), issued June 1, 1965, as follows: *Freight and baggage* over public highways designated as those in Phoenix and vicinity. *Household Goods* as defined by the ICC in Ex Parte No. MC–19, between all points in AZ. 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

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

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 51), GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101, filed August 27, 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 Little Rock, AR, over U.S. Hwy 65 to junction Interstate Hwy 82, then over U.S. Hwy 82 to Greenville, MS, 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 Little Rock, AR, over U.S. Hwy 70 to Memphis, TN, then over U.S. Hwy 61 to Leland, MS, then over U.S. Hwy 8 to Greensville, MS, and return over the same route.

Motor Carrier Intrastate Application(s)

Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T–16, filed August 27, 1979. Applicant: WB&L TRUCKING AND CARTAGE COMPANY, INC., 6481 Ridings Road, Syracuse, NY 13206. Representative: Michael D. D'Agostino, 502 University Ave., Syracuse, NY 13210. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities from, to and between all points within the counties of Onondaga and Oswego within the State of New York. Said authority is sought to eliminate empty back haul from points of service which could be utilized by present and prospective shippers to be of a greater convenience to the public. Said authority is essential to acquire needed revenue to compensate rising fuel and operating costs. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to S. G. Duckor, Department of Transportation, 1220 Washington Ave., State Campus Building #4, Room G–21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Interstate Commerce Commission

Transportation of "Waste" Products for Reuse or Recycling

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49

CFR 1062) promulgated in *"Waste" Products*, Ex Parte No. MC–85, 124 M.C.C. 583 (1976). Requests are processed as seeking authority between all points in the United States.

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission *within 20 days* from the date of this publication. 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–11–79 (special certificate—Waste Products), filed July 19, 1979. Applicant: FRANK F. SLOAN, R.R. 1, Runnells, IA 54747. Representative: John E. McCaughey, Channeled Resources, of Iowa, 720 SE 20th, Des Moines, IA 50317. Sponsor: Channeled Resources of Iowa. Commodities: Waste Paper.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–29172 Filed 9–19–79; 8:45 am]

BILLING CODE 7035–01–M

SMALL BUSINESS ADMINISTRATION

[Application No. 02/02–5369]

Ibero American Investors Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 *et seq.*), has been filed by Ibero American Investors Corporation (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1979).

The officers, directors, and stockholders are as follows:

Domingo Garcia, President, 954 Clifford Avenue, Rochester, New York 14621.

Pablo H. Rivera, Vice President and Secretary, 954 Clifford Avenue, Rochester, New York 14621.

Roberto Burgos, Treasurer, 129 Revella Street, Rochester, New York 14609.

Anthony Monemi, General Manager, 14 Woodhill Road, Pittsford, New York 14534.

Ibero American Action League, Inc., 100 percent Stockholder.

The applicant, a New York Corporation, will maintain an office at 954 Clifford Avenue, Rochester, New York 14261 and will begin operations with $317,500 of paid-in capital and paid-in surplus from the sale of 1,000 shares of stock to Ibero American Action League, Inc. (League). (League received from the City of Rochester, a $150,000 HUD Grant under the Community Development Block Program.)

In the Rochester area, the growth of the minority population continues to emphasize the under-representation of these groups in the free enterprise system. Members of these groups have found it difficult or impossible to obtain capital or finance operations and normal growth expansion. Therefore, the investment policy of the applicant will be to make investments solely in small businesses where financial hardship has been, or is being, encountered between owners, due to social or economic disadvantages.

In order to make the maximum contribution to the area of operation, primarily the City of Rochester, the applicant will be looking most favorably at applications from minority businesses with good potential for further growth. This will assure continuation of minority owned businesses, and in many instances will create new job openings in the target area. Also, it is intended that for the first years of operation the applicant will stress loans and loans with equity options, so that the maximum turnover of leveraged funds may be achieved, thus assisting a greater number of businesses.

An initial survey of the target area indicates that the greatest benefit will be derived by the community if the applicant provides financial support to the following types of businesses:

a. retail trade;

b. light industry;

c. service industries;

d. whole trade, including import and export businesses.

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 operations of the applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, not later than October 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 Rochester, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 12, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79–29166 Filed 9–19–79; 8:45 am]

BILLING CODE 8025–01–M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 184
Thursday, September 20, 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

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., September 25, 1979.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Contract Market Designation Application. CME's Fresh Broiler Chickens.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1827–79 Filed 9–18–79; 11:04 am]

BILLING CODE 6351–01–M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., September 25, 1979.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matter/Administrative Proceedings.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1830–79 Filed 9–18–79; 2:44 pm]

BILLING CODE 6351–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 1:30 p.m. on Monday, September 17, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Lewis G. Odom, Jr., acting in the place and stead of John G. Heimann, Director (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,921–L

Franklin National Bank, New York, N.Y.,
The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.,
American Bank & Trust Co., New York, N.Y., and
Farmers Bank of the State of Delaware, Dover, Del.

Case No. 44,038–L

Franklin National Bank, New York, N.Y.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: September 17, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1828–79 Filed 9–18–79; 11:04 am]

BILLING CODE 6714–01–M

4

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, September 25, 1979, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S–1829–79 Filed 9–18–79; 2:27 pm]

BILLING CODE 6715–01–M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 54154; September 18, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 19, 1979.

CHANGE IN THE MEETING: The following items have been added:

Item number, docket number, and company

ER–15: E–8187, E–8700, ER76–203, ER76–238 and ER78–516, Boston Edison Co.

M–9: RM79– , Final Rule Promulgating Subpart I of Part 271 Concerning Section 109 of the Natural Gas Policy Act of 1978.

M–10: RM–79–37, Budget-Type Applications: Gas Supply Facilities—Amendments to Scope of Existing. RM79–43, Amendments to Subpart A, Part 271 of the Regulations Implementing the Natural Gas Policy Act.

M–11: RM79– , Fuel Oil Displacement by Process and Feedstock Users.

M–12(A): RM79–14, Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978.

M–12(B): RM79–21, Regulations Implementing Alternative Fuel Price Ceiling in Incremental Pricing Under the Natural Gas Policy Act of 1978.

M–12(C): RM79–45, Exemption from Incremental Pricing for Load-Balancing Facilities Which Burn Coal.

M–12(D): RM79–46, Exemption from Incremental Pricing for Load-Balancing Facilities Which Burn Oil.

M–12(E): RM79–48, Section 206(D) Exemption for New Small Boilers from the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978.

M–13: RM79–23, Regulations Prescribing General Provisions for Preliminary Permit

and License Applications; Regulations Governing Applications for, Amendments to, and Cancellation of Preliminary Permits.

Kenneth F. Plumb,

Secretary.

[S-1834-79 Filed 9-18-79; 3:33 pm]

BILLING CODE 6450-01-M

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., September 25, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement Nos. 9427-4 and 9552-3—modifications to the Germany-North Atlantic Ports Rate Agreement and the North Atlantic West Europe Rate Agreement regarding inland operations in conjunction with intermodal shipments.

2. Matson Navigation Company, Inc.—6.66 percent bunker surcharge increase in Tariffs FMC-F Nos. 164, 165, 166 and 167.*

3. Docket Nos. 78-24—*Pacific Freight Audit, Inc.* v. *Sea-Land Service, Inc.*, and 78-25—*Pacific Freight Audit, Inc.* v. *American President Lines, Ltd.*—Discussion of the record.

4. Docket No. 79-12—Improvements in Prehearing and Discovery Procedures—Consideration of comments on proposed rules.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Assistant Secretary (202) 523-5725.

[S-1826-79 Filed 9-18-79; 10:48 am]

BILLING CODE 6730-01-M

7

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 44, September 18, 1979, Page No. 54155.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, September 19, 1979.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously announced open meeting of Wednesday, September 19, 1979, 10 a.m., to Friday, September 21, 1979, 10 a.m.

[S-1831-79 Filed 9-18-79; 3:10 pm]

BILLING CODE 6750-01-M

8

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, September 27, 1979.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Pipeline Accident Report—Philadelphia Gas Works, gas pipeline rupture, explosion and fire, Philadelphia, Pennsylvania, May 11, 1979, and Recommendation to American Gas Association.

2. Marine Accident Report—Collision of the American Containership SS SEA-LAND VENTURE with the Danish Tanker M/T NELLY MAERKY in the Inner Bar Channel, Galveston, Texas, on August 27, 1978, and Recommendations to the Commandant, U.S. Coast Guard, Galveston-Texas City Pilots Association, Houston Pilots Association.

3. Special Study—Shoulder Harnesses and General Aviation Safety.

4. Recommendation—To the Federal Aviation Administration re flight operations in Alaska.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

September 18, 1979.

[S-1832-79 Filed 9-18-79; 3:33 pm]

BILLING CODE 4910-58-M

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Friday, September 28, 1979.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Safety Effectiveness Evaluation of the National Highway Traffic Safety Administration's Rulemaking Process, Volume II: Case History of Federal Motor Vehicle Safety Standard 208: Occupant Crash Protection.

2. Special Investigation Report—Survival in Hazardous Materials Accidents.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

September 18, 1979.

[S-1833-79 Filed 9-18-79; 3:33 pm]

BILLING CODE 4910-58-M

10

TENNESSEE VALLEY AUTHORITY.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 53850; September 17, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 7 p.m., Thursday, September 20, 1979.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: Joseph B. Van Pelt Elementary School, Grandview Road, Bristol, Va.

STATUS: Open.

CHANGES IN MATTERS FOR ACTION: The following items are added to the previously announced agenda:

C—Purchase Awards

6. Award of a purchase contract to the Babcock and Wilcox Company for the atmosphere fluidized bed combustion pilot plant to be installed at the Shawnee Steam Plant. The cost of the plant including installation is $34,760,000.

7. Approval of a purchase contract covering materials, equipment, and labor to install a coal igniter and load supplement system at the Bull Run Steam Plant. Recommended award to Combustion Engineering, Inc., the original boiler manufacturer, as supplemental equipment. The contract is for $10,368,000.

CONTACT PERSON FOR MORE INFORMATION: Lee C. Sheppeard, Acting Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires the subject matter of this meeting to be changed to include the additional items shown above and that no earlier announcement of this change was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below.

Dated: September 17, 1979.

Approved:

S. David Freeman.

Richard M. Freeman.

Robert N. Clement.

[S-1835-79 Filed 9-18-79; 3:55 pm]

BILLING CODE 8120-01-M

federal register

Thursday
September 20, 1979

Part II

Department of the Interior

Fish and Wildlife Service

Reproposal of Critical Habitat for the Virginia Big-Eared Bat; Public Meeting—Date Change

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for the Virginia Big-Eared Bat; Public Meeting—Date Change

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public meeting date change.

SUMMARY: In the **Federal Register** of August 30, 1979 (44 FR 51144–5), the Service reproposed Critical Habitat for the Virginia big-eared bat. In that document there was an announcement that a public meeting, relative to the reproposal, would be held on Wednesday, September 26, 1979, starting at 7:00 p.m. The Service now has decided to hold the meeting at a later date (but at the same location) to provide the public more time to prepare for participation in this activity. In addition, a public hearing will be held on the same day. The time and place for the meeting and hearing are set forth below.

DATE: Both the public meeting and the public hearing will be held on Thursday, October 11, 1979. The meeting will be from 10:00 to 12:00 a.m., and the hearing will be from 1:00 to 3:00 p.m.

ADDRESS: Both the public meeting and the public hearing will take place at the Elkins Operations Center, West Virginia Department of Natural Resources, Ward Road, Elkins, West Virginia (located south of Elkins off Route 219).

FOR FURTHER INFORMATION CONTACT: For further information on the original proposal, as well as on this supplement, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION: The Service's reproposal of August 30, 1979 had scheduled only a public meeting and not a public hearing. The Service now has decided that a hearing also would be appropriate to allow the placing of public testimony on record. The primary author of this notice is Ronald M. Nowak, Office of Endangered Species.

Dated: September 17, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-29173 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Thursday
September 20, 1979

Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Administrator Qualifications and Procedures for HUD Building Products Certification Programs; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-79-638]

Administrator Qualifications and Procedures for HUD Building Products Certification Programs

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This Rule promulgates Administrator Qualifications and Procedures for HUD Building Products Certification Programs. Under these programs, organizations acceptable to HUD validate manufacturers' certifications that certain building materials or products meet applicable HUD standards. The rule also establishes the procedures which the program administrators must follow in validating products.

EFFECTIVE DATE: October 22, 1979.

ADDRESS: Comments should be addressed to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Copies of any comments received will be available for examination during business hours at this address.

FOR FURTHER INFORMATION CONTACT: Leslie H. Breden, Materials Engineer, Office of Architecture and Engineering Standards, Materials Acceptance Division, Department of Housing and Urban Development, Washington, D.C. 20410. Telephone: (202) 755-5929.

SUPPLEMENTARY INFORMATION: On April 3, 1979 (44 FR 19394) the Department published a Notice setting forth an interim rule for Administrator Qualifications and Procedures for HUD Building Products Certification Programs. Under these programs organizations acceptable to HUD validate manufacturers' certifications that certain building materials or products meet applicable HUD standards. These certification programs may be sponsored by associations, testing agencies societies or other organizations interested in product certification. A separate program is used to validate certifications for each particular building product or material for which HUD requires certifications.

Only one comment was received as a result of this Notice. The procedure for decertification of a product originally required a different laboratory to do the retesting. After consideration of the time delay, we have included an alternate procedure so that the original laboratory may run the retest.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Title 24 of the CFR is amended by adding a new § 200.935 as follows:

§ 200.935 Administrator qualifications and procedures for HUD building products certification programs.

(a) *General.* This section establishes administrator qualifications and procedures for the HUD Building Products Certification Programs under Section 521 of the National Housing Act and the HUD Minimum Property Standards. Under these programs organizations acceptable to HUD validate manufacturers' certifications that certain building products or materials meet applicable standards. HUD may decide to implement a certification program for a particular building product or material for a variety of reasons, such as when deemed necessary by HUD to facilitate the introduction of new and innovative products or materials; or in response to reports of fraud or misrepresentation by manufacturers in advertising that their product or materials comply with a standard.

(b) *Definitions.* (1) Certification program ("program")—The procedure under which accepted administrators validate manufacturers' certifications that particular building products or materials meet applicable HUD standards. A separate program is used to validate certifications for each particular product or material for which HUD requires certifications.

(2) Program administrator ("administrator")—An organization which conducts the program validating the manufacturer's certification that a particular building product or material meets applicable HUD standards.

(c) *Administrator Qualifications and Application Procedures*—(1) *Qualifications.* Each program administrator shall be capable of conducting a certification program with respect to organization, staff and facilities, and have a reputation for adhering to high ethical standards. To be considered acceptable for conducting a certification program, each administrator shall:

(i) Be a technically qualified organization with past experience in the administration of certification programs. The certification program(s) shall be under the supervision of a qualified professional with six years of experience in interpreting testing standards, test methods, evaluating test reports and quality control programs. Each administrator is responsible for staffing the program with qualified professional personnel with experience in interpreting testing standards, test methods, evaluating test reports and quality control programs. The staff shall be adequate to service all aspects of the program.

(ii) Have field inspectors trained to make selections of materials for testing from manufacturer's stock or from distributors' establishments and to conduct product compliance inspections. Such inspectors must be trained and experienced in evaluating manufacturer's quality control records to ascertain with a reasonable degree of assurance that continuing production remains in compliance with the applicable standard set forth in the Use of Materials (UM) Bulletin. When inspectors are used to evaluate laboratory operations, they shall be qualified and under the supervision of the administrator. They shall be knowledgeable in such areas as test methods, quality control, testing techniques, and instrument calibration.

(iii) Have facilities and capabilities for communications with manufacturers, laboratories, and HUD, including publication of a directory of certified products and a list of accredited laboratories, if required by the program.

(iv) Have adequate policies and practices for preserving information entrusted to its care. HUD reserves the right to review all technical records related to the program for the purpose of monitoring.

(v) Have a copy of all applicable standards, test methods and related information necessary to carry out the program.

(vi) Have a registered or pending certification mark at the United States Patent Office and be willing to license, on a uniform basis, the use of that mark by manufacturers as a validation of the manufacturer's certification that the product complies with the applicable standard.

(2) *Applications Procedures.* Any organization desiring HUD acceptance as a qualified administrator to conduct a certification program shall make application in writing to the Director, Office of Architecture and Engineering Standards. The application shall state the particular certification program for which acceptance is requested and include information indicating compliance with each of the qualification requirements by number and subsection. Attached to the application shall be:

(i) A list of certification programs in which the organization is participating or has participated and the types of participation (sponsor, administrator, testing laboratory, etc.).

(ii)a A procedural guide used in one of these programs.

(iii) A directory or listing used in one of these programs.

(iv) A reproduction or facsimile of the organization's registered or pending mark.

(v) A proposed procedural guide for the particular certification program. HUD certification program procedures described in Section d shall be followed.

(3) *Acceptance.* HUD shall review each submission and notify the applicant whether or not they are accepted or rejected. HUD shall be notified immediately of any change(s) in the administrator's submission regarding program procedures and/or major personnel associated with the program. HUD reserves the right to suspend or debar an administrator in accordance with Part 24 of Title 24 of the Code of Federal Regulations (CFR).

(d) *HUD Building Products Certification Procedures—(1) Certification Program Development.* Certification program development by an administrator shall be based upon the procedures and standards for the specific building product described in a Use of Materials Bulletin or a Merials Release.

(2) *License Agreement.* Each administrator shall have a written license agreement with each participating manufacturer binding each to the provisions of the specific program and authorizing the manufacturer to use the administrator's mark, seal, or label on its products. The administrator shall have the right to terminate any agreement prior to an expiration date, for example, if there has been a breach of the requirement of the certification program by the manufacturer.

(3) *Laboratory Approval.* The administrator shall review laboratories that apply for participation in this program on the basis of the procedures described in section (e). A list of approved laboratories shall be maintained by the administrator. When the certification program allows the use of the administrator's testing laboratories, the laboratories shall be reviewed by a qualified party acceptable to HUD. As accreditation procedures are made available through the National Voluntary Laboratory Accreditation Program (NVLAP) for specifc products, HUD may require such accreditation.

(4) *Initial Testing and Quality Control Review—* (i) *Initial Testing.* Each participating manufacturer shall submit to the appropriate administrator, the product(s) specification and statement(s) that the product complies with the applicable standard. The administrator shall select samples of the product(s), or when HUD specifies as acceptable, a prototype. The particular method of sample selection shall be determined by HUD for each specific product certification program. Other methods of initial sample selection may be used if deemed necessary. If a failure occurs on the initial tests, additional sampling and testing may be done at the manufacturer's request. The administrator's validation of the manufacturer's declaration of certification shall be withheld until a finding of compliance is achieved.

(ii) *Quality Control Review.* Each administrator shall examine participating manufacturer's facilities and quality control procedures to determine that they are adequate to assure continuing production of products that shall comply with the applicable standard. These quality control procedures shall be documented in the administrator's and manufacturer's files. If a manufacturer's quality control system is not satisfactory to the administrator, validation of the manufacturer's declaration of certification shall be withheld.

(5) *Notice of Validation.* When initial testing, quality control review, and evaluation of other technical data are satisfactory to the administrator, a Notice of Validation or Certification shall be issued to the manufacturer. This allows the use of the administrator's registered mark on the product label.

(6) *Labeling.* Each administrator shall issue to the manufacturer labels, tags, marks containing the administrator's validation mark, and the manufacturer's certification of compliance with the applicable standard. The registered administrator's (validator's) mark shall be on the label. A sponsor's (association, testing agencies, society or others) mark may be used in addition to the administrator's mark. The manufacturer's certification of compliance to the standard may be coded. Additional information such as type, grade, class, etc., may also be coded. When coding is used, the code shall be described in the directory or listing.

(7) *Directory or Listing.* When required by the program, the administrator shall publish a directory or listing for all certified products. The directory shall list the items described in Section (6). The directly shall also carry a complete list of approved laboratories and shall be updated to reflect additions or deletions of certified products and laboratories. Directories or listings shall be published periodically as described in the specific program. Each administrator shall make a complimentary distribution of the directory or listing to the HUD Field Offices and other government agencies designated by HUD. A subscription fee may be charged to others requesting copies.

(8) *Periodic Tests and Quality Control Inspections.* Samples of the certified product or prototype shall be selected periodically from the plant, warehouse inventory or sales points. The samples shall be sent to an administrator-approved laboratory and tested in accordance with the applicable standard. The frequency of testing shall be described in the specific building product program. The administrator shall periodically visit the manufacturer's facility to assure that the initially accepted quality control procedures are being followed.

(9) *Product Decertification.* If a failure should occur in any test, the laboratory shall notify the administrator and the manufacturer. The manufacturer shall notify the administrator if a retest if requested. If a retest is not requested, validation shall be withdrawn. If the manufacturer requests a retest, the administrator shall select new samples and submit them to the same or another laboratory at the manufacturer's expense, for retest of only the test requirement(s) in which the failure(s) occurred. If the specified number of specimens pass the retest, the product can continue to be validated and listed. If the designated number of specimens described in the UM Bulletin fail, the administrator shall decertify the product. The manufacturer may request that a new selection be made of the product after corredction or modifications and be subjected to the initial acceptance testing procedure or to a program of retesting established by the administrator. The administrator may decertify the product on the basis of inadequate quality control by the

manufacturer. The administrator shall notify the manufacturer, HUD headquarters and the HUD Field Offices of any decertification within 7 days. When the product is decertified the maqnufacturer shall remove labels, tags or marks from all production and inventory in his/her control determined to be in noncompliance.

(10) *Challenge Response.* Any person or organization may submit a sample of a manufacturer's certified product to the administrator in substantiation of a claim of noncompliance. Submission shall be made to the administrator that validated the manufacturer's product. The administrator shall notify the manufacturer that its product has been challenged and shall make arrangements to obtain test samples of the challenged product. An estimate of the cost of the special sample selection and testing shall be made to the complainant. The complainant shall pay the estimated cost of the investigation in advance of any testing of the challenged product, unless HUD believes the complaint to be in the public's interest. HUD may conduct its own investigation when deemed necessary based upon a complaint or a product failure. The administrator shall submit the sample of the challenged product to an approved laboratory of the administrator's choice with the request to test compliance of only the challenged requirement(s). If the samples tested prove that the product failed to meet the standard, the product shall be decertified immediately. The manufacturer whose product is decertified shall reimburse the administrator for all costs of the investigation and the administrator shall refund the complainant's advance payment. If the tests prove that the product does comply with the standard, the complainant shall be notified that the tests do not support the complaint and that the advance fee has been used for the cost of testing and investigating the claim.

(11) *Maintainance of the Program.* Each administrator shall maintain the program in conformance with administrative letters issued by HUD for the purpose of clarifying procedures and interpreting the applicable standard. These letters may also be used to revise and amend the procedures used in specific programs. Significant changes in any program shall be published in the **Federal Register.**

(e) *Laboratory Qualifications.* The following laboratory qualifications apply to all testing laboratories participating in the program including manufacturer's laboratories and the administrator's own laboratories when designated in the specific program.

(1) *Organization and Personnel.* Laboratories wishing to participate in a certification program shall apply to the administrator and shall furnish the following information:

(i) Name of laboratory, address, telephone number, name and title of official to be contacted for this program.

(ii) Name and qualifications of person assigned by the laboratory to supervise testing under a specific certification program.

(iii) Name and qualifications of engineers and other key personnel who shall conduct the testing.

(iv) Brief review of training program for personnel associated with program to assure the operational efficiency and uniformity of the testing and quality control procedures.

Each laboratory shall notify the administrator of any change in its submission regarding procedures and/or major personnel associated with the program.

(2) *Equipment and Facilities.* Each laboratory shall: (i) Describe the test instruments and testing facilities to be used in making the test(s) required by the applicable standard. Information shall include: Item of equipment, manufacturer, type or model, serial number, range, precision, frequency of calibration and dates of calibration.

(ii) Provide photographs of the listed equipment.

(iii) Provide a description of the applicable standards and calibration equipment being used and the calibration procedures followed, including National Bureau of Standards traceability, when applicable. List outside organizations providing calibration services, if used.

(iv) Demonstrate that measurements can be made with existing equipment and repeated precision within the limits established by the applicable standards. Administrator may periodically require laboratories to conduct collaborative testing on standard reference materials.

(v) Provide evidence, when regulated temperatures and humidity are required, that charts are maintained from a continuous recorder registering both wet and dry bulb temperature or relative humidity. The charts are to be properly dated, retained and available for inspection.

(vi) Provide a list of standards, test methods and other information necessary to carry out the program.

(3) *Testing Methodology.* (i) Describe concisely the procedures for conducting the tests required and the specific equipment to be used.

(ii) Attach a sample test report showing representative test results and accompanied by test data forms for each test required. When approved for program participation, testing laboratories may be required by administrator to report test results on standard summary report forms.

(4) *Subcontractors.* If a testing laboratory plans to subcontract any of its testing to other laboratories, only approved laboratories acceptable to the administrator shall be used.

(5) *Laboratory Quality Control.* The laboratory shall develop operating quality control procedures acceptable to the administrator. The procedures of the American Council of Independent Laboratories [1] may be used as a guideline.

(6) *Approval of Laboratories.* Administrators shall develop detailed laboratory approval requirements and conduct periodic inspections to assure each test laboratory's capability. Laboratory approval may be granted for 2 years. Reapproval of the laboratory shall be necessary every 2 years. When a program allows the use of an administrator's own laboratories, these laboratories shall be reviewed by a qualified third party acceptable to HUD. Documentation of acceptance for administrator laboratories shall be maintained by the administrator and HUD. Administrator laboratories shall be subject to reapproval every two years.

(7) *Withdrawal of Approval.* Laboratory approval shall be withdrawn or temporarily suspended if it is determined that the laboratory is not complying with the approved requirements. Causes for suspension include, but are not limited to, the following:

(i) Incompetence.

(ii) Failure to test in accordance with the test methods described in the standard.

(iii) Issuance of test reports which fail to comply with the requirements described in the specific product certification program.

(iv) Falsification of the information reported.

(v) A statement implying validation of the product using a test report which constitutes only part of the total standard.

(vi) Deceptively utilizing references in advertising or other promotional activities.

[1] Copies are available from the American Council of Independent Laboratories, Inc., 1725 "K" Street, NW., Washington, D.C. 20006.

(vii) Submission of incomplete or inadequate information and documentation called for herein.

(Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d))); (sec. 7(o), Department of Housing and Urban Development Act, (42 U.S.C. 3535(o)), sec. 324, Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., September 12, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-29136 Filed 9-19-79; 8:45 am]

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federal register

Thursday
September 20, 1979

Part IV

Department of Transportation

Urban Mass Transportation Administration

Urbanized Area Formula Apportionments

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

Urbanized Area Formula Apportionments

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice.

SUMMARY: This notice: 1. Describes the formula apportionment mechanism of Section 5 of the Urban Mass Transportation Act of 1964, as amended.

2. Presents uniform terms for the subcategories of the Section 5 program.

3. Provides the complete, final and official apportionment under Section 5 for fiscal year 1979. A partial apportionment was published in the **Federal Register** of December 18, 1978, Part III (43FR58935), along with reporting requirements for fixed guideway and commuter rail data necessary to determine the complete apportionment. Revisions to these materials were published in the **Federal Register** on January 4, 1979 (44FR1238), January 22, 1979 (44FR4493), and May 3, 1979 (44FR26050). The apportionment presented here includes these values, and includes additional apportioned amounts which could not be published in the December 18, 1978 **Federal Register** due to a lack of data. The apportionments presented here are in the format of the new uniform terms mentioned above.

FOR FURTHER INFORMATION CONTACT: John Barber, Office of Program Analysis, UMTA, 400 Seventh Street, S.W., Washington, D.C. 20590. Phone 202–472–7100.

SUPPLEMENTARY INFORMATION:

I. Background

A program of federal assistance to urban mass transportation systems through grants on a formula basis for capital and operating assistance was enacted November 26, 1974 as Section 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act). An aggregate amount of $3,975 million was authorized for this program for fiscal years 1975 through 1980. The Surface Transportation Assistance Act of 1978 (STAA) authorized $6,525 million for Section 5 for fiscal years 1979 through 1982 of which a total of $1,515 million is authorized for fiscal year 1979. The Department of Transportation and Related Agencies Appropriations Act of 1979 (Pub. L. 95–335) appropriates $1,375 million for apportionment in fiscal year 1979.

The authorization and fiscal year 1979 appropriations legislations differed with regard to funds for fixed guideway and commuter rail expenses. The STAA provided for the distribution of funds for fixed guideway and commuter rail capital and operating purposes, while the fiscal year 1979 appropriations legislation, enacted prior to the enactment of the STAA, provided funds for rail service operating payments. In order to administer the program it was necessary to determine the appropriate method of distribution of funds consonant with these legislative instructions. In considering the content and history of the authorization and appropriations legislation, the Department of Transportation decided that the intent of Congress in the appropriations legislation was to make these funds available for commuter rail operating expenses. Using the guidance available from the authorization, the Department determined that funds should be apportioned on the basis of commuter rail operating characteristics included in Section 5(a)(3) of that legislation. Due to the uncertainty surrounding the issue, the Chairman and several members of the House Committee on Public Works and Transportation requested that the Comptroller General of the United States review the situation and provide an opinion. The Comptroller General found that it could not object to the Department's proposed course of action. (See B–175155, July 25, 1979). Consequently, the Department is proceeding with the distribution of funds for commuter rail operating expenses for fiscal year 1979.

II. Previous Apportionment Mechanism

The legislation in effect from fiscal years 1975 through 1978, Section 5(b)(1) of the Urban Mass Transportation Act of 1964, as amended, directed the Secretary of Transportation to apportion authorized funds "on the basis of a population and population density formula" as follows:

A. One-half of the funds apportioned according to population. Each urbanized area's share is proportional to the ratio of that area's population to the total population of all urbanized areas.

B. The other half of the funds are apportioned according to the product of population and population density. Each urbanized area's share is proportional to the ratio of the product of population and population density for that area to the total of the products of population and population density for all the urbanized areas.

III. New Apportionment Mechanism

The Surface Transportation Assistance Act of 1978 changed the formula for the operating assistance program. Section 5(a) of the UMT Act, as amended, (the "Act") directs the Secretary to apportion the funds appropriated to the urbanized areas on the basis of several factors. These factors, and the amounts attributable to each in fiscal year 1979, are as follows:

A. Under paragraph (a)(1) of Section 5 of the UMT Act, $850 million is to be apportioned among all the urbanized areas on the basis of their populations and population densities. These funds are available for capital or operating purposes, are apportioned by population and population density as in the previous legislation, and are referred to in the new uniform terms as the "First Tier" or "Tier I." Interim apportionments of these funds were presented in the **Federal Register** of December 18, 1978 (43FR58935), with modifications presented in the **Federal Register** of January 4, 1979 (44FR1238).

B. Under paragraph (a)(2) of Section 5 of the UMT Act, $150 million is to be apportioned on the basis of population and population density. These funds are referred to in the new uniform terms as the "Second Tier" or "Tier II," and interim apportionemts were included in the **Federal Register** of December 18, 1978 (43FR58935), with modifications presented in the **Federal Register** of January 4, 1979 (44FR1238). These funds, which are available for capital or operating purposes, are apportioned as follows:

1. 85% of the funds are apportioned among urbanized areas with populations greater than 750,000. Each such urbanized area's share is determined in a manner identical to that described in III A, with the exception that the population and population density of each such urbanized area is compared to the totals for those urbanized areas over 750,000 population instead of for all urbanized areas in the country.

2. 15% of the funds are apportioned among urbanized areas with populations less than 750,000. Each such urbanized area's share is determined in a manner identical to that described in III A, with the exception that the population and population density of each such urbanized area is compared to the totals for those urbanized areas under 750,000 population instead of for all urbanized areas in the country.

C. Under paragraph (a)(3) of Section 5 of the UMT Act, $75 million is to be apportioned among all the urbanized areas on the bases of their fixed guideway and commuter rail route

mileages and commuter rail train mileages. These funds, including both fixed guideway and commuter rail amounts, are referred to in the new uniform terms as the "Third Tier" or "Tier III," and were not included in the interim apportionment presented in the December 18, 1978 Federal Register or the modifications in the January 4, 1979 Federal Register. Data used to determine these apportionments are supplied by the Metropolitan Planning Organizations of the urbanized areas, pursuant to the reporting requirements presented in the Federal Register of December 18, 1978 (43FR58935), with modifications presented in the Federal Registers of January 22, 1979 (44FR4493) and May 3, 1979 (44FR26050). In future years, full amounts apportioned to each urbanized area under Tier III are expected to be available for capital and operating expenses related to both fixed guideway and commuter rail systems.

Because of restrictions in fiscal year 1979 Appropriations Act (Pub. L. 95–335), as discussed above, in fiscal year 1979 these funds are available only for operating expenses and deferred maintenance associated with commuter rail systems and are apportioned on the bases of commuter rail train and route miles. These funds are not available in fiscal yer 1979 for operating support for other rail modes such as rapid rail or light rail, for fixed guideway systems such as busways, or for capitl expenditures for any type system. No single eligible state's portion of an urbanized area shall receive more than 30% nor less than ½ of 1% of these funds. The following apportionment mechanism applies for fiscal year 1979:

1. One half of the total appropriation is apportioned according to commuter rail route miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail route miles within or serving the area to the total of all such commuter rail route miles within or serving all the urbanized areas.

2. One half of the total approporiation is apportioned according to commuter rail train miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail train miles operated within or serving the area to the total of all such commuter rail train miles operated within or serving all the urbanized areas.

The following apportionment mechansism will be applied in fiscal years 1980, 1981, and 1982: 1. Two thirds of the appropriation is to be apportioned based upon the commuter rail service serving each urbanized area. No single eligible state's portion of an urbanized area shall receive more than 30% nor less than ½ of 1% of the amount apportioned under this subcategory. The funds are apportioned as follows:

a. One half of this amount is to be apportioned according to comuter rail route miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail route miles within or serving the area to the total of all such commuter rail route miles within or serving all the urbanized areas.

b. One half of this amount is to be approtioned according to commuter rail train miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail train miles operated within or serving the area to the total of all such commuter rail train miles operated within or serving all the urbanized areas.

2. The remainder of the amount appropriated is to be apportioned according to the number of fixed guideway route miles in each urbanized area. Each eligible urbanized area's share is proportional to the ratio of the fixed guideway route miles (excluding commuter rail) within the urbanized area to the total of all such fixed guideway route miles in all the urbanized areas. No single state's portion of an urbanized area shall receive more then 30% of the amount apportioned under this subcategory.

D. Under paragraph (a)(4) of Section 5 of the UMT Act, $300 million is to be apportioned among all the urbanized areas on the basis of their populations and population densities, in the same manner as described in III A above. These funds are available only for the purchase of buses and related equipment, or the construction of bus related facilities. These funds are referred to in the new uniform terms as the "Fourth Tier" or "Tier IV," and were included in the interim apportionment presented in the Federal Register of December 18, 1978 (43FR58935), with modifications presented in the Federal Register of January 4, 1979 (44FR1238).

IV. Apportionment For Fiscal Year 1979

This notice contains the complete, final and official apportionment for fiscal year 1979. Values are presented in the format of the new uniform terms described in III, above. An interim apportionment, containing amounts under Tiers I, II and IV, was published in the Federal Register of December 18, 1978 (43FR58935), and updated in the Federal Register of January 4, 1979 (44FR1238). This notice contains these values, which due to a refinement of calculations have in a few cases experienced minor adjustments. This notice also includes funds apportioned under Tier III, which could not be included in the Federal Register of December 18, 1978 due to the lack of data at the time necessary for their calculation, and due to a difference in interpretation of the Congressional intent of the availability of these funds for fixed guideway and commuter rail purposes. These Third Tier apportionments were determined on the basis of certified data submitted to UMTA by the urbanized areas under reporting requirements set forth in the Federal Register of December 18, 1979 (43FR58935), with modifications presented in the Federal Registers of January 22, 1979 (44FR4493) and May 3, 1979 (44FR26050). The funds shown in this notice will remain available to be granted by UMTA for three fiscal years following fiscal year 1979.

Amounts apportioned to urbanized areas greater than 200,000 in population are available directly to those urbanized areas. Amounts approtioned to urbanized areas under 200,000 in population are available to the Governors of the state(s) in which the urbanized area or a portion of an urbanized area is located. Amounts for these areas are listed under their states, and a state total is shown.

The tables in this notice contain round-off errors for some items of information. In cases of differences, the controlling apportionments will be the urbanized area aggregate for multi-state urbanized areas over 200,000 in population and the state aggregate for urbanized areas under 200,000 in population.

Lillian C. Liburdi,

Acting Deputy Administrator.

September 17, 1979.

BILLING CODE 4910-57-M

FISCAL YEAR 1979 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
Akron, Ohio	3,157,719	274,689		1,114,489
Albany—Schenectady—Troy, New York	3,070,930	272,278		1,083,858
Albuquerque, New Mexico	1,713,082	148,649		604,617
Allentown—Bethlehem—Easton, PA—NJ	2,439,889	219,191	559,765	861,137
(Part: New Jersey)	171,952	15,500	559,765	60,689
(Part: Pennsylvania)	2,267,937	203,692		800,448
Atlanta, Georgia	6,852,606	1,512,998		2,418,567
Aurora—Elgin, Illinois	1,429,488	125,942	503,332	504,525
Austin, Texas	1,634,865	144,270		577,011
Baltimore, Maryland	12,551,158	2,697,131	576,916	4,429,820
Baton Rouge, Louisiana	1,512,737	132,905		533,907
Birmingham, Alabama	3,158,174	272,834		1,114,650
Boston, Massachusetts	18,501,007	4,017,913	4,530,908	6,529,767
Bridgeport, Connecticut	2,444,918	213,539	357,120	862,912
Buffalo, New York	8,615,771	1,851,732		3,040,860
Canton, Ohio	1,527,163	135,113		538,999
Charleston, South Carolina	1,255,955	107,701		443,282
Charlotte, North Carolina	1,620,861	140,884		572,068
Chattanooga, Tennessee—Georgia	1,154,109	97,262		407,332
(Part: Georgia)	151,095	12,774		53,328
(Part: Tennessee)	1,003,014	84,489		354,005
Chicago, Illinois, Northwestern Indiana	54,249,398	11,642,898	15,606,770	19,146,846
(Part: Illinois)	51,264,445	10,981,426	14,199,338	18,093,333
(Part: Indiana)	2,984,953	661,472	1,407,431	1,053,513
Cincinnati, Ohio—Kentucky	7,088,076	1,551,621		2,501,674
(Part: Kentucky)	1,186,476	261,172		418,756
(Part: Ohio)	5,901,599	1,290,449		2,082,917
Cleveland, Ohio	12,028,422	2,642,911		4,245,325
Colorado Springs, Colorado	1,121,182	96,034		395,711
Columbia, South Carolina	1,337,774	114,903		472,161
Columbus, Georgia—Alabama	1,085,609	91,700		383,156
(Part: Alabama)	117,254,	9,563		41,384
(Part: Georgia)	968,355	82,138		341,772
Columbus, Ohio	5,080,395	1,111,353		1,793,080
Corpus Christi, Texas	1,045,974	86,883		369,167
Dallas, Texas	6,992,046	1,562,296		2,467,781
Davenport—Rock Island—Moline, IA—IL	1,450,842	124,128		512,062
(Part: Illinois)	806,527	70,011		284,656
(Part: Iowa)	644,315	54,116		227,405
Dayton, Ohio	4,226,022	372,651		1,491,537
Denver, Colorado	6,925,190	1,511,053		2,444,185
Des Moines, Iowa	1,416,384	121,674		499,900
Detroit, Michigan	29,638,846	6,400,403	552,299	10,460,769
El Paso, Texas	2,010,170	175,866		709,472
Flint, Michigan	2,139,106	190,750		754,798
Fort Lauderdale—Hollywood, Florida	3,692,036	323,758		1,303,072
Fort Wayne, Indiana	1,427,450	126,682		503,806
Fort Worth, Texas	3,371,399	281,163		1,189,906
Fresno, California	1,680,358	149,397		593,068
Grand Rapids, Michigan	1,973,395	169,987		696,492

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(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
Harrisburg, Pennsylvania	1,485,556	131,043		524,314
Hartford, Connecticut	3,069,066	274,752		1,083,200
Honolulu, Hawaii	3,029,588	273,284		1,069,266
Houston, Texas	10,417,733	2,286,455		3,676,847
Indianapolis, Indiana	4,403,173	980,874		1,554,061
Jacksonville, Florida	2,545,016	209,937		898,241
Kansas City, Missouri—Kansas	5,993,314	1,333,187		2,115,287
(Part: Kansas)	2,007,476	444,099		708,521
(Part: Missouri)	3,985,838	889,088		1,406,766
Lansing, Michigan	1,427,466	126,145		503,812
Las Vegas, Nevada	1,229,382	103,790		433,900
Lawrence—Haverhill, MA—NH	1,113,758	95,787		393,091
(Part: Massachusetts)	1,030,258	88,957		363,620
(Part: New Hampshire)	83,501	6,830		29,471
Little Rock—North Little Rock, Arkansas	1,230,777	105,690		434,392
Los Angeles—Long Beach, California	67,881,147	14,561,930	916,013	23,958,051
Louisville, Kentucky—Indiana	4,848,471	433,454		1,711,225
(Part: Indiana)	490,469	43,016		173,107
(Part: Kentucky)	4,358,003	390,438		1,538,119
Madison, Wisconsin	1,252,524	110,180		442,067
Memphis, Tennessee—Mississippi	4,285,501	381,827		1,512,530
(Part: Mississippi)	56,028	4,961		19,774
(Part: Tennessee)	4,229,473	376,866		1,492,755
Miami, Florida	9,276,823	2,000,284		3,274,173
Milwaukee, Wisconsin	7,370,670	1,626,211		2,601,413
Minneapolis—St. Paul, Minnesota	9,463,425	2,100,499		3,340,032
Mobile, Alabama	1,244,159	102,764		439,115
Nashville—Davidson, Tennessee	2,075,978	169,200		732,698
New Haven, Connecticut	2,202,671	195,373	357,120	777,413
New Orleans, Louisiana	7,744,940	1,662,610		2,733,508
Newport News—Hampton, Virginia	1,374,453	115,584		485,101
New York, N.Y., Northeastern, New Jersey	151,121,410	32,107,851	29,508,547	53,336,965
(Part: New Jersey)	30,223,057	6,629,310	9,293,093	10,666,961
(Part: New York)	120,898,348	25,478,541	20,215,454	42,670,004
Norfolk—Portsmouth, Virginia	3,635,666	310,879		1,283,176
Oklahoma City, Oklahoma	2,888,544	240,920		1,019,486
Omaha, Nebraska—Iowa	3,112,233	276,101		1,098,435
(Part: Iowa)	305,486	25,040		107,818
(Part: Nebraska)	2,806,748	251,061		990,617
Orlando, Florida	1,684,634	144,568		594,577
Oxnard—Ventura—Thousand Oaks, California	1,322,277	112,865		466,686
Peoria, Illinois	1,361,941	116,856		480,685
Philadelphia, Pennsylvania—New Jersey	32,810,617	7,036,539	11,733,133	11,580,218
(Part: New Jersey	4,657,968	1,021,515	1,012,382	1,643,989
(Part: Pennsylvania)	28,152,649	6,015,023	10,720,751	9,936,229
Phoenix, Arizona	4,691,820	1,043,784		1,655,936
Pittsburgh, Pennsylvania	11,429,704	2,509,237	768,391	4,034,013
Portland, Oregon—Washington	5,105,340	1,120,854		1,801,885
(Part: Oregon)	4,703,373	1,031,532		1,660,014
(Part: Washington)	401,967	89,321		141,871

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(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
Providence—Pawtucket—Warwick, RI—MA	5,037,340	1,103,497	750,000	1,777,885
(Part: Massachusetts)	343,822	76,842	375,000	121,349
(Part: Rhode Island)	4,693,517	1,026,655	375,000	1,656,535
Richmond, Virginia	2,501,293	219,250		882,809
Rochester, New York	4,265,224	387,414		1,505,373
Rockford, Illinois	1,326,889	118,160		468,314
Sacramento, California	3,692,514	320,458		1,303,240
Salt Lake City, Utah	2,761,058	239,593		974,491
San Antonio, Texas	5,033,251	1,099,714		1,776,442
San Bernadino—Riverside, California	2,996,191	252,111		1,057,479
San Diego, California	7,474,834	1,639,831	956,709	2,638,177
San Francisco—Oakland, California	21,870,026	4,730,315	872,920	7,718,832
San Jose, California	6,888,691	1,500,937	490,598	2,431,303
San Juan, Puerto Rico	8,568,697	1,807,703		3,024,246
Scranton, Pennsylvania	1,082,448	91,906		382,040
Seattle—Everett, Washington	7,559,746	1,661,870		2,668,146
Shreveport, Louisiana	1,327,762	114,714		468,622
South Bend, Indiana—Michigan	1,714,112	149,864		604,981
(Part: Indiana)	1,594,652	139,832		562,818
(Part: Michigan)	119,460	10,032		42,162
Spokane, Washington	1,392,811	122,377		491,580
Springfield—Chicopee—Holyoke, MA—CN	2,765,759	235,756		976,150
(Part: Connecticut)	326,912	28,192		115,381
(Part: Massachusetts)	2,438,847	207,564		860,770
St. Louis, Missouri—Illinois	13,290,875	2,883,466		4,690,897
(Part: Illinois)	1,759,873	390,296		621,132
(Part: Missouri)	11,531,002	2,493,169		4,069,765
St. Petersburg, Florida	3,061,436	270,176		1,080,507
Syracuse, New York	2,596,744	234,615		916,498
Tacoma, Washington	1,910,418	165,672		674,265
Tampa, Florida	2,196,438	192,162		775,213
Toledo, Ohio—Michigan	2,957,089	259,785		1,043,678
(Part: Michigan)	54,635	4,446		19,283
(Part: Ohio)	2,902,453	255,339		1,024,395
Trenton, New Jersey—Pennsylvania	1,959,987	178,300	985,376	691,760
(Part: New Jersey)	1,769,055	161,524	985,376	624,372
(Part: Pennsylvania)	190,932	16,776		67,388
Tucson, Arizona	1,748,218	152,862		617,018
Tulsa, Oklahoma	1,965,345	166,778		693,651
Washington, D.C.—Maryland—Virginia	19,530,925	4,200,043	1,699,212	6,893,268
(Part: Maryland)	6,267,363	1,375,508	1,699,212	2,212,010
(Part: District of Columbia)	8,877,159	1,860,597		3,133,115
(Part: Virginia)	4,386,403	963,937		1,548,142
West Palm Beach, Florida	1,532,587	130,320		540,913
Wichita, Kansas	1,814,338	159,014		640,354
Wilkes—Barre, Pennsylvania	1,302,980	113,487		459,875
Wilmington, Delaware—New Jersey	2,391,406	212,974		844,026
(Part: Delaware)	2,286,067	204,244		806,847
(Part: New Jersey)	105,339	8,730		37,178
Worcester, Massachusetts	1,496,436	131,393		528,154
Youngstown—Warren, Ohio	2,442,410	215,483		862,027

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
ALABAMA				
Governors Apportionment for Alabama	2,822,553	236,117		996,195
Huntsville, Alabama	663,774	53,705		234,273
Montgomery, Alabama	814,998	71,034		287,646
Tuscaloosa, Alabama	446,957	37,756		157,750
Gadsden, Alabama	308,760	25,040		108,974
Florence, Alabama	301,853	24,885		106,536
Anniston, Alabama	286,211	23,697		101,016
ALASKA				
Governors Apportionment for Alaska	583,169	49,419		205,824
Anchorage, Alaska	583,169	49,419		205,824
ARIZONA				
Governors Apportionment for Arizona				
ARKANSAS				
Governors Apportionment for Alkansas	823,371	69,824		290,602
Fort Smith, Arkansas—Oklahoma	337,412	27,434		119,086
Pine Buff, Arkansas	368,222	32,328		129,961
Texarkana, Texas—Arkansas	117,738	10,062		41,554
CALIFORNIA				
Govenors Apportionment for California	6,165,463	544,570		2,176,046
Bakersfield, California	1,088,350	96,033		384,124
Stockton, California	1,039,437	92,695		366,860
Santa Barbara, California	849,159	75,881		299,703
Modesto, California	656,772	57,976		231,802
Seaside—Monterey, California	640,775	57,837		226,156
Santa Rosa, California	390,853	33,018		137,948
Santa Cruz, California	395,420	33,678		139,560
Salinas, California	444,995	40,455		157,057
Antioch-Pittsburg, California	346,910	30,183		122,439
Simi Valley, California	312,793	26,816		110,398
COLORADO				
Governors Apportionment for Colorado	1,187,380	107,288		419,075
Pueblo, Colorado	656,175	58,260		231,591
Boulder, Colorado	531,204	49,028		187,484
CONNECTICUT				
Governors Apportionment for Connecticut	5,283,109	453,635	1,428,480	1,864,627
Stamford, Connecticut	1,074,072	93,399	357,120	379,084

FISCAL YEAR 1979 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
CONNECTICUT—*(Continued)*				
Waterbury, Connecticut	906,997	78,765	357,120	320,116
New London—Norwich, Connecticut	709,510	59,586		250,415
New Britain, Connecticut	843,522	75,074		297,714
Norwalk, Connecticut	611,848	53,033	357,120	215,946
Meriden, Connecticut	463,252	37,958		163,501
Bristol, Connecticut	370,716	31,253		130,841
Danbury, Connecticut	303,192	24,568	357,120	107,009
DELAWARE				
Governors Apportionment for Delaware				
DISTRICT OF COLUMBIA				
Governors Apportionment for Dist. of Columbia				
FLORIDA				
Governors Apportionment for Florida	4,769,603	403,562		1,683,389
Melbourne—Cocoa, Florida	886,218	73,783		312,783
Sarasota—Bradenton, Florida	850,436	71,354		300,154
Pensacola, Florida	946,357	81,832		334,008
Daytona Beach, Florida	538,111	43,990		189,922
Tallahassee, Florida	449,177	38,994		158,533
Gainesville, Florida	386,628	33,276		136,457
Fort Myers, Florida	337,343	27,960		119,062
Lakeland, Florida	375,332	32,374		132,470
GEORGIA				
Governors Apportionment for Georgia	2,833,584	245,493		1,000,088
Savannah, Georgia	936,656	81,137		330,584
Augusta, Georgia—South Carolina	748,659	65,364		264,232
Macon, Georgia	725,926	62,739		256,209
Albany, Georgia	422,344	36,253		149,062
HAWAII				
Governors Apportionment for Hawaii				
IDAHO				
Governors Apportionment for Idaho	512,779	44,974		180,981
Boise, Idaho	512,779	44,974		180,981
ILLINOIS				
Governors Apportionment for Illinois	4,135,207	368,000	413,954	1,459,485
Joliet, Illinois	926,383	81,050	413,954	326,959

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(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
ILLINOIS—*(Continued)*				
Springfield, Illinois	801,791	71,864		282,985
Champaign—Urbana, Illinois	831,471	77,614		293,460
Decatur, Illinois	581,119	50,576		205,101
Alton, Illinois	528,816	45,367		186,641
Bloomington—Normal, Illinois	453,391	40,502		160,020
Dubuque, Iowa—Illinois	12,237	1,027		4,319
INDIANA				
Governors Apportionment for Indiana	2,987,403	264,830		1,054,378
Evansville, Indiana	934,761	83,577		329,916
Muncie, Indiana	606,937	54,525		214,213
Terre Haute, Indiana	463,141	40,127		163,462
Anderson, Indiana	412,644	34,680		145,639
Lafayette—West Lafayette, Indiana	569,921	51,920		201,148
IOWA				
Governors Apportionment for Iowa	2,096,934	178,092		740,094
Cedar Rapids, Iowa	705,971	60,087		249,166
Waterloo, Iowa	554,200	46,019		195,600
Sioux City, Iowa—Nebraska—South Dakota	423,859	35,094		149,597
Dubuque, Iowa—Illinois	412,904	36,892		145,731
KANSAS				
Governors Apportionment for Kansas	754,950	65,222		266,453
Topeka, Kansas	749,535	64,795		264,542
St. Joseph, Missouri—Kansas	5,415	427		1,911
KENTUCKY				
Governors Apportionment for Kentucky	1,860,659	166,859		656,704
Huntington—Ashland, WV—KY—OH	282,097	23,940		99,564
Lexington, Kentucky	1,113,571	100,832		393,025
Clarksville, Kentucky—Tennessee	72,457	6,159		25,573
Owensboro, Kentucky	392,534	35,929		138,541
LOUISIANA				
Governors Apportionment for Louisiana	1,908,525	165,161		673,597
Monroe, Louisiana	494,628	42,338		174,574
Lake Charles, Louisiana	511,006	44,400		180,355
Lafayette, Louisiana	490,349	43,369		173,064
Alexandria, Louisiana	412,541	35,054		145,603
MAINE				
Governors Apportionment for Maine	832,255	68,823		293,737
Portland, Maine	550,072	46,353		194,143
Lewiston—Auburn, Maine	282,183	22,470		99,594

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5(a)(1)	Sect. 5(a)(2)	Sect. 5(a)(3)	Sect. 5(a)(4)
MARYLAND				
Governors Apportionment for Maryland				
MASSACHUSETTS				
Governors Apportionment for Massachusetts	4,395,030	385,530	750,000	1,551,187
Lowell, Massachusetts	1,107,119	97,249	375,000	390,748
Brockton, Massachusetts	887,770	77,693	375,000	313,330
Fall River, Massachusetts—Rhode Island	812,670	72,708		286,825
New Bedford, Massachusetts	929,257	84,076		327,973
Fitchburg—Leominister, Massachusetts	359,695	29,273		126,951
Pittsfield, Massachusetts	298,519	24,531		105,360
MICHIGAN				
Governors Apportionment for Michigan	4,897,146	428,888		1,728,404
Ann Arbor, Michigan	1,242,136	112,392		438,401
Kalamazoo, Michigan	806,160	68,448		284,527
Saginaw, Michigan	951,830	84,796		335,940
Muskegon—Muskegon Hgts., Michigan	555,393	47,039		196,021
Jackson, Michigan	423,492	36,121		149,468
Bay City, Michigan	475,760	41,844		167,915
Battle Creek, Michigan	442,374	38,248		156,132
MINNESOTA				
Governors Apportionment for Minnesota	1,406,298	121,371		496,340
Duluth—Superior, MN—WI	496,770	40,696		175,330
Fargo—Moorhead, ND—MN	205,681	18,306		72,593
La Crosse, Wisconsin—Minnesota	14,793	1,212		5,221
Rochester, Minnesota	381,551	34,308		134,665
St. Cloud, Minnesota	307,502	26,849		108,530
MISSISSIPPI				
Governors Apportionment for Mississippi	1,726,864	148,375		609,481
Jackson, Mississippi	1,099,909	95,557		388,203
Biloxi—Gulfport, Mississippi	626,955	52,819		221,278
MISSOURI				
Governors Apportionment for Missouri	1,333,929	112,654		470,798
Springfield, Missouri	627,093	52,866		221,327
St. Joseph, Missouri	427,259	36,857		150,797
Columbia, Missouri	279,577	22,931		98,674
MONTANA				
Governors Apportionment for Montana	861,750	75,712		304,147
Billings, Montana	412,961	35,897		145,751
Great Falls, Montana	448,788	39,815		158,396

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(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
NEBRASKA				
Governors Apportionment for Nebraska	970,269	85,077		342,448
Lincoln, Nebraska	929,939	81,691		328,214
Sioux City, Iowa—Nebraska—South Dakota	40,331	3,386		14,234
NEVADA				
Governors Apportionment for Nevada	579,169	50,365		204,412
Reno, Nevada	579,169	50,365		204,412
NEW HAMPSHIRE				
Governors Apportionment for New Hampshire	843,626	72,008		297,750
Manchester, New Hampshire	534,058	46,042		188,491
Nashua, New Hampshire	309,567	25,966		109,259
NEW JERSEY				
Governors Apportionment for New Jersey	1,013,418	84,005	633,469	357,677
Atlantic City, New Jersey	701,263	59,327	633,469	247,504
Vineland—Millville, New Jersey	312,156	24,678		110,173
NEW MEXICO				
Governors Appportionment for New Mexico				
NEW YORK				
Governors Apportionment for New York	3,046,115	264,897	48,968	1,075,100
Utica—Rome, New York	1,010,042	87,025		356,485
Binghamton, New York	1,050,256	93,015		370,678
Poughkeepsie, New York	526,374	44,276	48,968	185,779
Elmira, New York	459,445	40,580		162,157
NORTH CAROLINA				
Governors Apportionment for North Carolina	5,799,284	493,204		2,046,806
Fayetteville, North Carolina	873,284	74,567		308,218
Raleigh, North Carolina	818,555	69,765		288,902
Greensboro, North Carolina	861,964	74,473		304,222
Winston—Salem, North Carolina	766,391	65,319		270,491
Durham, North Carolina	557,710	47,906		196,839
Gastonia, North Carolina	464,399	38,546		163,906
High Point, North Carolina	473,083	39,633		166,970
Asheville, North Carolina	372,786	31,388		131,572
Burlington, North Carolina	310,984	26,252		109,759
Wilmington, North Carolina	300,127	25,355		105,927

FISCAL YEAR 1979 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
NORTH DAKOTA				
Governors Apportionment for				
North Dakota	363,720	32,771		128,372
Fargo—Moorhead, ND—MN	363,720	32,771		128,372
OHIO				
Governors Apportionment for				
Ohio	3,623,529	312,870		1,278,893
Lorain—Elyria, Ohio	974,163	81,657		343,822
Huntington—Ashland, WV—KY—OH	156,198	13,289		55,129
Springfield, Ohio	629,489	56,568		222,172
Wheeling, WV—OH	242,783	22,300		85,688
Hamilton, Ohio	506,118	43,540		178,630
Steubenville—Weirton, Ohio—West Virginia	273,797	23,668		96,634
Mansfield, Ohio	399,275	33,618		140,920
Lima, Ohio	402,758	34,903		142,150
Parkersburg, West Virginia—Ohio	38,950	3,327		13,747
OKLAHOMA				
Governors Apportionment for				
Oklahoma	524,190	44,644		185,008
Lawton, Oklahoma	515,573	43,971		181,967
Fort Smith, Arkansas—Oklahoma	8,618	673		3,042
OREGON				
Governors Apportionment for				
Oregon	1,322,025	114,374		466,597
Eugene, Oregon	792,030	68,511		279,540
Salem, Oregon	529,995	45,863		187,057
PENNSYLVANIA				
Governors Apportionment for				
Pennsylvania	5,505,306	493,958		1,943,049
Erie, Pennsylvania	1,223,790	110,820		431,926
Reading, Pennsylvania	1,185,065	107,535		418,258
York, Pennsylvania	784,243	69,675		276,792
Lancaster, Pennsylvania	717,947	63,238		253,393
Johnstown, Pennsylvania	623,745	55,636		220,145
Altoona, Pennsylvania	583,426	53,051		205,915
Williamsport, Pennsylvania	387,088	34,003		136,619
PUERTO RICO				
Governors Apportionment for				
Puerto Rico	2,505,208	238,687		884,191
Ponce, Puerto Rico	1,292,012	124,059		456,004
Mayaguez, Pueto Rico	538,113	49,662		189,922
Chauas, Puerto Rico	675,083	64,966		238,264

FISCAL YEAR 1979 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
RHODE ISLAND				
Governors Apportionment for Rhode Island	69,115	5,512		24,394
Fall River, Massachusetts—Rhode Island	69,115	5,512		24,394
SOUTH CAROLINA				
Governors Apportionment for South Carolina	1,344,935	114,296		474,683
Greenville, South Carolina	851,813	72,774		300,640
Augusta, Georiga—South Carolina	105,033	8,623		37,070
Spartanburg, South Carolina	388,089	32,898		136,972
SOUTH DAKOTA				
Governors Apportionment for South Dakota	449,319	39,239		158,583
Sioux City, Iowa—Nebraska—South Dakota	3,805	305		1,343
Sioux Falls, South Dakota	445,513	38,933		157,240
TENNESSEE				
Governors Apportionment for Tennessee	1,551,678	130,656		547,651
Knoxville, Tennessee	1,032,767	88,226		364,506
Kingsport, Tennessee—Virginia	313,324	25,713		110,585
Clarksville, Kentucky—Tennessee	205,587	16,716		72,560
TEXAS				
Governors Apportionment for Texas	8,947,224	756,907		3,157,844
Lubbock, Texas	779,709	65,824		275,191
Amarillo, Texas	675,139	57,367		238,284
Waco, Texas	551,819	45,020		194,760
Port Arthur, Texas	568,687	47,142		200,713
Beaumont, Texas	564,627	46,718		199,280
Wichita Falls, Texas	537,357	46,098		189,655
McAllen—Pharr—Edinburg, Texas	539,784	47,160		190,512
Abilene, Texas	407,337	32,879		143,766
Texas City—La Marque, Texas	367,826	29,408		129,821
Odessa, Texas	516,767	45,846		182,388
Killeen, Texas	374,060	31,385		132,021
Laredo, Texas	439,588	38,906		155,149
San Angelo, Texas	328,650	27,670		115,994
Galveston, Texas	363,906	31,748		128,437
Midland, Texas	310,103	26,097		109,448
Tyler, Texas	334,427	28,806		118,033
Texarkana, Texas—Arkansas	183,881	15,339		64,899
Sherman—Denison, Texas	270,600	22,442		95,506
Brownsville, Texas	342,704	30,592		120,954
Bryan—College Station, Texas	248,379	20,525		87,663
Harlingen—San Benito, Texas	241,877	19,935		85,368

FISCAL YEAR 1979 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Commuter Rail Operating Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
UTAH				
Governors Apportionment for Utah	1,352,218	114,968		477,254
Ogden, Utah	843,354	72,771		297,654
Provo—Orem, Utah	508,865	42,197		179,599
VIRGINIA				
Governors Apportionment for Virginia	1,814,314	155,304		640,346
Roanoke, Virginia	869,056	74,699		306,726
Petersburg—Colonial Heights, Virginia	559,532	48,122		197,482
Lynchburg, Virginia	364,941	30,737		128,803
Kingport, Tennessee—Virginia	20,786	1,746		7,336
WASHINGTON				
Governors Apportionment for Washington	720,096	61,124		254,152
Richmond—Kennewick, Washington	329,440	26,841		116,273
Yakima, Washington	390,656	34,284		137,878
WEST VIRGINIA				
Governors Apportionment for West Virginia	2,400,576	210,590		847,262
Huntington—Ashland, WV—KY—OH	588,314	53,180		207,640
Charleston, West Virginia	901,265	78,060		318,094
Wheeling, West Virginia—Ohio	352,804	30,683		124,519
Steubenville—Weirton, OH—WV	188,561	15,804		66,551
Parkersburg, West Virginia—Ohio	369,632	32,865		130,458
WISCONSIN				
Governors Apportionment for Wisconsin	3,870,144	343,687		1,365,934
Duluth—Superior, MN—WI	136,695	10,745		48,245
Appleton, Wisconsin	846,784	75,653		298,865
Green Bay, Wisconsin	638,024	53,085		225,185
Racine, Wisconsin	837,959	76,204		295,750
Kenosha, Wisconsin	648,260	59,769		228,798
LaCrosse, Wisconsin—Minnesota	355,553	31,039		125,489
Oshkosh, Wisconsin	406,870	37,191		143,601

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September 20, 1979

Part V

Environmental Protection Agency

Asbestos-Containing Materials in School Buildings; Advance Notice of Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Ch. 1]

[FRL 1298-3; OTS 61004]

Asbestos-Containing Materials in School Buildings; Advance Notice of Proposed Rulemaking

AGENCY: EPA, Office of Toxic Substances.

ACTION: Advance Notice of Proposed Rulemaking (ANPRM).

SUMMARY: EPA has initiated a rulemaking proceeding under the Toxic Substances Control Act (TSCA) regarding friable asbestos-containing materials in schools. this action is a continuation of EPA's school asbestos program announced March 23, 1979 (44 FR 17790).

This ANPRM discusses EPA's plan for a rulemaking to require 1) a survey of elementary and secondary schools to determine whether they contain friable asbestos-containing materials; 2) corrective action in situations which present an unreasonable risk to the health of students, teachers, or others who use or work in the school buildings; and 3) periodic reevaluation of friable asbestos remaining in schools to determine whether subsequent corrective action is necessary. EPA hopes to propose this rule in January, 1980 and promulgate it in June, 1980.

DATE: All comments should be received by the TSCA Document Control Officer by November 5, 1979.

ADDRESS: EPA has established a public docket for this rulemaking. All comments and other materials concerning this notice should bear the document control number (61004) and should be sent to: document Control Officer, ATTN: Joni T. Repasch, Office of Toxic Substances, TS-793, EPA, 401 M Street, S.W., Washington, D.C. 20460.

Comments received on this Notice and other materials relating to EPA's investigation of asbestos in schools will be available for viewing and copying from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Room E447, EPA Headquarters, 401 M Street, S.W., Washington, D.C. 20460. Copies of a guidance manual prepared as part of the school asbestos program can be obtained by calling, toll-free, 800-424-9065. In Washington, D.C., call 554-1404.

FOR FURTHER INFORMATION CONTACT: John Ritch, Industry Assistance Office (TS-799), Office of Toxic Substances, EPA, 401 M Street, S.W., Washington, D.C. 20460. Phone: (202) 755-8274.

SUPPLEMENTARY INFORMATION: EPA has initiated a rulemaking proceeding to regulate asbestos-containing material in schools under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.* The Agency has determined that the proper way to formally commence the proceeding is by publication of this advance notice of proposed rulemaking. This rulemaking will raise many complex issues which have not yet been decided under TSCA and the Agency will benefit from public comment before issuing a proposed rule itself. Moreover, since a rule may involve regulation of the State governments and in particular the school districts, the Agency believes that there is a particular need for consultation and coordination before formal proposal of a regulatory scheme. Publication of this advance notice and early public participation will assist the Agency in more timely promulgation of its regulatory approach.

I. Background

Asbestos is a general term for a number of naturally occurring fibrous mineral silicates. Exposure to asbestos has been related to a number of diseases including several types of cancer and asbestosis. Inhaled asbestos fibers can be trapped indefinitely within the lungs. As is the case with all known or suspected carcinogens, no threshold level (exposure level below which the risk of cancer incidence would not be increased) can be established for asbestos. Although the evidence is not conclusive, children may be more susceptible to the effects of asbestos than are adults. Certainly their long life expectancy increases the chance that cancer, which may occur 15 to 40 years after first exposure, will develop within their lifetimes.

In many buildings across the nation, asbestos has been sprayed or applied onto structural surfaces for fire-proofing, sound deadening, thermal insulation, and in some cases for decoration. Several hundred thousand tons of asbestos were used for these purposes between 1940 and 1973.

Asbestos-containing materials have been identified in numerous school buildings. Surveys undertaken prior to or as part of EPA's school asbestos program indicate that between five and fifteen percent of the nation's schools contain asbestos which was sprayed or troweled on ceilings or other building structural parts.

Some of this asbestos-containing material is now known to be damaged or deteriorating, releasing fibers into the building air. Fibers released into air can remain suspended for many hours. Fibers which have settled to the floor can be reentrained by activity in the area. Thus, even though the release of fibers may be intermittent, there is a potential for nearly continuous exposure to asbestos.

Friable material, i.e., material which crumbles under hand pressure, is particularly likely to release fibers with minimum disturbance of the surface. This rulemaking is intended to regulate only friable materials. Asbestos-containing materials such as ceiling tiles, floor tiles, laboratory counter tops, asbestos-cement pipes or other nonfriable materials, all of which may be found in schools, will be addressed as part of a separate rulemaking. For a full discussion of the health risks posed by asbestos and the details of assessing the potential for fiber release from friable asbestos-containing materials, consult the EPA guidance documents "Asbestos Containing Materials in School Buildings" Part I and Part II, numbered C00090, March 1979. They are available by calling EPA's toll-free number 800-424-9065 (in Washington, D.C., call 554-1404).

EPA's Current Technical Assistance Program

Concern over asbestos exposure from damaged or deteriorating asbestos-containing materials prompted EPA to initiate a program to provide guidance and technical assistance to state and local governments for identifying and correcting asbestos hazards in schools.

EPA undertook this program in conjunction with the Department of Health, Education and Welfare and the Occupational Safety and Health Administration (OSHA). For the program, EPA prepared guidance documents explaining how to identify and correct deteriorating friable asbestos-containing materials. EPA has distributed these documents and has held training sessions in EPA's Regional Offices for interested state and local officials. In addition, EPA established a toll-free telephone number to assist people in analyzing asbestos in bulk samples. Finally, EPA established a reporting system to collect information on the results of the inspections of school buildings and on any corrective actions taken (44 FR 17791).

On September 18, 1978, the Honorable Brendan T. Byrne, Governor of New Jersey, filed a citizen's petition with EPA requesting the Agency to develop a regulation to control asbestos contamination in buildings. On December 21, 1978, the Environmental Defense Fund (EDF) filed a citizens'

petition with EPA under section 21 of the TSCA, 15 U.S.C. § 2620, requesting EPA to control sprayed asbestos-containing materials in public schools under section 6 of TSCA. The Administrator denied the petitions largely because at that time EPA was preparing its technical assistance program and because it regarded the technical assistance program as the fastest way to solve the asbestos problem in schools. EPA stated, however, that it would continue to study the problem and gather information toward a possible rulemaking. EPA also stated it would, at a later date, reevaluate the need to initiate rulemaking (44 FR 20291; 44 FR 25257; 44 FR 40900).

EDF filed suit in the District Court for the District of Columbia to compel the Agency to initiate rulemaking. *Environmental defense Fund vs. Douglas M. Costle, et al* C.A. No. 79–1360. EPA proceeded with its efforts to put the technical assistance program into operation. When that effort was completed, it turned its attention once again to EDF's request that EPA initiate rulemaking action. It now had resources available to initiate rulemaking. The Agency also had developed, through its work with contractors on the technical assistance program, additional technical information to support a rulemaking proceeding. In particular, advances have been made in the technology of encapsulation, exposure assessment, and training in control techniques.

Further, EPA reasoned that if it began promptly to work on the rule, it could have a regulation in place if the technical assistance program failed to adequately reduce the risk from asbestos in schools. EPA therefore decided to grant EDF's petition to begin rulemaking (44 FR 40900/July 13, 1979).

II. EPA's Approach to the Rulemaking

EPA intends to propose a rule by early 1980 which would have the effect of: 1) requiring surveys of schools to determine whether they contain friable asbestos-containing materials, requiring that an exposure assessment be performed for all such materials identified, and requiring that friable asbestos-containing materials be marked; 2) requiring corrective actions with respect to friable asbestos-containing materials for which the exposure assessment exceeds a level determined by EPA as presenting an unreasonable risk; and 3) requiring periodic reevaluation of the friable asbestos-containing materials to determine whether the exposure assessment is still valid or whether additional corrective action is required under the regulation. With respect to the first requirement (i.e., surveys, exposure assessments and marking) EPA is considering making this requirement immediately effective upon proposal in order that the public be notified of risks as expeditiously as possible. Before proposing any rule, however, EPA is inviting comment on the issues discussed below.

Any rule implemented by EPA will adhere closely to the guidance published as part of the technical assistance program. States and school districts which have participated in the program would not be subject to new requirements under the rule, with the exception of marking and reevaluation provisions. Inspections, exposure assessments, and corrective actions carried out according to EPA's guidance materials would not have to be repeated.

The first aspect of the rule would require a survey of schools to identify potential hazards and to mark asbestos-containing materials which may pose such a hazard. EPA anticipates that the survey rule would be drawn without major changes from the inspection and analysis procedure included in the guidance manual. An inspector would be required to locate friable materials which may contain asbestos, take bulk samples of suspect materials and analyze the samples to determine whether they contain asbestos.

Upon confirmation that the friable material contains asbestos (in excess of 1%), the inspector would be required to perform an exposure assessment. Under the regulations the exposure assessment could take one of several forms, as discussed in more detail under Issue 1. Currently EPA believes the most workable form of exposure assessment generally applicable to many buildings would be to require the inspector to evaluate the following:

1. Does the material contain more than 1% asbestos?
2. Is it friable?
3. Is it damaged or deteriorating?
4. Is it accessible to children, maintenance workers, or others?

Based on this evaluation, under section 6(a)(3) of TSCA, EPA may require that friable asbestos-containing materials be marked in a manner to provide adequate warning to occupants of the building that there is a potential for exposure to asbestos. The inspection and sampling provisions of the survey rule would be promulgated ancillary to this marking requirement.

EPA believes that a school official, such as a superintendent, is capable of performing the inspection. EPA recognizes, however, that technical assistance may be necessary for performing an exposure assessment. Currently EPA Regional Offices provide such assistance under the technical assistance program. It may be necessary to require in the regulation that states provide inspectors to perform exposure assessments once a school has been identified as containing friable asbestos, especially if the criteria for this assessment are particularly complex.

The second step of the rule could require corrective actions as needed. As stated above, an exposure assessment would be completed in the first step for all friable asbestos-containing materials. EPA will establish criteria which will require removal of the asbestos-containing material. An alternative to removal may be to close or isolate all or parts of a building to school use if EPA's criteria are exceeded. Under section 6(a)(5) of TSCA, no school would be permitted to continue to use friable asbestos-containing materials unless an exposure assessment has shown that the condition of the materials and other factors do not exceed EPA's criteria for removal. Materials which do not exceed the criteria for removal would be treated by following the recommended action in the guidance package for encapsulation, enclosure, or deferred action, but these actions might not be required by rule. These materials, however, would have to be marked and periodically re-evaluated.

The final aspect of the regulatory program would require periodic reevaluation of friable asbestos-containing materials remaining in schools, whether that material is encapsulated, enclosed, or left untreated. The condition of friable asbestos-containing materials can change over time due to factors such as deterioration of the binder used in the original formulation, water damage or activity. Also, the sealants used to encapsulate asbestos may deteriorate. The purpose of reevaluation is thus to ensure that if changing conditions have increased the likelihood of asbestos release, corrective actions are implemented. The rule would require (under the authority of section 6(a)(5) and 6(a)(3) of TSCA) that the exposure assessment be periodically applied to all friable asbestos-containing materials left in the school and that appropriate action be taken to either mark or remove the material.

Before imposing a requirement under section 6 of TSCA, the Administrator must determine that the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance presents an unreasonable risk

of injury to health or the environment. A determination of unreasonable risk regarding asbestos in schools requires consideration of the health effects of asbestos, the magnitude of exposure to asbestos in the schools, the effects on the environment, the benefits of the asbestos-containing material, and the reasonably ascertainable economic consequences of a rule. EPA will evaluate these factors in depth before taking regulatory action.

EPA is continuing a health effects review of asbestos. The extent of exposure to asbestos in schools will be estimated using results of the reports now being submitted to EPA. The Agency will combine this exposure and health information to estimate the human health risk due to exposure to asbestos in schools.

The economic consequences of the rule will largely be determined by the specific criteria chosen to trigger removal. EPA will estimate the number of square feet of friable asbestos-containing materials in schools from the results of school reports now being received. Using data on several hundred buildings (many of which are schools) with friable asbestos-containing material, EPA will estimate the amount of material which is in such a condition that removal is needed (i.e., the amount for which the exposure assessment exceeds a particular level). Costs will be estimated by applying an average cost per square foot for removal. Also, information on corrective actions which have already occurred will be analyzed to refine these cost estimates. Other costs, such as the cost of implementing an inspection program, will be estimated based on data from programs already in operation.

An important factor in the unreasonable risk determination will be the ability of school districts to pay for corrective actions. If large amounts of asbestos-containing material must be removed, it can be very expensive. In several schools asbestos has been removed at a cost exceeding one hundred thousand dollars.

EPA is considering covering private as well as public elementary and secondary schools in this rulemaking. The specific mechanism (e.g., state involvement) by which a rule is implemented may differ for the two types of institutions. However, EPA believes that the potential for exposure in private schools is similar to that in public schools and that both can be addressed in one rulemaking.

EPA may require phased compliance to the several aspects of a rule. It would appear that the survey and marking portions of the rule could be satisfied within a short period because EPA's program will have been in effect for more than a year and in many schools the identification of friable asbestos-containing materials will already have been accomplished. EPA is considering making this provision of the regulation immediately effective upon proposal. An alternate approach to an immediately effective rule would be a requirement for school officials to search school construction and other administrative records (contracts, bids, etc.) that would provide an indication or verification of the presence of asbestos. Upon a positive finding, marking of the asbestos-containing materials would be required. EPA intends to require expeditious removal of asbestos in the worst cases.

EPA is currently focusing its effort on the problem of friable asbestos-containing materials in the schools. After the school program is in place, EPA will examine the need for and viability of regulation of friable asbestos-containing materials in other public and commercial buildings.

III. Issues

There are a number of important issues which will have to be resolved as part of this rulemaking. EPA invites comment on the specific issues discussed here and any others identified by the public.

1. *What Form Should the Exposure Assessment Take*

As mentioned above, EPA is developing criteria for determining the degree of potential exposure to asbestos associated with various conditions. These criterial will determine what kind of marking or corrective action is necessary. The criteria selected as part of this rulemaking must be uncomplicated enough to be used in thousands of schools, yield reproducible results, be enforceable, and prompt appropriate measures to adequately protect the health of the school population without unnecessary cost.

EPA believes that the best approach may be an exposure ranking system, or algorithm, which places a numerical value on conditions found in a building or an area of a building. Comparison of this numerical value to a pre-established scale would then indicate what control, if any, is appropriate.

EPA has prepared such an algorithm and has distributed it in draft form for use by EPA's Regional Asbestos Coordinators. Copies are available for interested persons upon request. The algorithm includes the following eight factors: material condition, water damage, exposed surface area, accessibility, activity, presence of an air plenum, percent asbestos content, and friability. For each area to be assessed the inspector assigns a score to each factor from a stipulated range. The stipulated ranges reflect the importance of each factor according to its contribution to exposure, that is, one factor may be weighted more heavily than another. The scores are then combined by a simple mathematical formula to derive an "exposure number". The exposure number is then compared to a "corrective action scale". Depending on where along the scale the exposure number falls, the inspector can determine EPA's recommended corrective action.

For rulemaking purposes it may be useful to simplify the algorithm. EPA is considering developing an algorithm using only the four most important factors: asbestos content, friability, material condition and accessibility. If each of these factors is given a high score or, in simplest form, if each evokes a yes response (to a yes/no question), the asbestos-containing material would have to be removed.

EPA is testing its algorithm now. There may be refinements in the algorithm as the Agency evaluates: (1) the correlation of an "exposure number" with either air sampling results or "expert" opinion; and (2) the ease with which untrained persons may apply the algorithm.

EPA does not now consider an air standard as a feasible criterion for corrective action. difficulties in taking, analyzing and interpreting air samples may prevent their use as a decision mechanism. In particular, the Agency is concerned that air samples do not reflect the range of conditions which may be encountered in schools, especially the potential for changing conditions due to student activity or long-term deterioration of a friable asbestos-containing surface.

Also, the air sampling and analysis method currently in use (OSHA method) does not specifically identify asbestos fibers; other fibers which may be in the air are counted. Many sprayed ceilings contain cellulose or fiberglass, with or without asbestos. In such a nonindustrial setting where both the origin and identity of fibers in the air may be questioned, bulk sampling of the ceiling and other materials is necessary. This is not to say that under very specific, reproducible conditions air sampling could not be useful. EPA invites comment on the possibility of developing standard test criteria (e.g., a measured energy input to a ceiling to determine how many fibers are

released) which might be used in setting criteria.

2. *To Whom Should the Rule Apply*

A major issue is to whom the requirements of a rule should apply. The alternatives appear to be to require states, school districts, or asbestos manufacturers and processors to inspect schools, to mark asbestos, and to take any control actions which may be necessary. Any or all of these organizations could be involved in the several phases of the program.

The states and school districts, as operators of the facilities in which asbestos may be found, would appear to be in the best position to carry out the necessary actions. State and school district officials have been the major participants in EPA's technical assistance program. Participation of the state officials would assist the administration of the program and may decrease variability in taking action.

EDF has suggested that the school districts should be required to perform the necessary sampling and analyses to determine whether friable asbestos materials are contained in the schools and to mark the asbestos and that the manufacturers and processors of the asbestos fiber which went into the friable materials should be required to take the necessary corrective action (under the authority of section 6(a)(7)). This scheme would require the manufacturers and processors to assemble a number of teams of experts to be available (at the school's request) to take necessary corrective actions. EPA solicits comment on the alternative approaches.

3. *Schedule for Promulgation and Compliance*

Other issues concern whether any part of a rule should be immediately effective upon proposal and, concomitantly, the length of time to be allowed for compliance with each portion of the rules. Specific comment is invited on the appropriate time limit for completion of the initial surveys, carrying out corrective actions and the appropriate interval for the periodic re-evaluations of friable asbestos-containing materials remaining in schools.

The Agency could, for example, make either the survey and marking rule or a control action rule immediately effective upon proposal. EDF suggested that EPA issue an immediately effective survey and marking rule and require that immediate control action be taken in schools with proven asbestos-containing materials in visibly deteriorating condition. The statutory tests to support such action are given in section 6(d)(2) of TSCA. EPA welcomes comment on this issue.

EPA's goal would be to have a complete regulatory program by the school summer vacation of 1980. The Agency recognizes that, in order to have a regulatory program in place by next summer, it may be necessary to make a proposed rule immediately effective under TSCA section 6(d)(2). EPA invites comment on which, if any, parts of the rule should be made immediately effective. To implement a program by next summer, the Agency would have to issue the proposed rule in January, 1980 and a final rule in June, 1980. This schedule, however, is very ambitious, and would require significant cooperation and coordination of all interested parties. Most EPA rulemakings require signficantly longer to complete.

As stated earlier, EPA might require compliance with the survey and marking rule within a relatively short period of time since most states will have undertaken these actions prior to proposal of the rule. The availability of laboratory facilities will in part determine how quickly this can be accomplished. Currently, 38 laboratories have indicated their ability to perform polarized light microscopic analysis (PLM) of bulk samples on a commercial basis.

4. *Asbestos Analysis*

Another issue concerns the measurement of asbestos in bulk materials. In order to determine whether a material should be removed or otherwise treated, it is first necessary to positively identify asbestos in the material. EPA recommends the use of polarized light microscopy (PLM), supplemented by x-ray diffraction as necessary, to identify asbestos in bulk. However, there is no standard method for the PLM technique nor are there standard reference materials. Analytical results vary, especially for the quantity of asbestos in the sample. EPA invites comment on prescribing a specific method or methods for identification of asbestos (by PLM) or for confirmation of identity and quantity of asbestos (by x-ray diffraction) where PLM results estimate that the asbestos concentration is low (e.g., less than 10%).

EPA has prepared and is distributing a list of all laboratories which claim competence in analyzing asbestos, but EPA cannot certify that all the work performed by these laboratories will be valid. This uncertainty can be reduced by use of reference materials as controls, multiple laboratory testing, and/or by cross-checking PLM results with x-ray diffractions, as recommended by EPA. The Agency has promoted the development of reference materials and other quality control procedures. Since mistaken identification of asbestos can lead to either continued exposure to hazardous conditions or unnecessary expensive treatment of non-asbestos materials, what should EPA do to ensure proper identificaton and quantification?

5. *Potential Sources of Funding*

EDF has suggested that under the authority of section 6(a)(7) of TSCA, asbestos manufacturers or processors should be required to pay part or all of the costs of the regulatory action even if they are not required to take these actions. Section 6(a)(7) authorizes EPA to require the manufacturer or processor of a chemical substance to replace or repurchase the substance. EDF suggested that the manufacturers should be required to contribute to a fund to pay for the cost of the regulatory action, based on a firms's share of the asbestos market over a specified period of time. EPA is not inclined to pursue this option because of the legal problems associated with this approach, the complexity of this option and the significant delays to the rulemaking which EPA believes such a requirement would entail. However, EPA invites comments on how such a reimbursement scheme could be imposed. Persons are referred to analagous provisions under Section 15 of the Consumer Product Safety Act, 15 U.S.C. 1274 concerning repurchase of banned hazardous substances and the Consumer Product Safety Commission's regulation sat 16 CFR Part 1115. Comments on this and alternative funding plans are welcome.

6. *Other Federal Laws*

Another issue is the relationship of TSCA to other Federal laws. Before taking regulatory action under TSCA, section 9 of the act requires the Administrator to consider whether an unreasonable risk may be controlled to a sufficient degree by action taken under another Federal law.

On Federal law which may be used to control exposure to asbestos in schools is the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 et seq. In order to be regulated under the CPSA, asbestos-containing materials in schools would have to be a "consumer product." EPA will work with the Consumer Products Safety Commission (CPSC) to determine if its authorities could control the risks from asbestos in schools. EPA will also work with OSHA to determine whether controls under the Occupational Safety and Health Act would be effective.

The Agency is also concerned about the potential risks to workers and to the environment during the removal, transportation, and disposal of asbestos as required by this regulation and invites comment on our intent to utilize Interagency Regulatory Liason Group inspections and referrals. Comment is also solicited on the issuance of any special procedures or standards to reduce health or environmental risks for either the isolation or removal processes not addressed by other authorities.

7. *Legal Issues*

A number of legal issues are raised by regulation of asbestos-containing material in schools. The approach described above would rely on the authority of section 6(a)(3) to require the survey, sampling and marking of asbestos-containing materials. If the manufacturers and processors were required to take this action, EPA would also rely on the authority of section 6(a)(7). The authority of section 6(a)(5) would be used to require the necessary corrective actions. In addition, if manufacturers and processors were required to monitor and conduct tests to ensure compliance with a requirement on asbestos in schools, EPA may rely on the authority of section 6(a)(4). If manufacturers or processors were required to reimburse schools for this regulatory action it would be under the authority of section 6(a)(7). As part of this rulemaking EPA is evaluating the adequacy of these legal authorities to regulate asbestos-containing materials in schools.

Public Record: EPA has established a public record for this rulemaking (docket number OTS 61004) which, along with a complete index, is available for inspection in the OTS Reading Room from 9:00 a.m. to 5:00 p.m. on working days (Room 447, East Tower, 401 M Street, S.W., Washington, D.C., 20460). This record included basic information considered by the Agency in developing this Advance Notice of Proposed Rulemaking. The Agency will supplement the record with additional information as it is received. The record includes the following categories of information:

1. This notice.

2. The Environmental Defense Fund petition and the public record of that proceeding.

3. The State of New Jersey petition and the public record of that proceeding.

4. All public documents concerning EPA's technical assistance and guidance program for asbestos in schools.

EPA anticipates adding to the rulemaking record the following types of information:

1. All comments on this Advance Notice and the proposed rule.

2. All relevant support documents and studies (including economic analyses performed) considered by EPA.

3. Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule. (This does not include any inter- or intra-agency memoranda or conversations unless specifically noted in the index of the rulemaking record).

4. Minutes, summaries, or transcripts of any public meetings held to develop this rule.

5. Any factual information considered by the Agency in developing the rule.

EPA will identify the complete rulemaking record on or before the date of promulgation of a regulation, as prescribed by section 19(a)(3) of TSCA, and will accept additional material for inclusion in the record at any time between this notice and such designation. A final rule would also permit persons to point out any errors or omissions in the record.

(Section 6 of the Toxic Substances Control Act (TSCA) (90 Stat. 2003; 15 U.S.C. 2601).).

Dated: September 14, 1979.

Douglan M. Costle,

Administrator.

[FR Doc. 79-29264 Filed 9-19-79; 8:45 am]

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Federal Register

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Thursday, September 20, 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
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

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Food Safety and Quality Service—

48959 8–21–79 / Nitrates and nitrites

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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 September 19, 1979

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CODE OF FEDERAL REGULATIONS

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_____	Title 26—Internal Revenue (Part 1, §§ 1.0 to 1.169)	8.00	_____
		Total Order	$_____

[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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