AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-8-80
Vol. 45 No. 5
Pages 1585-1848

federal register

Tuesday
January 8, 1980

NOTE:

Due to a shortage of newsprint, today's **Federal Register** is printed on a higher quality paper. As supplies become available, the **Federal Register** will resume the use of newsprint.

Highlights

1587 **Tariff reduction on certain products to carry out trade agreements with Indonesia, Trinidad, and Tobago and the Cartegena Agreement** Presidential proclamation

1585 **Financial assistance for Jordan** Presidential determination

1673 **University Coal Research Laboratories Program** DOE/ERO announces cancellation of fossil energy and related programs due to funding limitations; effective 12-14-79, proposals by 3-1-80

1844 **Summer Food Service Program** USDA/FNS issues rule giving State agencies authority to determine "rural" pockets in Standard Metropolitan Statistical Areas; effective 1-1-80 (Part VII of this issue)

1840 **Metric System** Interagency Committee on Metric Policy gives notice of conversion policy for Federal agencies (Part VI of this issue)

1642 **Federal Employment** Labor proposes standards for part-time career employment; comments by 3-10-80

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

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Area Code 202–523–5240

Highlights

1638 **Age Discrimination** State/ICA/AID proposes nondiscrimination on basis of age in programs or activities receiving Federal financial assistance from foreign affairs agencies; comments by 3–10–80

1650 **Business and Industrial Loans** USDA/FMHA announces insured loan interest rates of 12½ percent; effective 1–8–80

1822 **National Research Service Awards** HEW/PHS expands scope of regulations, liberalize service and financial payback requirements, and make technical changes; effective 1–8–80 (Part III of this issue)

1658, 1660, 1662, 1681 **Privacy Act** DOD/Army/DMA/NSA/FHLBB publish documents affecting the systems of records; effective 1–8 and 2–7–80 (4 documents)

1627 **Securities** SEC proposes request for confidential treatment of records obtained by the Commission; comments by 3–5–80

1611 **Federal Old-Age, Survivors, and Disability Insurance** HEW/SSA explains new formula for determining maximum amount of benefits that can be paid; effective 1–8–80, reduction provision effective 1–1–79

1605 **Federal Old-Age, Survivors, and Disability Insurance** HEW/SSA issues rules regarding new methods to compute basic benefits, minimum benefits, and cost-of-living increases, and to recompute the basic benefit amount; effective 1–8–80, new methods effective 1–1–79

1650 **Pesticides** USDA/FS invites comments on policy on criteria for use of 2,4,5-T or other pesticides containing TCDD and 2,4-D; comments by 3–10–80

1633 **Civil Aircraft Agreement** Treasury/Customs proposes to amend Customs Regulations; comments by 3–10–80

1816 **Anti-Inflation Price Standards** CWPS issues interim rules on standards for financial institutions and for providers of insurance; effective 1–1–80, comments by 2–7–80 (Part II of this issue)

1780 **Sunshine Act Meetings**

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1822 **Part III HEW/PHS**
1828 **Part IV Treasury/Secretary**
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Presidential Documents

Title 3—

The President

Presidential Determination No. 80–9 of December 20, 1979

Determination Under Section 25 of the International Security Assistance Act of 1979—Assistance for Jordan

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 25 of the International Security Assistance Act of 1979, I hereby determine that Jordan is acting in good faith to achieve further progress toward a comprehensive peace settlement in the Middle East, and that the expenditure of funds appropriated or otherwise available to carry out chapters 2 and 5 of part II of the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act, for Jordan in the fiscal year 1980 will serve the process of peace in the Middle East.

You are requested to report this determination to the Congress on my behalf, as required by law.

This determination shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, December 20, 1979.

[FR Doc. 80–639
Filed 1–4–80; 1:48 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 4711 of January 4, 1980

Staged Reduction of Rates of Duty on Certain Products To Carry out Trade Agreements With Indonesia, Trinidad and Tobago and With the Countries Forming the Cartegena Agreement

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 101(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)), that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes of the Trade Act would be promoted by entering into the trade agreements identified in the third recital of this proclamation.

2. Sections 131(a), 132, and 133, 134, 135, and 161(b) of the Trade Act (19 U.S.C. 2151(a), 2152, 2153, 2154, 2155 and 2211(b)) and section 4(c) of Executive Order No. 11846 of March 27, 1975, have been complied with.

3. Pursuant to Title I of the Trade Act (19 U.S.C. 2111 *et seq.*), I have, through my duly empowered representative, entered into product-specific trade agreements with Indonesia, on November 29, 1979, with Trinidad and Tobago on December 19, 1979, and with the countries forming the Cartegena Agreement on December 14, 1979, pursuant to which United States rates of duty on certain products would be modified as hereinafter proclaimed and as provided for in the annexes to this proclamation, in exchange for certain measures which will benefit United States interests.

4. In order to implement the trade agreements referred to in the third recital of this proclamation it is necessary to modify the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) as provided for in the annexes to this proclamation, attached hereto and made a part hereof.

5. Pursuant to section 855(a) of the Trade Agreements Act of 1979 (93 Stat. 295), I have determined that, in the case of bitters containing spirits classified under item 168.12 of the TSUS, adequate reciprocal concessions have been received, under the trade agreement identified in the third recital of this proclamation which was entered into under the Trade Act of 1974, with Trinidad and Tobago, for the application of the rate of duty appearing in rate column numbered 1 for such item on January 1, 1979, for the comparable item determined on a proof gallon basis.

6. Each modification of existing duty proclaimed herein which provides with respect to an article for a decrease in duty below the limitation specified in section 101(b)(i) of the Trade Act of 1974 (19 U.S.C. 2111 (b)(i)) is authorized by one or more of the following provisions or statutes:

(a) Section 101(b)(2) of the Trade Act of 1974 (19 U.S.C. 2111(b)(2)), by virtue of the fact that the rate of duty existing on January 1, 1975, applicable to the article was not more than 5 percent ad valorem (or ad valorem equivalent);

(b) Section 109(b) of the Trade Act of 1974 (19 U.S.C. 2119(b)), by virtue of the fact that I have determined, pursuant to that section, that the decrease authorized by that section will simplify the computation of the amount of duty imposed with respect to the article; and

(c) Section 855(a) of the Trade Agreements Act of 1979 (93 Stat. 295) by virtue of the authority in such section for specified concessions based on reciprocity.

7. Pursuant to the Trade Act, I determine that the modifications or continuances of existing duties hereinafter proclaimed are required or appropriate to carry out the trade agreements identified in the third recital of this proclamation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 101, 105, 109, and 604 of the Trade Act (19 U.S.C. 2111, 2115, 2119, and 2483), and Titles V and VIII of the Trade Agreements Act of 1979 (93 Stat. 250) do proclaim, subject to any applicable provisions of the agreements identified in the third recital of this proclamation and of the United States law, that—

(1) The TSUS is modified as provided in Annexes I and II to this proclamation.

(2) Each of the modifications to the TSUS made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1980.

(3) The rate of duty applicable to TSUS item 168.12 has been reduced under section 101 of the Trade Act of 1974 (19 U.S.C. 2111), as indicated in Annex II, from the rate of duty appearing in rate column numbered 1 on January 1, 1979, for the comparable item determined on a proof gallon basis.

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

Jimmy Carter

ANNEX I

Notes:

1. A rate of duty specifically set forth in this Annex which does not reflect a concession granted in the Trade Agreement with Indonesia is enclosed in brackets. Additional bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The items and superior descriptions in this annex are set forth in columnar form, and material in such columns is inserted in the columns designated, "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively, in the Tariff Schedules of the United States.

Subject to the above notes and to the insertion, as indicated herein, of the appropriate rates of duty set forth in Annex II to this proclamation, the Tariff Schedules of the United States are modified as follows:

Schedule 1, Part 13

1. Item 170.65 is superseded by:

"Cigarettes:			
170.63	Containing clove	[See Annex II] ...	[$4.50 per lb.+ 25% ad val.]
170.64	Other	[$1.06 per lb.+ 5% ad val.]	[$4.50 per lb.+ 25% ad val.]";

Schedule 1, Part 15, Subpart B

2. Schedule 1, part 5A is modified by adding the following new item in numerical sequence:

"182.49 Shrimp chips ..... [See Annex II] ... [20% ad val.]".

Annex II

Staged-rate Modifications of the Tariff Schedules of the United States

Each rate in the following table, for an item in the Tariff Schedules of the United States (TSUS) identified therein, is inserted in column numbered 1 in such item, effective for articles provided for therein which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of the column in which such rate is set forth and, except for rates in the final column, such rate shall be superseded by the rate for that item in the immediately following column, effective for articles which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of such latter column:

Item in TSUS as modified by Annex I	Rate from which staged	Rates of duty, effective on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
146.42	3.5% ad val.	3.1% ad val.	2.6% ad val.	2.2% ad val.	1.8% ad val.	1.3% ad val.	0.9% ad val.	0.4% ad val.	Free.
152.00	7% ad val.	6.5% ad val.	6% ad val.	5.4% ad val.	4.9% ad val.	4.4% ad val.	3.9% ad val.	3.3% ad val.	2.8% ad val.
161.43	9¢ per lb.	7.8¢ per lb.	6.7¢ per lb.	5.6¢ per lb.	4.5¢ per lb.	3.3¢ per lb.	2.2¢ per lb.	1 1¢ per lb.	Free.
161.65	1.5¢ per lb.	1.3¢ per lb.	1 1¢ per lb.	0.9¢ per lb.	0.7¢ per lb.	0.5¢ per lb.	0.3¢ per lb.	0 1¢ per lb.	Free.
168.12	94¢ per proof gal.	76¢ per proof gal.	58¢ per proof gal.	40¢ per proof gal.	38¢ per proof gal.	38¢ per proof gal.	38¢ per proof gal.	38¢ per proof gal.	38¢ per proof gal.
168.13	94¢ per proof gal.	76¢ per proof gal.	58¢ per proof gal.	40¢ per proof gal.	38¢ per proof gal.	38¢ per proof gal.	38¢ per proof gal.	38¢ per proof gal.	38¢ per proof gal.
170.63	$1.06 per lb. + 5% ad val.	98¢ per lb. + 4.6% ad val.	90¢ per lb. + 4.3% ad val.	82¢ per lb. + 3.9% ad val.	74¢ per lb. + 3.5% ad val.	66¢ per lb. + 3.1% ad val.	58¢ per lb. + 2.6% ad val.	50¢ per lb. + 2.4% ad val.	42¢ per lb. + 2% ad val.
182.49	10% ad val.	9.3% ad val.	8.5% ad val.	7.8% ad val.	7% ad val.	6.3% ad val.	5.5% ad val.	4.8% ad val.	4% ad val.
184.85	7.5% ad val.	5.2% ad val.	3% ad val.	3% ad val.	3% ad val.	3% ad val.	3% ad val.	3% ad val.	3% ad val.
193.10	6¢ per lb.	5.6¢ per lb.	5.2¢ per lb.	4.8¢ per lb.	4.5¢ per lb.	4.1¢ per lb.	3.7¢ per lb.	3.3¢ per lb.	3¢ per lb.
253.20	4.7% ad val.	4.1% ad val.	3.5% ad val.	2.9% ad val.	2.4% ad val.	1.8% ad val.	1.2% ad val.	0.6% ad val.	Free.
661.68	6% ad val.	5.8% ad val.	5.6% ad val.	5.3% ad val.	5.1% ad val.	4.9% ad val.	4.7% ad val.	4.4% ad val.	4.2% ad val.
664.10	5% ad val.	4.6% ad val.	4.3% ad val.	3.9% ad val.	3.5% ad val.	3.1% ad val.	2.8% ad val.	2.4% ad val.	2% ad val.
688.04	8.5% ad val.	5.3% ad val.	5.3% ad val.	5.3% ad val.	5.3% ad val.	5.3% ad val.	5.3% ad val.	5.3% ad val.	5.3% ad val.
702.25	85¢ per doz. + 8.5% ad val.	78¢ per doz. + 7.9% ad val.	72¢ per doz. + 7.2% ad val.	65¢ per doz. + 6.6% ad val.	59¢ per doz. + 6% ad val.	53¢ per doz. + 5.3% ad val.	46¢ per doz. + 4.7% ad val.	40¢ per doz. + 4% ad val	34¢ per doz. + 3.4% ad val.
702.35	6.25% ad val.	5.8% ad val.	5.3% ad val.	4.8% ad val.	4.4% ad val.	3.9% ad val.	3.4% ad val.	3% ad val	2.5% ad val.
702.40	6¢ per doz. + 5% ad val.	5.5¢ per doz. + 4.6% ad val.	5.1¢ per doz. + 4.3% ad val.	4.6¢ per doz. + 3.9% ad val.	4.2¢ per doz. + 3.5% ad val.	3.7¢ per doz. + 3.1% ad val.	3.3¢ per doz + 2.8% ad val	2.8¢ per doz. + 2.4% ad val	2.4¢ per doz. + 2% ad val.

[FR Doc. 80-645
Filed 1-4-80; 2:49 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 45, No. 5
Tuesday, January 8, 1980

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 540

Merit Pay System; Implementation

AGENCY: Office of Personnel Management.

ACTION: Final Regulations; Correction.

SUMMARY: Final regulations published in the **Federal Register** (44 FR 52161–8) September 7, 1979, provided for an effective date of *October 1,* 1980 or 1981, for the Merit Pay System. Title V of the Civil Service Reform Act of 1978, on the other hand, specified an effective date for the Merit Pay System of the *first day of the first applicable pay period* which begins on or after October 1, 1981, or earlier as prescribed by the Office of Personnel Management. The regulations are therefore being revised to comply with the language in Title V.

DATE: These regulations are effective on January 8, 1980, although the Merit Pay System will not become operational before October 1980.

FOR FURTHER INFORMATION CONTACT: Barbara L. Fiss, Merit Pay Program Manager (202) 254–8960.

SUPPLEMENTARY INFORMATION: The revised regulations also make it clear that the date for initial merit pay determinations will be the same date as that on which the system is implemented, or no more than 60 days after that date, rather than the normal October 1st date.

The Director of the Office of Personnel Management has determined there is good cause to make these regulations effective immediately upon publication to ensure continuity of program operations.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is revising § 540.110, Title 5, Code of Federal Regulations, to read as follows:

PART 540—MERIT PAY SYSTEM

§ 540.110 Implementation.

(a) Except as provided in paragraph (b) of this section, the Merit Pay System shall be effective on the first day of the first applicable pay period which begins on or after October 1, 1981.

(b) An agency may implement the Merit Pay System for any group or category of supervisors or management officials in positions classified in GS–13, 14, or 15 on the first day of the first applicable pay period which begins on or after October 1, 1980, provided that the agency advises the Office of Personnel Management of such implementation not later than March 31, 1980.

(c) Notwithstanding section 540.104(a) of this part, the first merit pay determination shall be made for each employee initially covered under the Merit Pay System on the date the Merit Pay System is effective for that employee under paragraph (a) or (b) of this section, or on the closest date after that date that is determined by the agency to be administratively feasible but in no event more than 60 days after that date.

(5 U.S.C. 5401–5405; Pub. L. 95–454, Section 504.)

[FR Doc. 80-584 Filed 1-7-80; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 630

Absence and Leave

AGENCY: Office of Personnel Management.

ACTION: Final Regulations.

SUMMARY: These regulations implement section 410 of the Civil Service Reform Act of 1978 which provides that annual leave may be accumulated without limitation by an individual while serving under an appointment in the Senior Executive Service (SES).

EFFECTIVE DATE: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: Betty J. Roth, 202–632–4684.

SUPPLEMENTARY INFORMATION: On August 7, 1979 (44 FR 46288), the Office of Personnel Management published proposed regulations to implement section 6304(f) of title 5, United States Code, by adding § 630.301 to Title 5, Code of Federal Regulations. The proposed regulations provided a 60-day period for public comment. The Office received written and oral comments from 10 agencies and individuals. Most of the comments offered specific recommendations for clarifying or modifying specific provisions of the proposed regulations. As a result, the Office has modified the final regulations, as discussed below. The Office will also supplement the regulations with guidance issued through the Federal Personnel Manual System which will address certain other concerns expressed during the public comment period.

One commenter recommended that the reference in § 630.301(a) and (b) to a limitation imposed by 5 U.S.C. 6304(c) should be eliminated since section 6304(c) contains only "saving provisions" which specifically accommodated an employee, who at the end of the 1952 leave year, had accumulated annual leave under the provisions of earlier statutes greater than the prescribed ceiling of the Annual and Sick Leave Act of 1951 or who had accumulated between 31 and 45 days of leave while under a 45-day ceiling and then moved to a position with a 30-day ceiling. Section 6304(c) provides that this excess leave remains to the credit of the employee until used and, in this respect, it is a "saving provision." However, the leave is retained by the employee as a personal or individual leave ceiling and, while this ceiling is reduced only if the employee uses more annual leave in a leave year than is actually accrued during that year, the employee is limited to that ceiling for leave accumulation purposes. The Office of Personnel Management, therefore, believes the reference to a limitation imposed by 5 U.S.C. 6304(c) is appropriate and the original language in § 630.301(a) and (b) has been retained.

In relation to this issue and as an alternative to the elimination of the reference to 5 U.S.C. 6304(c) in § 630.301(a) and (b), the commenter

suggested that the wording of the proposed 5 CFR 630.301(c) be modified to clarify that the procedures to be followed in administering excess leave accumulations of former SES employees are prescribed by regulations of the Office of Personnel Management rather than by law since the Office could have selected some other procedures for this purpose and still have complied with section 410 of the Civil Service Reform Act of 1978. The second alternative suggested was a legislative amendment to 5 U.S.C. 6304(c) providing for such procedures. In recognition of the need for clarification, the Office has adopted the first alternative and modified § 630.301(c) to read "* * * shall be subject to reduction under procedures identical to those described in subsection (c) of section 6304."

Eight comments objected to or expressed concern over the proposed § 630.301(b) which requires a proration of annual leave for any pay period during which only a portion is served while under the SES. The concern centered on the administrative problems and expenses caused by the proration when an employee is appointed in, or separated from, the SES without a break in service at other than the beginning of a pay period.

One organization noted that annual leave is accrued on a biweekly basis. In conjunction with this accrual basis and to alleviate the need for prorating, it was suggested that all personnel actions placing employees in the SES be made at the beginning of a pay period. It was also suggested that, if this provision is unduly restrictive, where personnel actions placing employees in the SES are made other than the beginning of a pay period, the annual leave earned during that pay period be applied to the former position and annual leave accrual for SES purposes begin at the beginning of the following pay period.

Another commenter suggested that leave should be earned according to the employee's status at the end of the pay period. This approach is followed elsewhere in our leave regulations which determine the maximum leave accumulation of employees returning to the United States from an overseas post. It should be noted, however, that these regulations were promulgated in the absence of an express statutory provision governing this matter.

On the other hand, the law (5 U.S.C. 6304(f)) is specific in that it provides that there will be no maximum limitation on annual leave accrued "while serving in a position in the Senior Executive Service." An employee begins serving in a position the day of appointment and ceases serving in that position the day of separation, or the day before the effective date of a transfer, reassignment, etc. It appears, then, that proration is unavoidable under the language of the statutory requirement.

Additionally, the Office of Personnel Management has carefully considered the comments expressing concern for the additional administrative burden or work load involved in such proration. With regard to these comments, the Office wishes to point out that leave regulations providing for prorating leave in similar situations have been in effect since July 22, 1955. Under the provisions of 5 CFR 630.204, an employee is entitled to a pro rata credit for fractional pay periods which occur within the continuity of employment, e.g., a period immediately prior to or following a period during which the employee is in receipt of compensation payments from the Office of Workers' Compensation Programs. A pro rata table, which may be used as a guide in determining the amount of pro rata credit for leave, is published in FPM Supplement 990–2, Book 630, Subchapter S2–3c.

The Director of Office of Personnel Management has determined that good cause exists for making these regulations effective July 13, 1979, as required by statute.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is adding 5 CFR 630.301 as set out below:

PART 630—ABSENCE AND LEAVE

Subpart C—Annual Leave

§ 630.301 Annual leave accumulation—Senior Executive Service.

(a) In accordance with subsection (f) of section 6304 of title 5, United States Code, the limitations on accumulation of annual leave imposed by subsections (a), (b), and (c) of section 6304 do not apply to leave accrued by an individual while serving under an appointment to the Senior Executive Service under subchapter VIII of chapter 33 of such title 5.

(b) Annual leave accrued for any pay period during only a portion of which the employee served under an appointment to the Senior Executive Service shall be prorated, and only that portion of the leave that is attributable to the service in the Senior Executive Service shall not be subject to the limitations on accumulation of annual leave imposed by subsections (a), (b), and (c) of section 6304 of title 5, United States Code.

(c) When an individual who has been serving under an appointment to the Senior Executive Service moves to a position in which he or she is no longer in the Senior Executive Service, any annual leave which was accumulated while serving in the Senior Executive Service, and which is in excess of the amount allowed by subsection (a), (b), or (c) of section 6304 of title 5, United States Code, shall remain to the employee's credit and shall be subject to reduction under procedures identical to those described in subsection (c) of section 6304.

(5 U.S.C. 6311)

[FR Doc. 80-545 Filed 1-7-80; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 733

Political Participation by United States Government Employees in Local Elections in the City of Manassas

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: In response to a request from the Mayor of the City of Manassas, OPM is designating that municipality as one where Government employees may participate in local elections subject to the limitations established by OPM, pursuant to the Hatch Act.

EFFECTIVE DATE: January 8, 1980.

FOR FURTHER INFORMATION CONTACT: Ann Wilson, Office of the General Counsel, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, (202) 632–5524.

SUPPLEMENTARY INFORMATION: On July 20, 1979, OPM published (44 FR 42708) a proposed rule to grant Federal Government employees in the City of Manassas partial exemption from the political activity restrictions of the Hatch Act, 5 U.S.C. 7321 *et seq.* The exemption permits Federal employees to participate in local elections as or on behalf of independent candidates. OPM has received only one comment on the proposed rule, and that comment was favorable.

5 U.S.C. 553(d)(1) provides: "The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except a substantive rule which grants or recognizes an exemption or relieves a restriction." The Director of OPM has determined that the Hatch Act exemption does not require a notice period before its effective date and that no public interest is served by delaying the effective date. Therefore, the Hatch

Act exemption for the City of Manassas will become effective immediately.

Accordingly, OPM hereby revises 5 CFR 733.124(b) by adding the City of Manassas to the designated Virginia localities with Hatch Act exemptions, to be listed after Loudoun County and before Portsmouth.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 80-547 Filed 1-7-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

Walnuts Grown in California; Free and Reserve Marketing Percentages for the 1979–80 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This rule would establish marketing percentages for California walnuts for the 1979–80 marketing year. The 1979 walnut production is expected to exceed domestic market requirements and the percentages are intended to tailor the supply to these needs. The excess would be set aside, chiefly for export.

EFFECTIVE DATES: August 1, 1979 through July 31, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Higgins, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, Washington, DC 20250, (202) 447–5053.

SUPPLEMENTARY INFORMATION: This rule establishes free and reserve percentages of 75 percent and 25 percent, respectively, for the 1979–80 marketing year. That year began August 1, 1979. The establishment would be in accordance with § 984.49 of the marketing agreement and Order No. 984, both as amended (7 CFR Part 984), regulating the handling of walnuts grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The marketing percentages were recommended by the Walnut Marketing Board pursuant to § 984.48 of the marketing agreement and order program. The Board is established under the order as the agency to administer its terms and provisions, under USDA supervision. The Board's recommendation is based on estimates for the 1979–80 marketing year of supply, and inshell and shelled trade demands adjusted for handler carryover. The total 1979–80 supply subject to regulation is estimated at 180.2 million pounds kernelweight. Inshell and shelled trade demands adjusted for handler carryover are estimated at 33.3 and 107.5 million pounds kernelweight, or a total adjusted trade demand of 140.8 million pounds kernelweight.

The regulation would establish the supply of merchantable walnuts available to the domestic inshell and shelled markets at maximum quantities that reasonably can be expected to be utilized during the 1979–80 marketing year, and provide an ample supply of walnuts for use next marketing year until the 1980 crop is available for market. Merchantable walnuts in excess of 1979–80 domestic needs would be chiefly for export.

After consideration of all relevant matter presented, including the information and recommendation of the Board, and other available information, it is found that establishment, under § 984.49 of the marketing agreement and order program, of the free and reserve percentages for the 1979–80 marketing year, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective time of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) The percentages established herein for the 1979–80 marketing year apply to all walnuts certified as merchantable from the beginning of that marketing year; (2) handlers and other interested persons were given the opportunity to submit information and views on the percentages at an open meeting of the Board; (3) handlers are aware of the Board's recommendation to the Secretary and have been marketing their 1979 crop walnuts in anticipation of the percentages; and (4) no useful purpose would be served by permitting further public comment and delaying the effective date until 30 days after the date of publication.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this action warrants publication without opportunity for further public comment. Much of the 1979 walnut crop is already in marketing channels and handlers need to know with certainty the percentages applicable to the marketing of walnuts during the 1979–80 marketing year so that they can comply therewith, and plan their marketing strategies for the balance of the marketing year. A determination has been made that this action should be classified "significant". An impact analysis is available from William J. Higgins, (202) 447–5053.

The free and reserve percentages are as follows:

§ 984.225 Free and reserve percentages for California walnuts during the 1979–80 marketing year.

The free and reserve percentages for California walnuts during the marketing year beginning August 1, 1979, shall be 75 percent and 25 percent, respectively.

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

Dated: January 3, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 80-553 Filed 1-7-80; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1843

Farmer Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule.

SUMMARY: The Farmers Home Administration deletes regulations from the CFR. This action is taken to remove unnecessary regulations from the CFR in accordance with Executive Order 12044 and is taken as a result of an administrative decision.

EFFECTIVE DATE: January 8, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Sones, Jr., Phone 202–447–3646.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration deletes § 1843.10 (a) of Part 1843, Chapter XVIII, Title 7 in the Code of Federal Regulations and deletes the heading only of § 1843.10 (b), Part 1843, Chapter XVIII, Title 7. This section refers to the use of Form FmHA 449–9 "Request For Conditional Commitment to Guarantee Loan" which was used in loan making. This form is no longer used. The other form referred to in this section is Form FmHA 449–11 "Certificate of Acquisition or Construction". This Form is still used in servicing actions and is referenced section 1980.129 of Subpart B of Part 1980, Chapter XVIII, Title 7. The removal of the heading of §1843.10 (b) is simply editorial.

Executive Order 12044 (43 FR 12661) directed executive agencies to review

their existing regulations and consider whether or not there is a continued need for the regulations. As a part of an overall review of its regulations, FmHA has determined that § 1843.10 (a) of Part 1843 is no longer needed. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This deletion, however, is not published for proposed rulemaking since the change is internal and administrative, only deletes obsolete regulations, and will have no effect on the public. This determination has been made by Mr. Gordon Cavanaugh, Administrator.

Therefore, § 1843.10 (a) of Part 1843, Chapter XVIII, Title 7 is hereby deleted from the Code of Federal Regulations and reserved as follows:

§ 1843.10 Loan making and servicing. [Amended]

(a) [Deleted and Reserved]

* * * * *

The words "(b) *Construction or development.*" are deleted in § 1843.10 (b).

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250.

This document has been reviewed in accordance with FmHA Instruction 1901–C "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, an Environmental Impact Statement is not required.

(5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: November 23, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80-552 Filed 1-7-80; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 304 and 349

Implementation of Reporting Requirements of the Financial Institutions Regulatory and Interest Rate Control Act of 1978

Correction

In FR Doc. 79–38787, appearing at page 74801 in the issue for Tuesday, December 18, 1979, the authority citation for new Part 349 which appears on page 74806 is incorrect. Reference to Title VII of the Act should be to Title VIII of the Act. The corrected authority citation reads as follows:

Authority: Title VIII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 ("FIRICA", Pub. L. 95–630, 12 U.S.C. 1972(2)), and under authority of sections 7(a) and 9(Tenth) of the Federal Deposit Insurance Act, 12 U.S.C. 1817(a), 1819(Tenth). Title VIII of FIRICA (cited in this Part 349 as "Title VIII") specifically authorizes the FDIC to promulgate regulations establishing procedures necessary for its implementation. 12 U.S.C. 1972(2)(F)(vi).

BILLING CODE 1505-01-M

FARM CREDIT ADMINISTRATION

12 CFR Parts 600, 615

Miscellaneous Amendments

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration publishes amendments to its general regulations relating to the organization of the Farm Credit Administration. These amendments reflect recent organizational changes made within the structure of the Farm Credit Administration.

EFFECTIVE DATE: December 3, 1979.

FOR FURTHER INFORMATION CONTACT: Sanford A. Belden, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202–755–2181).

Chapter VI of Title 12 of the Code of Federal Regulations is amended as follows:

PART 600—ORGANIZATION AND FUNCTIONS

1. Section 600.4 is amended by deleting paragraph (e) and revising paragraphs (a) through (d) as follows:

§ 600.4 Senior Deputy Governor, Deputy Governors and General Counsel.

* * * * *

(a) The Office of Supervision, headed by a Deputy Governor, is responsible for the regulation and supervision of the extension and administration of credit by, and the operating and fiscal policies and practices of, the banks and associations of the Farm Credit System. It also is responsible for the regulation and supervision of the financing activities of the banks and their Fiscal Agency.

(b) The Office of Administration, headed by a Deputy Governor, provides resources and services to enable other units of the Farm Credit Administration to carry out their responsibilities in supervision, finance and examination. It also performs security accounting functions in connection with securities issued by the Farm Credit banks, supervises information and personnel programs of the banks and associations, and conducts current and long-range research in the areas of agricultural credit and finance.

(c) The Office of Examination, headed by a Deputy Governor and Chief Examiner, examines and audits the banks and associations of the Farm Credit System, and, in limited instances, investigates alleged violations of Federal criminal statutes and conflicts of interest regulations which relate to System institutions.

(d) The Office of General Counsel, headed by the General Counsel, provides legal services for the Federal Farm Credit Board, the Governor, and Staff, and provides leadership to legal counsel for the Farm Credit banks in interpreting the Farm Credit Act of 1971 and regulations and bylaws issued to implement the Act.

2. Paragraphs (a) and (b) and the introductory paragraph of (c) of § 600.5 are revised to read as follows:

§ 600.5 Other administrative units.

(a) In the Office of Supervision, there are an Associate Deputy Governor for Field Supervision, an Assistant Deputy Governor for Finance and Bank Services, and 7 divisions, each of which is headed by a director.

(1) The Marketing and Funding Division, which reports directly to the Deputy Governor, monitors financial markets and is responsible for supervising the issuance and marketing of securities of the Farm Credit banks.

(2) Four divisions report to the Associate Deputy Governor for Field Supervision. These are as follows:

(i) Eastern Division which supervises the banks and associations in the

Springfield, Baltimore, New Orleans and Columbia Farm Credit districts.

(ii) Central Division which supervises the banks and associations in the Louisville, St. Louis, Wichita and Texas Farm Credit districts.

(iii) Western Division which supervises the banks and associations in the St. Paul, Omaha, Sacramento and Spokane Farm Credit districts.

(iv) Credit Risk Evaluation Division which evaluates risks associated primarily with large banks for cooperative loans.

(3) Two divisions report to the Assistant Deputy Governor for Finance and Bank Services. These are as follows:

(i) Finance Division which is responsible for supervision of the banks and associations in the areas of debt management, capitalization, cash and investment management, financial planning, loss sharing, and interest rates.

(ii) Bank Services Division is responsible for supervision of the banks and associations in the areas of property acquisitions, data management, accounting and reports, and financially-related services. It also is responsible for charter amendments, bylaws, and regulation processing.

(b) In the Office of Administration are the following divisions, each of which is headed by a Director:

(1) Personnel Division which plans, develops and administers agency personnel programs; provides guidance on administration of System personnel programs; reviews and approves district retirement programs; and reviews and approves salary ranges for bank employees.

(2) Administrative Division which plans, directs, and participates in FCA budget development, supervises all administrative services including FCA accounting, voucher, auditing, payroll, procurement, supplies, general files, mail, messenger, space utilization, and supervises district director elections. It also oversees the principal and interest accounts on bonds issued by all banks in the System and the general operating accounts associated therewith.

(3) Public Affairs Division which plans and implements FCA public information programs, produces information materials including news releases, annual reports, broadcast tapes, visual materials, publications, exhibits, and others, and assists and helps coordinate information programs of the Farm Credit System.

(4) Economic Analysis Division which plans, coordinates and conducts current and long range studies in financing the Farm Credit System and in areas of agricultural credit to farmers, cooperatives, and rural homeowners.

(5) Congressional Affairs Division which prepares reports to congressional committees and monitors pending legislation which may have an impact upon the operations of the Farm Credit System.

(c) In the Office of Examination are the following divisions, each of which is headed by a Director to carry out a program of examinations and audits in four of the twelve Farm Credit Districts:

* * * * *

PART 615—FUNDING AND FISCAL AFFAIRS

3. Paragraph (b) of § 615.5495 is revised to read as follows:

§ 615.5495 Lost, stolen, destroyed, mutilated or defaced Farm Credit Securities, including coupons.

* * * * *

(b) Applicants for relief under paragraph (a) shall present claims and proof of loss (1) to the Claims Branch of the Securities Operations Division, Bureau of Public Debt, Department of the Treasury, Washington, DC 20226 in the case of consolidated or System-wide obligations of the Farm Credit banks other than consolidated System-wide notes, or (2) to the Cash and Securities Section, Administrative Division, Office of Administration, Farm Credit Administration, Washington, DC 20578, in the case of consolidated System-wide notes.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621).

Donald E. Wilkinson,

Governor.

[FR Doc. 80-503 Filed 1-7-80; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

15 CFR Chapter III

Change in Chapter Heading

Correction

In FR Doc. 79-39920 appearing on page 77182, the file line should read as follows:

"[FR Doc. 79-39920 Filed 12-28-79; 11:32 am]"

BILLING CODE 1505-01-M

International Trade Administration

15 CFR Parts 371, 373, 376, 385, and 399

Revisions To Reflect Identification and Continuation of Foreign Policy Export Controls

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Interim final rule.

SUMMARY: As authorized in section 6 of the Export Administration Act of 1979 (hereinafter "the Act"), the President determined on December 29, 1979, that certain export controls maintained for foreign policy purposes continue beyond December 31, 1979. The controls fall into the following seven categories: human rights, South Africa and Namibia, terrorism, regional stability, embargoes of communist countries, petroleum equipment to the U.S.S.R., and nuclear non-proliferation.

DATES: This rule is effective as of Jjanuary 1, 1980, but may be further revised in light of any comments received. Comments must be received by the Department before noon, February 29, 1980.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Mr. Archie M. Andrews, Telephone: (202) 377-5247.

SUPPLEMENTARY INFORMATION: Section 13(a) of the Act exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedures Act. Because they relate to a foreign affairs function of the United States, it has also been determined that these regulations are not subject to Department of Commerce Administrative Order 218-7 (44 FR 2082 *et seq.*, January 9, 1979) and the Industry and Trade Administration Administrative Instruction 1-6 (44 FR 2093 *et seq.*, January 9, 1979) which implement Executive Order 12044 (43 FR 12661 *et seq.*, March 23, 1978), "Improving Government Regulations." Publication of these regulations in proposed form has been determined to be impracticable because these controls must be effective as of January 1, 1980.

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(a) of the Act, these regulations are issued in interim form and comments will be considered in developing the final regulations. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views. Comments may take the form of proposed regulatory language, narrative discussion, or any other appropriate format. Comments will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as any further changes are made, however, the changes to 15 CFR Parts 368 *et seq.* as set forth hereafter shall remain in effect.

The period for submission of comments will close at noon, February 29, 1980. No comments received after the close of the comment period will be accepted or considered by the Department in the development of the final regulations. Business data which any party desires to submit in confidence shall be submitted on separate sheets bearing at the top of each sheet the clear legend "Confidential Business Information." By submitting data identified as "Confidential Business Information," the petitioner or other party represents that the information is exempted from public disclosure, either by the Freedom of Information Act or by a specific statutory exemption. Any request for confidential treatment must be accompanied at the time of filing by a statement justifying nondisclosure and referring to the specific legal authority claimed. However, the Office of Export Administration may refuse to accept as "confidential" any information which clearly is not intended to be protected under the law. Any information which the Office of Export Administration refuses to accept as "confidential" may be submitted as non-confidential, or may be withdrawn and will not be considered.

All public comments to be considered in any further revision to these regulations, except those submitted on a confidential basis as described above, will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments, as well as the person on whose behalf they purport to be made. All such memoranda will also be a matter of public record and will be available for public review and copying. This procedure shall not, however, apply to communications from agencies of the United States Government or foreign governments.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mr. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

SUBSTANCE OF REGULATORY CHANGES: In accordance with the authority contained in section 6 of the Export Administration Act of 1979 (Pub. L. 96–72 of September 29, 1979), the President has continued certain foreign policy export controls beyond December 31, 1979. The Export Administration Regulations (15 CFR 368 *et seq.*) are revised to reflect the President's determination. With reference to section 4(c) of the Act, the President has determined that adequate evidence has been presented demonstrating that, notwithstanding foreign availability, the absence of these controls would prove detrimental to the foreign policy of the United States.

I. Human Rights

Pursuant to section 6(j) of the Act, a validated license is required for the export to all destinations except members of the North Atlantic Treaty Organization, Japan, Australia, and New Zealand of crime control and detection instruments and equipment (and related technical data, excluding that authorized for export under General License GTDA) as defined in § 399.1 Commodity Control List (CCL) entries 2018A, 1118A, 2406A, 5480B, 1502A, 1505A, 1516A, 1585A(f)(3), 4585B(e), 4597B, 5597B, 2603A, 5680B, 1746A(d) (protective garments and devices only), 4799B, 5998B, and 5999B.

Applications for validated export licenses will generally be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

II. South Africa and Namibia Only

Controls continue as described in § 385.4(a). However, applications for validated export licenses will generally be considered favorably on a case-by-case basis for medicines, medical supplies, and medical equipment not primarily destined to military or police entities or for their use.

Foreign policy controls continue to apply to the export to any consignee for aircraft and helicopters as defined in CCL entries 1460A (a) and (b), 5460F and 6460F. Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of aircraft and helicopters for which adequate written assurances have been obtained against military, paramilitary, or police use.

Foreign policy controls continue to apply to the export to government consignees of computers as defined in CCL entry 1565A, excluding those described under 1565A Note 7 in Supplement No. 1 to Part 385. Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of computers which would not be used to support the South African policy of apartheid.

III. Terrorism

As authorized by section 6 of the Act, a validated license is required for the export to Libya, Iraq, People's Democratic Republic of Yemen, and Syria of crime control and detection equipment per section I above (which includes vehicles designed for military purposes); and of aircraft and helicopters as defined in CCL entries 1460A(a), 1460A(b) (if valued at $3 million each or more), and 5460F.

Applications for validated export licenses will generally be considered favorably on a case-by-case basis if issuance of the licenses would be consistent with the policies set forth in subsections 3(4), 3(8), and 3(10) of the Act and subject to the requirement in subsection 6(i) of the Act to notify Congressional committees of transactions valued at more than $7 million.

IV. Regional Stability

A validated license is required for the export to Libya of off-highway wheel tractors of carriage capacity of 10 tons or more, as defined in CCL entry 6490F. Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of such tractors in reasonable quantities if for civil use, such as transportation of oil field equipment.

V. Embargoes of Communist Countries

Controls continue on exports to North Korea, Vietnam, Cambodia, and Cuba as described in § 385.1. Applications for validated licenses for exports on a non-commercial basis to meet emergency needs will be considered on a case-by-case basis. General license provisions are revised to exempt from the embargoes foreign policy control of technical data generally available to the public and educational materials; personal baggage, crew baggage, vessels and aircraft on temporary sojourn, ship stores and plane stores; foreign origin items in transit through the United States; shipments for U.S. Government personnel and agencies; and gift parcels not exceeding $200 of commodities such as food, clothing (non-military), and medicines.

VI. Petroleum Equipment to the U.S.S.R.

Controls continue on the export to the USSR of oil and gas exploration and production equipment as defined in CCL entries 6098F, 6191F, 6390F, 6391F, 6598F, and 6779F. Also included in the scope of this control are technical data (other than that authorized under General License GTDA) related to oil and gas exploration and production, and other commodities that require a validated export license for shipment to the Soviet Union and that are intended for use in oil or gas exploration or production.

VII. Nuclear Non-Proliferation

With reference to section 17(d) of the Act, section 309(c) of the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242 of March 10, 1978), and Part 378 of the Export Administration Regulations, nuclear non-proliferation export controls continue. A validated license is required for the export to all countries of the following commodities and related technical data (excluding technical data authorized for export under General License GTDA):

1. Commodities which could be of significance for nuclear explosive purposes; and

2. Any commodities which the exporter knows or has reason to know will be used directly or indirectly for:

a. Designing, developing, or fabricating nuclear weapons or nuclear explosive devices;

b. Devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions;

c. Designing, constructing, fabricating, or operating the following facilities or components for such facilities:

i. Facilities for the chemical processing of irradiated special nuclear or source material;

ii. Facilities for the production of heavy water;

iii. Facilities for the separation of isotopes of source and special nuclear material; or

iv. Facilities for the fabrication of nuclear reactor fuel containing plutonium.

In reviewing applications for validated licenses, the following considerations are among those which will be taken into account:

1. The stated end-use of the component;

2. The sensitivity of the particular component and its availability elsewhere;

3. The types of assurances or guarantees given in the particular case; and

4. The non-proliferation credentials of the recipient country.

Exporters are cautioned that absence of foreign policy controls does not necessarily mean that shipment may now be made without a validated license. Commodities or technical data may continue under control for national security or short supply purposes. Exporters should consult the Commodity Control List for current licensing requirements.

Accordingly, the Export Administration Regulations (15 CFR Part 368 *et seq.*) are amended to read as follows:

PART 371—GENERAL LICENSES

1. Section 371.4(a)(2) is revised to read as follows:

§ 371.4 General license GIT: intransit shipments.

(a) * * *

(2) Only those exports of foreign origin which, if of United States origin, could be made to Country Group S, W, or Y under a general license may be exported to those destinations under General License *GIT.* Only those exports of foreign origin which, if of United States origin, could be made to Country Group Y under a general license may be exported to Country Group Z (excluding Cuba) under General License *GIT.*

* * * * *

2. Section 371.7(a) is amended to read as follows:

§ 371.7 General license G-FTZ: exports of petroleum commodities from U.S. foreign-trade zones and from Guam.

(a) *Scope.* A general license designated *G-FTZ* is established. This license authorizes the export from a United States Foreign-Trade Zone or the Territory of Guam, of any petroleum commodity listed in Supplement No. 2 to Part 377 other than a Group A commodity, to any destination: *Provided,* That the petroleum commodity was refined from foreign-origin crude petroleum in such zone or Territory and is being exported therefrom.

* * * * *

3. Section 371.9(a)(1) and introductory text of (a)(2) are amended to read as follows. Section 371.9(b) (1), (3) and (4) are deleted and reserved.

§ 371.9 General license ship stores.

(a) * * *

(1) Dunnage necessary and appropriate to stow or secure cargo on the outgoing and immediate return voyage of an exporting carrier, when exporting solely for use as dunnage, may be exported to any destination under this General License *SHIP STORES.*

(2) The items listed below may be exported subject to the conditions set forth in § 371.9(b) below for use on board a vessel of any registry during the outgoing and immediate return voyage:

* * *

* * * * *

(b) Restrictions on Exports of Petroleum and Petroleum Products.

(1) [Reserved].

(2) * * *

(3) [Reserved].

(4) [Reserved].

* * * * *

4. Section 371.10(a)(1) and introductory text of (a)(2), are amended to read as follows. Section 371.10(b)(1) is deleted and reserved.

§ 371.10 General license plane stores.

(a) * * *

(1) Dunnage necessary and appropriate to stow or secure cargo on the outgoing and immediate return flight of an exporting carrier, when exported solely for use as dunnage, may be exported to any destination under this General License *PLANE STORES.*

(2) The following commodities may be exported, subject to the conditions set forth § 371.10(b) below, for use or consumption on board an aircraft of any registry, during the outgoing and immediate return flight—

* * * * *

(b) Restrictions on Petroleum and Petroleum Products for Use on Aircraft.

(1) [Reserved].

* * * * *

5. Section 371.11(b) (4) and (5) are amended to read as follows. Section 371.11(b) (6) and (7) are deleted and reserved.

§ 371.11 General license crew.

* * * * *

(b) Limitations

* * * * *

(4) not intended for resale; and

(5) not exported under a bill of lading as cargo.

(6) [Reserved].

(7) [Reserved].

* * * * *

6. Section 371.15(b) is amended to read as follows:

§ 371.15 General license GTF-U.S.; goods imported for display at U.S. exhibitions or trade fairs.

* * * * *

(b) *Return to Country from Which Imported.* Such commodities may be returned to the country from which imported into the United States. However, no commodities may be returned to a Country Group S or Z unless the United States Government had licensed the import from that country.

* * * * *

7. Section 371.18(a)(1) is amended to read as follows:

§ 371.18 General license gift: shipments of gift parcels.

(a) *Scope.* (1) A general license designated *GIFT* is established, subject to the provisions of § 371.18, authorizing the export of gift parcels by an individual in the United States (donor) addressed to an individual, or a religious, charitable, or educational organization (donee) located in any destination for the use of the donee or the donee's immediate family. The gift parcel must be provided free of charge to the donee. However, the payment by the donee of any handling charges or of any fees levied by the importing country (*e.g.*, import duties, taxes, etc.) is not considered to be a cost to the donee for purposes of this definition of "gift parcel." [1]

* * * * *

8. In § 371.19(a), the introductory clause and the introductory text of (b)(1) are amended to read as follows:

§ 371.19 General license GATS: aircraft on temporary sojourn.

* * * * *

[1] Many * * *

(a) *Foreign Registered Aircraft.* An operating civil aircraft of foreign registry that has been in the United States on a temporary sojourn may depart from the United States under its own power for any destination: *Provided,* That:

* * * * *

(b) *U.S. Registered Aircraft.* (1) A civil aircraft of U.S. registry operating under an Air Carrier Operating Certificate, Commercial Operating Certificate, or Air Taxi Operating Certificate issued by the Federal Aviation Administration or conducting flights under operating specifications approved by the Federal Aviation Administration pursuant to Part 129 of the regulations of the Federal Aviation Administration, may depart from the United States under its own power for any destination: *Provided,* That—

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

9. Section 373.3(a)(2) is revised to read as follows:

§ 373.3 Distribution license.

* * * * *

(a) *Eligible countries.* * * *

(2) All countries in Country Group V.

* * * * *

Supplement No. 1 [Amended]

10. Supplement No. 1 to Part 373 is amended to revise the first entry numbered 1460 & 4460 to read as follows:

1460, 4460, 5460, and 6460 Nonmilitary aircraft designed to carry a maximum of 25 persons, including crew. (Shipments of these aircraft may be made under the Distribution License Procedure to all normally eligible countries, except the Republic of South Africa and Namibia. No aircraft valued at $3 million or more each may be exported under the Distribution License Procedure to Syria, Iraq, Libya, or the People's Democratic Republic of Yemen.)

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

11. Section 376.14(a) is amended to read as follows:

§ 376.14 Crime control and detection commodities.

(a) *Export License Requirements.* Pursuant to section 6(j) of the Export Administration Act of 1979, an individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data except that authorized under General License *GTDA* (Part 379.3) to any distination except Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom. Commodities affected by this requirement are identified on the Commodity Control List under CCL listings 2018A, 1118A, 2406A, 5480B, 1502A, 1505A, 1516A, 1585A(f)(3), 4585B(e), 4597B, 5597B, 2603A, 5680B, 1746A(d) (protective garments and devices only), 4799B, 5998B, and 5999B. Applications for validated export licenses will generally be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

* * * * *

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

12. Section 385.1 is revised to read as follows:

§ 385.1 Country Group Z;[1] North Korea, Vietnam, Cambodia and Cuba.

As authorized by section 6 of the Export Administration Act of 1979 and by the Trading With the Enemy Act of 1917 as amended by Pub. L. 95–223, a validated license is required for foreign policy purposes for the export and reexport of virtually all U.S.-origin commodities and technical data to destinations in Country Group Z. Certain exceptions are contained in Parts 371 and 379, and in CCL entries 6599G and 6999G. Except as noted below, the general policy is to deny all applications or requests to export or reexport U.S.-origin commodities and technical data to these destinations. Exports on a non-commercial basis to meet emergency needs will be considered on a case-by-case basis. With regard to Cuba, on August 21, 1975, the U.S. Government announced modifications in those aspects of U.S. restrictions on trade with Cuba which affect third countries, in order to bring them into accord with the policy of the Organization of American States to allow each member state to determine for itself the nature of its economic and dipolmatic relations with the Government of Cuba. In this context, the

[1] See * * *

Department of Commerce generally will consider favorably on a case-by-case basis requests for authorization for the use of an insubstantial proportion of U.S.-origin materials, parts, or components in nonstrategic foreign-made products to be exported to Cuba, where local law requires, or policy in the third country favors, trade with Cuba. U.S.-origin content will generally be considered insubstantial when it amounts to 20 percent or less of the value of the product to be exported from the third country. Approval of requests for authorization for the use of U.S.-origin materials, parts, or components amounting to more than 20 percent by value of the foreign-made product to be exported from the third country to Cuba will be less likely. Requests for authorization to utilize U.S.-origin materials, parts, or components in products manufactured in foreign countries and destined for Cuba should be addressed in letter form to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Attn: Parts and Components), and should set forth all pertinent details of the transaction including, as a minimum, descriptions of the foreign-made product and the U.S. materials, parts, or components; the appropriate Commodity Control List entry for each; the respective values of each; and the identity of the end user in Cuba, if known.

13. Section 385.2 is amended to add a new paragraph (c) to read as follows:

§ 385.2 Country groups Q, W, and Y[1]; U.S.S.R., East European Communist Countries, Laos, and People's Republic of China.

* * * * *

(c) As authorized by section 6 of the Export Administration Act of 1979, a validated license is required for foreign policy purposes for the export to the U.S.S.R. of oil and gas exploration and production equipment as defined in CCL entries 6098F, 6191F, 6390F, 6391F, 6598F, and 6779F. Also included in the scope of this control are technical data (other than that authorized under General License *GTDA)* related to oil and gas exploration and production and other commodities that require a validated export license for shipment to the Soviet Union and that are intended for use in oil or gas exploration or production.

14. Section 385.4 (a) is revised; paragraph (a)(7)–(9) and paragraphs (d) and (e) are added to read as follows:

§ 385.4 Country group V.

(a) *Republic of South Africa and Namibia.* In conformity with the United Nations Security Council Resolutions of 1963 and 1977, relating to exports of arms and munitions to the Republic of South Africa, and consistent with U.S. foreign policy toward the Republic of South Africa and Namibia, the Department of Commerce has established, as authorized by section 6 of the Export Administration Act of 1979, the following special policies for commodities and technical data under its licensing jurisdiction.

* * * * *

(7) Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of medicines, medical supplies, and medical equipment not primarily destined for military or police entities or for their use.

(8) A validated license is required for the export to all consignees of aircraft and helicopters. Applications will generally be considered favorably on a case-by-case basis for such exports for which adequate written assurances have been obtained against military, paramilitary, or police use.

(9) A validated license is required for the export to government consignees of computers as defined in CCL entry 1565A, excluding those described under 1565A Note 7 in Supplement No. 1 to Part 385. Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of computers which would not be used to support the South African policy of apartheid.

* * * * *

(d) *Libya, Iraq, People's Democratic Republic of Yemen, and Syria.* As authorized by section 6 of the Export Administration Act of 1979, a validated license is required for foreign policy purposes for the export to Libya, Iraq, People's Democratic Republic of Yemen, and Syria (countries which have repeatedly provided support for acts of international terrorism) of crime control and detection equipment (Section 6.14) (which includes vehicles designed for military purposes—CCL entry 2406A) and of aircraft and helicopters as defined in CCL entry 1460A(a), 1460A(b) if valued at $3 million each or more, and 5460F. Applications for validated export licenses will generally be considered favorably on a case-by-case basis if issuance of the licenses would be consistent with the policies set forth in subsections 3(4), 3(8), and 3(10) of the Act and subject to the requirement in subsection 6(i) of the Act to notify Congressional committees of transactions valued at more than $7 million.

(e) *Libya.* As authorized by section 6 of the Export Administration Act of 1979, a validated license is required for foreign policy purposes for the export to Libya of off-highway wheel tractors of carriage capacity of 10 tons or more, as defined in CCL entry 6490F. Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of such tractors in reasonable quantities if for civil use, such as transportation of oil field equipment.

[1] See * * *

PART 399—COMMODITY CONTROL LIST

§ 399.1 [Amended]

15. In § 399.1, the Commodity Control List, incorporated by reference is amended as follows:

a. The following entries are established, and inserted in appropriate numerical order:

Export control commodity number and commodity description	Unit	Processing code	Validated license required	GLV dollar value limits T	V	Q
*	*	*	*	*		*
5460F Other nonmilitary aircraft and demilitarized military aircraft valued at $3,000,000 each or more.		MG	SZ, Syria, Iraq, Libya, People's Democratic Republic of Yemen, Republic of South Africa and Namibia.			
4799B Chemical agents, including tear gas, mace, and smoke bombs; and fingerprint powders, dyes, and inks. (Specify by name.) (See § 376.14.)		MG	QSTV, WYZ [1]	0	0	0
*	*	*	*	*		*

[1] A validated license *is not* required for export of these commodities to Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey, and the United Kingdom.

b. Entries 2018A, 1118A, 2406A, 1502A, 1505A, 1516A, and 2603A are amended to delete the values in the "GVL $ Value Limits" columns, and insert "0," and add footnotes as shown below.

For the "V" column, the following footnote is added for entries 2018A, 1118A, 1502A, 1505A, 1516A and 2603A:

The GLV $ value limit for the following countries is $500: Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

For the "V" column, the following footnote is added for entry 2606A:

The GLV $ value limit for the following countries is $1,000: Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

c. Entry 1585A is amended to add the following footnote to the "T" and "V" columns under "GLV $ Value Limits":

For subitem (f)(3) of this entry, General License GLV applies only to exports to Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

d. Entry 4585B is amended to add the following footnote to the "T" and "V" columns under "GLV $ Value Limits":

For subitem (e) of this entry, General License GLV applies only to exports to Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

e. For entry 1746A, a footnote is added to the "T" and "V" columns under "GLV $ Value Limits" as follows:

For protective vests and devices manufactured of aromatic polyamides described in subitem (d), General License GLV applies only to exports to Austrailia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

f. The following entries are revised to read as follows:

Export control commodity number and commodity description	Unit	Processing code	Validated license required	GLV dollar value limits		
				T	V	Q
* * *		*	*	*		*
5597B [3] Polygraphs (except biomedical recorders designed for use in medical facilities for monitoring biological and neurophysical responses); fingerprint equipment and analyzers; fingerprint and identification cameras and equipment; automated fingerprint and identification retrieval systems (whether or not computerized); psychological testing machines; infrared and ultraviolet film and plates and other photo anodized plates, sensitized and unexposed; and specially designed parts and accessories, n.e.s.	([2])	EE	QSTV, WYZ [3]	0	0	0
5680B [3] Nonmilitary protective vests, helmets, leg irons, shackles, handcuffs, thumbcuffs, thumbscrews, and saps.		EE	QSTV, WYZ [3]	0	0	0
5998B [1] Nonmilitary shotguns, barrel length 18 inches or over; and nonmilitary arms, discharge type (for example, stun-guns, shock batons, immunization guns and projectiles, etc.), *except arms designed solely for signal, flare, or saluting use;* and parts, n.e.s.		MG	QSTV, WYZ [1]	0	0	0
5999B [3] Nonmilitary gas masks designed for protection against tear gas and other chemical agents; saps; straight jackets; bullet and blast resistant garments, helmets and shields; and parts and accessories, n.e.s.		MG	QSTV, WYZ [3]	0	0	0
6460F Other aircraft and helicopters as follows: (a) Military aircraft, demilitarized (not specifically equipped or modified for military operations), the following only: (1) Cargo, "C-45 through C-118" inclusive, and "C-121", (2) Trainers, bearing a "T" designation and using piston engines, (3) Utility, bearing a "U" designation and using piston engines, (4) Liaison, bearing an "L" designation, and (5) Observation, bearing an "O" designation and using piston engines; and (b) Other nonmilitary helicopters and aircraft. (Specify make and model. See Supplement No. 2 to Part 370 or entry No. 1485 or 1501 for aircraft which are not covered under this entry.)		MG	SZ and the Republic of South Africa and Namibia.	0	0	0
5510C Doppler sonar navigation equipment; and parts and accessories therefor.		MG	QSWYZ [1]			$500
6599G [1] Other electronic and precision instruments, including photographic equipment and film, n.e.s.; and parts and accessories, n.e.s., *except exposed and developed microfilm reproducing in whole or in part, the content of printed books, pamphlets, and miscellaneous publications including newspapers and periodicals, children's picture and painting books, music books, sheet music, and calendars; motion picture film and sound track, exposed and developed, and advertising printed matter exclusively related thereto.*		EE	SZ [1]			
* * *		*	*	*		*

[1] A validated license also is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 371.2(c)(11) and § 385.4(a).

* * * * * * *

g. Entry 4597B is amended to add the following footnote to the "Validated License Required" column:

A validated license *is not* required for export of these commodities to Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zeland, Norway, Portugal, Turkey and the United Kingdom.

h. The following entry is deleted, and the commodities are covered by CCL entry 6499G:

Export control commodity number and commodity description	Unit	Processing code	Validated license required	GLV dollar value limits		
				T	V	Q
6485F Other aircraft flight and navigation instruments, n.e.s.; and parts and accessories, n.e.s. (Specify by name and model number.) (See § 399.2, Interpretation 20.)	.....	MG.....	SZ.....	.....	.....	.....

i. The following entries are deleted, and the commodities are covered by CCL entry 6599G:

Export control commodity number and commodity description	Unit	Processing code	Validated license required	GLV dollar value limits		
				T	V	Q
6461F Aircraft internal combustion engines; and parts and accessories, n.e.s.	.....	MG.....	SZ and the Republic of South Africa and Namibia.	.....	.....	.....
6531F Other transmitters or transceivers having more than 100 channels and designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezoelectric crystals, except those forming multiples of a common central frequency; and parts and accessories, n.e.s. (Specify by name and model number.)	.....	EE.....	SZ.....	.....	.....	.....

j. Footnote 4 to entry 6999G is revised as follows:

A validated license *is not* required for export of maps, hydrographic charts, atlases, gazeteers, globe covers, and globes (terrestrial or celestial), and commercial phonograph records, recorded, to North Korea, Vietnam, Cambodia, and Cuba.

Saving Clause

Shipments of commodities removed from general license as a result of changes set forth above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of export pursuant to actual orders for export prior to 12:01 a.m., January 14, 1980, may be exported under the previous general license provisions up to and including January 28, 1980. Any such shipment not laden aboard the exporting carrier on or before January 28, 1980, requires a validated license for export.

(Secs. 6, 15 and 21, Pub. L. 96–72, 93 Stat. 503, (50 U.S.C. app. 2401 *et seq.*); E.O. 12002, 3 CFR 133 (1978), Sec. 309(c), Pub. L. 95–242, 42 U.S.C. 2139a Department Organization Order 10–3, as amended, dated December 4, 1977, 42 FR 64721; and International Trade Administration Organization and Function Order 45–1, as amended, dated December 4, 1977, 42 FR 64716)

Robin B. Schwartzman, *Acting Deputy Assistant Secretary for Trade Regulation.*

[FR Doc. 80–585 Filed 1–4–80; 8:45 am]

BILLING CODE 3510–25–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33–6173; AS–274]

Accountant Liability for Reports on Unaudited Interim Financial Information Under Securities Act of 1933

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting a rule which provides that a report prepared or certified by an accountant within the meaning of Sections 7 and 11 of the Securities Act of 1933 shall not include a report by an independent accountant on a review of unaudited interim financial information ("SAS No. 24 report"), thereby having the effect of excluding accountants issuing such reports from Section 11(a) liability. The rule is being adopted, in part, to further the Commission's goals of encouraging increased auditor involvement with interim financial information and greater usage of reports containing a limited statement of assurance by accountants concerning unaudited financial information or other matters for which a full audit has not been undertaken. The Commission wishes to emphasize that it will closely monitor the rule as well as other matters relating to excluding accountants from liability under Section 11 for similar reports on unaudited data and that the rule adopted is not necessarily a final resolution of this matter.

EFFECTIVE DATE: The rule is effective December 28, 1979.

FOR FURTHER INFORMATION CONTACT: James J. Doyle or James L. Russell (202–272–2130), Office of the Chief Accountant, Mary Margaret Hammond (202–272–3059), Division of Corporation Finance, or Robert Chira (202–272–2437), Special Advisor, Office of the General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is adopting a rule which amends 17 CFR 230.436 to exclude from the definition of a "report" for the purposes of Sections 7 and 11 of the Securities Act of 1933 SAS No. 24 reports by independent accountants on reviews of unaudited interim financial information. The rule will have the effect of excluding accountants from potential liability under Section 11(a) of the Securities Act of 1933 for SAS No. 24 reports included

in Securities Act filings. The rule is based upon one of the two alternative rule formulations proposed in Securities Act Release No. 6127 (September 20, 1979) (44 FR 55894). The rule is being adopted, in part, to further the Commission's goals of encouraging increased auditor involvement with interim financial information and greater usage of reports containing a limited statement of assurance by accountants concerning unaudited financial information or other matters for which a full audit has not been undertaken.

The Commission has also approved issuance of a related release in which the Commission will propose, for comment, a similar rule for reports by independent accountants on reviews of unaudited supplemental information on the effects of changing prices required to be included in a document containing financial statements.[1]

I. Background

A. SAS No. 24

In March 1979, the Auditing Standards Board of the AICPA issued Statement on Auditing Standards No. 24[2] which delineates procedures to be followed by accountants with respect to reviews of unaudited interim financial information and which sets forth standards for reports based on such reviews. The procedures prescribed by SAS No. 24 are limited to inquiries and review procedures which are substantially less than an audit.

A report under SAS No. 24 consists of the following:

(1) A statement that the review of interim financial information was made in accordance with established professional standards for such reviews; (2) an identification of the interim financial information reviewed; (3) a description of the procedures for a review of interim financial information; (4) a statement that a review of interim financial information is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is an expression of opinion regarding the financial statements taken as a whole, and, accordingly, no such opinion is expressed; and (5) a statement about whether the accountant is aware of any material modifications that should be made to the accompanying financial information so that it conforms with generally accepted accounting principles.[3]

The Commission has encouraged increased auditor involvement with interim financial information and greater usage of reports containing a limited statement of assurance by accountants concerning unaudited financial information or other matters for which a full audit has not been undertaken.[4] SAS No. 24 reports represent the first type of public reporting, applicable to public companies, by independent accountants containing such limited assurances based on procedures less than an audit.

B. Statutory Framework

Section 11(a)(4) of the Securities Act imposes civil liability for material misstatements or omissions in registration statements upon "every accountant * * * who has, with his consent, been named as having prepared or certified any part of the registration statement, or as having prepared or certified any report or valuation which is used in connection with the registration statement * * *."[5] Section 7 of the Securities Act deals with the matter of consent by requiring the filing of a written consent with the registration statement by any accountant who is named as having prepared or certified a report for use in connection with the registration statement. Section 7 establishes a separate requirement for reports which are used in a registration statement but which were prepared by the accountant for some other purpose; here, written consent is required "unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement."[6]

An important consequence of Section 11(a) liability is that a plaintiff who makes a showing of a material misstatement or omission in a registration statement will have met his burden of proof. The burden will then shift to the defendant under Section 11(b)(3)(B)(i) to demonstrate that he believed the statement was true and not misleading after conducting a "reasonable investigation" and that he had reasonable ground for this belief.[7]

Accountants have heretofore considered their duty to conduct a "reasonable investigation" under Section 11 to have been met when they performed a full audit[8] and not when only limited procedures are involved as in SAS No. 24 reviews.

As a consequence of the interrelationship between Sections 7 and 11, concern had been expressed that accountants issuing SAS No. 24 reports, who subsequently consent under Section 7 to being named in a registration statement which incorporates their report by reference, could be held subject to Section 11(a) which imposes liability on every accountant "who has with his consent been named as having prepared * * * any report * * *."

Since SAS No. 24 was only recently issued, the question of whether accountants could be held liable under Section 11(a) for SAS No. 24 reports

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[1] See Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices," FASB, September 1979.

[2] SAS No. 24, "Review of Interim Financial Information," AICPA, March 1979. SAS No. 24 superseded SAS No. 10, "Limited Review of Interim Financial Information," AICPA, December 1975; and SAS No. 13, "Reports on a Limited Review of Interim Financial Information," AICPA, May 1976.

[3] See Id., paragraph 17.

[4] See, e.g., Securities and Exchange Commission Report to Congress on the Accounting Profession and the Commission's Oversight Role, U.S. Government Printing Office, July 1979, pages 241–243.

[5] Section 11(a) in imposing civil liability for material misstatements or omissions in registration statements applies to:

(4) every accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, who has with his consent been named as having prepared or certified any part of the registration statement, or as having prepared or certified any report or valuation which is used in connection with the registration statement, with respect to the statement in such registration statement, report, or valuation, which purports to have been prepared or certified by him * * *.

[6] The pertinent language of Section 7 is:

If any accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, is named as having prepared or certified any part of the registration statement, or is named as having prepared or certified a report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement. If any such person is named as having prepared or certified a report or valuation (other than a public official document or statement) which is used in connection with the registration statement, but is not named as having prepared or certified such report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement.

[7] Section 11(b)(3) provides a defense to Section 11(a) liability for every person named in Section 11(a), other than an issuer, if such person sustains the burden of proof that:

(B) as regards any part of the registration statement purporting to be made upon his authority as an expert or purporting to be a copy of or extract from a report or valuation of himself as an expert, (i) he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or (ii) such part of the registration statement did not fairly represent his statement as an expert or was not a fair copy of or extract from his report or valuation as an expert * * *.

[8] E.g., Codification of Statements on Auditing Standards, AU § 630.02, in the context of "Letter to Underwriters" states: "The accountant's reasonable investigation must be premised upon an audit; it cannot be accomplished short of an audit."

included with the consent of the accountants pursuant to Section 7 in Securities Act filings has not yet been tested in the courts. Under existing case law, Section 11(a) liability of an accountant who has consented to being named in a registration statement has been limited to audited financial statements which have been certified by him. *See Escott* v. *Bar Chris Construction Corp.*, 283 F. Supp. 643 (S.D. N.Y. 1968), and *Grimm* v. *Whitney-Fidalgo Seafoods, Inc.*, (1977–78 Transfer Binder) CCH Fed. Sec. L. Rep. ¶96,029 (S.D. N.Y. 1973). These cases arose, however, before the issuance of SAS No. 24 reports and their inclusion in Securities Act filings with the accountant's consent to being named as having prepared them. As a result of the different facts presented by issuance of SAS No. 24 reports, absent the rule adopted, the accountant's consent and issuance of such a report may have been found to come within the language of Section 11(a)(4) which imposes liability on an accountant "who has with his consent been named as having prepared or certified * * * any report or valuation which is used in connection with the registration statement * * *." Therefore, absent the rule adopted, additional uncertainty would exist, if Section 11(a)(4) were applicable to accountants for SAS No. 24 reports, as to whether SAS No. 24 limited procedures would constitute a reasonable investigation defense in the circumstances under Section 11(b)(3)(B)(i).

II. Purpose

The rule is being adopted, in part, to further the Commission's goals of encouraging increased auditor involvement with interim financial information and greater usage of reports containing a limited statement of assurance by accountants concerning unaudited financial information or other matters for which a full audit has not been undertaken. In this connection, an impetus for proposing the rules was concern that, if SAS No. 24 reports are used by registrants in connection with Securities Act registration statements, there may be reluctance on the part of accountants to issue reports on the basis of the limited review procedures specified in SAS No. 24 because of their potential liability under Section 11(a) of the Securities Act; and that, alternatively, if accountants perform significantly expanded procedures, much closer to a complete audit, in order to meet potential liability concerns under Section 11(a), substantial increased costs to issuers could result.

The Commission expects that directors and underwriters will continue to exercise due diligence in a vigorous manner with respect to SAS No. 24 reports. In any suit for damages under Section 11(a), the directors and underwriters in defense should not be able to rely on SAS No. 24 reports on interim financial data included in a registration statement as statements "purporting to be made on the authority of an expert * * * which they had no ground to believe * * * were untrue * * *" under Section 11(b)(3)(C).[9] Rather, directors and underwriters should be required, as has previously been the case whenever unaudited financials are included in a registration statement, to demonstrate affirmatively under Section 11(b)(3)(A) that, after conducting a reasonable investigation, they had reasonable ground to believe, and did believe, that the interim financial data was true.[10]

It should be emphasized that accountants will nevertheless remain subject to liability under Section 17(a) of the Securities Act of 1933 for SAS No. 24 reports used in connection with registration statements.[11] This section provides a vehicle for securing many of the protections afforded under Section 11 of the Securities Act,[12] although there are significant differences between the two sections.

III. *Other Considerations*

The Commission recognizes that, although, as a result of this rule, accountants will not be liable to shareholders in action under Section 11, there are other remedies available to aggrieved shareholders including those under common law, state statutes, and the general anti-fraud provisions of the federal securities statutes. For example, a shareholder may bring an action under Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder, although the plaintiff will have the burden of proving scienter in that case.[13] As to directors and underwriters who rely on the accountant's SAS No. 24 report on interim financial information, they also can bring actions under other applicable laws.

In addition, the Commission wishes to emphasize that the adoption of this rule excluding accountants from potential liability under Section 11 for SAS No. 24 reports is not its final view as to the proper resolution of this matter. The Commission has also approved issuance of a related release in which the Commission will propose a rule excluding accountants from potential liability under Section 11 for reports on reviews of unaudited supplemental information on the effects of changing prices.[14] In that release the Commission

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[9] Section 11(b)(3) provides a defense to Section 11(a) liability to every person named in Section 11(a), other than an issuer, if such person sustains the burden of proof that:

(C) As regards any part of the registration statement purporting to be made on the authority of an expert (other than himself) or purporting to be a copy of or extract from a report or valuation of an expert (other than himself), he had no reasonable ground to believe, and did not believe, at the time such part of the registration statement became effective, that the statements therein were untrue or that there was an omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or that such part of the registration statement did not fairly represent the statement of the expert or was not a fair copy of or extract from the report or valuation of the expert * * *.

[10] Section 11(b)(3) provides a defense to Section 11(a) liability to every person named in Section 11(a), other than an issuer, if such person shall sustain the burden of proof that:

(A) as regards any part of the registration statement not purporting to be made on the authority of any expert and not purporting to be a copy of or extract from a report or valuation of an expert, and not purporting to be made on the authority of a public official document or statement, he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading * * *.

[11] Section 17(a) of the Securities Act provides in its entirety:

It shall be unlawful for any person in the offer or sale of any securities by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, directly or indirectly—

(1) to employ any device, scheme, or artifice to defraud, or

(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

[12] With respect to Commission enforcement actions, Section17(a) has generally been interpreted by the courts to impose civil liability without scienter. *Securities and Exchange Commission* v. *World Radio Mission*, 554 F. 2d 535 (1st Cir. 1976); *Securities and Exchange Commission* v. *Coven*, 581 F. 2d 120 (2d Cir. 1978), *cert. denied*, 47 U.S.L.W. 3568 (1979); *Securities and Exchange Commission* v. *Aaron*, CCH Fed., Sec. L. Rep. ¶ 96,800 (2d Cir. 1979), *cert. granted*, October 15, 1979, Docket Number 79–66; *Securities and Exchange Commission* v. *American Realty Trust*, [1978] CCH Fed. Sec. L. Rep. ¶ 96,605 (4th Cir. 1978). Therefore, insofar as material misstatements or omissions are made by accountants in SAS No. 24 reports used in registration statements, the Commission may take appropriate enforcement action against such accountants under Section 17(a). Of course, where an accountant's report is found to be fraudulent, and the fraud has occurred in connection with the purchase or sale of a security, civil liability would also arise pursuant to Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78j(b), and Rule 10b–5 thereunder, 17 CFR 240. 10b–5. *See*, e.g., *Blue Chip Stamps* v. *Manor Drug Stores*, 421 U.S. 723 (1975).

[13] See *Ernst & Ernst* v. *Hochfelder*, 425 U.S. 185 (1976)

[14] See note 1, *supra*.

will specifically solicit the views of registered companies, shareholders, directors, underwriters, accountants and their respective counsel, as well and other interested parties, as to whether exclusion of protential Section 11 liability for accountants is appropriate and desirable in these circumstances. Further, the Commission in that related release will specifically solicit comments on what effects such exclusion of potential Section 11 liability for accountants may have on the ability of directors and underwriters to meet their due deligence defense under Section 11(b)(3)(A).[15] Finally, the Commission will solicit comments in the related released as to whether alternative approaches exist which are more desirable. In any event, after adopting this rule, the Commission will closely monitor its working. In addition, the Commission will review these issues in connection with the rule being proposed in the related release.

IV. Results of Comment Process

A. General

Twenty comment letters were submitted in response to the proposal: Eleven from accounting firms of professional accounting bodies; four from law firms or bar association groups; three from registrants; and two form individuals. All commentators supported the appropriateness and desirability of adoption by the Commission of a rule which would have the effect of excluding accountants issuing SAS No. 24 reports from Section 11(a) liability.

B. Definitional Rule

The Commission proposed two alternative rule formulations, either of which it believed would have the effect of excluding accountants from potential liability under Section 11(a) of the Securities Act for SAS No. 24 reports included in Securities Act filings. Proposed Version "A" (the "exemptive rule") would have provided that the written consent of an accountant pursuant to Section 7 of the Act maybe omitted, without specific application to the Commission, in respect of a report on unaudited interim financial information prepared by an independent account for other than use in a registration statement when the accountant has conducted a review of and reported on such information in accordance with SAS No. 24. The Commission believed that a waiver of the consent requirement should operate to insulate the accountant from Section 11(a) liability if such SAS No. 24 report is included in a Securities Act filing.

Proposed Version "B", which is the formulation being adopted, in effect, defines SAS No. 24 reports not to be reports prepared or certified by an accountant within the meaning of Sections 7 and 11 of the Act. Accordingly, the filing of a consent under Section 7 will be unnecessary, and accountants will not be liable for such reports under Section 11(a).

In inviting public comment on which rule would be preferable if either were to be adopted, the Commission noted that, among other considerations, the exemptive rule appeared to be more limited in that it would apply to circumstances where SAS No. 24 reports are prepared for uses other than inclusion in the registration statement, and not when prepared specifically for use in a registration statement, while the definitional rule would apply in either case.

All commentators favored the definitional rule. Most commentators suggested that it is the nature of the accountant's review of interim financial information, not whether such review was performed for purpose of a registration statement, which should determine whether as SAS No. 24 report should expose an accountant to Section 11(a) liability. In addition, many commentators pointed out that in many instances it may be difficult to determine whether or not an SAS No. 24 report has been prepared for use in a registration statement.

The rule as adopted has been broadened to ensure that Sections 7 and 11(a) do not apply to these reports. The language of the proposed rule made clear that an SAS No. 24 report does not constitute a "report" which has prepared or certified for use in connection with a registration statement. However, the relevant provisions of Sections 7 and 11(a) also apply to the preparation of "any part of the registration statement." In order to ensure that SAS No. 24 reports do not fall within the these provisions of Sections 7 and 11(a), the rule as adopted specifically states that "a report on unaudited interim financial information * * * shall not be considered a part of the registration statement prepared or certified by an accountant * * *."

C. Other Matters

In the opinion of many of the commentators, an independent accountant should have the ability to control the use of his SAS No. 24 report in a registration statement, and the Commission's staff should have a vehicle to determine that the SAS No. 24 report has not been included in a registration statement without the accountant's knowledge. While the rule adopted eliminates the requirement of Section 7 of the Act that accountants consent to use of SAS No. 24 reports, the Commission agrees with the Commentators and believes that independent accountants should acknowledge their awareness that their SAS No. 24 reports are being included in a registration statement. The Commission intends to adopt an amendment to the exhibit requirements applicable to appropriate forms for the registration of securities. This amendment will require issuers to file as an exhibit to a registration statement a letter from the independent accountants which acknowledges their awareness of the use in a registration statement of any of their reports which are not subject to the consent requirement of Section. 7. This amended exhibit requirement will therefore require an acknowledgement whenever an issuer makes use of an SAS No. 24 report in a registration statement.[16]

A number of the commentators suggested that a prospectus include disclosure about the independent accountants' role in preparing SAS No. 24 reports. The Commission agrees that disclosure which clarifies the distinction between the role of accountants in preparing SAS No. 24 reports as opposed to their role in certifying financial statements is needed in order to fully inform investors. Such disclosure would correct any misleading implication about the extent of accountants' involvement which might otherwise arise from the inclusion of both an SAS No. 24 report and a certification in a registration statement and thus satisfy the requirements of Rule 408 of Regulation C under the Securities Act. Accordingly, a prospectus which includes a discussion about the independent accountants' involvement in a registration statement should clarify that SAS No. 24 reports included in such registration statement are not "reports" or "parts" of the registration statement within the meaning of Sections 7 and 11 of the

[15] See note 10, *supra.*

[16] The Commission has proposed amendments to Regulation S-K and certain forms for the registration of securities under the Securities Act of 1933 in order to integrate the exhibit filing requirements and eliminate certain exhibit filing requirements (Securities Act Release No. 6149, November 16, 1979). The exhibit filing requirement relating to the accountant's acknowledgement of an awareness that a report which is not subject to the consent requirement of Section 7 is included in a registration statement will be adopted at the same time as final action is taken on the amendments to the exhibit requirements proposed in Securities Act Release No. 6149.

Securities Act. The fact that the independent accountants' Section 11 liability does not extend to such SAS No. 24 reports should be specifically stated.

V. Authority

The rule is adopted pursuant to Section 19(a) of the Securities Act of 1933 which grants the Commission authority to define "accounting, technical and trade terms used in this title."

VI. Text of Rule

In consideration of the foregoing, 17 CFR Chapter II is amended as follows:

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding paragraphs (c) and (d) to § 230.436 as follows:

§ 230.436 Consents required in special cases.

* * * * *

(c) Notwithstanding the provisions of paragraph (b) of this section, a report on unaudited interim financial information (as defined in paragraph (d) of this section) by an independent accountant who has conducted a review of such interim financial information shall not be considered a part of a registration statement prepared or certified by an accountant or a report prepared or certified by an accountant within the meaning of sections 7 and 11 of the Act.

(d) The term "report on unaudited interim financial information" shall mean a report which consists of the following: (1) A statement that the review of interim financial information was made in accordance with established professional standards for such reviews; (2) an identification of the interim financial information reviewed; (3) a description of the procedures for a review of interim financial information; (4) a statement that a review of interim financial information is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is an expression of opinion regarding the financial statements taken as a whole, and, accordingly, no such opinion is expressed; and (5) a statement about whether the accountant is aware of any material modifications that should be made to the accompanying financial information so that it conforms with generally accepted accounting principles.

By the Commission.

George A. Fitzsimmons,

Secretary.

December 28, 1979.

[FR Doc. 80-549 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance (1950—); Basic Computation of Benefits and Lump Sums; New Methods of Computing Benefit Amounts

AGENCY: Social Security Administration, HEW.

ACTION: Final rules.

SUMMARY: These rules state the new methods that we use to compute the basic benefits, minimum benefits, and cost-of-living increases, and to recompute the basic benefit amount. These changes are required by the Social Security Amendments of 1977. The principal purpose of the new methods is to stabilize for future beneficiaries the relationship between initial benefits and the worker's earnings. This purpose will be achieved mainly (1) by making a cost-of-living increase apply only to persons eligibile for benefits in the year of the increase and (2) by computing benefits through methods that adjust both a worker's past earnings and the brackets in the benefit formula to reflect changes in the wage levels of all wage earners. The new benefit computation methods thus provide for adjustment of benefits, earnings credits, and the benefit formula to reflect increases in cost of living or wage levels. They also reduce substantially the long-range social security deficit which resulted in large part from unintended effects of the automatic cost-of-living increase provisions of the 1972 Social Security Amendments.

EFFECTIVE DATE: These rules are effective January 8, 1980. However, in accordance with the law which these rules reflect, the new methods are effective beginning January 1, 1979.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-6785.

SUPPLEMENTARY INFORMATION: On December 29, 1978, these rules were published in the **Federal Register** (43 FR 60877) as interim regulations.

Background

The automatic cost-of-living benefit increase provision of the 1972 Social Security Amendments successfully made inflation-proof the benefits of persons on the social security benefit rolls. This protection was assured by increasing benefits as the Consumer Price Index (CPI) went up. However, since 1972 the automatic benefit increase also applied to benefits which would have been payable to persons who were not yet eligible. As explained below, applying cost-of-living increases to future beneficiaries actually would have overcompensated them for inflation and resulted in a huge, unnecessary drain on the Social Security Trust Funds.

Benefits have traditionally been based on a worker's average earnings during that worker's working life, so that as the worker's earnings rise, the worker's potential future benefits also rise. Under the 1972 Amendments, benefits for future beneficiaries also increased whenever the CPI rose, and price rises far exceeded the rates expected by Congress. Thus, as wages increased to reflect price increases and as prices increased to reflect wage increases, there was an upward spiralling of benefit levels which placed a much heavier burden on the Social Security Trust Funds than was anticipated by Congress.

If the pre-1977 Amendments method for computing benefits had been retained, benefit levels would have risen by about 50 percent more than wages over the next 75 years. As a result of this rise in benefit levels, many workers would have received old-age benefits which were equal to or even greater than their wage levels when they retired. This unintended result accounted for about one-half of the long-range deficit of the trust funds.

Decoupling

The method provided in the 1977 Amendments for stabilizing the relationship between benefit levels and earnings levels is known as "decoupling." Under decoupling, cost-of-living increases will continue to apply to keep benefits inflation-proof, but only after a worker either becomes eligible for benefits, or dies before becoming eligible in the case of survivor's benefits.

Benefit Computations Based on Indexed Earnings

Along with decoupling, the future benefits of a worker not yet eligible will be protected against inflation in two

ways. One way is by adjusting or "indexing" the worker's past earnings to take into account the change in general wage levels that has occurred during the worker's years of employment. The second way is by indexing the brackets in the benefit formula to reflect changes in the average wages of all workers between 1977 and the second year before the worker becomes eligible or dies. These adjusted earnings and benefit formulas, which will be computed when the worker or the worker's survivors file for benefits, will be used to compute benefit amounts. Pre-amendment computation methods would have used the worker's actual earnings, without adjustment, and cost-of-living increases were reflected in statutory tables of benefit amounts to take account of increases up to the time the beneficiaries became entitled. The 1977 Amendments provide more direct methods for computing benefits on the basis of the updated value of amounts earned in prior years.

Definition of Average of Total Wages

As provided by statute, wages are indexed by applying a ratio to the worker's earnings for each year beginning with 1951. The ratio is the "average wage" earned by all wage earners in the second year before the year of the worker's death or eligibility for benefits, divided by the "average wage" earned by all wage earners in the year of past earnings being adjusted. For instance, if a worker is credited with earnings of $4,800 for 1962, and average wage levels have doubled between then and the second year before the worker's death or eligibility for benefits, then the worker's indexed earnings for 1962, for benefit computation purposes, will be $9,600.

In the computation of average wages, individuals who worked for wages in more than one job will be counted as only one wage earner. To compute the average wage in any given year, therefore, it is necessary to know the total wages earned in that year and the total number of individuals who earned those wages.

The Congress gave the Secretary express authority to decide how to compute the average wage for each year beginning with 1951, using wages reported to the Secretary of the Treasury or his or her delegate. Average wages for 1951–1977 were published on December 29, 1978 (43 FR 61016). We determine the average wage figure as described below.

1978 and Succeeding Years

As legislative history suggests, data on total wages and total wage earners will be obtained from W–2 Forms submitted to the Internal Revenue Service (IRS) for income tax purposes. For 1978 and 1979, we will use averages derived from data on wage amounts reported on IRS Forms 1040. The number of wage earners will be derived from the W–2 Forms that are attached to those Forms 1040. (Similar data for 1977 will be obtained, so that the averages for 1978 and 1979 can be adjusted to make them comparable to the averages for 1951–1977.) Beginning with average wages for 1980, we plan to use all W–2 Forms submitted to IRS for income tax purposes. (Again, similar data for 1979 will be obtained in order to adjust average wages for 1951–1979 to the 1980 level.)

1973 through 1977

For each year, total wages and total wage earners were determined from reports of taxable wages earned during the first quarter of the year, submitted to SSA for social security tax purposes. The average wage for the first quarter of the year was multiplied by four to obtain the average wage for the year.

For years before 1977, total wages could be determined from IRS 1040 Forms, but not total wage earners. This is because IRS did not process joint returns for those years to indicate whether the husband, wife, or both earned the reported wages. Thus, the best source of data on total wages and total wage earners for these years is SSA's own records.

Total wages for the years 1973 through 1977 were determined by using taxable wages earned during the first quarter of the year rather than wages earned during the entire year. The earnings in the first quarter are considered to be more appropriate, because many wage earners reach the ceiling for reported earnings for social security tax purposes before the end of the year while relatively few reach the ceiling in the first quarter. For this reason, the first quarter earnings have also been used by SSA for other purposes under the statute, such as the determination of the contribution and benefit base, which is the maximum annual amount of earnings taxable and creditable toward benefits under social security.

1957 through 1972

Data on average taxable wages reported for all employees for the first quarter of each year before 1973 are not available on a 100-percent basis. However, beginning with 1957, such data are available from a statistical one-percent sample of social security workers containing information on wages earned during the first quarter of the year and submitted to SSA for social security purposes. As for years 1973 through 1977, the average wage for the first quarter was multiplied by four to obtain the average wage for the year.

1951 through 1956

For each year, average taxable wages were determined from a statistical 0.1% sample containing data on wages earned during the first quarter of the year and submitted to SSA for social security tax purposes. Again, as for years 1957 through 1977, the average wage for the first quarter was multiplied by four to obtain the average wage for the year.

In addition, appropriate adjustments were made so that, despite the different sources of data, the results for all years are comparable. The following are some examples of the differences in data for various periods:

(a) For years beginning with 1980, all W–2 Forms will be used, while IRS Form 1040's will be used for 1978 and 1979. The data from these two sources are expected to be different since, for example, persons with very low wages may not file a Form 1040.

(b) Forms 1040 submitted to IRS will be used for the years 1978 and 1979. W–2 Forms will be used for years after 1979. Before 1978, wage reports to SSA were used. Wages for all types of employment are reported to IRS, but before 1978, wages for some types of employment were not reported to SSA. All wages for the year are reported to IRS, but before 1978, wages were reported to SSA only up to the maximum amount taxable for social security purposes.

(c) Sampling will be used for years before 1973.

Given that similar data on total wages and total wage earners are not available for all years, it is believed that the data and the adjustments that SSA uses will produce fair and reliable results.

Publication of Wage Levels

Each year, the Secretary of Health, Education, and Welfare will publish in the **Federal Register** the current information on general wage levels that is needed to compute a person's benefit. On December 29, 1978, we published in the **Federal Register** (43 FR 61016) the average of the total wages for calendar years 1951 through 1977.

When Wage Indexing Is Effective

Wage indexing is effective for workers who after 1978 first become eligible for old-age or disability benefits or die before becoming eligible. If the wage indexing method results in a lower old-age benefit than would be payable under pre-1977 Amendments methods,

the former methods, slightly modified, may be used for persons who become eligible for an old-age benefit in the years 1979 through 1983. Modified pre-1977 Amendments methods may also be used in computing benefits for survivors of deceased workers who die after 1978 and attained age 62 in the years 1979 through 1983.

Minimum Benefit Frozen

The 1977 Amendments provide that the minimum benefit amount will be frozen at $122. That amount will then be subject to cost-of-living increases only for years in which a beneficiary is entitled to payments. Freezing the minimum benefit emphasizes the Supplemental Security Income program as a source of income for the needy. In order to provide for the needy, the minimum benefit has been increased more rapidly in the past than benefits generally. However, these increases have often resulted in somewhat of a windfall for persons who were not needy, but were receiving the minimum because they did not rely on earnings covered by social security as their primary means of support during their working lifetime.

Special Minimum Benefit Increased

The special minimum benefit, which applies to individuals who worked for many years under social security for low wages, will guarantee these workers a benefit of at least $11.50, instead of $9, for each year of coverage over 10 and up to 30. The special minimum benefit was recomputed in January 1979 for present beneficiaries to take into account this increase in the base figure from $9 to $11.50.

Cost-of-living increases will now apply to the special minimum benefit, as well.

Recomputations

Workers whose benefits were computed using wage indexing will be able to have their basic benefit recomputed if earnings after entitlement will result in a higher benefit, although the additional earnings will not be indexed.

The Final Rules

We have made some minor technical corrections and additions to the rules which were published in the interim regulations. In addition, we have added several clarifying changes as a result of comments from the public; these are discussed below. Finally, in § 404.212 through § 404.212f, we have added an introductory section and rearranged and rewritten some of the material so that it is easier to follow.

Comments on Interim Regulations

In the interim regulations, we allowed 60 days for interested persons to submit comments. We received comments from 6 people, including 4 who represent pension-consulting companies. The commenters essentially requested clarifications in certain sections of the regulations. As a result of these comments, we have made the following changes:

1. In § 404.212f, which was § 404.212b(b)(2)(iii) in the interim regulations, we indicate that benefits to survivors can be computed under the pre-1977 Amendments methods if the deceased worker attained age 62 after 1978 and before 1984. We also point out that the 1984 cut-off year does not apply to certain seldom used computation methods;

2. In § 404.212f(c), which was § 404.212b(b)(3) in the interim regulations, we have added an explanation that the modified pre-1977 Amendments method can never be used to compute disability insurance benefits, but that certain disabled individuals can choose from two methods under which they want their benefits to be computed. Accordingly, these amendments are adopted with several editorial and clarifying changes, as set forth below.

(Sections 205, 215, and 1102 of the Social Security Act, as amended; 53 Stat. 1368, as amended, 64 Stat. 506, as amended, 49 Stat. 647; 42 U.S.C. 405, 415, and 1302).

(Catalog of Federal Domestic Assistance Programs Nos. 13.802 Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance; 13.805 Social-Retirement Insurance; 13.805 Social Security-Survivors Insurance.)

Dated: October 31, 1979.

Stanford G. Ross,

Commissioner of Social Security.

Approved: December 31, 1979.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.203 is amended as follows: In paragraph (a), "or average indexed monthly earnings," is added after "average monthly wage"; in paragraphs (d) and (f), the period is deleted after "average monthly wage" and "or average indexed monthly earnings." is added; and paragraphs (m) and (n) are added to read as follows:

§ 404.203 Definition of terms.

* * * * *

(m) *The average of the total wages.* As used in this subpart, "the average of the total wages" (the average wage) means:

(1) For years after 1977, all remuneration reported as wages on Form W–2 to the Internal Revenue Service for all employees for income tax purposes, divided by the number of wage earners, except that for 1978 and 1979, we will use averages derived from data on wage amounts reported on IRS Forms 1040. The number of wage earners will be derived from the W–2 Forms attached to those Forms 1040. We will adjust those averages to make them comparable to the averages for 1951–1977. For years after 1977, the term includes remuneration for services not covered by social security and remuneration for covered employment in excess of that which is subject to FICA contributions.

(2) For the years 1951 through 1977, four times the amount of average taxable wages that were reported to the Social Security Administration for the first calendar quarter of each year for social security tax purposes. For years prior to 1973, these average wages are determined from a sampling of these reports.

(n) *Average indexed monthly earnings (AIME).* The "average indexed monthly earnings" (AIME) are the average of the insured individual's monthly creditable earnings in the benefit computation years, as adjusted or "indexed." The adjustment is intended to reflect increases in the average wages of all wage earners from 1951 through the second year before the year the worker dies or becomes eligible for benefits.

§ 404.205 [Amended]

2. Section 404.205 is amended by inserting after "Act," in the third sentence "from the individual's average indexed monthly earnings (§ 404.212c), from the individual's primary insurance benefit if the the individual had earnings in years before 1951 (§ 404.213),".

§ 404.207 [Amended]

3. Section 404.207 is amended by inserting after "higher" in the first sentence of paragraph (a) "or unless the wage indexing method in the Amendments of 1977 applies,".

4. Following § 404.211, new §§ 404.212, 404.212a, 404.212b, 404.212c, 404.212d, 404.212e and 404.212f are added to read as follows:

§ 404.212 Changes resulting from the Social Security Amendments of 1977.

(a) In §§ 404.212a–404.212f, we discuss the new methods for computing benefit amounts as a result of the 1977 Amendments. Section 404.212a explains how we select the proper computation method.

(b) The basic new method for computing benefit amounts under the 1977 Amendments is "wage indexing". It applies generally where an insured individual after 1978 attains age 62, becomes disabled, or dies before age 62. This method uses the worker's earnings after they have been adjusted, or "indexed", in proportion to the average increase in wages of all workers. Using this method, we determine the worker's Average Indexed Monthly Earning (AIME). (See § 404.212c.) We then compute the primary insurance amount (PIA), using the worker's AIME and also adjusting the brackets in the computation formula to reflect changes in general wage levels. (See § 404.212b). As required by law, we will publish in the **Federal Register** each year the information needed to compute the PIA under the new method. (See § 404.212d.)

(c) If the insured individual after 1978 attains age 62, becomes disabled, or dies before age 62, but was previously entitled to a disability insurance benefit, we use different methods to compute benefits. We explain these methods in § 404.212e.

(d) In certain situations where the 1977 Amendments apply, we use modified pre-1977 Amendments computations if the resulting PIA is higher than the PIA computed under the 1977 Amendments. We discuss these methods and the situations in which they apply in § 404.212a(c) and § 404.212f.

§ 404.212a Selecting the proper computation method.

(a) *When we compute benefits under the 1977 Amendments.* We compute benefits under the provisions of the Social Security Amendments of 1977 where an insured individual after 1978: (1) Attains age 62, (2) becomes disabled, or (3) dies before age 62. The computation methods under the 1977 Amendments are explained in §§ 404.212b, 404.212c and 404.212d. For exceptions to use of these methods, see paragraphs (b) and (c) of this section.

(b) *Prior entitlement to disability insurance benefits.* If an insured individual after 1978 attains age 62, becomes disabled, or dies before age 62, and was previously entitled to a disability insurance benefit, we compute benefits using the methods explained in § 404.212e.

(c) *When we use modified computations under prior law.* In certain situations we use modified pre–1977 Amendments computations, if the resulting primary insurance amount (PIA) is higher than the PIA computed under the 1977 Amendments. In general, we may use these modified methods where an insured individual attains age 62 in the years 1979 through 1983, or dies after 1978 and attained age 62 in the years 1979 through 1983. We may use these methods to compute old-age insurance benefits and related dependents' benefits and, where the individual has died, to compute survivors' benefits. We may not ordinarily use these methods to compute disability insurance benefits and related dependents' benefits. The methods used and the situations to which they apply are explained in detail in § 404.212f.

§ 404.212b Computing an individual's primary insurance amount (PIA) under the 1977 Amendments.

(a) *PIA based on the average indexed monthly earnings (AIME).* Under the 1977 Amendments, the primary insurance amount is the sum of three separate percentages of portions of the average indexed monthly earnings. (See § 404.212c for an explanation of the AIME.)

(1) For individuals who first become eligible for old-age insurance benefits (OAIB) or disability insurance benefits (DIB) in 1979 or who die in 1979 before becoming eligible for OAIB or DIB, the PIA is computed by adding the following:

(i) 90 percent of the first $180 of the AIME;

(ii) 32 percent of the AIME over $180 and through $1,085; and

(iii) 15 percent of the AIME over $1,085.

(2) If the sum of these amounts is not a multiple of $.10, it is rounded to the next higher multiple of $.10.

(3) For individuals who after 1979 first become eligible for OAIB or DIB or die before becoming eligible, the same formula is used except that $180 and $1,085 are adjusted as explained in paragraph (b) of this section.

(4) If, after adjustment for the cost-of-living increase, the PIA based on the AIME is less than $122 (as adjusted for the cost of living), which is the minimum amount in column IV of the benefit table that was in effect in December 1978, rounded to the next higher dollar, or is less than the special minimum PIA computed for the individual (as adjusted for the cost of living), then the PIA to be used is the larger of these two minimum amounts.

(b) *Adjusting $180 and $1,085 in the PIA formula after 1979.* For an individual who after 1979 either first becomes eligible for OAIB or DIB or dies before becoming eligible, the amounts of $180 and $1,085 in paragraph (a)(1) of this section are adjusted. The adjustment updates the amounts to reflect the change in average wages of all wage earners which has occurred between 1977 and the second year before the year of first eligibility or death. This is done first by dividing the average of the total wages for the second year before the year in which the insured individual dies or first becomes eligible for benefits, by the average of the total wages for 1977 (the second year before 1979). The answer is multipled by $180 and by $1,085 to obtain the revised figures for purposes of computing the PIA. The revised figures are rounded to the nearer dollar. For example, the amount of $210.49 is rounded to $210.00; and $210.50 is rounded to $211.00.

Example. An insured worker becomes eligible for benefits in 1981. The estimated average of the total wages for 1979, the second year before the worker became eligible, is $11,494.44 and the average of the total wages for 1977 is $9,779.44. Thus, $180 and $1,085 are adjusted as follows:

$$\frac{\$11,494.44}{\$9,779.44} \times \$180 = \$212.$$

$$\frac{\$11,494.44}{\$9,779.44} \times \$1,085 = \$1,275.$$

§ 404.212c Computing an individual's average indexed monthly earnings (AIME).

(a) *General.* Earnings up to the annual wage limitation (§ 404.1027) which are recorded in the Social Security Administration's records for an individual will be the basis for computing the AIME. The amounts recorded for each year after 1950 and through the second year before the individual is first eligible for OAIB or DIB or dies will be adjusted or "indexed". Indexing reflects increases in average wages for all wage earners between the year in which the amounts were earned and the second year before the year of the individual's eligibility for benefits or death. Earnings recorded beginning with the year before death or first eligibility and for each year thereafter may be used in computing the AIME, but the individual's earnings for these years are not adjusted.

(b) *Computing the AIME.* To compute the AIME—

(1) Divide the average of the total wages (See § 404.203(m)) for the second year (1977 or later) before the earlier of the year of the insured individual's death or first eligibility for benefits, by the average of the total wages for the first computation base year. Multiply the answer by the wages and self-employment income credited to the individual (up to the annual wage limitation) for this first computation base year to obtain the adjusted earnings for that year. Then round to the nearer penny;

(2) Repeat this process for each computation base year which is subject to adjustment (see paragraph (a) of this section) to determine the adjusted earnings for each such year;

(3) Select the highest earnings (adjusted and those which could not be adjusted) for the number of years equal in number to the benefit computation years;

(4) Total these highest earnings and divide by the total number of months in the benefit computation years. The answer is the average indexed monthly earnings (AIME);

(5) If the AIME as computed is not a multiple of $1, reduce it to the next lower multiple of $1.

Example. An individual retires at age 62 in 1979. The individual earned $3,000 in 1956. The average annual wages were $3,532.36 for 1956 and $9,779.44 for 1977. The individual's indexed earnings for 1956 are computed as follows:

Average wage for second year before eligibiliby or death times individuals' earnings for year to be indexed
Average wage for year being adjusted:

$$\text{Indexed earnings} = \frac{\$9{,}779.44 \times \$3{,}000}{\$3{,}532.36} = \$8{,}305.59$$

(c) *Determining the computation base years and elapsed years.* For purposes of the AIME, computation base years and elapsed years are determined the same way as for the average monthly wage. (See § 404.211 (b) and (c)).

(d) *Determining the number of benefit computation years.* Benefit computation years are the individual's years of highest earnings selected from the computation base years. The number of an individual's benefit computation years equals the number of elapsed years reduced by five. The number of an individual's benefit computation years may not be less than two.

§ 404.212d Publication of formula for computing AIME and PIA.

Before November 2 of each year, the Secretary of Health, Education, and Welfare will publish in the Federal Register the formula for computing benefits for the next year, the formula for adjusting wages and self-employment income when computing the AIME, and the average of the total wages needed for these computations. For the average of the total wages for each calendar year after 1950 through 1977, see 43 FR 61016, December 29, 1978.

§ 404.212e Prior entitlement to disability insurance benefits (DIB).

If an insured individual after 1978 attains age 62, becomes disabled, or dies before age 62, and was previously entitled to a disability insurance benefit (DIB), we compute benefits using the following methods:

(a) If the individual was entitled to a DIB before 1979, and for any of the 12 months preceding the individual's death or current eligiblity for OAIB or DIB, we compute the PIA under the pre-1977 Amendments average monthly wage method. We will use this PIA or, if larger, the PIA computed for the individual under paragraph (b) of this section.

(b) If the individual was entitled to a DIB either before 1979 or after 1978, and for any of the 12 months preceding the individual's death or current entitlement to OAIB or DIB, the current PIA is the largest of the following:

(1) The PIA (including one computed under a pre-1977 Amendments provision) which was used in figuring the individual's previous DIB, increased by:

(i) Any general benefit increase which has occurred since the individual was last entitled; and

(ii) Any cost-of-living increase (see § 404.221) which has occurred since the individual was last entitled;

(2) $122, which is the minimum amount in column IV of the benefit table that was in effect in December 1978, rounded to the next higher dollar, plus any cost-of-living increases which have occurred since the individual was last entitled to disability benefits;

(3) The special minimum PIA (see § 404.219); or

(4) A recomputation of the former PIA to take into account earnings after the DIB entitlement ended.

(c) If the individual's entitlement to DIB ended more than 12 months before either death or current eligibility for OAIB or DIB, a new PIA will be computed under the 1977 Amendments (§§ 404.212b and 404.212c) or, if applicable, under modified pre-1977 Amendments methods (§ 404.212f). The individual's new PIA will be the higher of this newly computed PIA or the PIA that was in effect for the last month of the individual's former entitlement to DIB without regard to any interim cost-of-living increases.

§ 404.212f When we use modified pre-1977 Amendments computations.

When the conditions in paragraph (a) of this section are met, we use the computation methods in paragraph (b) of this section. We use these methods for computing OAIB and related dependents' benefits and, where the worker has died, for computing survivors' benefits. As explained in paragraph (c) of this section, we may not ordinarily use these methods to compute a DIB and related dependents' benefits.

(a) *Conditions.* We use modified pre-1977 Amendments computations if the following conditions are met—

(1) The insured individual had wages or self-employment income credited before 1979;

(2) Before 1979, the individual did not die, attain age 62, or become disabled (unless there are more than 12 months between the termination of his or her former entitlement to DIB, and his or her death or current eligibility for OAIB or DIB occurs after 1978);

(3) The individual becomes age 62 before 1984, or dies after 1978 and attained age 62 before 1984, except that the 1984 limitation does not apply to seldom-used methods that use earnings before 1951 (see §§ 404.213–404.215); and

(4) The PIA computed under the pre-1977 Amendments average monthly wage provision is higher than the PIA computed under the 1977 Amendments, including the special minimum benefit and pre-1951 earnings provisions, after adding any applicable cost-of-living increases to the computations.

(b) *Methods for other than disability insurance benefits.* Where the conditions in paragraph (a) of this section are met, we compute the PIA under the modified pre-1977 Amendments average monthly wage method, for purposes of OAIB and related dependents' benefits and, where the worker has died, for purposes of survivors' benefits. In computing the PIA, we use the benefit table in effect for December 1978 without regard to any later benefit increases which might have affected the table before the year of the worker's eligibility for OAIB or death, and without using the individual's earnings in the year of eligibility or death or any later years. If the worker has died, we use these methods even if the worker had not applied for OAIB. Thus, survivors' benefits are computed under this provision if the worker was eligible for OAIB in or before the month of death but did not apply, and if the worker attained age 62 after 1978 and before 1984.

(c) *Methods for disability insurance benefits.* We may not use the methods under paragraph (b) of this section to compute a DIB (except for the seldom-used methods described in §§ 404.213–404.215), even for an individual who attains age 62 after 1978 but before 1984 and then becomes eligible for a DIB. This individual can choose either a reduced OAIB computed under the modified pre-1977 Amendments method, or a full DIB computed under the 1977 Amendments. Under the second choice, we will automatically recompute the PIA as an OAIB, when the individual attains age 65, under the modified pre-

1977 Amendments method and pay him or her based on the method which results in the higher PIA.

5. In § 404.219, paragraphs (a) and (b)(2) are revised and paragraph (d) is added to read as follows:

§ 404.219 Special minimum primary insurance amounts (PIA).

(a) *General.* The 1972 Amendments provided for a special computation of PIA's as an alternative to the method described in § 404.209 and § 404.213. Under that provision, for monthly benefits payable after December 1972 and for lump-sum payments for deaths occurring after that month, an insured individual's PIA is equal to $8.50 multiplied by the number of the individual's "years of coverage" in excess of 10 but not more than 30. The 1973 Amendments modified this provision so that for monthly benefits payable after February 1974 and for lump-sum payments for deaths occurring after that month, an insured individual's PIA is equal to $9 multiplied by the number of the individual's "years of coverage" in excess of 10 but not more than 30. The maximum PIA under this special minimum computation is $180 for months after February 1974 ($170 for January 1973 through February 1974). These amendments did not provide any additional increase or change in this provision for months after February 1974. The 1977 Amendments further modified this provision so that, beginning January 1979, the PIA's are computed or recomputed by multiplying $11.50 times the number of the individual's "years of coverage" in excess of 10 but not more than 30, and the special minimum PIA is now subject to cost-of-living increases which apply to both current and future beneficiaries. The special minimum PIA provision applies only when it produces a PIA which is greater than the PIA determined under the average monthly wage method (§ 404.209), the indexing method (§ 404.212b), and the pre-1951 earnings method (§ 404.213), whichever applies.

(b) *Years of coverage.* In computing an insured individual's PIA under the special minimum provision described in paragraph (a) of this section, the number of the individual's "years of coverage" is equal in number to the sum of the following, up to a maximum of 30: * * *

(2) The number of "computation base years" after 1950 (see § 404.211(b)) in which the individual's creditable earnings for the year were not less than 25 percent of the maximum creditable amount for that year (see § 404.1027 and § 404.1068) as determined under provisions of section 230 of the Act as in effect before the 1977 Amendments.

* * * * *

(d) *Recomputing the special minimum primary insurance amount.* Under the 1977 Amendments, the Secretary recomputes the special minimum PIA's for all current beneficiaries by using $11.50 as the base figure by which the number of years of coverage is multiplied. The recomputed amount is effective January 1979 and is then subject to cost-of-living increases.

6. Section 404.221 is amended by changing the cross-reference in the second sentence of paragraph (a)(1) from "(see 404.231)" to "before January 1979 (see § 404.219)"; and by adding paragraphs (c), (d), and (e) to read as follows:

§ 404.221 Cost-of-living benefit increases.

* * * * *

(c) *Determining cost-of-living increases after 1978.* (1) Beginning in 1979, cost-of-living increases also apply—(i) to the special minimum benefit (see § 404.219), (ii) to all PIA's initially computed under the 1977 Amendments (including a PIA computed under a pre-1977 Amendments computation under § 404.212f) beginning with the year in which the individual becomes eligible for benefits or dies, and (iii) to the maximum family benefit.

(2) The $122 minimum benefit, which is the smallest amount in column IV in the table of benefits for December 1978 rounded to the next higher dollar, is increased, but subject to the following provisions:

(i) If an individual is entitled to an old-age benefit, the minimum PIA is increased beginning with the earlier of the year in which the individual's earnings are such that benefits are first payable after any deductions because of work (§ 404.415), or the year in which the individual attains age 65.

(ii) If an individual is entitled to a widow's or a widower's benefit, the minimum PIA on which that benefit is based is increased beginning with the earlier of the year in which the individual's earnings are such that benefits are first payable after any deductions because of work (§ 404.415), or the year in which the individual attains age 65. However, cost-of-living increases will apply for any year before these events if, for any month in that year, one or more individuals are entitled to a child's, mother's, or parent's benefit on the earnings record on which the widow's or widower's benefit is based.

(iii) A cost-of-living increase is not applied to a minimum PIA for any year in which no one is entitled to a benefit on the worker's earnings record for any month of that year.

(iv) If no cost-of-living increase applies to the minimum PIA in any year under the provisions of this section, the next cost-of-living increase after that year that can apply will apply to the PIA as it may have been previously increased for the cost of living.

(v) Despite the restrictions in paragraphs (c)(2)(i) through (c)(2)(iv) of this section, no PIA can be less than the one that would be computed, after adjustment for the cost of living, under the indexing method (§ 404.212b) or the special minimum benefit (§ 404.219), whichever is higher.

(d) *Effective date of increase.* The cost-of-living increase goes into effect in June of the year in which the cost-of-living computation quarter occurs, regardless of when during that year the individual becomes eligible for benefits.

(e) *Publishing cost-of-living increases after 1978.* When the Secretary determines that a cost-of-living increase is due, he or she publishes the following information in the **Federal Register** within 45 days after the close of the latest cost-of-living computation quarter:

(1) The fact that an increase is due;

(2) The percentage of the increase;

(3) A revised range of the special minimum primary insurance amounts possible after the latest cost-of-living increase;

(4) A revised range of the maximum family benefits corresponding to the special minimum PIA's possible after the latest cost-of-living increase; and

(5) A revised table which will be deemed to appear in section 215(a) of the Act (see § 404.223) for the purpose of computing benefits under the pre-1977 Amendments provisions.

7. Section 404.244 is amended by adding paragraph (b)(3) to read as follows:

§ 404.244 "Automatic" recomputation.

* * * * *

(b) *Method of recomputation.* * * *

(3) The 1977 Social Security Amendments provide that the new indexing computation method described in § 404.212b must be used to recompute the PIA for an individual who has wages or self-employment income after 1978 if the PIA was originally computed or could have been computed under the new method. The actual dollar amounts (not to be indexed) in the Social Security Administration's records for the year of entitlement and each later year will annually be compared with the earnings in the base years that were used in the last computation. Higher earnings in any year that were not used in the last

computation will be substituted for one or more years of lower earnings that were used, and the PIA will be recomputed. The $180 and the $1,085 as adjusted in the initial computation (see § 404.212b(b)) are used, without any further adjustment, each time the PIA is recomputed. The recomputed PIA will be used only if it increases the PIA by at least $1. The recomputed PIA is effective beginning with the month of death, or, for a living individual, January following the last year of higher earnings used in the recomputation. (See § 404.219 for recomputing the special minimum benefit.)

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[FR Doc. 80-555 Filed 1-7-80; 8:45 am]
BILLING CODE 4110-07-M

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20 CFR Part 404

[Reg. No. 4]

Federal Old-Age, Survivors, and Disability Insurance (1950-); Deductions; Reductions; and Nonpayment of Benefits Reduction of Benefits to Maximum

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These regulations implement section 202 of Pub. L. 95-216 (Social Security Amendments of 1977). They explain the new formula for determining the maximum amount of benefits that can be paid for any month based on the earnings of an insured individual who dies or becomes eligible for benefits after 1978. In these final regulations we describe when we will use this new method and how we compute the maximum benefit.

EFFECTIVE DATE: These regulations are effective January 8, 1980. However, in accordance with the law which these rules reflect, the reduction provision is effective beginning January 1, 1979.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-6785.

SUPPLEMENTARY INFORMATION: On December 29, 1978, these regulations were published in the **Federal Register** (43 FR 60956) as a Notice of Proposed Rulemaking (NPRM).

The regulations implement that portion of section 202 of Pub. L. 95-216 which provides for a maximum amount that may be paid on the earnings record of an insured individual for any one month. Prior to the amendments, the maximum amounts were specific dollar amounts shown in a table in the law. The amendments substitute a formula for fixing the maximum. The formula maintains the same approximate relationship between the maximum payable on the worker's account and the worker's primary insurance amount (PIA) as under prior law.

The formula applies where the insured individual becomes eligible or dies in 1979 or later. Where the maximum applies, individual benefits are adjusted so that in general the total is not exceeded. For years after 1978, the maximum is computed by applying set percentages to dollar portions of the PIA. Thus, if an insured individual becomes eligible for benefits or dies in 1979, the monthly maximum is the total of (1) 150% of the first $230 of the individual's PIA, plus (2) 272% of the PIA over $230 but not over $332, plus (3) 134% of the PIA over $332 but not over $433, plus (4) 175% of the PIA over $433. The dollar portions will be updated each year as average earnings rise and will be applied to persons becoming eligible within the year for which the dollar portions are effective. The new dollar portions will be published in the **Federal Register** before November 2 of each year after 1978 and will be effective with the following year.

Based on the only comment we received on the NPRM, we are making a number of clarifying changes in the computation steps and we more clearly explain the rules on rounding.

We have reworded the rule on computing the maximum to show more clearly the continuity among the dollar figures in the formula. In addition, a new paragraph has been added which states how we will round off computations of maximum benefits. Further, we have added a sentence which states how we will round off computations after we have updated the dollar points in the formula.

For greater clarity and easier reading, we have provided an introductory paragraph and rearranged the rules in a more logical sequence. Accordingly, with these clarifying and editorial changes, these regulations are adopted as set forth below.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability Insurance, and 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivor's Insurance)

Dated: July 14, 1979.

Stanford G. Ross,

Commissioner of Social Security.

Approved: December 31, 1979.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising § 404.403 to read as follows:

§ 404.403 Reduction where total monthly benefits exceed maximum family benefits payable.

(a) *General.* (1) The Social Security Act limits the amount of monthly benefits that can be paid for any month based on the earnings of an insured individual. If the total benefits to which all persons are entitled on one earnings record exceed a maximum amount prescribed by law, then those benefits must be reduced so that they do not exceed that maximum.

(2) The method of determining the total benefits payable (the "family maximum") depends on when the insured individual died or became eligible, whichever is earlier. For purposes of this section, the year in which the insured individual becomes eligible refers generally to the year in which the individual attains age 62 or becomes disabled. However, where eligibility or death is in 1979 or later, the year of death, attainment of age 62, or beginning of current disability does not control if the insured individual was entitled to a disability benefit within the 12 month period preceding current eligibility or death. Instead the year in which the individual became eligible for the former disability insurance benefit is the year of eligibility.

(b) *Eligibility or death before 1979.* Where more than one individual is entitled to monthly benefits for the same month on the same earnings record, a reduction in the total benefits payable for that month may be required (except in cases involving a "saving clause"—see § 404.405) if the maximum family benefit is exceeded. The maximum is exceeded if the total of the monthly benefits exceeds the amount appearing in column V of the applicable table in section 215(a) of the Act on the line on which appears in column IV the primary insurance amount of the insured individual whose earnings record is the basis for the benefits payable. Where the maximum is exceeded, the total benefits for each month after 1964 are reduced to the amount appearing in column V. However, when any of the persons entitled to benefits on the insured individual's earnings would, except for the limitation described in

§ 404.353(d), be entitled to child's insurance benefits on the basis of the earnings record of one or more other insured individuals, the total benefits payable may not be reduced to less than the smaller of—

(1) The sum of the maximum amounts of benefits payable on the basis of the earnings records of all such insured individuals, or

(2) The last figure in column V of the applicable table in (or deemed to be in) section 215(a) of the Act. The "applicable" table refers to the table which is effective for the month the benefit is payable.

(c) *Eligibility or death in 1979.* If an insured individual becomes eligible or dies in 1979, the monthly maximum is as follows—

(1) 150 percent of the first $230 of the individual's primary insurance amount, plus

(2) 272 percent of the primary insurance amount over $230 but not over $332, plus

(3) 134 percent of the primary insurance amount over $332 but not over $433, plus

(4) 175 percent of the primary insurance amount over $433.

If the total of this computation is not a multiple of $0.10, it will be rounded to the next higher multiple of $0.10.

(d) *Eligibility or death after 1979.* (1) If an insured individual becomes eligible or dies after 1779, the monthly maximum is computed as in paragraph (c) of this section. However, the dollar amounts shown there will be updated each year as average earnings rise. This updating is done by first dividing the average of the total wages (see § 404.203(m)) for the second year before the individual dies or becomes eligible, by the average of the total wages for 1977. The result of that computation is then multiplied by each dollar amount in the formula in paragraph (c) of this section. Each updated dollar amount will be rounded to the nearer dollar; if the amount is an exact multiple of $0.50 (but not of $1), it will be rounded to the next higher $1.

(2) Before November 2 of each calendar year after 1978, the Secretary will publish in the **Federal Register** the formula and updated dollar amounts to be used for determining the monthly maximum for the following year.

(e) *Person entitled on more than one record for years after 1978.* (1) If any of the persons entitled to monthly benefits on the earnings record of an insured individual would, except for the limitation described in § 404.353(d), be entitled to child's insurance benefits on the earnings record of one or more other insured individuals, the total benefits payable may not be reduced to less than the smaller of—(i) the sum of the maximum amounts of benefits payable on the earnings records of all the insured individuals, or (ii) 1.75 times the highest primary insurance amount possible for that month based on the average indexed monthly earnings equal to one-twelfth of the contribution and benefit base determined for that year.

(2) If benefits are payable on the earnings of more than one individual and the primary insurance amount of one of the insured individuals was computed under the provisions in effect before 1979 and the primary insurance amount of the others was computed under the provisions in effect after 1978, the maximum monthly benefits cannot be more than the amount computed under paragraph (e)(1) of this section.

(Sec. 203, 205, 1102, Social Security Act, as amended; 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; (42 U.S.C. 403, 405, and 1302.))

[FR Doc. 80-554 Filed 1-7-80; 8:45 am]

BILLING CODE 4110-07-M

Food and Drug Administration

21 CFR Part 108

[Docket No. 75N-0332]

Emergency Permit Control, Acidified Foods; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective dates of specific enforcement provisions for exemption from, or compliance with, the emergency permit control provisions of the Federal Food, Drug, and Cosmetic Act for the production of acidified foods.

EFFECTIVE DATES: This regulation became effective May 15, 1979, except for (1) § 108.25(c)(1) (21 CFR 108.25(c)(1)), concerning registration, which became effective September 12, 1979; (2) § 108.25(c)(2), concerning process filing, which is effective 60 days after registration and before packing any new product; and (3) § 108.25(f), concerning personnel training, which becomes effective September 16, 1980.

FOR FURTHER INFORMATION CONTACT: Melvin R. Johnston, Bureau of Foods (HFF-214), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1514.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 16, 1979 (44 FR 16204), the Food and Drug Administration (FDA) published a final regulation subjecting acidified foods to regulations under section 404, the emergency permit control provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 344). The final regulation set forth requirements intended to ensure safe manufacturing, processing, and packing procedures for these foods and to permit FDA to verify that the procedures are being followed. No objections to the final regulation were received.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402, 404, 701(e), 52 Stat. 1046-1047 as amended, 1048, 70 Stat. 919 as amended (21 U.S.C. 342, 344, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that § 108.25, as promulgated in the **Federal Register** of March 16, 1979 (44 FR 16204), became effective May 15, 1979, except for (1) § 108.25(c)(1) (21 CFR 108.25(c)(1)), concerning registration, which became effective September 12, 1979 (inadvertently stated as July 16, 1979 in the March 16 final rule); (2) § 108.25(c)(2), concerning process filing, which is effective 60 days after registration and before packing any new product; and (3) § 108.25(f), concerning personnel training which becomes effective September 16, 1980. The September 12, 1979 effective date concerning registration is in accordance with the requirements of § 108.25(c)(1).

Dated: December 28, 1979.

William F. Randolph,

Acting Associate Comissioner for Regulatory Affairs.

[FR Doc. 80-332 Filed 1-7-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 146

[Docket No. 76P-0181]

Orange Juice with Preservative and Concentrated Orange Juice with Preservative, Amendment of Standards of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date for compliance with the amended standards of identity for orange juice with preservative and concentrated orange juice with preservative that were published in the **Federal Register** of June 22, 1979 (44 FR 36377).

DATES: These regulations become effective July 1, 1981 for all affected products initially introduced into interstate commerce on or after this date.

Voluntary compliance may have begun July 23, 1979.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 22, 1979 (44 FR 36377), the Food and Drug Administration issued final regulations to amend the standards of identity for orange juice with preservative (21 CFR 146.152) and concentrated orange juice with preservative (21 CFR 146.154) to provide for the use of safe and suitable preservatives in lieu of listing each preservative that may be used, and to provide for appropriate labeling requirements for declaring the preservatives. One comment supporting the final regulations was received. No objections have been filed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that the amendments of §§ 146.152 and 146.154 as promulgated in the **Federal Register** of June 22, 1979 (44 FR 36377) will become effective July 1, 1981. Voluntary compliance may have begun July 23, 1979.

Dated: December 28, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–350 Filed 1–7–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Procaine Penicillin G in Oil

Correction

In FR Doc. 79–35323, at page 65976, in the issue of Friday, November 16, 1979, on page 65977, the first column, § 540.874a(c)(5)(i), the first line insert "000010" after the word "See" and before the word "in".

BILLING CODE 1505–01–M

POSTAL SERVICE

39 CFR Part 233

False Representation, Lottery, and Fictitious Name or Address Orders

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This revision of 39 CFR 233.3 clarifies the responsibilities of postal personnel in enforcing orders against foreign enterprises in accordance with recent changes in the Postal Service's *Rules of Practice in Proceedings Relative to False Representation and Lottery Orders,* 39 CFR Part 952. Also, the revision more precisely describes the statutory basis for issuance of Fictitious Name or Address Orders, and the procedures for issuance and enforcement of these types of orders.

EFFECTIVE DATE: January 8, 1980.

FOR FURTHER INFORMATION CONTACT: John F. Ventresco, (202) 245–4385.

SUPPLEMENTAL INFORMATION: Recently, revisions were made in §§ 952.7 and 952.8 of the aforementioned *Rules of Practice* (39 CFR Part 952), to take effect on December 29, 1979. 44 FR 61959, as corrected, 44 FR 65399. Section 952.8(c) requires that foreign enterprises be notified of tentative mail-stop orders issued against them, and of their rights to challenge such orders and receive mail unrelated to the schemes covered by the orders. Section 952.7(b) defines the tentative order and conditions for its becoming final, or being revoked or modified upon good cause shown by the Respondent.

Implementation of these provisions requires that mail addressed to such foreign enterprises be forwarded to designated post offices. These post offices provide central locations for representatives of the foreign enterprises to examine their mail in the presence of postal personnel in order to determine which mail must be retained pursuant to the orders. The purpose of revising § 233.3 is to reflect this implementing procedure. We have also used the opportunity presented by this necessary revision to make changes reflecting an earlier discontinuation of the cumulative listing of orders in Publication 43, and more precisely describing the procedures for issuing and enforcing orders, and the statutory basis for Fictitious Name or Address Orders.

Accordingly, § 233.3 of Title 39 CFR is amended to read as follows:

§ 233.3 Withdrawal of mail privileges.

(a) *False Representation and Lottery Orders*—(1) *Issuance.* Pursuant to 39 U.S.C. 3005, the Judicial Officer of the Postal Service, acting upon a satisfactory evidentiary basis, may issue a mail-stop order against anyone seeking mailed remittance of money or property by means of a false-representation or lottery scheme. Such orders provide for return of mail and refund of postal money orders to remitters.

(2) *Enforcement.* Notice of these orders, including any necessary instructions on enforcement responsibilities and procedures, is published in the Postal Bulletin. Generally, an order against a domestic enterprise is enforced only by the post office designated in the order. All personnel processing mail for dispatch abroad assist in enforcing orders against foreign enterprises by forwarding mail addressed to such enterprises to designated post offices.

(b) *Fictitious Name or Address Orders*—(1) *Issuance.* Pursuant to 39 U.S.C. 3003, when there is satisfactory evidence that mail is addressed to a fictitious name, title, or address used for any unlawful business, and no one has established a right to have the mail delivered to him, the Judicial Officer may order that the mail be returned to the sender.

(2) *Enforcement.* Notice of any order issued pursuant to 39 U.S.C. 3003, and any necessary implementing instructions, are published in the Postal Bulletin.

(39 U.S.C. 401, 404, 410)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 80–534 Filed 1–7–80; 8:45 am]

BILLING CODE 7710–12–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

Tanner Crab off Alaska; Early Closure of Portion of Registration Area H (Cook Inlet) To Fishing by U.S. Vessels; Final Regulation

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Final Regulation.

SUMMARY: The Director, Alaska Region, ("Regional Director"), National Marine Fisheries Service (NMFS) issues a final regulation (Field Order) applicable to fishing by vessels of the United States in the Alaska Tanner crab fishery, in accordance with the fishery management plan (FMP) for Tanner Crab Off Alaska, and regulations implementing this FMP (50 CFR 671.27(b)). This Field Order closes the Southern District of the Cook Inlet Registration Area to fishing for Tanner crab by vessels of the United States

effective beginning at 6:00 P.M. Alaska Standard Time (AST) on January 3, 1980, rather than on April 30, 1980, as currently provided in 50 CFR 671.26(e)(2)(i). The closure remains in effect until November 1, 1980. Public comments are invited until March 5, 1980.

EFFECTIVE DATES: 6:00 P.M. Alaska Standard Time (AST), January 3, 1980. Public comments are invited until March 5, 1980. Comments may be sent to: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska 99802, Telephone (907) 586–7221.

FOR FURTHER INFORMATION: Contact Harry L. Rietze, (907) 586–7221.

SUPPLEMENTARY INFORMATION: The FMP for Tanner Crab off Alaska (43 FR 21170) provides for in-season adjustments to season and area openings and closures. The FMP's implementing regulations at 50 CFR Part 671 specify in § 671.27(b) that these decisions shall be made by the Regional Director in accordance with the criteria set out in that section. On October 20, 1978, the Assistant Administrator for Fisheries, NOAA, with the approval of the Administrator, NOAA, delegated to the Regional Director authority to promulgate Field Orders making in-season adjustments.

50 CFR 671.26(e) creates six districts within Registration Area H (Cook Inlet). The districts were created, in part, to prevent overfishing of individual Tanner crab stocks by allowing closure of a particular district when the desired harvest level in that district is reached. The FMP states that there are "three Tanner crab stock units within the Cook Inlet area that are separated geographically." One of these stock units is the Southern, or Kachemak Bay, stock. 50 CFR 671.26(e)(2)(i) currently provides that the season for harvest of Tanner crab by vessels of the United States is December 1 through April 30 in the Southern District "subject to adjustment by the Regional Director pursuant to § 671.27". While the overall optimum yield (OY) of 5.3 million pounds for Registration Area H has not yet been reached, the State of Alaska's 1979 Tanner crab index survey indicates that there are only 1.0 to 1.2 million pounds of legal male Tanner crab available for harvest in the Southern District. Current catch rate information indicates that that amount of Tanner crab will be harvested by approximately January 3, 1980, earlier than anticipated when 50 CFR 671.26(e)(2)(i) was implemented. In order to prevent overfishing of the Tanner crab stocks in the Southern district of Registration Area H, the Regional Director has determined, in accordance with 50 CFR 671.26(b) and Department Administrative Order 218–7 (43 FR 2083), and following consultation with the Commissioner, Alaska Department of Fish and Game, that an emergency exists and that the Southern District of the Cook Inlet Registration Area should be closed at 6:00 P.M. AST on January 3, 1980 rather than on April 30, 1980.

The Regional Director further finds that, in order to protect the resource, public comment prior to issuance of this Field Order is impracticable and contrary to the public interest. However, public comments on the necessity for, and extent of, this closure will be received by the Regional Director for a period of 60 days after the effective date of the Field Order. (Address: Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802). During this 60-day period, the data and information upon which this decision is based will be available for inspection during business hours at the NMFS, Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska.

If comments are received during the 60-day period or before the 60-day period expires, if appropriate, the Regional Director shall reconsider the necessity for the closure and, as soon as practicable after that reconsideration, shall publish in the **Federal Register** either: (A) a notice of continued effectiveness of the closure; or (B) a notice to modify or rescind the closure.

An environmental impact statement was prepared for the Tanner Crab off Alaska FMP and is on file with the Environmental Protection Agency.

Signed at Washington, D.C., this 3rd day of January 1980.

Winfied H. Meibohm,

Executive Director, National Marine Fisheries Service.

§ 671.26 [Amended]

In accordance with 50 CFR 671.27(h), 50 CFR 671.26(e)(2)(i) is amended by *deleting* "April 30" and *substituting* "January 3."

(16 U.S.C. 1801 *et. seq.*)

[FR Doc. 80–583 Filed 1–3–80; 5:00 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 45, No. 5
Tuesday, January 8, 1980

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Scleroderris Canker (European Strain) Proposed Rulemaking and Public Hearing

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule and public hearings.

SUMMARY: This document proposes to add to 7 CFR Part 301 a new "Subpart—Scleroderris Canker (European Strain) Proposed§§ 301.88 through 301.88–8) to quarantine the States of New Hampshire, New York, and Vermont and establish regulations for the purpose of restricting the interstate movement of certain articles from these States because of the occurrence of Scleroderris Canker (European Strain). In addition, this document proposes to revoke emergency regulations in 7 CFR 331.5 concerning restrictions on the interstate movement of certain articles from New Hampshire, New York, and Vermont because of the Scleroderris Canker (European Strain). This action appears necessary to update regulations and prevent the artificial spread of Scleroderris canker (European strain) into noninfected areas of the United States. This document also gives notice of a public hearing to consider this proposal.

DATES: Written comments must be received on or before March 10, 1980; public hearing on February 7, 1980

ADDRESSES: Written comments should be submitted to H.V. Autry, Regulatory Support Staff, Plant Protection and Quarantine programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782. Public hearing location: Leo W. O'Brien Federal Building, Room 38A and B, Clinton and North Pearl Streets, Albany, New York.

FOR FURTHER INFORMATION CONTACT:
H.V. Autry, 301–436–8247.

SUPPLEMENTARY INFORMATION:

Written Comments and Public Hearings

Interested persons are invited to submit written comments concerning the proposal. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register.** All written comments made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 633, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

The public hearing to consider this proposal will be held at 10:00 a.m., on February 7, 1980, at the Leo W. O'Brien Federal Building, Room 38A and B, Clinton and North Pearl Streets, Albany, New York.

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.

At the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of this proposal. Any interested person may appear and be heard in person, by attorney, or by other representative. Also, any interested person, his attorney, or other representative 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 hearing. The prehearing registration will be conducted at the location of the hearing between 9 to 10 a.m. These 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 preregistered 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 oppportunity to be heard.

Background

Scleroderris Canker (European Strain), hereinafter referred to in the Background portion of this document as Scleroderris Canker, is a serious fungus disease that can kill mature and immature trees of the species of the genera *Larix* (Larch), *Pinus* (pine), and *Picea* (spruce) and of the species *Pseudotsuga menziesii* (Douglas fir). Once infection becomes established in the tops of trees, most of the stand will be killed within 3 years. Scleroderris Canker is not widely prevalent or distributed within and throughout the United States; however, it has been found to occur in areas in New Hampshire, New York, and Vermont, and particularly poses a potential threat to older pine and spruce plantations located throughout the Northeast, the Great Lakes States, and Canada. As further explained below it is proposed to establish a Federal quarantine and implementing regulations in order to prevent the artificial spread of this dangerous plant disease.

Sections 8 and 9 of the Plant Quarantine Act (7 U.S.C. 161, 162) contain authority to quarantine any State, Territory, or District of the United States, or any portion thereof, and prohibit or restrict the movement of articles from such quarantined areas into or through any other State, Territory, or District when the Secretary of Agriculture determines, after a public hearing, that it is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States. Also, §§ 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee) authorize emergency measures against any product, article, or means of conveyance moving into or through the United States or interstate and which there is reason to believe is infested or infected by or contains a plant pest. Pursuant to these authorities, this document proposes to quarantine New Hampshire, New York, and Vermont and to establish regulations for the purpose of preventing the artificial spread of the Scleroderris canker from New Hampshire, New York, and Vermont into any other State, Territory, or District of the United States.

Federal emergency regulations restricting the interstate movement of certain articles from specified areas within New York and Vermont were promulgated effective October 18, 1977 (42 FR 55804, 7 CFR 331.5) to prevent the further artificial spread of the Scleroderris canker to other areas of the United States. Also, the emergency regulations were amended effective July 27, 1979 (42 FR 44139–44141), among other things, to restrict the interstate movement of certain articles from specified areas in New Hampshire and from certain additional areas in New York and Vermont. Establishment of the proposed quarantine and regulations with respect to New Hampshire, New York, and Vermont would supersede these emergency regulations, and, accordingly, it is proposed that these emergency regulations be revoked.

Under proposed § 301.88–1 the term "State" is defined to mean "Any State, Territory, or District of the United States, including Puerto Rico." Further, proposed § 301.88–1 defines the term "interstate" to mean "From any State into or through any other State."

Under the proposal regulated articles would be prohibited from moving interstate from regulated areas in quarantined States except in accordance with specified conditions.

It is proposed that the following products, articles, or means of conveyance would be designated in proposed § 301.88–1 as regulated articles:

(1) Trees (including Christmas trees), twigs, branches, needles, wreaths, logs or pulpwood with twigs or branches, shrubs, scions, cuttings, and parts thereof, (not including logs or pulpwood without twigs, without branches, and without needles) of any species of the genera of *Larix* (larch), *Pinus* (pine), and *Picea* (spruce) and of the species of *Pseudotsuga menziesii* (Douglas fir); and

(2) Any other product, article, or means of conveyance, of any character whatsoever, not covered above when it is determined by an inspector that it presents a risk of spread of Scleroderris canker and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to the restrictions in the quarantine and regulations.

Based on research and experience it appears that the articles listed above are articles that are likely to cause the artificial spread of the Scleroderris canker. However, other products, articles, or means of conveyance could be found to present a risk of spread of Scleroderris canker. These would have to be determined by an inspector on a case-by-case basis since it cannot be anticipated which such other products, articles, or means of conveyance, if any, could present such a risk. There is authority to regulate such unspecified products, articles, or means of conveyance on an emergency basis under the provisions of §§ 105 and 106 of the Federal Plant Pest Act. However, if this proposal were to be adopted and rules of general applicability were to be developed indicating that additional products, articles, or means of conveyance should be added to the list of regulated articles action would be taken to include them as regulated articles.

Proposed § 301.88–2(a) provides that the Deputy Administrator shall list as a regulated area each quarantined State, or each portion thereof, in which Scleroderris canker has been found by an inspector or in which the Deputy Administrator has reason to believe that Scleroderris canker is present, or each portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to Scleroderris canker infection or its inseparability for quarantine enforcement purposes from localities in which Scleroderris canker occurs.

Proposed § 301.88–2(a) further provides that less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that (1) the State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under the proposed subpart; and (2) the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Scleroderris canker. This would not appear to lessen protection against the spread of Scleroderris canker compared to the designation of the entire State as a regulated area. It appears that such State activities would help confine infections to the regulated areas and eliminate the need for designating larger portions of a State as regulated areas.

Only the areas specified in proposed § 301.88–2(c) in New Hampshire, New York, and Vermont are proposed to be designated as regulated areas. It appears that Scleroderris canker occurs only in these areas in these States. Also, it appears that these States have adopted and are enforcing regulations imposing restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are proposed to be imposed with respect to the interstate movement of such articles under this subpart, and there does not appear to be any reason for designation of any areas in these States as regulated areas other than those areas specified above.

The areas specified as regulated areas in proposed § 301.88–2(c) include areas in New York and Vermont which are proposed to be added to the list of areas specified in the emergency regulations because it appears that infections of Scleroderris canker occur in these areas. These additional areas are the town of Panelia in Jefferson County in New York and the following areas in Vermont: Danville, Lyndon, Stannard, and Walden Townships in Caledonia County; Brighton Township in Essex County; Albany, Barton, Troy, and Westfield Townships in Orleans County; and Cabot, Marshfield, and Plainfield Townships in Washington County.

Proposed § 301.88–2(b) provides for the temporary designation of an area as a regulated area without publication in the **Federal Register** for short periods of time if there is a basis for listing the area as a regulated area under proposed § 301.88–2(a) and if the owner or person in possession thereof is given written notice of such action. This appears to be necessary in order to prevent a further artificial spread of the Scleroderris canker until a document imposing such requirements could be published in the **Federal Register.** There is authority for these provisions under § 105 of the Federal Plant Pest Act, as discussed above.

Proposed § 301.88–3 specifies conditions concerning the interstate movement of regulated articles from quarantined States.

Under proposed § 301.88–3(a) a regulated article would be allowed to be moved interstate from a regulated area if a certificate or limited permit were issued and attached in accordance with proposed §§ 301.88–4 and 301.88–7.

Under Federal domestic plant quarantine programs there is a difference between the use of certificates and limited permits. Certificates are issued for articles that are eligible for unrestricted interstate movement because of the absence of pest risk prior to movement. Limited permits are issued for articles that because of a possible pest risk may be moved interstate only subject to further restrictions, e.g., movement to limited areas and movement for limited purposes. These distinctions would also apply under this proposal.

Proposed § 301.88–4(a) provides that a certificate shall be issued by an inspector for the movement of a

regulated article if (1) the inspector determines based on inspection of the article and the premises of origin that it is free of Scleroderris canker; (2) the inspector determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of Scleroderris canker pursuant to § 105 of the Federal Plant Pest Act; and (3) the inspector determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines applicable to such article. Compliance with the provisions in proposed § 301.88–4(a) (including any emergency measures as explained below) appear adequate to allow the unrestricted interstate movement of regulated articles without a substantial risk of spread of the Scleroderris canker.

There are no proposed provisions for the movement of articles based on treatment since it appears that there are no feasible methods of treatment for regulated articles adequate to destroy infection of Scleroderris canker.

Proposed § 301.88–4(b) provides that a limited permit shall be issued by an inspector for the movement of a regulated article if (1) the inspector, in consultation with the Deputy Administrator, determines that it is to be moved to a specified destination stated on the limited permit in a county or parish in which Scleroderris canker will not survive and to be moved for use or manufacturing in such county or parish as stated on the limited permit; (2) the inspector determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent spread of the Scleroderris canker pursuant to § 105 of the Federal Plant Pest Act; and (3) the inspector determines that it is eligible for such movement under all other Federal domestic plant quarantines applicable to such article. It appears that this criteria would be adequate to prevent the spread of Scleroderris canker by the interstate movement of such articles.

A formula for determining the specific areas in which Scleroderris canker will not survive is not included in proposed § 301.88–4(b) because all of the factors concerning conditions under which Scleroderris canker will not survive are not yet known. It appears, however, that Scleroderris canker will not survive in certain warm climates. The determination concerning whether Scleroderris canker would survive in a given area would be required to be made on a case-by-case basis as a result of research. If these proposed regulations are adopted and criteria of general applicability are developed, action would be taken to add them to the criteria for the issuance of limited permits.

It is also proposed that certain determinations specified above concerning the issuance of limited permits would be made by the inspector in consultation with the Deputy Administrator. This would appear to be helpful for the purpose of assuring uniformity in application of the provisions relating to the issuance of limited permits.

It is anticipated that in most cases the imposition of emergency conditions would not be necessary for the movement of articles pursuant to certificates or limited permits. However, the imposition of any additional emergency conditions for certificates or limited permits would have to be made on a case-by-case basis since it appears that it cannot be anticipated what additional emergency conditions might be necessary, if any. If these proposed regulations are adopted and additional conditions of general applicability are developed, action would be taken to add them to the criteria for the issuance of certificates or limited permits, as appropriate.

The proposed regulations in § 319.88–4(c) would allow inspectors and persons engaged in the business of growing, handling, or moving regulated articles to issue certificates and limited permits. A person engaged in such a business would be allowed to issue certificates and limited permits for the movement of regulated articles if the person has entered into a compliance agreement in accordance with proposed § 301.88–5 and thereby agrees to comply with all of the requirements of the proposed subpart.

Under the proposal, any such person would be authorized to execute and issue a certificate for the interstate movement of a regulated article if the inspector has made the determination that such article is eligible for a certificate in accordance with proposed § 301.88–4(a). Also, under the proposal, any such person would be authorized to execute and issue a limited permit for interstate movement of a regulated article if the inspector has made the determination that such article is eligible for a limited permit in accordance with proposed § 301.88–4(b). All of these determinations are proposed to be limited to inspectors because of their nature and complexity. These provisions appear to be adequate to assure that persons issuing certificates and limited permits are knowledgeable with respect to the requirements and have agreed to comply with them. Similar systems have been successfully implemented under other Federal domestic quarantine programs.

Proposed §§ 301.88–4 and 301.88–5 contain provisions for the withdrawal or cancellation by an inspector of certificates, limited permits, and compliance agreements upon a determination that conditions for their use have not been met. Due process requirements concerning such withdrawals or cancellations are set forth in these proposed sections.

Proposed § 301.88–7 provides that certificates and limited permits would be required at all times during the interstate movement to be securely attached to the outside of the container containing the regulated article, securely attached to the article itself if not in a container, or securely attached to an accompanying waybill or other shipping document. However, under the provisions of proposed § 301.88–7, attaching the certificate or limited permit to the consignee's copy of the accompanying waybill or other shipping document would meet the requirements of proposed § 301.88–7 only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article. These requirements appear to be necessary and adequate for determinations during interstate movement concerning whether such articles are eligible for such movement.

Proposed § 301.88–7(b) provides that the certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment. This would assure the consignee that requirements for the movement of the regulated article had been met.

Proposed § 301.88–3 also provides that regulated articles would be allowed to be moved interstate from regulated areas without certificates or limited permits under certain conditions.

Under proposed § 301.88–3(b) a regulated article would be allowed to be moved interstate from any regulated area without a certificate or limited permit if moved to a contiguous regulated area. It does not appear that the movement of regulated articles under these conditions would significantly affect infections of Scleroderris canker.

Also, under proposed § 301.88–3(b) a regulated article originating from outside the regulated areas may be moved interstate from a regulated area without a certificate or limited permit if moved directly through any regulated area, and if the point of origin of the article is clearly indicated by shipping documents and the identity of the article has been

maintained. There does not appear to be a significant risk that a regulated article would become infected with Scleroderris canker or carry Scleroderris canker under the specified conditions.

Proposed § 301.88–6 provides that any person (other than a person authorized to issue certificates and limited permits) who desires to move interstate a regulated article accompanied by a certificate or limited permit shall, as far in advance as possible (should be no less than 48 hours before the desired movement) request an inspector to take any necessary action under the proposed subpart prior to the movement of the regulated article. Proposed § 301.88–6 further provides that such article shall be assembled at such point and in such manner as the inspector designates as necessary to comply with the requirements of this subpart. These provisios appear to be necessary in order for the Plant Protection and Quarantine Programs to have adequate notice in inspections or other actions to be taken pursuant to the proposed subpart.

Proposed § 301.88–8 states that the services of inspectors shall be furnished without cost, but that the U.S. Department of Agriculture will not be responsible for any other costs or charges incident to inspections or compliance with the provisions of the proposed subpart. This reflects the policy of the Plant Protection and Quarantine Programs with respect to these matters.

Also, for informational purposes, proposed § 301.88–1 contains definitions of "Deputy Administrator," "inspector," and "Plant Protection and Quarantine Programs." In addition, proposed § 301.88–1 contains definitions of the terms "move" and "person" which are in accordance with provisions in the Plant Quarantine Act and the Federal Plant Pest Act.

Alternatives were considered in connection with the proposed quarantine and regulations.

Consideration was given concerning whether (1) to delete all restrictions on the interstate movement of articles regulated under the emergency regulations, or (2) to establish a Federal quarantine and regulations with respect to the interstate movement of such articles. Alternative (2) is proposed because it appears that without a Federal quarantine and implementing regulations the unrestricted interstate movement of such articles would cause the spread of Scleroderris canker and, consequently, there would be destruction of a substantial number of stands of trees of species of the genera *Larix* (larch), *Pinus* (pine), and *Picea* (spruce), and of the species of *Pseudotsuga menziesii* (Douglas fir).

Consideration was also given concerning whether (a) to prohibit the interstate movement of any such articles, or (b) to allow the interstate movement of such articles in accordance with the provisions in proposed § 301.88–3. Alternative (b) is proposed because it appears that the interstate movement of such articles in accordance with the provisions in proposed § 301.88–3 would not present a significant risk of spread of Scleroderris canker.

Under the circumstances referred to above, it is proposed to revoke "Subpart—Scleroderris Canker (European Strain)" in 7 CFR Part 331.5, and to add a new "Subpart—Scleroderris canker (European Strain)" to 7 CFR Part 301 to read as follows:

Subpart—Scleroderris Canker (European Strain)

Quarantine and Regulations

Sec.

301.88 Quarantine; restriction on interstate movement of specified articles.
301.88–1 Definitions.
301.88–2 Regulated areas.
301.88–3 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.
301.88–4 Issuance and cancellation of certificates and limited permits.
301.88–5 Compliance agreement and cancellation thereof.
301.88–6 Assembly and inspection of regulated articles.
301.88–7 Attachment and disposition of certificates and limited permits.
301.88–8 Costs and Charges.

* * * * *

§ 301.88 Quarantine; restrictions on interstate movement of specified articles.[1, 2]

(a) *Notice of quarantine.* Pursuant to the provisions of §§ 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and §§ 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150dd, 150ee), the Secretary of Agriculture hereby quarantines the States of New Hampshire, New York, and Vermont in order to prevent the artificial spread of infections of Scleroderris canker (European Strain), a dangerous plant disease of trees specified in § 301.88–1(k) of this subpart which is caused by the highly infectious fungus, *Gremmeniella abietina* (Lagerb.), and which is not heretofore widely prevalent or distributed within and throughout the United States; and hereby establishes regulations governing the interstate movement from the quarantined States of the articles described in § 301.88–1(k) of this subpart.

(b) *Quarantine restrictions on interstate movement of regulated articles.* No common carrier or other person shall move interstate from any regulated area any regulated article except in accordance with the conditions prescribed in this subpart.

§ 301.88–1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such article is eligible for interstate movement in accordance with § 301.88–4(a) of this subpart.

(b) *Compliance agreement.* A written agreement between the Plant Protection and Quarantine Programs and a person engaged in the business of growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

(c) *Deputy Administrator.* The Deputy Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture for the Plant Protection and Quarantine Programs, or any officer or employee of the Department to whom authority to act in his/her stead has been or may hereafter be delegated.

(d) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the quarantine and regulations in this subpart.

(e) *Interstate.* From any State into or through any other State.

(f) *Limited permit.* A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such regulated article is eligible for interstate movement in

[1] Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd).

[2] Regulations concerning the movement of Scleroderris canker (European Strain) fungus in interstate or foreign commerce are contained in Part 330 of this chapter.

accordance with § 301.88–4(b) of this subpart.

(g) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed in accordance with this definition.

(h) *Person.* Any individual, partnership, corporation, company, society, association, or other organized group.

(i) *Plant Protection and Quarantine Programs.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and quarantines and regulations promulgated thereunder.

(j) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.88–2(c), of this subpart, or otherwise designated as a regulated area in accordance with § 301.88–2(b) of this subpart.

(k) *Regulated articles.* (1) Trees (including Christmas trees), twigs, branches, needles, wreaths, logs or pulpwood with twigs or branches, shrubs, scions, cuttings, and parts thereof (not including logs or pulpwood without twigs, without branches, and without needles) of any species of the genera *Larix* (larch), *Pinus* (pine), and *Picea* (spruce) and of the species of *Pseudotsuga menziesii* (Douglas fir); and

(2) Any other product, article, or means of conveyance, of any character whatsoever, not covered by subparagraph (1) of this paragraph, when it is determined by an inspector that is presents a risk of spread of Scleroderris canker (European strain) and the person in possession thereof has acutal notice that the product, article or means of conveyance is subject to the restrictions of this section.

(l) *State.* Any State, Territory, or District of the United States, including Puerto Rico.

§ 301.88–2 Regulated areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a regulated area in paragraph (c) of this section, each quarantined State, or each portion thereof, in which Scleroderris canker (European strain) has been found by an inspector or in which the Deputy Administrator has reason to believe that Scleroderris canker (European strain) is present, or each portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to Scleroderris canker (European strain) infection or its inseparability for quarantine enforcement purposes from localities in which Scleroderris canker (European strain) occurs. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are subtantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Scleroderris canker (European strain).

(b) The Deputy Administrator or an inspector may temporarily designate any nonregulated area in a quarantined State as a regulated area in accordance with the criteria specified in paragraph (a) of this section for listing such area. Written notice of such designation shall be given to the owner or person in possession of such nonregulated area and, thereafter, the interstate movement of a regulated article from such area shall be subject to the applicable provisions of this subpart. As soon as praticable, such area shall be added to the list in paragraph (c) of this section or such designation shall be terminated by the Deputy Administrator or an inspector, and notice thereof shall be given to the owner or person in possession of the area.

(c) The areas described below are designated as regulated areas:

New Hampshire

Coos County

The township of Jefferson

New York

Clinton County

The towns of Ausable, Black Brook, Clinton, Dannemora, Ellenburg, Peru, Plattsburgh, Saranac, and Schuyler Falls.

Essex County

The towns of Keene, Moriah, Newcomb, North Elba, St. Armand, and Wilmington.

Franklin County

The entire county.

Fulton County

The towns of Oppenheim and Straford.

Hamilton County

The towns of Arietta, Indian Lake, Inlet, Long Lake, and Morehouse.

Herkimer County

The towns of Fairfield, Herkimer, Little Falls (North of the Mohawk River), Manheim, Newport, Norway, Ohio, Russia, Salisbury, Schuyler, and Webb; and the city of Little Falls (North of the Mohawk River).

Jefferson County

The towns of Adams, Antwerp, Champion, Ellisburh, Le Ray, Lorraine, Panelia, Philadelphia, Rodman, Rutland, Watertown, Wilna, and Worth; and the city of Watertown.

Lewis County

The entire county.

Oneida County

The towns of Annsville, Ava, Boonville, Camden, Deerfield, Florence, Floyd, Forestport, Lee, Marcy, Remsen, Steuben, Trenton, Vienna, and Western; and the cities of Rome and Utica.

Oswego County

The towns of Amboy, Albion, Boylston, Constantia, Orwell, Parish, Redfield, Richland, Sandy Creek, and Williamstown.

St. Lawrence County

The towns of Brahser, Canton, Clare, Clifton, Colton, Edwards, Fine, Fowler, Hermon, Hopkinton, Lawrence, Madrid, Norfolk, Parishville, Piercefield, Pierrepont, Pitcairn, Potsdam, Russell, and Stockholm.

Warren County

The town of Johnsburg.

Vermont

Addison County

The townships of Ripton and Starksboro.

Caledonia County

The townships of Danville, Hardwick, Lyndon, Peacham, Stannard, Walden, and Wheelock.

Chittenden County

The townships of Milton and Underhill.

Essex County

The townships of Brighton and Maidstone.

Franklin County

The townships of Bakerfield, Enosburg, and Montgomery.

Lamiolle County

The entire county.

Orange County

The townships of Orange and Washington.

Orleans County

The townships of Albany, Barton, Craftsbury, Glover, Greensboro, Lowell, Troy and Westfield.

Washington County

The townships of Berlin, Cabot, Calais, East Montpelier, Marshfield, Middlesex, Moretown, Plainfield, Northfield,

Waterbury, Woodbury, and Worcester, and the city of Montpelier.

§ 301.88-3 Conditions govering the interstate movement of regulated articles from regulated areas in quarantined States.[3]

Any regulated article may be moved interstate from any regulated area in a quarantined State only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.88-4 and 301.88-7 of this subpart; or

(b) Without a certificate or limited permit,

(1) If moved to a contiguous regulated area; or

(2)(i) If moved directly through any regulated area;

(ii) If the article originated outside of the regulated area; and

(iii) If the point of origin or any article is clearly indicated by shipping documents and its identity has been maintained.

§ 301.88-4 Issuance and cancellation of certificates and limited permits.

(a) A certificate shall be issued by an inspector for the movement of a regulated article if such inspector:

(1) Determines based on inspection of the article and the premises or origin that it is free from Scleroderris canker (European strain); and

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of Scleroderris canker pursuant to § 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) [4]; and

(3) Determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines applicable to such article.

(b) A limited permit shall be issued by an inspector for the movement of a regulated article if such inspector:

(1) Determines, in consultation with the Deputy Administrator, that it is to be moved,

(i) to a specified destination stated on the limited permit in a county or parish in which Scleroderris canker will not survive; and

(ii) for use or manufacturing in such county or parish as stated on the limited permit;

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of Scleroderris canker pursuant to § 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) [4]; and

(3) Determines that it is eligible for such movement under all other Federal domestic plant quarantines applicable to such article.

(c) Certificates and limited permits may be issued by an inspector or any person engaged in the business of growing, handling, or moving regulated articles for use for shipments of regulated articles provided such person is operating under a compliance agreement. Any such person may execute and issue a certificate for the interstate movement of a regulated article if the inspector has made the determination that such article is eligible for a certificate in accordance with paragraph (a) of this section. Any such person may execute and issue a limited permit for interstate movement of a regulated article when the inspector has made the determination that such article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit which has been issued or authorized may be withdrawn by an inspector if such inspector determines that the holder thereof has not complied with any condition under the regulations for the use of such document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 301.88-5 Compliance agreement and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of regulated articles under this subpart.[5] The compliance agreement shall be a written agreement between a person engaged in such a business and the Plant Protection and Quarantine Programs, wherein the person agrees to comply with the requirements of this subpart.

(b) Any compliance agreement may be canceled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this subpart or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefor shall be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 301.88-6 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.88-4(c) of this subpart), who desires to move interstate a regulated article accompanied by a certificate or limited permit shall, as far in advance as possible (should be no less than 48 hours before the desired movement), request an inspector [6] to take any necessary action under this subpart prior to movement of the regulated article.

(b) Such article shall be assembled at such point and in such manner as the inspector designates as necessary to

[3] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[4] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means or conveyance, which is moving into or through the United States or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest.

[5] Compliance Agreement forms are available without charge from the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782, and from local offices of the Plant Protection and Quarantine Programs. (Local offices are listed in telephone directories.)

[6] Inspectors are assigned to local offices of the Plant Protection and Quarantine Programs which are listed in telephone directories. Information concerning such local offices may also be obtained from the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782.

comply with the requirements of this subpart.

§ 301.88–7 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during such movement, shall be securely attached to the outside of the container containing the regulated article, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the accompanying waybill or other shipping document:*Provided, however,* that the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill or other shipping document only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article.

(b) The certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment

§ 301.88–8 Costs and Charges.

The services of the inspector shall be furnished without cost. The U.S. Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

Authority: Sections 8 and 9, 37 Stat. 318, as amended; Sections 105 and 106, 71 Stat. 32, 71 Stat. 33, (7 U.S.C. 161, 162, 150dd, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141.

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 Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, Room 633, Federal Building, Hyattsville, MD 20782.

Done at Washington, D.C. this 2nd day of January 1980.

Thomas G. Darling,

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

[FR Doc. 80–344 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 907

Handling of Navel Oranges Grown in Arizona and Designated Part of California; Proposed Extension of Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would continue through July 17, 1980, certain minimum and maximum size requirements for fresh navel oranges from Arizona and designated part of California. This action is designed to provide markets with acceptable sizes of fruit and to promote orderly marketing in the interest of producers and consumers.

DATES: Comments must be received by February 7, 1980. Proposed effective dates: February 15, 1980, through July 17, 1980.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: *Findings.* Navel Orange Regulation 471 (§ 907.771; 44 FR 75376, 77133) during the period December 21, 1979, through January 17, 1980, limits shipments of navel oranges grown in Arizona or a designated part of California to oranges of a size not smaller than 2.32 inches in diameter, and during the period January 18 through February 14, 1980, limits shipments to oranges of a size not smaller than 2.32 inches in diameter and not larger than 3.70 inches in diameter. This proposal would extend the limitations scheduled to end February 14 through July 17, 1980.

This proposal is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Argicultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based upon a recommendation of the Navel Orange Administrative Committee.

The 1979–80 navel orange crop is forecast at 58,000 carloads, about one-third larger than the 43,496 carloads produced in 1978–79. The committee anticipates that less than 10 percent of the crop will be 3.70 inches in diameter or larger, and less than one percent smaller than 2.32 inches in diameter. The committee reports that these sizes are discounted in the markets and tend to depress overall fresh orange prices, particularly when more than ample supplies of the more desirable sizes are available.

The committee has estimated fresh market demand at 36,500 carloads. The crop is forecast at 58,000 carloads. Hence, it appears that more than ample supplies of the more desirable sizes, i.e., those 3.70 inches in diameter and smaller and those 2.32 inches in diameter and larger, would be available to fill such demand. Oranges of the restricted sizes may be disposed of in processing and export markets.

This proposal has been reviewed under the USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information became available upon which this proposed amendement is based and the effective date necessary to effectuate the declared policy of the Act. A determination has been made that this action should not be classified "significant." An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–5975.

The proposal is that § 907.771 Navel Orange Regulation 471 (44 FR 75376, 77133) be amended to read as follows:

§ 907.771 Navel Orange Regulation 471.

(a) During the period February 15, 1980, through July 17, 1980, no handler shall handle any navel oranges grown in Districts 1, 2, 3, or 4 which are of a size larger than 3.70 inches in diameter or which are of a size smaller than 2.32 inches in diameter, such diameter to be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of oranges in any type of container may measure larger than 3.70 inches in diameter and not to exceed 5 percent, by count, of oranges in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle," "District 1," "District 2," "District 3," and "District 4" mean the same as defined in the marketing order.

Dated: January 3, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-469 Filed 1-7-80; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 50

Animals Destroyed Because of Tuberculosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking would amend the regulations relating to the payment of indemnity for animals destroyed because of tuberculosis. More equitable compensation to owners of such cattle and payment of indemnity for swine destroyed because of exposure to tuberculosis is needed. The intended effect is to safeguard the public from tuberculosis by providing an effective tuberculosis eradication program.

DATE: Comments on or before March 10, 1980.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 802, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. W. Bennett, USDA, APHIS, VS, Federal Building, Room 802, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8715.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, and 134b), the Animal and Plant Health Inspection Service is considering amending Part 50, Title 9, Code of Federal Regulations.

As the goal of eradication of tuberculosis in cattle is approached, it is essential that the last foci of infection be eliminated and that all possible means of preventing the spread of the disease be employed.

This proposed amendment to Part 50 reflects recommendations made by the National Association of State Departments of Agriculture for increased compensation to owners of cattle destroyed because of tuberculosis in order to minimize the financial hardships caused such owners by the destruction of their cattle. This recommendation was in the form of resolutions passed at the Association's conventions at Phoenix, Arizona, November 18, 1976, and at Columbus, Ohio, September 13, 1978.

Tuberculosis is a contagious, infections disease of cattle caused by *Mycobacterium bovis.* This definition of the disease would be added to the current list of definitions as § 50.1(q).

Experience over many years has shown that tuberculin testing and the slaughtering of reactor cattle will not, in all cases, free tuberculous herds of infection. Some tuberculous cattle do not respond to the tuberculin test and are left behind to serve as a reservoir of infection for cattle that remain in the herd. In other instances, cattle in other herds are infected when they come into contact with cattle purchased from an affected herd after the quarantine has been released. The only effective means of preventing this potential spread is to destroy the entire herd of cattle.

Further, experience has shown that swine can also harbor *M. bovis* when allowed to commingle with *M. bovis*-infected cattle. If such exposed swine are left on a farm after the infected and exposed cattle are destroyed, they may serve as a reservoir of infection when the farm is later repopulated with cattle. Therefore, it appears that such swine should also be destroyed.

The current regulations (9 CFR, Part 50) concerning indemnities for cattle destroyed because of tuberculosis provide for the payment of Federal indemnity not to exceed $350 per head for affected cattle, not to exceed $100 per head for nonregistered exposed cattle, and not to exceed $200 per head for registered exposed cattle. These rates of indemnity do not appear to be adequate, in certain cases, to equitably compensate the owners of affected or exposed cattle when destruction is required. Also, under the present regulations, payment of indemnity is not authorized when swine are destroyed because of being exposed to tuberculosis.

The current limitation on the payment of indemnity to an owner of affected cattle is 90 percent of the difference between the appraised value of each animal destroyed and the net salvage received for it by the owner, provided that no payment may exceed $350 for any animal and that any State-Federal indemnity payment plus salvage may not exceed the appraised value of the animal. This limitation appears to be unwarranted since it exacts a 10 percent penalty from owners whose cattle are destroyed because of tuberculosis. Therefore, it is proposed that all payments of indemnity to owners of animals destroyed because of tuberculosis be based upon the difference between the appraised value of the animals destroyed and the net salvage received for them by the owner. However, the joint State-Federal indemnity payments plus salvage would not be permitted to exceed the appraised value of each animal.

It is proposed that maximum indemnity rates for affected cattle be $750 for cattle destroyed because of tuberculosis under § 50.3(a), and $450 for exposed cattle destroyed because of tuberculosis under §§ 50.3(b) and 50.3(c).

This revised standard for indemnity payments would also replace the present separate maximum indemnity payment ceilings for registered and nonregistered exposed animals, in order to more realistically reflect their true market value. The superior value of registered cattle would continue to be reflected in their higher appraisal values.

Destruction of herds of tuberculosis-exposed cattle is not mandatory and must be achieved with the consent and agreement of the owner. Many owners of such herds refuse to cooperate because of the financial loss which would be incurred. This inability to require destruction of tuberculosis-exposed herds leads to the perpetuation of tuberculosis in such herds and postpones the time required to obtain the goal of total eradication of bovine tuberculosis in the United States.

The inability to pay Federal indemnity for swine exposed to tuberculosis creates the problem of leaving potential foci of infection on premises from which cattle herds are destroyed. The necessity to compensate owners for the destruction of swine which are exposed to tuberculosis would appear to be infrequent, but the ability to eliminate such animals appears essential to expedite tuberculosis eradication efforts.

The proposed change in the regulation would authorize a maximum payment of indemnity of $200 each for tuberculosis-exposed swine and would require that such swine be identified by having a serially numbered eartag attached to either ear. Identification of swine to be destroyed because of exposure to tuberculosis is necessary to provide assurance that the swine destroyed are without question those that were exposed to tuberculosis.

The maximum indemnity figure was established by considering facts taken

from a Veterinary Services study which determined the average size of swine herds which are kept in close proximity to cattle, as well as the average value of each herd member based on its size. The resulting maximum indemnity figure is believed to represent an amount which will adequately compensate herd owners for the destruction of most slaughter swine.

Greater owner compensation is proposed by the Department for affected cattle than for exposed cattle because the salvage value to the owner is considerably less for affected cattle than for exposed cattle. This is due to the fact that for reasons of public health meat from an affected animal must be cooked at the slaughterhouse at 170 degrees Fahrenheit (77 degrees Celsius) for 30 minutes, thereby increasing slaughter costs and reducing its market value. Exposed cattle are not subject to this requirement.

It is very difficult at the present time to find a slaughter establishment that will accept affected cattle, and it is frequently necessary to transport such cattle long distances for slaughter. In addition, slaughter establishments that will accept affected cattle frequently charge a fee for their slaughter. It is possible that slaughter establishments may, in the future, refuse to accept tuberculosis-affected cattle under any circumstances. Such action would necessitate the destruction and disposal of affected cattle on their farms of origin and would require that postmortem examinations be performed there by regulatory veterinarians. In this case, the owner would receive no salvage from the slaughter of such cattle, but would receive only the Federal and State indemnity payments.

Section 50.8 now provides for the payment of one-half the expenses for destruction, burial, incineration, rendering, or otherwise disposing of cattle destroyed because of tuberculosis and one-half the expenses of transportation of such cattle to the place of disposal. Such payment for the disposition of exposed animals and/or attendant transportation costs do not appear to be justified and would be discontinued since the meat of exposed animals is usually salvaged and such animals do not require special handling by the slaughter establishment.

Section 50.9 presently requires that cattle to be destroyed because of tuberculosis shall be appraised by a Veterinary Services or State representative or by an independent professional appraiser at Veterinary Services expense. However, the many duties imposed on Veterinary Services and State representatives significantly hinder their ability to remain informed of fluctuations in market conditions which determine the value of cattle. It is believed that the exclusive retention of professional appraisers, as is proposed, will result in appraisals of cattle which more closely reflect their actual market value, particularly in the case of valuable breeding stock.

Except under unusual circumstances, adult tuberculous cattle represent the only source of contagion from which tuberculosis can be transmitted to younger cattle in their herds. Therefore, Veterinary Services procedures, with the concurrence of the various States, currently restrict the test screening of herds to adult cattle which are 2 years of age or older.

The Uniform Methods and Rules—Bovine Tuberculosis Eradication (UMR), incorporated by reference in Title 9, Part 77 of the Code of Federal Regulations (43 FR 34431), requires that all herds in which reactor animals are disclosed be quarantined. The reactor animals mst be moved to a slaughtering establishment or otherwise destroyed within 15 days of classification.

A post-mortem examination is routinely performed on each slaughtered or destroyed reactor to determine if tuberculous lesions are present in the body of the animal. The discovery of such lesions requires that *all* remaining members of the reactor's herd pass two tuberculin tests at intervals of at least 60 days, and one additional test after 6 months, in order to be released from quarantine. However, in instances where no tuberculous lesions are discovered, APHIS believes that only the remaining *adult* members of the reactor's herd need to be retested after 60 days. If no additional reactors are disclosed by this test, the quarantine can be lifted.

Section 50.14(b) presently requires that no claims for compensation for cattle destroyed because of tuberculosis shall be granted, if any part of the claimant's herd has not been tested for tuberculosis under Veterinary Services or State supervision. However, APHIS believes that it can exempt cattle under 2 years of age from testing, without a significantly increased disease risk, if the adult reactors in their herd are found not to have tuberculous lesions. It appears that owners of these herds are now unnecessarily required to have their non-adult cattle tested in order to become eligible for tuberculosis indemnity.

Therefore, APHIS believes that the present regulation requires the costly and unnecessary testing of cattle under 2 years of age. It is, therefore, proposed to amend § 50.14(b) by limiting the cattle in any herd required to be tested for tuberculosis in accordance with the Uniform Methods and Rules, in order to qualify their owner for tuberculosis indemnity, to all cattle 2 years of age or older. This proposal will not affect the requirements for testing all animals in a herd in which lesions of bovine tuberculosis have been demonstrated, at the required intervals, in order to release their quarantine.

The proposed amendment of § 50.14(b) does not, however, reflect any change in the opinion of Veterinary Services that the most effective means of eradicating tuberculosis in cattle is through herd depopulation—i.e. the destruction of all cattle which are part of a known infected herd.

It is the policy of Veterinary Services to depopulate a tuberculosis affected herd whenever the approval of its owner can be obtained. This policy also extends to the destruction of all cattle which have been exposed to tuberculosis by reason of association with affected cattle. The definition of exposed cattle is contained in § 50.4(b) of the current regulations.

The proposed amendments to § 50.3 (b) and (c) raise the indemnities for cattle destroyed through herd depopulation, or by reason of exposure to affected cattle, to a maximum of $450 for each animal. Since post-mortem examinations of these cattle are routinely conducted to establish whether or not they have tuberculous lesions, there is no practical value in also testing them for tuberculosis prior to their destruction. Therefore, the proposed amendment of § 50.14(b) permits herd owners to receive indemnity payments under §§ 50.3 (a) and (b), if the cattle for which indemnity is claimed are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian.

Other minor and non-substantive changes in nomenclature and subject headings are also contained in the proposal.

Accordingly, Part 50, Title 9, Code of Federal Regulations, would be reviewed in the following respects:

1. In § 50.1, a new paragraph (q) would be added to read:

§ 50.1 Definitions.

* * * * *

(q) "Tuberculosis:" The contagious, infectious, and communicable disease of cattle caused by *Mycobacterium bovis.*

2. The heading and text of § 50.3 would be amended to read:

§ 50.3 Payment to owners for animals destroyed.

(a) *Affected cattle.* The Department may pay owners an indemnity for cattle affected with tuberculosis not to exceed $750 for each animal, but any joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(b) *Herd depopulation—cattle.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis, not to exceed $450 for any animal which is a part of a known affected herd, when it has been determined by the Deputy Administrator that the destruction of all the exposed cattle in the herd will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(c) *Exposed cattle.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis not to exceed $450 for any animal which has been found by Veterinary Services to have been exposed by reason of association with tuberculous cattle, when it has been determined by the Deputy Adminsitrator that the destruction of the exposed cattle will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(d) *Exposed swine.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of swine destroyed because of tuberculosis not to exceed $200 for any animal, when such animals are found by Veterinary Services to be exposed to tuberculosis by reason of association with a herd of cattle destroyed under § 50.3(b); but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

3. The heading and introductory paragraph of § 50.6 would be amended and a new paragraph (c) would be added to § 50.6 to read:

§ 50.6 Identification of animals to be destroyed because of tuberculosis.

Animals to be destroyed because of tuberculosis must be identified within 15 days after being classified as reactors or otherwise condemned because of tuberculosis, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for identification to 30 days when a request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

* * * * *

(c) *Exposed swine.* Swine destroyed under the provisions of §50.3(d) shall be identified by tagging with a serially numbered metal eartag attached to either ear. All such anmimals to be destroyed shall be transported to the place of destruction in vehicles closed with seals provided by Veterinary Services or shall be accompanied to the place of destruction by a Veterinary Services or State representative. *Provided, however,* that animals destroyed and disposed of under the direct supervision of a Veterinary Services or State representative on the premises where they were exposed do not require individual identification.

§ 50.7 [Amended]

4. The heading of § 50.7 would be amended by deleting the word "cattle" and adding the word "animals."

5. Section 50.7(a) would be amended by adding immediately after the (a) and before the first sentence therein the phrase *"Slaughter or disposal."*

6. The first word of the first sentences of paragraphs (a) and (b) of § 50.7 would be amended by deleting the word "Cattle" and adding the word "Animals" in lieu thereof.

7. The heading and text of § 50.8 would be amended to read:

§ 50.8 Payment of expenses for transportation and disposal of carcasses of affected animals.

The Department may pay, when approved in advance in writing by the Veterinarian in Charge, one-half the expenses for destruction, burial, incineration, rendering, or otherwise disposing of affected cattle and one-half the expenses of transportation of affected cattle to the point where disposal shall take place. Claims for such payment shall be made on forms furnished by Veterinary Services and shall be signed by a Veterinary Services or State representative or jointly and by the owner certifying his acceptance of the amount claimed. No portion of expenses of disposal or transporation provided by the owner of affected animals shall be paid by the Department.

8. The text of § 50.9 would be amended to read:

§ 50.9 Appraisals.

Animals to be destroyed because of tuberculosis under § 50.3 shall be appraised within 15 days after being classified as affected, or otherwise condemned because of tuberculosis, by an independent professional appraiser at Veterinary Services expense, except that the Veterinarian in Charge may waive the requirement for an independent professional appraiser for reasons satisfactory to him. When animals are thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Animals presented for payment as registered shall be accompanied by their registration papers. If the registration papers are temporarily not available, or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers. Veterinary Services may decline to accept any appraisal that appears to be unreasonable or out of proportion to the value of animals of like quality.

9. Paragraph (b) of §50.14 would be amended to read:

§ 50.14 [Amended]

* * * * *

(b) If all cattle 2 years of age or over in the claimants herd have not been tested for tuberculosis under Veterinary Services or State supervision; *Provided, however* that cattle destroyed because of tuberculosis under § 50.3(b) and § 50.3(c) are exempt from this requirement, if the cattle are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 802, Hyattsville, MD 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

This proposes rule is the result of the scheduled review of 9 CFR, Part 50. To meet the requirements of Executive Order 12044, "Improving Government Regulations," and Secretary's Memorandum 1955, "Improving USDA Decisions and Regulations," 9 CFR, Part 50 was scheduled for review in the **Federal Register** (43 FR 50992) on November 1, 1978.

This proposal has been reviewed under the USDA criteria established to implement EO 12044, "Improving Government Regulations," and has been designated "significant." An approved Draft Impact Analysis is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8695.

Done at Washington, D.C., this 28th day of December 1979.

M. T. Goff

Acting Deputy Aministrator, Veterinary Services.

[FR Doc. 80-325 Filed 1-7-80; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 70 and 73

Transient Shipments of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: Based on its decision to provide a level of protection for transient shipments of formula quantities of strategic special nuclear material comparable to that now provided for domestic shipments of formula quantities of strategic special nuclear material, the Nuclear Regulatory Commission is considering amendments to 10 CFR Parts 70 and 73 of its regulations. A transient shipment is a shipment of strategic special nuclear material (other than a shipment for military use), originating and terminating in foreign countries, on a vessel or aircraft which stops at a U.S. port. The proposed amendments would withdraw the existing exemption from licensing requirements for carriers who possess formula quantities of strategic special nuclear material in the course of a transient shipment and require them to be responsible for assuring that the strategic special nuclear material is protected against theft and radiological sabotage. Such carriers would be required to provide for a security system implemented in accordance with a security plan during stopovers at U.S. ports. Implementation of the rule would bring carriers who possess formula quantities of strategic special nuclear material in the course of a transient shipment directly under NRC physical protection regulations.

DATE: Comment period expires March 10, 1980

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. C. K. Nulsen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301-427-4181).

SUPPLEMENTARY INFORMATION: Since shipments of formula quantities of strategic special nuclear material (SSNM) should be protected in the interest of the common defense and security and public health and safety, the Commission believes that carriers who possess such material in the course of a transient shipment utilizing any U.S. port should, while docked, anchored, or otherwise stationary at a U.S. seaport or airport, be licensed during such periods. This would include an off-loading of SSNM for the purpose of transfer from one transport to another as long as the shipment is enroute to and terminated in a foreign country. At present, the NRC has no legal basis because of the exemption in 10 CFR 70.21 for inspecting transient shipments of formula quantities of strategic special nuclear material utilizing U.S. ports. The Commission believes the authority for inspection of international common or contract carrier vehicles (i.e., aircraft, ships) transporting transient shipments of formula quantities of SSNM should be given a firm regulatory base.

Accordingly, the Commission proposes to: (1) amend § 70.20 of Part 70 to delete the present exemption from licensing requirements for transient shipments; (2) add a new § 70.20b to Part 70 to grant a general license to, and to specify physical protection requirements for, any carrier who possesses formula quantities of strategic special nuclear material during a transient shipment, other than for military use, utilizing any U.S. port; (3) make necessary arrangements with the DOT to have it amend its regulations to require that transient shipment carriers comply with NRC regulations and to permit NRC to exercise the responsibility for inspection and enforcement of such regulations; (4) amend § 70.20a(a) to clarify that the requirements of § 70.20a do not apply to any transient shipments of formula quantities of SSNM during the time the transient shipment remains in a U.S. port; and (5) amend § 73.71(b) to require reporting of incidents of radiological sabotage against the licensee's transportation system.

The general license would apply to any transient shipment carriers who possess formula quantities of SSNM and would be effective during the time the carrier's transport vehicle is stopped at a U.S. port. The general license would be subject to specific sections of Parts 70 and 73. The requirements would apply to both scheduled and unscheduled stops at U.S. ports.

A "scheduled" transient shipment is a transient shipment on board a transport with an itinerary that calls for the use of U.S. port facilities (airports or seaports), and which uses only the specified U.S. ports. Each scheduled transient shipment of a formula quantity of SSNM would be required to be protected by armed guards while the transport is at a U.S. port.

An "unscheduled" transient shipment is one aboard a transport which stops at a U.S. port not on the itinerary at the time the shipment was loaded at its point of foreign origin. Thus, an unscheduled transient shipment can occur as a result of a rerouting or schedule change, or an unforeseen event such as equipment failure, or unfavorable weather conditions. Each unscheduled shipment aboard a ship or aircraft which changes it itinerary while en route, resulting in the need to use a previously unspecified U.S. port, would be protected to some degree by the unexpectedness and randomness of the change in itinerary, and by an adversary's lack of knowledge of the stopover location. However, protection by armed persons would be required when the stopover time becomes lengthy enough for an adversary to organize or redirect his resources.

The period of time before such shipments would be required to be protected by armed guards would vary, depending on the location of the stopover and the time the stopover occurred. However, the arrangements for physically protecting the shipment should begin immediately after the decision is made to use a U.S. port. Physical protection of the unscheduled transient shipment would be required to be implemented within a reasonable time after the transport arrives at the U.S. port.

The proposed amendments would not require the filing of applications with the Commission or the issuing of licensing documents to particular persons by the Commission. The promulgation of the amendments would not result in any activity that affects the quality of the human environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criterion of 10 CFR § 51.5(d)(3), that neither an environmental impact statement nor an environmental impact appraisal to support a negative declaration for the

proposed amendments to 10 CFR Part 70 are required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 70 and 73 is contemplated.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. A new paragraph (v) is added to § 70.4 of 10 CFR Part 70 to read as follows:

§ 70.4 Definitions.

As used in this part.

* * * * *

(v) "Transient shipment" means a shipment of strategic special nuclear material (other than a shipment for military use), originating and terminating in foreign countries, on a vessel or aircraft which stops at a U.S. port.

2. Section 70.12 of 10 CFR Part 70 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material, in less than a formula quantity of strategic special nuclear material as described in § 73.2(bb) of this chapter, in the regular course of carriage for another or storage incident thereto.

3. Paragraph 70.20a(a) of 10 CFR Part 70 is revised to read as follows:

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

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of §§ 73.30 through 73.36, 73.70(g) and 73.71(b) of Part 73 of this chapter, in the regular course of carriage for another or storage incident thereto. Carriers generally licensed under § 70.20b are exempt from the requirements of this section. The general license is subject to the applicable provisions of §§ 70.32(a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62, and 70.71.

* * * * *

4. A new § 70.20b is added to 10 CFR Part 70 to read as follows:

§ 70.20b General license for carriers of transient shipments of formula quantities of strategic special nuclear material.

(a) A general license is hereby issued to common or contract carriers to possess transient shipments of formula quantities of special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, 73.70(g) and 73.71(b) of this chapter from the time the carrier enters a U.S. port until it exits that port.

(b) Persons generally licensed under this section are exempt from the requirements of Parts 19 and 20 of this Chapter and the requirements of this part, except §§ 70.32(a) and (b), 70.52, 70.55, 70.61, 70.62, and 70.71.

(c) Persons generally licensed under this section shall provide physical protection for transient shipments in accordance with or equivalent to §§ 73.20(a), 73.20(b), and 73.25 of this chapter and comply with the requirements of §§ 73.70(g) and 73.71(b) of this chapter.

(d) Persons generally licensed under this section, who carry transient shipments with scheduled stops at U.S. ports, shall notify the Commission at least five (5) calendar days before the first scheduled stop in the United States. The notification shall be given to the NRC Headquarters in Washington, D.C., Office of Inspection and Enforcement, and shall include the following information:

(1) Location of all scheduled stops in U.S. territory.

(2) Arrival and departure times for all scheduled stops in U.S. territory.

(3) The type of transport vehicle.

(4) The special nuclear material in the shipment (elements, isotopes, enrichments, etc.).

(5) The number and types of containers.

(6) The name and telephone number of the carrier's representative at each stopover location in U.S. territory.

(7) A description of the physical security system which will be implemented in accordance with a written security plan which shall include the use of armed personnel to protect the shipment during stops at U.S. ports.

(e) Persons generally licensed under this section making unscheduled stops at U.S. ports shall, immediately after the decision to stop:

(1) Provide to the Commission the information required under paragraph (d) of this section; and

(2) Arrange for local law enforcement authorities or trained and qualified private guards to protect the shipment during the stop.

(3) Implement these arrangements within a reasonable time after the arrival of the shipment at a U.S. port to remain in effect until the shipment exits the port.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

5. Paragraph 73.71(b) of 10 CFR Part 73 is amended to read as follows:

§ 73.71 Reports of unaccounted for shipments, suspected theft, unlawful diversion, or radiological sabotage.

* * * * *

(b) Each licensee shall report immediately to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A, by telephone, any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess, or to commit an act of radiological sabotage against his plant, or transportation system. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office shown in Appendix A of this Part setting forth the details of the incident. Copies of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Subsequent to the submission of the written report required by this paragraph, a licensee shall immediately inform the Director of the appropriate Inspection and Enforcement Regional Office by means of a written report of any substantive additional information, which becomes available to the licensee, concerning the incident.

(Secs. 53, 161i., 161o., Pub. L. 83–703, 68 Stat. 930, 949, 950 as amended (42 U.S.C. 2073, 2201))

Dated at Washington, D.C. this 31st day of December 1979.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-479 Filed 1-7-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6172, 34-16458, 35-21363, 39-548, IC-11003, IA-711, FI-59]

Requests for Confidential Treatment of Records Obtained by the Commission

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Securities and Exchange Commission is requesting written comments on proposed procedural rules relating to requests that records provided to or obtained by the Commission be treated in confidence. The rules are designed to allow persons who submit records to the Commission to assert a claim that disclosure of the records would not be required under the Freedom of Information Act (5 U.S.C. 552) for reasons of personal privacy or business confidentiality, or for other reasons permitted by the Act. The proposal also sets forth a statement of the Commission's policy with respect to such matters pending the adoption of a final rule.

DATE: Comments should be received by the Commission on or before March 5, 1980.

ADDRESS: All communications concerning this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Such communications should refer to File No. 4–229, and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Mitchell D. Dembin, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2454.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today published for comment proposed rules relating to requests for confidential treatment of records obtained by the Commission. The Commission proposes to adopt a new § 200.83 of Part 200, Chapter II, Title 17, Code of Federal Regulations, which will implement a procedure that will allow persons to request confidential treatment of information supplied to the Commission to the fullest extent permitted by the Freedom of Informaiton Act, 5 U.S.C. 552, and other relevant statutes.

The Securities and Exchange Copmmission, as an administrative agency with significant law enforcement responsibilities, often is required to walk a narrow line in fulfilling its obligations to disclose records to the public under the Freedom of Information Act while preserving the legitimate interests in confidentiality of the corporations and individuals who submit information to the Commission.

The Commission had earlier adopted procedures, found at 17 CFR 240.24b–2, for granting confidential treatment with respect to documents which, in the normal course of Commission business, would be placed in public files upon their receipt by the Commission. That procedure was adopted so that the Commission could make a determination with respect to whether or not to grant confidential treatment to such records at the time they are received.

The instant, proposed procedures will apply to documents for which there is no other specific procedure at the present time and which, in the normal course of Commission business, will be placed in a nonpublic file upon receipt. Accordingly, the Commission would determine any request for confidential treatment under these procedures only at such time as a Freedom of Information Act request is made for the particular documents.

These procedures are instituted in the wake of the Supreme Court's decision in *Chrysler* v. *Brown*, 47 U.S.L.W. 4434, No. 77–922, April 18, 1979, in which it held that submitters of information did not have a right to *de novo* review under the FOIA of an agency's decision to release purportedly confidential records. In addition, the Court instructed agencies tht an agency's preference or need for confidentiality is a controlling factor in determining the reach of Exemption 4 of the Freedom of Information Act relating to business and financial records. The Commission will determine, in the first instance, the merits of such requests for confidential treatment.

The confidential treatment rules will provide a procedure for the Commission to examine a request for confidential treatment and evaluate the impact of the disclosure of such information on the Commission's continuing ability to acquire information in the future as well as the legitimate interests of the corporation or individual in maintaining the confidentiality of the information. The procedures, however, do not establish substantive criteria for the Commission to apply in considering confidential treatment requests. Rather, the procedures are designed to give the Commission the maximum amount of flexibility in making a determination on these important issues on a case-by-case basis.

The Commission is very sensitive to the concerns which corporations and individuals have with respect to preserving the confidentiality of records which have been requested or required to be disclosed to the Commission. To the extent permitted by law and consistent with the Commission's responsibilities in connection with administering the federal securities laws, the Commission desires to alleviate legitimate concerns and to give the submitters of information as much comfort as the Commission can that it will seek to preserve the confidentiality of such material.

While the Commission has been operating under informal procedures designed to permit the expeditious processing of such requests, the Commission intends, by publishing the proposed rules for comment, to promote greater public awareness of the method for claiming entitlement to confidential treatment of information obtained by the Commission in a variety of circumstances.[1] The rules proposed herein are generally designed to apply to any type of record obtained by the Commission; for example, the rules will apply, *inter alia*, to records obtained in the course of Commission investigations and to records (other than those required to be filed and made publicly available) submitted in connection with applications or the review of filings made with the Commission. The proposed rule will, however, not affect the applicability of sections of the federal securities laws or other federal statutes which either require or authorize the confidential treatment of information on the basis of standards other than those contained in the Freedom of Information Act, but made applicable by Exemption 3 of the Act,[2] nor are these rules intended to apply in cases where the Commission has rules of specific applicability, governing the

[1] The informal procedures, as they presently exist with respect to Commission investigatory records, are described in Securities Act Release No. 5571, 6 SEC Docket 281 (February 21, 1975).

[2] *See, e.g.*, Item 30 of Schedule A of the Securities Act of 1933; Sections 13(d)(1)(B) and 13(f)(3) of the Securities Exchange Act of 1934, 15 U.S.C. 78m(d)(1)(8) and 78m(f)(3); Section 22(c) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79v(c); Section 321(b) of the Trust Indenture Act of 1939, 15 U.S.C. 77uuu(b); Section 45(a) of the Investment Company Act of 1940, 15 U.S.C. 80a–44(a); Section 210 of the Investment Advisers Act of 1940, 15 U.S.C. 80b–10. *See also*, 25 U.S.C. 6103; 18 U.S.C. 1905. *Cf.*, *Chrysler Corp.* v. *Brown*, *supra*, 47 U.S.L.W. at 4444, n. 49 (declining to determine whether 18 U.S.C. 1905 is an exempting statute for purposes of Exemption 3 of the FOIA).

treatment of specific types of records,[3] or where the Commission establishes other procedures, on an *ad hoc* basis, in connection with a particular study, report or investigation (§ 200.83(e)(1)).[4] Rule 200.83 will supplement the provisions of the Commission's general regulations concerning the handling of requests for access to records, 17 CFR 200.80, and will apply when the Commission receives a request for records which may contain confidential business information or information the disclosure of which would constitute an unwarranted invasion of personal privacy. It will establish procedures designed to allow the Commission to ascertain whether a request for confidentiality has been made, and to determine the validity of such request.

Policy Pending Final Promulgation of New Rules

In responding to requests for information under the Freedom of Information Act, the Commission will follow the procedures of current Rule 200.80. Where a request for confidential information has been made, the Commission will, to the extent practicable, follow the general approach outlined in proposed Rule 200.83 until final rules are promulgated. However, pending final promulgation, the Commission will not rely on the provisions of the proposed rule that would establish new, affirmative requirements for persons requesting that the Commission not release information concerning themselves.

Thus, for example, proposed Rule 200.83(a), which specifies the procedure for making a timely assertion of a claim of entitlement to confidential treatment, and proposed Rule 200.83(d)(3), which prescribes the consequences of a failure to make and substantiate a claim at the time information is submitted, will not be relied upon to justify disclosure of information over the objections of any person. However, the Commission may require that proper substantiation be furnished promptly, so that the determinations required by the Freedom of Information Act can, to the fullest extent possible, be made within the time periods allowed by that Act.

[3] *See, e.g.*, Rule 24b–2 under the Securities Exchange Act, 17 CFR 240.24b–2, applicable to records filed pursuant to the securities acts, in circumstances where the data filed would otherwise become a part of the Commission's public files, and thus immediately available to anyone upon request. *See also*, Section 23(a)(3) of the Securities Exchange Act, 15 U.S.C. 78w(a)(3), concerning statements filed in connection with rulemaking proceedings; 17 CFR 200.81, concerning requests made of the Commission's staff for legal advice or opinions.

[4] References herein to provisions of the proposed rule are set forth in brackets.

Background

Section 24 of the Securities Exchange Act, as amended in 1975, defines the term "records" as all "applications, statements, reports, contracts, correspondence, notices and other documents filed with or otherwise obtained by the Commission pursuant to (the Securities Exchange Act) or otherwise." It further prohibits the disclosure of records in contravention of the rules of the Commission under the FOIA, or the disclosure of records as to which the Commission has determined, pursuant to such rules, to afford confidential treatment. 15 U.S.C. 78x(b). The amended Section 24 thus establishes that the substantive provisions of the Freedom of Information Act govern public access to all Commission records.

The Commission has, and will continue to acquire, a great deal of information from private parties. Some of this information is regarded as very sensitive by the persons and businesses to which it relates. On the other hand, members of the public are often interested in obtaining disclosure of the information in the Commission's possession. Under the Freedom of Information Act, a request for agency records by "any person," 5 U.S.C. 552(a)(3), must be honored, unless the Commission can demonstrate the applicability of an exemption to the FOIA's disclosure requirements. If an FOIA exemption applies to a record, the Commission retains the discretion to disclose the record, unless another statute forbids such disclosure. *Chrysler Corp.* v. *Brown, supra*, 47 U.S.L.W. 4434 (April 18, 1979).

Of course, the Commission itself also has important interests with respect to the treatment of the information in its files. The Commission needs access to such information in order to make informed decisions under the various laws the Commission is charged with administering. In a few cases, useful information may not be subject to compulsory production, and can only be obtained voluntarily. In many cases, information can be obtained on a more timely basis through voluntary submission, rather than pursuant to subpoena. The Commission believes that the voluntary submission of information will be encouraged if the Commission has procedures which promote the fair evaluation of claims of confidentiality, and enable it to determine which records may be withheld from public disclosure under the FOIA.

In addition, the Commission is aware that, on the one hand, its officers and employees may potentially be subject to criminal penalty under the Trade Secrets Act, 18 U.S.C. 1905,[5] or the Privacy Act of 1974, 5 U.S.C. 552a, for the wrongful disclosure of certain information received in confidence. On the other hand, disciplinary proceedings may be brought against its officers or employees who are found to have arbitrarily and capriciously withheld information required to be made available by the Freedom of Information Act. 5 U.S.C. 522(a)(4)(F).[6] These two possibilities suggest the need for guidance with respect to the way the commission interprets its responsibilities under these and other relevant statutes.

Moreover, as the Commission noted in Securities Act Release No. 5571, 6 SEC Docket 281 (February 21, 1975), the Commission finds it regrettable that, in many situations where it has conducted an investigation pursuant to the federal securities laws, the Commission may inadvertently disclose information obtained in the course of the investigation, in circumstances where persons who supplied the information would have reasonable grounds to object, either because of personal privacy or business confidentiality

[5] The Trade Secrets Act, 18 U.S.C. 1905, has its origin in an internal revenue statute enacted in 1864. Rev. Stat. 3167. Its original legislative history was sparse, but statements made on the occasions when the statute was re-enacted "indicate that congress was primarily concerned with unauthorized disclosure of business information by feckless or corrupt" government employees. *Chrysler Corp.* v. *Brown, supra*, 47 U.S.L.W. at 4438. In 1948, Rev. Stat. 3167 was consolidated with two other statutes to form the present-day Trade Secrets Act. *See* H.R. Rep. No. 304, 80th Cong., 2d Sess., A127–128 (1947). The Department of Justice has recently issued a statement of policy with respect to criminal prosecutions under 18 U.S.C. 1905, declaring that it is not the policy of the Criminal Division to prosecute government employees if the release of the information in question was made "in a good faith effort to comply with the Freedom of Information and the appropriate applicable regulations." United States Attorney's Manual, § 9–2.025.

[6] 5 U.S.C. 552(a)(4)(F) provides: "Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionaly issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Civil Service Commission shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Commission recommends."

considerations. The stringent time requirements of the Freedom of Information Act, as well as the heavy financial and manpower burdens that the Commission would be obliged to sustain if it had to examine each individual record for these purposes, and consult with those with a potential concern, means that as a practical matter the Commission may often not be aware of valid objections to disclosure that might be made. Because of these considerations, the Commission instituted an informal procedure, set forth in Securities Act Release No. 5571, pursuant to which persons who gave testimony or supplied documentary evidence in a Commission investigation were requested to write to the Director of the Division of Enforcement if it was believed that particular portions of testimony or specified documents or portions thereof would be exempt from the disclosure requirements of the Freedom of Information Act. The Commission has obtained valuable experience in connection with these informal procedures and believes it is now able to formalize the agency's practices under the Act with respect to confidentiality requests. These rules are thus meant to supplant the informal procedures now in effect, as they have developed since the issuance of Securities Release No. 5571.

Finally, in keeping with the spirit of the Freedom of Information Act and its "general philosophy of full agency disclosure," [7] the Commission desires that the public understand the bases for its decisions interpreting the Act and have the fullest possible appreciation of the policy which leads to any particular agency action. The Commission believes that these rules will promote these objectives.

Summary of Procedural Provisions

The basic principle embodied in the Commission's proposed rule is that it is generally the responsibility of a business or an individual making a claim of confidentiality to substantiate that claim; the Commission's responsibility is to afford a reasonable opportunity to provide such substantiation and to afford appropriate consideration to the matters brought to its attention. Thus, while it is contemplated that the Commission office concerned with a particular document will evaluate any claim of confidentiality asserted, and may make a limited inquiry where it is necessary to do so, the proposed rule makes it clear that the Commission will not honor requests that are unnecessarily broad or where the basis on which confidential treatment is requested is not adequately explained. Nor will the Commission permit its limited manpower to be devoted to any substantial degree to the correction of deficiencies in a request; the burden is entirely on the requesting party to meet the rule's requirements in the first instance. The proposed rules are not intended to create, and do not confer, any new rights on those who submit records or information to the Commission.

The rule requires that a person wishing to make a request for confidentiality must submit that request at the time the information is first received by the Commission, whenever it is possible to do so (§ 200.83(a)), and as soon thereafter as possible where a request cannot be made simultaneously with submission of the records (§ 200.83(b)). Documents for which confidential treatment is requested should be prominently marked "Confidential Treatment Requested" (§ 200.83(a)(1)).[8] A "request for confidentiality" is defined as consisting of the statement of the person requesting confidential treatment, setting forth those items of information specified in the rule (§ 200.83(a)(2), (3)). The request for confidential treatment should be given to the staff member who receives the records in question, and a copy of the request (but not the records to which the request relates) should be sent to the Freedom of Information Act Officer, Securities and Exchange Commission, Washington, D.C. 20549 (§ 200.83(a)(5), (b)).

In certain circumstances, however, the Commission recognizes that this procedure cannot be followed. For example, the Commission regularly conducts inspections of regulated entities in the course of which documents are copied and removed to Commission offices on an expedited basis. It is not contemplated that the request procedures of § 200.83(a) would apply to materials obtained in circumstances where there is no reasonable opportunity to make the request. The Commission is aware that such records would often be covered by one or more of the exemptive provisions of the FOIA and its personnel will continue to be alert, with respect to records obtained in such circumstances, to protect those records for which confidential treatment is warranted. (In the event the Commission does need additional information with respect to a possible claim of confidentiality, that information can be requested and obtained pursuant to proposed § 200.83(d)(3)(ii).)

Similarly, in an investigatory or enforcement context, it will often be the case that a request for confidentiality cannot be submitted along with the records in question, such as may be the case where information is provided in the course of testifying in a Commission investigation, or where documents are submitted pursuant to subpoena on a schedule that does not permit the simultaneous submission of a request for confidential treatment. With respect to such circumstances, the rule requires that the person who intends to assert a request for confidential treatment state his intention to do so at the time the information is provided, and that he take reasonable steps to submit the actual request required by § 200.83(a) as soon as the documents in question can be reviewed and the formal request prepared (§ 200.83(b)). In no circumstances, however, may the need to comply with the procedural requirements of the proposed rule be cited as justification for delay in complying with a legal requirement to submit records or information to the Commission.

In certain other circumstances, the Commission will obtain, through a third person, records concerning a person which that person may not even be aware are in the Commission's possession. In some cases, the records will be of such a nature (e.g., current personal financial information obtained in an investigation of a broker-dealer or investment adviser) that generally would always be considered confidential by the Commission. In such cases, the person to whom the information relates will not be consulted, but the records will no be made publicly available, or will be made available only after the deletion of names and identifying personal details. In appropriate situations, the staff may inquire as to whether the person wishes to make a request for confidentiality, and as to the basis for that request, in

[7] S. Rep. No. 813, 89th Cong., 1st Sess. 3 (1965); *EPA* v. *Mink*, 410 U.S. 73, 80 (1973).

[8] A congressional committee which studied the problems associated with FOIA requests for business information found significant potential benefits in a requirement that submitters of documents identify and suitably mark records for which confidential treatment is requested, while cautioning that submitters must avoid the temptation to mark everyting submitted as "confidential" if these benefits are to be realized. "Freedom of Information Act Requests for Business Data and Reverse-FOIA Lawsuits," H. Rep. No. 95-1382, 95th Cong., 2d Sess. at 34 (1968).

Normally, the best method of marking records is to stamp each page containing information for which confidential treatment is requested with the appropriate legend. Where this is for any reason impracticable, the rule permits a submitter of documents to make use of a cover sheet containing the legend.

accordance with the provisions of § 200.83(d)(3)(ii). It is expected that this would be accomplished on an expedited basis to allow for the prompt response required by the Freedom of Information Act, to the extent possible. It is emphasized that this procedure will normally be invoked only where it appears that the information in question was not acquired directly from the affected person and that, for this reason, that person may not have had a reasonable opportunity to make a request for confidentiality. Generally, persons who themselves submit information to the Commission, or who know that information about them has been obtained by the Commission from third persons, and who fail to assert a request for confidentiality with respect to that information, will be presumed to have waived any request which might have been made (§ 200.83(d)(3)).

The request for confidential treatment will be acknowledged, but no determination with respect to entitlement to confidentiality will be made until such time as the Commission receives a request for access to the information covered by the request (§ 200.83(c)).[9] The Commission's experience with problems of confidentiality under the Freedom of Information Act indicates that in many, if not most, cases, it is impossible to render a final decision on the status of particular information prior to and without reference to a specific request that the information be publicly disclosed. This is principally due to the fact that the passage of time can affect the question whether confidential treatment continues to be warranted with respect to any particular information. In addition, the process of balancing the privacy interests of an individual requesting that records be maintained in confidence against the public interests that would be served by disclosure,[10] is one that is generally facilitated if the identity of all relevant parties is known. The decisional process involved can, therefore, generally only occur after both requests—the request for confidential treatment and the request for disclosure—have been made and each requester has had an opportunity to substantiate his claim.[11]

Once a request for the information is received, if it appears that the information is of a type for which confidential treatment is warranted, the Commission's Freedom of Information Act Officer or other officer concerned with the information will inform both the submitter and the requesters that confidential treatment of the information had been granted (§ 200.83(d)(2)).[12] At that point, the person requesting access pursuant to the FOIA will have the right, under the Act, to an administrative appeal of this determination. Pursuant to existing Commission rules, such appeals are submitted to the FOIA Officer, and are decided by the Commission. See 17 CFR 200.80(d)(6). If the Commission affirms the decision to withhold the documents in question, the requester will be so informed, and will be entitled, under the provisions of the FOIA, to seek *de novo* review of the Commission's decision in an appropriate federal district court. 5 U.S.C. 552(a)(4)(b).

If the Commission staff initially determines to disclose the information in question, the concerned parties will be so informed and the person who requested confidential treatment will have fifteen calendar days to appeal that determination to the Commission before any disclosure is made (§ 200.83(d)(1)). If such an appeal is taken and the Commission also determines to disclose the information to the person requesting it under the FIOA, the person seeking confidential treatment will be provided ten days notice, to permit him to seek whatever judicial remedy may be available before any disclosure of the information occurs (§ 200.83(d)(1)(v)). *See Chrysler Corp.* v. *Brown, supra.*

In the event that the initial decision of the FOIA Officer or the concerned Commission office results in a determination to afford confidential treatment to part of the information in question and to disclose another part of the information, both parties—the person seeking confidential treatment and the person seeking disclosure—may appeal to the Commission. It is contemplated that, wherever possible, such appeals will be considered by the Commission simultaneously.

The Commission will seriously consider requests for confidential treatment for reasons of personal privacy or business confidentiality if it is demonstrated, to the Commission's satisfaction, that the claim of confidentiality is reasonable in view of normal expectations of privacy or the normal practices of the concerned business and of other similar businesses and that no statute requires disclosure. In the case of a claim of business confidentiality, the business generally should provide information to the Commission concerning whether the business information is in fact confidential in the hands of the business and has been so treated, and that public disclosure would be likely to cause substantial harm to the competitive position of the business, or to affect adversely the Commission's ability to obtain information.[13] *See, e.g., National Parks and Conservation Association* v. *Kleppe,* 574 F.2d 673 (D.C. Cir. 1977); *National Parks and Conservation Association* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974); *Continential Stock Transfer and Trust Co.* v. *Securities and Exchange Commission,* CCH Fed. Sec. L. Rep. ¶ 96,172 (2d Cir. 1977). The Commission recognizes that the law relating to Exemption 4 is still developing and that the applicable

[9] The House Committee on Government Operations recommended against ruling on requests for confidential treatment at the time they are made, finding this practice to be wasteful of agency resources and noting that "information loses its confidential nature over time, and it is rarely possible to adequately determine confidentiality in advance of an actual Freedom of Information Act request." "Freedom of Information Act Requests for Business Data and Reverse-FOIA Lawsuits," H. Rep. No. 95–1382, 95th Cong., 2d Sess. at 3, 34–40. The Commission's experience is consistent with these findings.

[10] *See, Department of the Air Force* v. *Rose,* 425 U.S. 352 (1976).

[11] The written request for confidentiality required by the rules should not itself contain information which the person requesting confidential treatment would wish to keep undisclosed, except to the extent that the inclusion of such material is necessary to explain the basis on which confidential treatment is requested (§ 200.83(a)(4)). The request for confidential treatment should indicate those specific portions of the request itself which the requestor believes should not be disclosed (§ 200.83(a)(2)(vii)). The request for confidential treatment will, to the extent possible, be made available to the public upon request, and may thus be made available to a person requesting access, under the FOIA or otherwise, to the records to which the request relates (§ 200.83(a)(4)). This procedure is intended to permit the person requesting access to submit countervailing arguments during the administrative decisional process. The House Committee on Government Operations has recommended that agencies should "make certain" that those requesting access to documents under the FOIA "are offered a full opportunity to participate in the compilation of a record of the agency decision" to release or withhold records. Freedom of Information Act Requests for Business Data and Reverse-FOIA Lawsuits," H. Rep. No. 95–1382, 95th Cong., 2d Sess., at 52 (1978). As a general rule, an opportunity to respond to the arguments made by a submitter of documents will promote fairness and aid the Commission in deciding the issue.

[12] A grant of confidential treatment does not preclude appropriate disclosure of the information, such as disclosure in connection with an investigation or litigation, or disclosure to Congress or to another governmental authority; nor does it preclude disclosure pursuant to a court order or subpoena (§ 200.83(d)(4)). Moreover, the applicability of FOIA exemptions relied upon to withhold records may have to be re-examined if another FOIA request is received after a significant amount of time has passed.

[13] Exemption 4 applies to "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. 552(b)(4).

standards may be modified.[14] Thus, while the Commission believes that records falling within the above criteria may be exempt under FOIA Exemption 4, the rule does not exclude the possibility that the Commission may conclude that records are within the exemption based on other applicable standards or criteria.

Judicial Review of Determination Denying Confidential Treatment; Stays Pending Review

As noted above, the proposed regulation contains provisions which afford a waiting period after a Commission determination during which information would not be released and during which the person affected could seek judicial review of that determination (§ 200.83(d)(1)(v)). This proposed provision would appear appropriate in view of the decision of the Supreme Court in *Chrysler Corp.* v. *Brown, supra,* 47 U.S.L.W. 4434 (No. 77–922, April 18, 1979). In that case, the Court held that 28 U.S.C. 1331 and the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 704, confer jurisdiction on federal district courts to review the proposed release of information by a federal agency, upon complaint of an aggrieved party. In order to allow a person the time necessary to seek such review, the regulation would provide that when the Commission denies a request for confidential treatment, the information would not be released for an additional period of 10 calendar days.

In the event that judicial review is sought, the Commission's determination to disclose the information will be stayed, unless the Commission orders otherwise. The Commission may determine to vacate the stay on its own motion or at the request of the party seeking disclosure. If the stay is vacated, the party opposing disclosure could seek an order from the court in which the action is pending, staying any disclosure until further order of the court (§ 200.83(d)(1)(vi)).

The Freedom of Information Act imposes strict time limits on the processing of requests under the Act and further requires that non-exempt records must be made"promptly available" to a requester once a determination has been made to comply with his request. The Commission's proposed rules, including the provisions for delay in the disclosure of information determined not to be exempt, are intended to encourage the prompt and diligent pursuit of any available judicial remedies, and to recognize the rights, under the FOIA, of persons who request access to information, as well as the countervailing interests of those who request confidential treatment.[15] The Commission believes that the failure of a person or business to seek and obtain judicial relief within the time limits allowed by the proposed regulation would constitute a waiver of any claim to confidential treatment, and would negate any subsequent allegation that the Commission's release of information willfully violated the Trade Secrets Act, the Privacy Act of 1974, or any other statute.

Authority

This notice of proposed rulemaking is effected under the authority of the Freedom of Information Act, The Privacy Act of 1974, and the Administrative Procedure Act, 5 U.S.C. 552, 552a and 553; Section 19 of the Securities Act of 1933, 15 U.S.C. 77s; Sections 23 and 24 of the Securities Exchange Act of 1934, 15 U.S.C. 78w, 78x; Section 20 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79t; Section 319 of the Trust Indenture Act of 1939, 15 U.S.C. 77sss; Section 38 of the Investment Company Act of 1940, 15 U.S.C. 80a–37; and Section 211 of the Investment Advisers Act of 1940, 15 U.S.C. 80b–11.

Conclusion

It is therefore proposed to amend Subpart D of Part 200 of Chapter II of Title 17, Code of Federal Regulations, by adding thereto § 200.83, as set forth below.

§ 200.83 Procedure for requesting confidential treatment of records.

(a) *Request for confidentiality to accompany records.* Any person who either voluntarily or pursuant to any requirement of law submits any document or causes or permits any document to be submitted to the Commission for which no other specific procedure exists for according confidential treatment, and who desires that the Commission afford confidential treatment to such document for reasons of personal privacy or business confidentiality, or for any other reason permitted by federal law, shall take all steps reasonably necessary to ensure, whenever it is possible to do so, that at the time the document is first received by the Commission it is supplied separately from documents containing information for which confidential treatment is not being requested, that it is appropriately marked, and that it is accompanied by a written request for confidentiality.

(1) All records which contain information for which a request for confidentiality is made shall be marked by the person submitting the records with a prominent stamp, typed legend, or other suitable form of notice on each page, stating "Confidential Treatment Requested." If marking each page is impossible or impractical under the circumstances, a cover sheet prominently marked "Confidential Treatment Requested" shall be securely attached to each group of records submitted for which confidential treatment is requested.

(2) A request for confidentiality shall consist of a statement by the person making the request, setting forth, to the extent appropriate or necessary for the determination of the request for confidentiality, the following information regarding the request:

(i) The reasons, concisely stated, and referring to specific exemptive provisions of the Freedom of Information Act, why the information in the document should be accepted and retained in confidence;

(ii) The length of time for which confidential treatment is requested;

(iii) The applicability of any specific statutory or regulatory provisions which govern or may govern the treatment of the information;

(iv) The existence and applicability of any prior determinations by the Commission, by other federal agencies, or by a Court, concerning the entitlement of the information to confidential treatment;

(v) What other purportedly confidential information, if any, would be divulged by disclosure of the information in question;

(vi) The circumstances under which the information was furnished to the Commission, referring to any applicable Commission file numbers;

(vii) The extent, if any, to which portions of the request for confidential

[14] The Supreme Court declined to address the question of the ambit of Exemption 4 in *Chrysler Corp.* v. *Brown, supra,* since the court of appeals had not addressed the issue. 47 U.S.L.W. at 4444, n. 49.

[15] The Congressional Committee which extensively studied problems relating to requests for business data, while recommending the institution of procedures such as those proposed in this release, recognized that the FOIA time limits were "virtually an inpenetrable barrier to any realistic form of agency proceeding except where the requestor is willing to allow an extension." Freedom of Information Act Requests for Business Data and Reverse-FOIA Lawsuits, H. Rep. No. 95–1382, 95th Cong., 2d Sess. at 51. Noting that there are "several ways" in which agencies can attempt to reconcile the FOIA's time requirements to procedures designed to evaluate requests for confidential treatment, the Committee stated that "if in practice neither of these methods is sufficient, the committee will consider the need to extend or restructure the time limits" by amending the FOIA. *Id.* at 53.

treatment should itself be afforded confidential treatment; and

(viii) Such additional facts and such legal and other authorities as the requesting person may consider appropriate.

(3) In the case of a request for confidentiality for business information, the statement of the person making the request shall, in addition to the matters set forth in paragraph (a)(2) of this section, also provide the following information:

(i) The adverse consequences to the business, financial or otherwise, that would result from disclosure of the information, including any adverse effect on the business' competitive position;

(ii) The measures taken by the business to protect the confidentiality of the information in question, and of similar information;

(iii) The ease or difficulty of a competitor's obtaining or compiling the infromation; and

(iv) Whether the information was voluntarily submitted to the Commission and, if so, whether and how disclosure of the information would tend to impede the availability of similar information to the Commission.

(4) To the extent possible, a written request for confidentiality should not itself contain information which the person requesting confidential treatment believes should not be disclosed. Requests for confidential treatment will, to the extent disclosure will not reveal confidential information, be made available to the public upon request.

(5) In addition to providing a copy of any statement required by paragraphs (a) (2) or (3) of this section to the Commission personnel receiving the records in question, the person requesting confidential treatment shall also send a copy of the statement (but not the records to which the statement applies) to the Freedom of Information Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

(b) *Where request for confidentiality cannot accompany records.* In certain circumstances, such as when a person is testifying in the course of a Commission investigation or producing documents under circumstances where time does not permit a thorough review of the documents, it may be impossible to submit a written request for confidentiality at the time the records are first provided to the Commission. In no circumstances may the need to comply with the requirements of this rule be cited as justification for delay in complying with a legal requirement to submit records or information to the Commission. Rather, in such circumstances, the person testifying or submitting documents should inform the Commission employee receiving the information, in writing or on the record if practicable, at the time the information is received or as soon thereafter as possible, that he believes certain of the information may be entitled to confidential treatment. The person must then take all reasonable and necessary steps to submit a request for confidentiality with respect to the information believed to be confidential within thirty days of the original receipt of the material. In circumstances where copies of the testimony or documents in question are not immediately available for review by the person asserting a claim of confidentiality, the person must inform the Commission office, in writing, at the time the records are received by the Commission or as soon thereafter as possible, that he intends to assert a claim of confidentiality as to certain records, or portions thereof, and must identify that material with as much specificity as possible under the circumstances. Under these circumstances, a person will not be required to submit the request for confidentiality required by paragraph (a) of this section until thirty days after the records in question are first made available for his inspection and review. Any request for confidentiality submitted pursuant to this paragraph should be given or mailed to the staff member who received or is known to have possession of the records, and a copy of the request should be sent to the Freedom of Information Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

(c) *Initial response to requests for confidentiality.* Requests for confidential treatment received by the Commission will be acknowledged, but no determination as to the validity of any claim of entitlement to confidential treatment will be made until a request for disclosure of the information is received.

(d) *Further action on receipt of a request that information be made publicly available.* If it is determined that records which are the subject of a request for access under the Freedom of Information Act are also the subject of a prior request for confidential treatment, Commission personnel responding to the request for access shall at the time evaluate the claim of entitlement to confidential treatment. The procedures of this section shall be followed whenever a Commission office learns that it is responsible for responding to a request under the Freedom of Information Act for information which is the subject of a request for confidential treatment submitted under paragraph (a) of this section.

(1) *Determination that confidential treatment is not warranted.* If it is determined, after review by appropriate Commission staff personnel, that confidential treatment is, under the circumstances, not warranted with respect to all or part of the information in question, the person requesting access to the record and the person requesting confidential treatment will be so informed. The person requesting confidential treatment will also be informed of his right to appeal such decision to the Commission within fifteen calendar days of the date of the mailing of the decision to his last known address. Information which is determined not to be entitled to confidential treatment may be made publicly available fifteen calendar days after the mailing of notice to the person requesting confidential treatment. If within that fifteen-day period the Commission has received an appeal from the person requesting confidential treatment, the person requesting access to the information will be informed of the pending appeal, and further informed that no disclosure of the information will be made until the appeal is resolved.

(i) Any appeal of a denial of an application for confidential treatment shall be in writing, and shall be clearly and prominently identified on the envelope or other cover and at the top of the first page by the legend "Confidential Treatment Appeal."

(ii) The appeal should be delivered to the Freedom of Information Act Officer or sent by mail to the Securities and Exchange Commission, Freedom of Informaiton Act Officer, Washington, D.C. 20549.

(iii) The applicant may, if he desires, supply additional documentary evidence, by means of affidavits or otherwise, and may state such additional facts and cite such legal or other authorities as he may consider appropriate.

(iv) All appeals taken under this section will be considered by the Commission as expeditiously as circumstances permit. Although other procedures may be employed, to the extent possible, the Commission will decide the matter on the basis of the affidavits and other documentary records submitted by the interested parties, and such relevant materials as are brought to the attention of the Commission by the staff or otherwise.

(v) If the Commission determines that confidential treatment is not warranted with respect to all or any part of the

information in question, the person requesting confidential treatment will be so informed by letter directed to his last known address. Disclosure of the records will occur ten calendar days after mailing of such notice to the person requesting confidential treatment, unless within that ten-day period the Commisison has been notfied that the person has commenced an action in a federal court to obtain judicial review of the decision to make information publicly available, and an order preventing disclosure.

(vi) If an action is instituted against the Commission to obtain review of a decision to disclose any records the Commission's decision will be stayed, and disclosure will not occur until the Court rules. The Commission may vacate a stay effected under this provision either on its own motion or at the request of a party seeking access to the records in question.

(2) *Determination that confidential treatment is warranted.* It is determined, after review by appropriate Commission personnel, the confidental treatment of records to which access has been requested is warranted, the person submitting the records and the person requesting access to the records will be so informed. The person requesting access will also be informed of his right, pursuant to the Freedom of Information Act and Commission regulations, to appeal the determination to the Commission. Any such appeal must be taken in accordance with the provisions of the Freedom of Information Act and Commission rules thereunder. In thus regard, see 17 CFR 200.80(d)(6).

(3) *Effect of no prior request for confidentiality.* (i) If access is requested to records received by the Commission on or after (30 days after effective date of this section) with respect to which no request for confidentiality has been made, the information will be presumed not to be exempt from disclosure for reasons of personal privacy or business confidentiality, or for other reasons.

(ii) Notwithstanding paragraph (d)(3)(i) of this section, in appropriate circumstances, inquiry may be made of a person or entity who would be affected by the disclosure of certain information whether the person or entity wishes to make a request for confidentiality as to the information. Any request for confidentiality that is asserted in response to such inquiry should be made in accordance with the provisions of paragraph (a) of this section; however, if a request for the release of the information under the Freedom of Information Act is pending, inquiry may be made by telephone or other prompt means as to the basis for the request, and the matter may be decided on the basis of the information received in response to such inquiry.

(4) *Disclosure of confidential information in certain circumstances.* Notwithstanding the fact that information may be entitled to confidential treatment under the Freedom of Information Act, the Commission or a member of its staff may disclose such information in order to further purposes for which the information was compiled. In this regard, see the published routine uses for systems of records under the Privacy Act of 1974. Circumstances in which disclosure of exempt information may occur include, but are not limited to, the following:

(i) Disclosure may be made to either House of Congress or to a Committee of either House of Congress (the Commission may provide records to Congress without notice to the person who submits the records to the Commission, but will notify the receiving body of any prior request for confidentiality covering the information, and of any prior determination, if any, concerning entitlement to confidential treatment).

(ii) Disclosure may be made to another federal, state or foreign governmental authority, to a securities industry self-regulatory or to a bar association, accountant's professional association, or similar federal, state or local licensing authority (the Commission may provide records to such authorities without notice to the person who submitted the records to the Commission, but will notify the receiving authority of any request for confidentiality covering the information, and of any prior determination concerning entitlement to confidential treatment).

(iii) Disclosure may be made if required by subpoena or ordered by a court having appropriate jurisdiction.

(iv) Disclosure may be made, in the discretion of the Commission's staff, to any person during the course of any inquiry or investigation conducted by the staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appear relevant to the subject matter of the staff's inquiry.

(v) Disclosure may be made to the extent necessary or appropriate to litigate any judicial or adminstrative proceeding in which the Commission, or a member or employee of the Commission, is a party or has an interest.

(e) *Exclusions from the applicability of this rule.* (1) *Other statutes or Commission rules or procedures applicable to particular records.*—The provisions of this section shall not apply to the extent they are inconsistent with any statute or Commission rule governing the availability of specific records, or where another specific procedure applies (*see, e.g.*, 17 CFR 240.24b–2) or where the Commission has specified that an alternative procedure be utilized in connection with a particular study, report, investigation, or other matter.

(2) *Personnel and medical files.* The provisions of this section shall not apply to any record which is contained in or is part of a personnel, medical or similar file relating to a Commission member or employee which would normally be exempt from public disclosure pursuant to Section 552(b)(6) of title 5, United States Code.

By the Commission.

George A. Fitzsimmons,

Secretary.

December 28, 1979.

[FR Doc. 80-548 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 6 and 10

Civil Aircraft Agreement

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: Title VI of the "Trade Agreements Act of 1979", implements the tariff changes necessitated by the "Agreement on Trade in Civil Aircraft" negotiated by the United States in the Tokyo Round of Multilateral Trade Negotiations. This document proposes to amend the Customs Regulations to enable Customs to implement the provisions of Title VI.

The significant proposed changes to the regulations are:

1. To eliminate duties on civil aircraft and aircraft parts certified for use in civil aircraft which are specially provided for in the Tariff Schedules of the United States and admitted into the United States from a nation entitled to most favored nation tariff treatment.

2. To eliminate duties on the cost of repair parts, materials, or expenses of repairs in a foreign country upon a United States civil aircraft.

DATE: Comments must be received on or before March 10, 1980.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Regulations and

Research Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2335, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

The following individuals at the U.S. Customs Service, Office of Regulations and Rulings, 1301 Constitution Avenue, NW., Washington, D.C. 20229: Aircraft Repair Matters: John A. Mathis, Carriers, Drawback and Bonds Division, (202–566–5706). Classification Matters: L.J. Emmert, Classification and Value Division (202–566–8181). Certification Matters: Benjamin H. Mahoney, Entry Procedures and Penalties Division (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 96–39, the "Trade Agreements Act of 1979", approved July 26, 1979, (the "Act"), implements the trade agreements negotiated by the United States in the Tokyo Round of Multilateral Trade Negotiations (MTN).

One agreement, the "Agreement on Trade in Civil Aircraft" (the "Agreement"), establishes a framework of rules for duty-free trade in civil aircraft and parts for civil aircraft. Tariff and non-tariff measures are covered in the Agreement to address problems peculiar to the civil aircraft sector of the aerospace industry. The special focus and broad scope of the Agreement distinguishes it from most of the other agreements.

In the area of tariffs, the Agreement calls for the elimination of Customs duties and similar charges on, or in connection with, the importation of products, classified for Customs purposes under specific tariff items enumerated in the Annex to the Agreement if the products are for use in a civil aircraft and incorporated therein, in the course of its manufacture, repair, maintenance, rebuilding, modification or conversion. The specific tariff items are enumerated in the "Statutory Changes Duty-Free Treatment Under the TSUS" section of this document. The Agreement also calls for the elimination of Customs duties and similar charges on repairs to civil aircraft.

Title VI of Pub. L. 96–39, "Civil Aircraft Agreement", implements those parts of the Agreement relating to duty-free treatment by the United States of (1) specified civil aircraft and aircraft parts certified for use in civil aircraft and admitted into the United States from a nation entitled to most favored nation tariff treatment; and (2) the cost of repair parts, materials, or expenses of repair in a foreign country upon a United States civil aircraft.

Effective Date

Section 601(a) of Title VI provides that when conditions under section 2(b) of the Act are fulfilled and the President accepts the Agreement for the United States, he may proclaim, after September 30, 1979, the changes provided for under this section. However, the Agreement provides for the elimination of applicable Customs duties no later than January 1, 1980. It is anticipated that the January 1, 1980, date will be the effective date for implementing the statutory changes made by Title VI.

Present Law

Aircraft and aircraft parts presently are classifiable under Schedule 6, Part 6, Subpart C, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). They are subject to a column 1 (Most Favored Nation) rate of duty of 5 percent ad valorem. General Headnote 10 (ij), TSUS (setting forth interpretative rules relating to the tariff schedules), limits the application of item 694.60 to aircraft parts solely or chiefly used as parts of aircraft if those parts are not specifically provided for elsewhere in the TSUS. Numerous aircraft parts are more specifically provided for elsewhere in the TSUS. Certain aircraft and aircraft parts may be admitted duty-free under the Generalized System of preferences (General Headnote 3(c), TSUS) if they are produced in a beneficiary developing country.

Statutory Changes—Duty-Free Treatment under the TSUS

Section 601(a)(1) of the Act creates a new Headnote 3 under Schedule 6, Part 6, Subpart C, TSUS, defining the term "certified for use in civil aircraft". That term means that the imported article:

1. Has been imported for use in civil aircraft;
2. Will be so used in civil aircraft; and
3. Has been approved by the Federal Aviation Administration, or that an application for approval for such use has been submitted to, and accepted by, that agency, or that such use has been approved by the airworthiness authority in the country of exportation if such authority is recognized by the Federal Aviation Administration. The importer is required to file a written statement to that effect if the article is to be imported duty-free.

The new headnote also defines the term "civil aircraft" to mean "all aircraft other than aircraft purchased for use by the Department of Defense or the United States Coast Guard".

Section 601(a)(2) sets forth the TSUS item numbers for which duty-free treatment in Column 1 of the tariff schedules is accorded those articles "certified for use in civil aircraft". The item numbers listed in Title VI of the Act are:

518.51	678.50	694.40
544.41	680.47	694.60
642.20	680.50	709.45
647.03	680.55	710.08
647.05	680.56	710.14
652.09	682.07	710.16
653.39	682.40	710.30
653.94	682.60	710.46
660.44	683.60	711.36
660.46	684.30	711.37
660.52	684.40	711.82
660.54	684.50	711.84
660.85	684.70	711.98
660.97	685.24	712.05
661.10	685.29	712.47
661.12	685.40	712.49
661.15	685.60	715.15
661.20	685.70	720.08
661.35	686.22	727.47
661.90	686.24	727.48
661.95	686.60	727.55
662.50	688.12	745.45
664.10	688.40	772.45
676.15	694.15	772.65
676.30	694.20	

The precise coverage of duty-free treatment of these item numbers will be determined by the nature of implementation of the Agreement by other signatories. Any change in these item numbers will be effectuated by the presidential Proclamation to be issued pursuant to section 601(a) of the Act. It is understood by the Customs Service that the new item numbers will be:

518.52	678.48	694.16
544.43	680.61	694.21
642.22	680.65	694.41
647.04	680.75	694.62
647.07	680.78	709.46
652.11	682.08	710.09
653.41	682.42	710.15
653.98	682.46	710.17
660.58	682.61	710.31
660.61	683.62	710.47
660.69	684.26	711.33
660.73	684.31	711.39
660.87	684.42	711.76
660.99	684.51	711.81
661.08	684.72	712.00
661.14	685.25	712.06
661.17	685.31	712.48
661.22	685.41	712.52
661.37	685.61	715.16
661.91	685.72	720.09
661.97	686.21	727.49
662.52	686.25	727.51
664.12	686.62	772.46
676.16	688.14	745.46
676.31	688.42	772.67

Application of 19 U.S.C. 1466

Section 601(a)(3) of the Act amends section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466), by adding a new subsection (f). This provision eliminates the duty on the cost of repair parts, materials, or expenses of repairs in a foreign country upon a United States civil aircraft. However, foreign equipment purchases for use in United States-registered civil aircraft will remain dutiable under the amended provisions of 19 U.S.C. 1466.

It is understood by the Customs Service, however, that amendatory legislation has been introduced to provide that equipment purchased for use in United States-registered civil aircraft will no longer be dutiable under 19 U.S.C. 1466.

Termination of Duty-Free Treatment

Section 601(b) of the Act provides that for purposes of section 125 of the Trade Act of 1974, the amendments made under section 601(a), if any, shall be considered to be trade agreement obligations entered into under the Trade Act of 1974 of benefit to foreign countries or instrumentalities. This section permits the President to terminate or withdraw duty-free treatment if he determines that any foreign country has withdrawn, suspended, or modified the application of trade agreement obligations of benefit to the United States without granting adequate compensation.

Proposed Amendments to the Regulations

It is proposed to amend Parts 6 and 10, Customs Regulations (19 CFR Parts 6 and 10), to take into account the statutory changes made by Title VI of the Act.

Part 6—Air Commerce Regulations

1. Section 6.7(d), Customs Regulations (19 CFR 6.7(d)), would be amended by adding new paragraphs (d)(1) and (d)(2).

Proposed paragraph (d)(1) would provide that duty under 19 U.S.C. 1466 shall not apply to the cost of repair parts, materials, or expenses of repairs in a foreign country upon a United States civil aircraft. However, the cost of repair parts or materials or the expenses of repairs in a foreign country, would continue to be subject to entry. (See Senate Rpt. No. 96–249, 96th Congress, 1st Session, p. 188.) Pursuant to T.D. 79–86 (44 FR 17250, March 21, 1979), Customs Form 226, "Record of Vessel/Aircraft Foreign Repair or Equipment Purchase" would be used for this purpose in place of Customs Form 7535, "Vessel/Aircraft Foreign Repair or Equipment Purchase Entry".

Proposed paragraph (d)(2) would provide that any equipment purchases in a foreign country would continue to be subject to declaration, entry, and deposit of duty. However, instead of filing a separate declaration on Customs Form 226, a statement may be added to Customs Form 226 when used as the entry that (1) the entry contains a complete account of the equipment purchases and the cost of the equipment, including installation, and (2) application is made for the ascertainment of duty due. A declaration on Customs Form 226, in lieu of Customs Form 3415, "Declaration of Foreign Repairs to Vessels or Aircraft" (see T.D. 79–86), to the effect that no equipment was purchased in a foreign country would not be required.

2. Section 6.7(e) would be amended to provide that a scheduled airline or an air carrier authorized to operate contract passenger or cargo flights and operating between the United States and foreign territory shall not be required (1) to file a declaration or entry on Customs Form 226, (2) to deposit duty or give a bond for equipment purchased for the aircraft, or (3) to file an entry on Customs Form 226 for repair parts or materials purchased for, or for expenses of repairs made to, the aircraft if any one of the four conditions found in present and proposed §§ 6.7(e) (1), (2), (3), and (4) is applicable.

Part 10—Articles Conditionally Free, Subject to Reduced Rate, Etc.

1. Proposed § 10.41(c) would be amended by adding a cross-reference to proposed new § 10.180, relating to civil aircraft and parts for civil aircraft.

2. Part 10 would be amended by adding a new § 10.180, "Civil aircraft and parts for civil aircraft".

Proposed § 10.180(a) would define the term "civil aircraft" to mean all aircraft other than aircraft purchased for use by the Department of Defense or the U.S. Coast Guard.

Proposed § 10.180(b) would provide that civil aircraft may be admitted free of duty if certified for use in accordance with Headnote 3 of Schedule 6, Part 6, Subpart C, TSUS, and this section.

Proposed § 10.180(c) would provide that the importer (as defined in §101.1(k), Customs Regulations (19 CFR 101.1(k)), shall submit a certificate and any additional documentation required by Customs to verify the claim for admission free of duty. Although the legislative history of the Act states that the certification shall be filed at the "time of entry", Customs will interpret this to mean at the time of filing the

entry summary documentation. (See §§ 141.0a(b), 142.12, and 142.13; T.D. 79–221). However, the additional documentation need not be provided if the district director is satisfied that the documents will be available for inspection for five years from the "time of entry". (See § 141.68; T.D. 79–221). Proposed § 10.180(c) also would provide that proof of end use of the aircraft or parts in civil aviation need not be furnished. Furthermore, if the district director determines that the required document is not available at the time of filing the entry summary, the importer may enter the aircraft and aircraft parts at the free rate of duty and post a bond for the missing document. Failure to provide the missing document may result in liquidation of the entry as dutiable and assessment of liquidated damages under the bond.

Section 10.180(d) would set forth the form of certification and require the importer to check the appropriate box(es) under item (1) of the certification that:

(a) The article has been approved for use as or in civil aircraft by the Federal Aviation Administration (FAA).

(b) The article has been approved by the airworthiness authority in the country of exportation and the approval is recognized by the FAA.

(c) An application for approval for use as or in civil aircraft for the article has been submitted to and accepted (i.e., received) by the FAA.

Item (2) of the certification would require the importer to certify that the article has been imported for use as or in civil aircraft and will be so used. The importer would be required to sign and date the certification.

Proposed § 10.180(e) would provide that articles covered under item (2)(c) of the certification shall be admitted conditionally free of duty. Proposed paragraph (e) also would provide the procedure to be used when these articles have been approved by the FAA so that the entry may be liquidated as duty-free or dutiable, depending on the circumstances discussed in § 10.180(e).

Proposed § 10.180(f) would require notification to Customs and the tender of duties if any aircraft or aircraft part admitted under this section is diverted from its intended use as or in civil aircraft, or a decision is made to divert the article from the intended use.

Proposed § 10.180(g) would provide that the district director shall monitor and periodically audit selected entries made under § 10.180.

Proposed § 10.180(h) would state that providing false or fraudulent statements, declarations, or other documentation may result in liability being incurred under 19 U.S.C. 1592.

Proposed § 10.180(i) would refer the reader to §§ 6.7(d) and (e) for provisions relating to the dutiability of equipment, repair parts, or materials, or expenses of repairs in a foreign country, upon a United States civil aircraft under the provisions of 19 U.S.C. 1466.

Other Changes

1. It is proposed to make several stylistic changes in the above-discussed sections for editorial clarity.

2. Section 10.41(b) was deleted by T.D. 70–121 (35 FR 8222, May 26, 1970). Therefore, it is proposed to amend the first sentence of § 10.41(d) by deleting the phrase "except as stated in the parenthetical matter in paragraph (b) of the section".

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sec. 466, 46 Stat. 718, sec. 624, 46 Stat. 759 (19 U.S.C. 1466, 1624), and section 3(b), 93 Stat. 144 (Pub. L. 96–39).

Comments

Before adopting this proposal, consideration will be given to any written comments, preferably in triplicate, that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2335, Washington, D.C. 20229.

Drafting Information

The principal authors of this document were John E. Elkins, and Charles D. Ressin, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendments

It is proposed to amend Parts 6 and 10, Customs Regulations (19 CFR Parts 6, 10), in the following manner:

PART 6—AIR COMMERCE REGULATIONS

1. It is proposed to amend § 6.7(d) to read as follows:

§ 6.7 Documents for entry.

* * * * *

(d) The provisions of section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466), are applicable to any aircraft of United States registry engaged in trade and arriving in the United States, as defined in section 401(h), Tariff Act of 1930, as amended (19 U.S.C. 1401(h)), whether from a contiguous or noncontiguous foreign country, to the extent provided in paragraphs (d)(1) and (d)(2) of this section. A notation as to any equipment purchased for or installed on, or repairs made to, any such aircraft in a foreign country shall be made in the aircraft journey log book, which shall set forth a general description of the equipment or repairs and a statement of any necessity therefor. The aircraft commander or an authorized person, on the first subsequent arrival of the aircraft in the United States, shall exhibit the journey log book to the Customs officer at the place of arrival.

(1) The duty imposed under section 466(a), Tariff Act of 1930, as amended, shall not apply to the cost of repair parts, materials, or expenses of repairs in a foreign country upon a United States civil aircraft, as defined in § 10.180(a) of this chapter. However, the cost of repair parts or materials, or the expenses of repairs, in a foreign country, shall be subject to entry on Customs Form 226, as prescribed by § 4.14 of this chapter, but no declaration shall be required.

(2) Except as specified hereafter in this paragraph and § 6.7(e), any equipment purchases shall be subject to declaration, entry, and deposit of duty, as prescribed by § 4.14 of this chapter. However, instead of filing a separate declaration on Customs Form 226, the following may be added to Customs Form 226 when used as the entry:

This entry contains a complete account of the equipment purchased for the within-mentioned aircraft during the flight covered hereby, together with the cost of such equipment (including the cost of installation of equipment). Application is hereby made for the ascertainment of the amount of duty due under section 466, Tariff Act of 1930, as amended.

A declaration of Customs Form 226 to the effect that no equipment was purchased in a foreign country shall not be required in any case for any such aircraft.

§ 6.7 [Amended]

2. It is proposed to amend § 6.7(e) to read as follows:

* * * * *

(e) A scheduled airline or an air carrier generally authorized to operate contract passenger or cargo flights and operating between the United States and foreign territory shall not be required to file a declaration or an entry on Customs Form 226, or deposit duty, or give a bond, for equipment purchased for the aircraft; or to file an entry on Customs Form 226 for repair parts or materials purchased for, or for expenses of repairs made to, the aircraft, if—

(1) The equipment or repairs were made necessary by reason of stress of weather or other casualty occurring since the aircraft's last departure from the United States; or

(2) The equipment or repairs were necessary to secure the safety and airworthiness of the aircraft *Provided,* The necessity of equipment or repairs was unforeseen before the aircraft's last departure from the United States; or

(3) The equipment or repairs were necessary to comply with regulations of the Federal Aviation Administration or other agency of the United States or of a foreign government: *Provided,* The necessity for the equipment or repairs was unforeseen before the aircraft's last departure from the United States; or

(4) The equipment purchased or installed and materials used in making the repairs were manufactured or produced in the United States and the work incident to the installation or repairs was performed by the regular crew of the aircraft or by residents of the United States. Whenever entry is not required in any of the foregoing circumstances, the following statement shall be included on the general declaration or attached air cargo manifest:

Entry for equipment purchased or installed or repairs made to this aircraft while in a foreign country not required under § 6.7(e) of the Customs Regulations.

In all cases where entry is not required, the district director shall be satisfied from an inspection of the journey log book and such further investigation as he may deem necessary that the facts with respect to the purchase or installation of the equipment and making of repairs were as set forth in paragraph (e)(1), (2), (3), or (4) of this section.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. It is proposed to amend § 10.41(c) to read as follows:

§ 10.41 Instruments; exceptions.

* * * * *

(c) Foreign-owned aircraft arriving in the United States shall be subject to the treatment provided for in Part 6 of this chapter, unless entered under the provisions of § 10.31, § 10.180, or paragraph (d) of this section.

2. It is proposed to amend Part 10 by adding a new § 10.180 to read as follows:

§ 10.180 Civil aircraft and parts for civil aircraft.

(a) *Definition.* "Civil aircraft" when used in this section means all aircraft other than aircraft purchased for use by the Department of Defense or the U.S. Coast Guard.

(b) *Admission free of duty.* Civil aircraft and parts for civil aircraft may be admitted free of duty under the provisions of Headnote 3, Schedule 6, Part 6, Subpart C, Tariff Schedules of the United States (19 U.S.C. 1202), if certified for use in accordance with that headnote and the provisions of this section.

(c) *Documentation.* At the time of filing the entry summary, the importer shall submit a certificate in the form described in paragraph (d) of this section, together with a copy of the written order, contract, or any additional documentation Customs shall require, to verify the claim for admission free of duty. A copy of the written order or contract, or the additional documentation, need not be provided if the district director is satisfied that the documents will be available for inspection for five years from the time of entry, as provided by Part 162 of this chapter. "Time of entry" is defined in § 141.68 of this chapter. Proof of end use of the aircraft or parts need not be furnished. If the district director determines that documentation necessary to verify the claim for entry free of duty is not available at the time of filing the entry summary, the importer may enter the aircraft or aircraft parts and post a bond (see § 113.42 of this chapter) for the missing document in accordance with §§ 141.66 and 141.91 of this chapter.

(d) *Certification.* The required certification shall be in the following form:

I certify that:

(1) The article(s) specifically identified in entry summary has (have) been imported for use as or in civil aircraft and, to the best of my knowledge and belief, will be so used.

(2) (Check the appropriate box(es)

☐ (a) The article(s) specifically identified in the entry summary has (have) been approved for use as or in civil aircraft by the Administrator of the Federal Aviation Administration ("F.A.A."). (Enter approved part number (s) ——— or attach copy of approval letter(s)).

☐ (b) The article (s) specifically identified in the entry summary has (have) been approved by ———, the airworthiness authority in the country of exportation. This approval is recognized by the F.A.A. as an acceptable substitute for F.A.A. approval. (Enter approved part number (s) ——— or attach copy of approval letter(s).

☐ (c) An application for approval for use as or in civil aircraft for the article(s) specifically identified in the entry summary has been submitted to and accepted (i.e., received) by the Administrator of the F.A.A.

Importer's Signature and Date

The certification may be stamped, typed, or printed on the entry summary or submitted as a separate document.

(e) *Conditionally free entry.* Articles covered by item 2(c) of the certification set forth in paragraph (d) of this section shall be admitted conditionally free of duty. When the articles have been approved for use as or in civil aircraft by the Administrator of the Federal Aviation Administration, the importer shall submit the approved part number (s) or a copy of the approval letter(s) to the appropriate Customs officer at the port where the entry was made so the entry may be liquidated free of duty. If Customs does not receive the necessary documentation to liquidate the entry free of duty within one year of the date of entry, the conditionally free entry shall be liquidated as dutiable. Before expiration of the one year period, the importer may request that the period for liquidation be extended, as provided in § 159.12 of this chapter. If the necessary documentation is not received within one year or such additional period as may be granted, not to exceed four years from the date of entry or the date of final withdrawal from warehouse, the entry shall be liquidated as dutiable.

(f) *Diversion.* If any aircraft or aircraft part admitted under this section is diverted from its intended use as or in civil aircraft, or a decision is made to divert the article from the intended use, the importer or other person diverting or deciding to divert the article shall give immediate written notice of that diversion or intent to divert to the district director of the district where entry was made. A tender of duties due because of the diversion or intended diversion shall accompany the notice.

(g) *Verification.* The district director shall monitor and periodically audit selected entries made under this section.

(h) *Penalties.* Providing a false or fraudulent statement, declaration, or other documentation may result in liability being incurred under 19 U.S.C. 1592.

(i) *Cost of equipment, repair parts, or materials, or expenses of repairs in a foreign country.* Provisions relating to the declaration entry, and dutability of the costs of equipment, repair parts, or materials, or expenses of repairs, in a foreign country upon a United States civil aircraft under the provisions of section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466), are set forth in § 6.7(d) and (e) of this chapter.

Approved December 31, 1979.

William T. Archey,

Acting Commissioner of Customs.

Richard J. Davis,

Assistant Secretary of Treasury.

[FR Doc. 80-533 Filed 1-7-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF STATE

INTERNATIONAL COMMUNICATION AGENCY

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 143

[Docket No. SD-151]

Uniform Regulation; Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From the Foreign Affairs Agencies

AGENCY: Department of State (Office of Equal Employment Opportunity), International Communication Agency, Agency for International Development.

ACTION: Proposed rule.

SUMMARY: Three foreign affairs agencies (hereafter State, USICA, and AID) proposed specific and uniform regulations to carry out their individual responsibilities under the Age Discrimination Act of 1975, and the general, government-wide regulations (44 FR 33768, June 12, 1979). The location of these regulations in the *Code of Federal Regulations* has not been finally determined, so section numbers are subject to change.

The Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions which permit, under limited circumstances, continued use of age distinctions or factors other than age which may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. These proposed regulations apply to programs and activities in the United States which receive Federal financial assistance from any of the three agencies. The agencies have not found any statutory or regulatory age distinctions.

DATES: Comments must be received on or before March 10, 1980.

ADDRESS: Send written comments to: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, 2201 C Street NW., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg (202) 632-2350 (State); C. N. Poirier (202) 724-9168 (USICA); Jan Miller (202) 632-8277 (AID).

SUPPLEMENTARY INFORMATION: The proposed regulations of the three foreign affairs agencies are based for the most part upon the specific regulations proposed by the Department of Health, Education and Welfare (HEW), and the supplementary explanatory information issued by that Department and published in the Federal Register (44 FR 55108), is equally explanatory of the regulations proposed by the three foreign affairs agencies. The programs of Federal financial assistance which are administered by each of the three agencies are set forth in separate appendixes to the proposed regulations. Readers will note that there are substantial dissimilarities between the types of programs administered by HEW and by the foreign affairs agencies, so the examples used in the HEW explanatory material have no ready parallel. The standards set forth in the general, government-wide regulations may be summarized as follows:

(1) A recipient may not use age distinctions or take any other actions which have the effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity in the United States receiving Federal financial assistance (§ 90.12 of the government-wide regulations).

(2) A recipient may use age distinctions or take another action which has the effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity in the United States receiving Federal financial assistance where:

An age distinction which conditions program benefits or participation is contained in part of a Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body (§ 90.3 of the government-wide regulations).

An action reasonably takes into account age as a factor necessary to the "normal operation" or the achievement of any expressly stated "statutory objective" of a program or activity (§§ 90.13 and 90.14 of the government-wide regulations).

An action is based on a factor other than age and the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective (§§ 90.13 and 90.15 of the government-wide regulations).

A recipient takes voluntary affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age. (§ 90.49(b) of the government-wide regulations).

A recipient provides special benefits to the elderly or to children as part of a program serving persons of other ages, provided it does not have the effect of excluding otherwise eligible persons from participation in the program. (§ 90.49(c) of the government-wide regulations).

(3) The Act and its implementing regulations do not cover employment practices, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act. (§ 90.3 of the government-wide regulations). The Age Discrimination in the Employment Act, administered by the Equal Employment Opportunity Commission, protects persons between the ages of 40 and 70 from most phases of employment.

The Department of State, the U.S. International Communication Agency (USICA) and the Agency for International Development (AID) propose to add a new Part 143 to Title 22 of the Code of Federal Regulations as set forth below:

PART 143—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Sec.

143.1 What is the purpose of age discrimination regulations?
143.2 To what programs do these regulations apply?
143.3 Definitions.

Subpart B—Standards for Determining Age Discrimination

143.11 Standards.

143.21 [Reserved]

Subpart C—Duties of Agency Recipients

143.31 General responsibilities.
143.32 Notice to subrecipients.
143.33 Self-evaluation.
143.34 Information requirements.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

143.41 Compliance reviews.
143.42 Complaints.
143.43 Mediation.
143.44 Investigation.
143.45 Prohibition against intimidation or retaliation.
143.46 Compliance procedure.
143.47 Hearings, decisions, post-termination proceedings.
143.48 Remedial action by recipients.
143.49 Alternate funds disbursal procedure.
143.50 Exhaustion of administrative remedies.

Appendices A–C—List of Affected Programs.

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 5101 *et seq.*; 45 CFR 90; 22 U.S.C. 2658.

Subpart A—General

§ 143.1 What is the purpose of the age discrimination regulations?

The purpose of these regulations is to set out the policies and procedures for the three foreign affairs agencies (State, USICA and AID) under the Age Discrimination Act of 1975 and the government-wide age discrimination regulations at 45 CFR Part 90 (published at 44 FR 33768, June 12, 1979). The Act and the government-wide regulations prohibit discrimination on the basis of age in programs or activities in the United States receiving federal financial assistance. The Act and the government-wide regulations permit federally assisted programs and activities, and recipients of federal funds, to continue to use age distinctions and factors other than age which meet the requirements of the Act and the government-wide regulations.

§ 143.2 To what programs do these regulations apply?

These regulations apply to each foreign affairs agency recipient and to each program or activity in the United States operated by the recipient which receives or benefits from federal financial assistance provided by any of these agencies.

§ 143.3 Definitions.

(a) The following terms used in this part are defined in the government-wide regulations (45 CFR 90.4, 44 FR 33768):

Act
Action
Age
Age distinction
Age-related term
Federal financial assistance
Recipient (including subrecipients)
United States

(b) As used in this Part,

(1) "agency" means the Department of State, the U.S. International Communication Agency, and the Agency for International Development.

(2) "Secretary" means the Secretary of State, the Director of the U.S. International Communication Agency, and the Administrator of the Agency for International Development, or the designee of such officer.

(3) "Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on federal financial assistance. A subrecipient is generally regarded as a recipient of federal financial assistance and has all the duties of a recipient in these regulations.

Subpart B—Standards for Determining Age Discrimination

§ 143.11 Standards.

The standards each agency uses to determine whether an age distinction or age-related term is prohibited are set out in Part 90 (primarily Subpart B) of 45 CFR.

Subpart C—Duties of Agency Recipients

§ 143.31 General responsibilities.

Each agency recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act, the government-wide regulations, and these regulations.

§ 143.32 Notice to subrecipients.

Where a recipient passes on federal financial assistance from an agency to subrecipients, the recipient shall provide the subrecipients written notice to their obligations under these regulations.

§ 143.33 Self-evaluation.

(a) Each recipient employing the equivalent of 15 or more full-time employees shall complete a one-time written self-evaluation of its compliance under the Act within 18 months of the effective date of these regulations.

(b) In its self-evaluation each recipient shall identify each age distinction it uses and justify each age distinction it imposes on the program or activity receiving federal financial assistance from an agency.

(c) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of these regulations.

(d) Each recipient shall make the self-evaluation available on request to the agency and to the public for a period of three years following its completion.

§ 143.34 Information requirements.

Each recipient shall:

(a) Make available upon request to the agency information necessary to determine whether the recipient is complying with the regulations.

(b) Permit reasonable access by the agency to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether a recipient is in compliance with these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 143.41 Compliance reviews.

(a) The agency may conduct compliance reviews and pre-award reviews of recipients that will permit it to investigate and correct violations of these regulations. The agency may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of this part, the agency will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, the agency will arrange for enforcement as described in section 143.46.

§ 143.42 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with an agency, alleging discrimination prohibited by these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, the agency may extend this time limit.

(b) The agency will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

(4) Notifying the complainant and the recipient of their rights under the complaint procedure, including the right to have a representative at all stages of the complaint process.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact the agency for information and assistance regarding the complaint resolution process.

(c) The agency will return to the complainant any complaint outside the jurisdiction of these regulations and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 143.43 Mediation.

(a) *Referral of complaints for mediation.* The agency will refer to the Federal Mediation and Conciliation Service all complaints that:

(1) Fall within the jurisdiction of these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator, before the agency will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to the agency. The agency shall take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) The agency will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) Sixty days elapse from the time the agency receives the complaint; *or*

(2) Prior to the end of that 60-day period, an agreement is reached; *or*

(3) Prior to the end of that 60-day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to the agency.

§ 143.44 Investigation.

(a) *Informal investigation.* (1) The agency will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, the agency will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable. The agency may seek the assistance of any involved State program agency.

(3) The agency will put any agreement in writing and have it signed by the parties and an authorized official of the agency.

(4) The settlement shall not affect the operation of any other enforcement efforts of the agency, including compliance reviews and other individual complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If the agency cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, the agency will attempt to obtain voluntary compliance. If the agency cannot obtain voluntary compliance, it will begin enforcement as described in § 143.46.

§ 143.45 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the agency's investigation, conciliation, and enforcement process.

§ 143.46 Compliance procedure.

(a) An agency may enforce the Act and these regulations through:

(1) Termination of a recipient's federal financial assistance from the agency under the program or activity involved where the recipient has violated the Act and these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation or prior to a hearing, will not involve termination of a recipient's federal financial assistance from the agency.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations by the Act and these regulations.

(ii) Use of any requirement of or referral to any federal, state, or local government agency which will have the effect of correcting a violation of the Act or these regulations.

(b) The agency will limit any termination under § 143.46(a)(1) to the particular recipient and particular program or activity the agency finds in violation of these regulations. The agency will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive federal financial assistance from the agency.

(c) The agency will take no action under paragraph (a) of this section until:

(1) The agency head has advised the recipient of its failure to comply with these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have lapsed after the agency head has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the federal program or activity involved. The agency head shall file a report whenever any action is taken under paragraph (a) of this section.

(d) The agency head also may defer granting new federal financial assistance from the agency to a recipient when a hearing under § 143.46(a)(1) is initiated.

(1) New federal financial assistance from the agency includes all assistance for which the agency requires an application or approval, including renewal or continuation of existing activities, or authorization of the new activities, during the deferral period. New federal financial assistance from the agency does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 143.46(a)(1).

(2) The agency will not begin a deferral until the recipient has received a notice of opportunity for a hearing under § 143.46(a)(1). The agency will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual

consent of the recipient and the agency head. The agency will not continue a deferral for more than 30 days after the close of a hearing unless the hearing results in a finding against the recipient.

§ 143.47 Hearings, decisions, post-termination proceedings.

Certain procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to enforcement of this part. They are 22 CFR 141.8 through 141.10.

§ 143.48 Remedial action by recipient.

Where the agency head finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the agency head may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the agency head may require both recipients to take remedial action.

§ 143.49 Alternate funds disbursal procedure.

(a) When an agency withholds funds from a recipient under these regulations, the agency head may disburse the withheld funds directly to an alternate recipient, any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The agency head will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

§ 143.50 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and the agency has made no finding with regard to the complaint; or

(2) The agency issues any finding in favor of the recipient.

(b) If the agency fails to make a finding within 180 days as described in § 143.50(a)(1), or issues a finding in favor of the recipient as described in § 143.50(a)(2), the agency will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief that will effect the purposes of these regulations; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30-days notice by registered mail to the agency head, the Attorney General of the United States; and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

Appendix A—List of Affected Programs

Programs of Financial Assistance Administered by the Department of State Subject to Age Discrimination Regulations

Resettlement of Refugees in the United States Under the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601 et seq.).

Diplomat in Residence Program of the Foreign Service Institute Under Title VII of the Foreign Service Act of 1946, as amended (22 U.S.C. 1041 et seq.).

Appendix B—List of Affected Programs

Programs of Financial Assistance Administered by the United States International Communication Agency Subject to Age Discrimination Regulations

Educational and Cultural Exchanges under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 1431–1479).

Appendix C—List of Affected Programs

Program of Financial Assistance Administered by AID Subject to Age Discrimination Regulations

1. Grants to research and educational institutions in the United States to strengthen their capacity to develop and carry out programs concerned with the economic and social development of developing countries (Section 122(d), Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151(d)).

2. Grants to land grant and other qualified agricultural universities and colleges in the United States to develop their capabilities to assist developing countries in agricultural teaching, research and extension services (Section 297, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2220(b)).

3. Grants to private and voluntary agencies, non-profit organizations, educational institutions, and other qualified organizations for programs in the United States to promote the economic and social development of developing countries (Sections 103–106, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151a–2151d).

Dated: December 7, 1979.

Ben Read,

Under Secretary of State for Management, Department of State.

Dated: December 20, 1979.

Wilbert C. Petty,

Director of Equal Employment Opportunity, U.S. International Communication Agency.

Dated: December 18, 1979.

Douglas J. Bennet, Jr.,

Administrator, Agency for International Development.

[FR Doc. 80-434 Filed 1-7-80; 8:45 am]

BILLING CODE 4710-08-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Chap. II

[Docket No. 8D-151]

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From the Foreign Affairs Agencies

Cross Reference: For a document issued jointly by the Department of State, United States International Communication Agency, and The Agency for International Development, concerning nondiscrimination on the basis of age, see FR docket 80–434 appearing in the proposed rules section of the Federal Register.

BILLING CODE 4710-02-M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Chap. V

[Docket No. SD-151]

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From the Foreign Affairs Agencies

Cross Reference: For a document issued jointly by the Department of State, United States International Communication Agency, and The Agency for International Development, concerning nondiscrimination on the basis of age, see FR docket 80–434 appearing in the proposed rules section of the Federal Register.

BILLING CODE 8230-01-M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 9

Employees Part-Time Career Employment

AGENCY: Department of Labor.

ACTION: Proposed rule.

SUMMARY: The Federal Employees Part-Time Career Employment Act of 1978 (Pub. L. 95–437) provides for the expansion of part-time employment opportunities in the Federal Service. The following proposed regulations of the DOL set forth the provisions of the Law and the criteria and procedures for administering the program in the Department. This gives notice of the proposed rulemaking and asks the public for comment.

DATES: Comments will be considered if received on or before March 10, 1980.

ADDRESS: Send written comments to Joyce S. Johnson, Office of Policy and Standards, Room N5472, 200 Constitution Avenue, N.W., Department of Labor, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Joyce S. Johnson, Phone (202) 523–6563.

SUPPLEMENTAL INFORMATION: The Federal Employees Part-Time Career Employment Act of 1978 (Pub. L. 95–437) provides for and encourages part-time employment of Federal employees. The Congress, in its deliberations, found that many individuals with great productive potential cannot meet the requirements of a standard workweek, but would consider employment if it became available on a part-time permanent basis. Singled out for such employment are handicapped individuals or others who require a reduced workweek, parents who would like to balance family responsibilities with the need for additional income, students who must finance their own education, and those desiring a gradual transition to retirement. Those desiring a gradual transition to retirement are cautioned to consider the impact of part-time employment on their high-three year average income.

Before the enactment of Pub. L. 95–437, part-time career employment applied to scheduled work of less than 40 hours per week. Effective April 8, 1979, Congress revised the requirements to permit part-time career employment from 16 to 32 hours per week and to allow an agency, in order to carry out its mission, to make exceptions from its part-time employment program and employ part-time workers for less than 16 hours per week if necessary.

Employment in the program entitles employees to coverage under the Civil Service Retirement System, the Federal Employees Group Life Insurance and Federal Employees Health Benefits Programs.

Excepted from the law are positions at GS–16 (or equivalent) and above, and positions for which a collective-barganing agreement has established (on or prior to October 10, 1978, the date of enactment of Pub. L. 95–437) the number of hours of employment per week.

Accordingly, it is proposed to issue a new Part 9 as set forth below.

Signed in Washington, D.C., This 28th day of December, 1979.

Alfred M. Zuck,

Assistant Secretary for Administration and Management.

PART 9—PART-TIME CAREER EMPLOYMENT

Sec.

9.1 General provisions.
9.2 Part-time career employment program implementation.
9.3 Reporting and program evaluation.
9.4 Part-time employment criteria and procedures.
9.5 Conditions of part-time employment in the department.

Authority: Pub. L. 95–437, 5 U.S.C. 301.

§ 9.1 General provisions.

(a) *Purpose.* These regulations implement Pub. L. 95–437, the Federal Employees Part-Time Career Employment Act of 1978, by establishing a continuing program in the Department of Labor to promote and to provide part-time career employment opportunities.

(b) *Policy.* It is the policy of the Department of Labor to provide part-time career employment opportunities in positions GS–1 through GS–15 (or equivalent) subject to agency resources and mission requirements.

(c) *Definitions.* (1) According to Pub. L. 95–437 part-time employment means employment of 16 to 32 hours a week under a schedule consisting of an equal or varied number of hours per day, whether in a position which would be part-time without regard to the Federal Employees Part-time Career Employment Act of 1978 or one established to allow job-sharing or comparable arrangements, but does not include employment on a temporary or intermittent basis.

(2) Career employment includes competitive and excepted service employees in tenure groups I and II.

(i) Tenure group I apples to employees in the competitive service under career appointments who are not serving probation, and permanent employees in the excepted service whose appointments carry no restrictions or conditions.

(ii) Tenure group II apples to employees in the competitive service serving probation, career-conditional employees, and career employees in obligated positions. It also includes employees in the excepted service serving a trial period, whose tenure is indefinite solely because they occupy obligated positions; or whose tenure is equivalent to career conditional in the competitive service.

(d) *Applicability.* These regulations are applicable Department-wide.

(e) *Exceptions.* In accordance with civil service regulation § 340.202(b) and upon request by a DOL Agency Head or designated representative, the Director of Personnel Management may approve the designation of positions that routinely or occasionally require employment for less than 16 hours per week. The law does not permit part-time tours of duty of 33 or more hours per week, except for employees who had permanent part-time appointments before April 8, 1979, and who have continued to work part-time since April 8, 1979, without a break in service.

§ 9.2 Part-time career employment program implementation.

(a) *Program coordination.* (1) The Director of Personnel Management is responsible for providing policy development, program direction and program evaluation. The Director of Personnel Management is also responsible for assuring that program policy is communicated to managers, supervisors and employees of the Department.

(2) The Assistant Director of Special Personnel Programs in the Directorate of Personnel Management serves as the Department's Part-Time Career Employment Program Coordinator. The Coordinator has responsibility for:

(i) Overseeing development and implementation of the Department's part-time career employment goals and timetables;

(ii) Consulting on the Part-Time Career Employment Program with interested parties, e.g., equal employment opportunity program officials, handicapped-program coordinators, representatives of employee organizations (in coordination with the Office of Labor-Management Relations), etc.

(iii) Responding to requests for advice and assistance on part-time career employment within the Department;

(iv) Maintaining liasion with groups interested in promoting part-time career employment opportunities;

(v) Monitoring the Department's progress in expanding part-time career employment opportunities; and

(vi) Preparing reports on part-time career employment for transmittal to the Office of Personnel Management.

(b) *Part-Time Employment Goals and Timetables.* (1) Each DOL Agency is responsible for setting its own annual nationwide goals, in its National Office and in each of its Regions, for establishing and/or converting positions for part-time career employment, and for establishing a timetable setting forth periodic milestones for achieving the goals.

(2) Part-tome career employment goals for Fiscal Year 1980 shall be established by each DOL Agency to the extent that such goals may be achieved within existing personnel ceiling allowances, fiscal constraints, and other considerations. Goals for the balance of FY 1980 must be furnished to the Director of Personnel Management by January 31, 1980. Regional goals will be submitted through the Regional Administrators—OASAM.

(3) Goals for subsequent years should be established during the annual budget preparation and ceiling allocation process. Beginning in FY 1981, in accordance with section 3394 of the Act, in administering personnel ceilings, part-time career employees shall be counted against ceiling authorizations as a fraction. This will be determined by dividing 40 hours into the average number of hours of such employee's regularly scheduled workweek. The Comptroller of the Department will incorporate the provisions of the Act into the annual budgeting and ceiling authorization and control process for FY 1981 and following years.

§ 9.3 Reporting and program evaluation.

(a) The Department's Part-Time Career Employment Program Coordinator will prepare and submit to the Office of Personnel Management semiannual statistical and narrative reports on progress in meeting part-time career employment goals set by the DOL Agencies and Regions, noting any impediments encountered and measures taken to overcome them. The reports will also indicate, to the extent practicable, the extent to which part-time career employment opportunities have been extended to older persons, the handicapped, persons with family responsibilities, and students. Beginning in FY 1980, such reports will be submitted for each year as of March 31 and September 30.

(b) The continuing review and evaluation of the Part-Time Career Employment Program will be incorporated into the periodic personnel management evaluations conducted by the Directorate of Personnel Management.

§ 9.4 Part-time employment criteria and procedures.

(a) *Vacant position review.* (1) DOL Agencies will establish internal procedures to review positions, when they become vacant, for the feasibility of occupancy on a part-time permanent employment basis.

Consideration will be given to the following factors in the review:

(i) DOL Agency mission and occupational mix;

(ii) Workload fluctuations;

(iii) Potential for improving service to the public;

(iv) Size of workforce, turnover rate and employment trends;

(v) Affirmative action;

(vi) Geographic dispersion; and

(vii) Current employee interest in part-time employment.

(b) *Establishing and converting part-time positions.* DOL Agencies must develop internal procedures and criteria for establishing or converting positions for part-time employment. A prime element in the process is to provide a system which permits employees to request and receive consideration to change from full-time to part-time schedules after becoming acquainted with the rights and benefits of part-time employment.

(c) *Notifying the public of part-time vacancies.* Personnel offices will notify the public of vacant part-time positions by publicizing part-time vacancies in merit staffing vacancy announcements, recruiting bulletins, notices to State job service agencies per agreement with Office of Personnel Management, and any other available outlets.

§ 9.5 Conditions for part-time employment in the department.

(a) Each daily schedule in a part-time tour of duty will include whole numbers (rather than fractions) of hours.

(b) Daily schedules of 6 hours or more in a part-time tour of duty must include an additional thirty minutes for a meal break.

(c) Officials designated by DOL Agencies are responsible for determining and approving the number of hours in a given part-time tour of duty. Such determination and approval are based primarily upon workload requirements.

(d) Part-time employees may ask or be required to work hours in addition to their scheduled tours, occasionaly and according to workload requirements.

(e) An increase in a part-time employee's scheduled tour of duty that extends beyond two pay periods or a change in a part-time employee's daily work schedule must be approved by officials designated by the employee's DOL Agency, and in accordance with procedures outlined in the Department of Labor Supplement (DLS) to Federal Personnel Manual (FPM) Chapter 610, Subchapter 1. An approved change in a part-time tour of duty is documented by a DL-50, Notice of Personnel Action.

(f) Conversion from full-time to part-time employment and the reverse are made only upon an employee's written request, and upon approval by the official(s) designated by the employing DOL Agency.

(g) Employees who accept or convert to part-time positions will be advised that there is no guarantee that they will subsequently be converted to full-time employment.

(h) Part-time employees may apply for any part-time or full-time position for which they qualify, in accordance with the Department's merit staffing program, and, when appropriate, when negotiated agreements with the Department's unions.

(i) Part-time employees may accept other part-time employment in other Federal agencies. Before accepting other part-time employment, however, part-time employees must inform their servicing personnel offices to assure compliance with legal provisions concerning pay (5 U.S.C. 5533(a)) and with the Department's Code of Employee Responsibilities and Conduct.

[FR Doc. 80-309 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-23-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1385-5]

Reproposed Rulemaking for State of Oregon's Field Burning Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: The purpose of this Notice is to invite public comment on EPA's reproposed approval of the State of Oregon's field burning regulations.

The State of Oregon Department of Environmental Quality (DEQ) submitted to EPA on March 14, 1979, proposed revisions to the field burning regulations which are presently enforceable as part of the Oregon State Implementation Plan (SIP). On August 3, 1979, EPA proposed

in the Federal Register (44 FR 45647) approval of that Oregon submittal. However, EPA did note that there were problems with the submittal which needed to be resolved before final approval could be given. Subsequently, DEQ submitted amendments to their proposed revision in order to correct the problems discussed in the August 3, 1979 Federal Register.

These amendments have adequately resolved all but one of the problems. The remaining problem is that the proposed regulation by itself may not ensure the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the Prevention of Significant Deterioration (PSD) increments. However, in conjunction with two other SIP elements, namely a strategy for attainment of the secondary annual NAAQS for total suspended particulates in the Eugene-Springfield Air Quality Maintenance Area and a field burning operations manual, it is EPA's opinion that the overall SIP will be sufficient to ensure that the NAAQS and PSD increments will be met. The Eugene-Springfield attainment strategy must be submitted to EPA no later than July 1, 1980. The field burning operations manual must be submitted for inclusion in the SIP prior to final EPA action on this proposed revision.

This thirty (30) day public comment period constitutes the final thirty (30) days of the public comment period which began with EPA's publication of the initial Notice in the Federal Register on August 3, 1979 (44 FR 45647).

DATE: Comments will be accepted up to February 7, 1980.

ADDRESSES: The Oregon submittal may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library System Branch, Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

Library, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

State of Oregon, Department of Environmental Quality, 522 S.W. 5th Avenue, Yeon Building, 4th Floor, Portland, OR 97207.

COMMENTS SHOULD BE ADDRESSED TO: Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101. Telephone No. (206) 442–1125, (FTS) 399–1125.

SUPPLEMENTAL INFORMATION:

Background

The open burning of grass seed fields in the State of Oregon has been recognized as a very sensitive and complex air pollution problem for a number of years. EPA's involvement in a control program for Oregon open field burning dates from 1972. In May 1972, the Administrator of EPA approved the Oregon State Implementation Plan (SIP) which had been submitted to EPA in accordance with Section 110 of the Clean Air Act. Included in that plan were Oregon Revised Statutes, 449.930 through 449.943, Field Burning, and a control strategy for total suspended particulate (TSP) which called for a total ban on open field burning in the Willamette Valley as of January 1, 1975.

The 1975 session of the Oregon Legislature, however, amended the applicable statute to eliminate the total ban and to replace it with a program to phase down the number of acres burned each year so that by 1978 and each year thereafter no more than 50,000 acres could be open burned. These legislative changes, as reflected in administrative regulations which substituted a phase down program for a total ban of open field burning, were submitted to EPA on August 1, 1975, and February 17, 1976, as proposed revisions to the Oregon SIP. After determining that these revisions met the requirements of Section 110 of the Clean Air Act (hereafter referred to as the Act) and EPA's public participation provisions (40 CFR Part 51) the Administrator approved the revisions on April 18, 1977.

In 1977, the Oregon Legislature again amended the State statute regarding field burning. The major changes included: (1) Increasing the maximum number of acres allowed to be burned to 195,000 in 1977 and 180,000 in 1978 and leaving it up to the Environmental Quality Commission (EQC) to determine the number of acres to be burned in subsequent years; (2) Changing the language of the previous statute so that the EQC must authorize the maximum allowable acreage "unless the EQC finds after hearing that other reasonable and economically feasible alternatives to the practice of annual open field burning have been developed" (ORS 468.475). Previous wording of the statute allowed maximum acreage to be authorized "only if" the EQC found that reasonable alternatives to open burning were not available.

Thereafter, on July 15, 1977, the EQC amended the state administrative regulation OAR, 340–26–005 through 26–030, to comply with the 1977 statute. These regulations were then submitted to EPA for consideration as a proposed SIP revision on October 6, 1977. EPA reviewed the amended regulation and determined that it did not meet either the substantive or the procedural requirements of the Act and therefore would have to be disapproved.

On January 27, 1978, EPA informed the State of Oregon of its findings and provided the State an opportunity to correct the noted procedural and substantive deficiencies. The Oregon State Department of Environmental Quality (DEQ) decided not to correct the proposed SIP revision prior to the 1978 burning season, but opted instead to develop an interim control strategy for the 1978 field burning season. The EQC approved a one year interim control strategy, which in conjunction with a number of additional control measures and a comprehensive study, provided for the burning during the 1978 burning season of up to 180,000 acres of grass fields. This compromise between interested parties, which included the Oregon Seed Council, resulted in the recorded burning of 154,000 acres during the 1978 season.

During the above noted SIP revision activity, EPA issued a notice of violation (NOV) to the State of Oregon for violation of its SIP provisions during the 1977 field burning season by permitting the burning of 171,500 acres in the Willamette Valley, substantially in excess of the 95,000 acre SIP limitation approved by EPA in April 1977.

The DEQ, following its statutory mandate, again submitted to EPA on May 14, 1979, a proposed revision to the Oregon SIP which was adopted by the EQC on December 15, 1978. This proposed SIP revision for field burning also complied with the 1977 statute but included a number of additional control measures to further minimize the impact of field burning. On June 28, 1979, DEQ resubmitted to EPA its proposed SIP revision as amended on May 25, 1979. These amendments were made in response to several issues raised by EPA staff subsequent to EPA's receipt of the May 14, 1979, submittal. In an associated action, on June 29, 1979, the EQC adopted temporary rules with respect to field burning (OAR 340–26–005, 015). These temporary rules were submitted to EPA on July 5, 1979, as amendments to the June 28, 1979, submittal.

In a SIP-related matter, on July 17, 1979, EPA issued a NOV to the State of Oregon for violation of the prohibition in the SIP against the issuance of permits of more than 50,000 acres during the 1979 field burning season. Records indicate that approximately 150,000 acres were burned during the 1979 field

burning season, substantially in excess of the SIP allowable.

On July 31, 1979, Governor Victor Atiyeh citing Section 110(g)(1) of the Clean Air Act, signed Executive Order 79-14. The order was intended to suspend subsection (2)(g) of ORS 468.475(g) of the federally approved Oregon SIP which placed a 50,000 acre limitation upon open field burning. The temporary emergency suspension issued by the Governor failed to meet the procedural requirements of Section 110(g) of the Clean Air Act and was therefore invalid on its face.

On August 3, 1979, EPA proposed in the Federal Register approval of the Oregon submittal (44 FR 45647). However, EPA noted a number of substantive concerns regarding the technical support documents for the proposed revision which were submitted to EPA at that time. Additionally, EPA raised a number of concerns with the proposed field burning regulations themselves. Further, EPA identified procedural problems associated with the State submittal. EPA noted in the initial Federal Register proposal that these various concerns made it difficult to determine whether the proposed SIP relaxation would satisfy all of the applicable requirements of the Act. These concerns are outlined in the section below entitled "Concerns Noted in Initial Proposal". EPA's findings regarding the concerns are also noted below in the section entitled "Findings".

In the initial August 3, 1979 proposal (44 FR 45649), EPA suggested steps which the State of Oregon could explore to remedy the problems noted by EPA. The State followed these suggestions and on August 31, 1979, and September 21, 1979, held public hearings to readopt the June 29, 1979, amendments as permanent and adopt new amendments as necessary to correct the identified problems. These amendments were submitted to EPA on September 13, 1979, and October 10, 1979, respectively. Revised technical support documents were also submitted to EPA on September 13, 1979.

Concerns Noted in Initial Proposal

1. While the public did have an opportunity to review and comment on the field burning regulation itself prior to adoption on December 15, 1978 and as further amended on May 25, 1979, the public was not afforded an opportunity to review and comment on the data and the technical analysis which the State submitted to EPA in support of the SIP revision.

2. The amendments to the field burning regulation which were adopted by the EQC on June 29, 1979, were not preceded by adequate public notice as specified by the Act (Section 110 and 40 CFR 51.4).

3. The proposed regulation provided exemptions to certain regulatory requirements for those specific days classified by DEQ as having "unlimited ventilation." However, the proposed regulation appeared to preclude a classification of unlimited ventilation thus making the application of the exemptions ambiguous. Therefore, it was suggested that the exemptions be removed or that the ability to classify a day as unlimited ventilation be established. If a new classification of unlimited ventilation was to be established, then regulations covering those conditions needed to be developed.

4. If a classification of unlimited ventilation were to be established in accordance with concern No. 3 above, the exemptions for acreage restrictions and burning techniques would become operative parts of the regulations. In that instance the continuous emission control requirements of the Act may not be satisfied. Also, the waiver for rainfall restrictions may not ensure continuous emissions control.

5. The proposed regulations only limited the amount of acreage that could be burned experimentally for the 1979 season. After 1979 there was to be no limit on the amount of experimental burning allowed. The SIP revision was therefore unapprovable since it could not show continued maintenance of the standards.

6. The proposed regulation would allow the EQC to establish new annual acreage limitations every other year, thus revising the provisions of an approved SIP. This would preempt the Administrator's statutory responsibility to review and approve any SIP revision in accordance with the Act [Section 110(a)(3)(A)].

7. It was EPA's understanding that the State intended to control field burning emissions through the use of relative humidity as an alternative to fuel moisture content. However, the means whereby the State intended to implement its proposed approach were unclear. Also, if implemented in the manner suggested in the proposed regulations, it was unlikely to be effective in reducing actual emissions. It was suggested that, rather than classifying days as prohibition conditions based on relative humidity, the burning of individual fields within a local fire district be restricted based on relative humidity in a manner similar to the rainfall restriction.

8. The technical support documents were inadequate. First, the demonstrations of attainment for the 24-hour National Ambient Air Quality Standards (NAAQS) and 24-hour Prevention of Significant Deterioration (PSD) increments did not appear to include consideration of a reasonable worst case scenario. The demonstrations focused only on days with the highest recorded TSP levels without a showing that such days included the maximum expected impact of field burning. It was suggested that, rather than increasing 24-hour TSP levels on days with the highest values in proportion to the annual acreage increase, an approach be used which evaluates the 24-hour impact of field burning on individual monitors under a reasonable worst case burning quota release scenario allowed by the regulation. This would involve analyzing days with probable field burning impact and the conditions which resulted in such impact.

Second, the demonstrations of attainment and other supporting documentation contained inconsistent and apparently conflicting information and results. Different approaches and analytical techniques produced results not supported by other data included in the documents. It was suggested that all available data and the results from all analyses conducted (for example chemical mass balance results, nephelometer readings, and days with known smoke intrusions) be utilized to the fullest extent possible in order to provide acurate and consistent estimates of the impact of the proposed revision.

Findings

EPA has reviewed the additional documentation provided by the State of Oregon to address the various concerns noted by EPA in its initial proposal. The manner in which the State has chosen to address the EPA concerns and EPA's findings as to the adequacy of the regulatory amendments and supplemental information are explained below.

Concerns (1) and (2)—Adequate notice and opportunity for public review and comment: The data and technical analyses were available to the public as of July 5, 1979. Subsequent public hearings held on August 31, 1979 and September 21, 1979 were preceded by adequate public notice. Therefore, EPA finds that the procedural concerns have been adquately resolved.

Concern (3)—"Unlimited ventilation" classification: The description of "unlimited ventilation conditions" has been deleted from the daily classification section (340-26-015(1)) and placed into the definition section

(340–26–005), thus making it clear that each day will be classified as either "marginal conditions" or "prohibition conditions" consistent with the remainder of the regulation. As the regulation now reads, "unlimited ventilation conditions" can exist but the day will still be classified as "marginal" and the appropriate regulations for "marginal conditions" apply. Therefore it is EPA's finding that this concern has been adequately resolved.

Concern (4)—Requirements for continuous emission control: Subsection 340–26–013(1)(6)(A) of the proposed regulations allows additional acres to be burned on days with "unlimited ventilation conditions" where the annual acreage limitation had previously been reduced from 180,000 acres to 150,000 acres because of documented smoke intrusions. However, since this provision cannot authorize burning in excess of the proposed SIP limit of 180,000 acres it is EPA's finding that the provision adequately complies with the continuous control requirements of the Act.

The State deleted the "unlimited ventilation" exemption from the provision which requires the use of specific burning techniques (340–26–015(4)(e)). As the regulation now stands, all fields are required to be burned using perimeter firing except that regular burning is required whenever severe fire hazards exist. Also, into-the-wind striplighting is required on all annual grass seed and cereal crop fields whenever such burning technique would further reduce adverse smoke effects. Therefore, EPA finds that this provision adequately complies with the continuous control requirements of the Act.

The waiver for rainfall restrictions (340–26–015(4)(f)(B)) allows the DEQ to waive the prohibition against burning after rainfall on a field-by-field or area-by-area basis if dry fields are available through special preparation or unusual rainfall patterns. In addition, wind direction and dispersion conditions must be appropriate for burning with minimum smoke impact. Since even with the use of the waiver only dry fields are burned, EPA finds that the provision adequately complies with the continuous control requirements of the Act.

Concern (5) Limitations on experimental burning: The State amended 340–26–013(6)(a) to limit experimental burning to a maximum of 7,500 acres annually. Therefore, EPA has determined that this concern has been adequately resolved.

Concern (6) EQC ability to establish new acreage limitations every other year: The State deleted this provision (originally 340–26–013(1)(c)) from the proposed SIP regulation, thus clarifying that the SIP acreage limitation would be 180,000 acres annually unless revised through appropriate procedures. Therefore, EPA finds that this concern has been adequately resolved.

Concern (7) Implementation of relative humidity restrictions: The approach for implementing a restriction on burning based on relative humidity has been changed from one of using a valley-wide "prohibition condition" classification to one which restricts burning on a fire district-by-fire district basis. The revised approach will utilize measured relative humidity in each district where the burning permits are actually validated. This approach will be both implementable and enforceable and as such, EPA finds that this concern has been adequately resolved.

Concern (8) Adequacy of the technical documentation for attainment and maintenance of NAAQS and PSD increments: The revised support document as submitted by the State still is not adequate to demonstrate attainment and maintenance of the NAAQS and PSD increments. The demonstrations for the annual TSP NAAQS and PSD increments are based on an analysis technique which significantly underestimates the impact of field burning when compared with the results of other techniques. The demonstrations for the 24-hour TSP NAAQS and PSD increments are based on lower emissions than can be allowed under the proposed regulation.

Because of continued deficiencies in the State submitted technical demonstration EPA reviewed the results of studies performed during the 1978 burning season. The results of these studies, with respect to the impact of this proposed revision upon air quality, can be summarized as follows: (1) Field burning appears to be a significant contributor to the secondary annual TSP standard violations in the Eugene-Springfield Air Quality Maintenance Area (AQMA); (2) the proposed increase in acres allowed to be burned is not likely to cause the annual Class II PSD increment for TSP to be exceeded in the attainment and unclassifiable areas of the Willamette Valley; and (3) it appears that the provisions of the proposed regulation may not be adequate by themselves to prevent violations of the 24-hour TSP NAAQS and 24-hour PSD increments.

Rationale for Action

The regulation governing field burning is but one of many regulations and programs in the Oregon SIP for controlling sources of particulates. The combined result of these individual SIP elements must be the attainment and maintenance of the TSP NAAQS and PSD increments. With this broad viewpoint, it is EPA's opinion that the proposed field burning regulation, in conjunction with the two additional SIP elements discussed below, is sufficient to ensure the attainment and maintenance of the NAAQS and PSD increments. EPA therefore is proposing to approve the Oregon submittal.

1. *SIP Strategy for Attainment of Secondary Annual TSP NAAQS in Eugene and Springfield*

The Eugene-Springfield AQMA is currently designated as a nonattainment area for the secondary TSP NAAQS and as such, a SIP attainment strategy must be submitted to EPA by July 1, 1980. That attainment strategy must adequately account for the contribution of field burning to the AQMA's TSP problem and provide for emission reductions necessary to attain and maintain NAAQS. Approval of this proposed revision may result in the burning of more acres in any one year than were burned in any one of the provious three years. Nevertheless, it is EPA's opinion that, due to the imposition of additional control measures, the burning of such increased acreage is not likely to result in either an increase in actual emissions or an exacerbation of the existing nonattainment problem. Thus, approval of the proposed revision at this time is justified. However, it must be recognized that the approval of the Eugene-Springfield TSP attainment strategy will be contingent upon an adequate accounting of the continued contribution of field burning.

2. *Field Burning Operations Manual*

The proposed regulation provides adequate authority for a program to regulate field burning. This program provides for the release by DEQ of fractional, single, or multiple quotas of acres which can be burned on any given day. However, the regulation contains neither an explicit limitation on an acreage amount which DEQ can allow to be burned nor the criteria upon which DEQ bases its decision of how many quotas to release for burning.

The procedures whereby the regulation is actually implemented, including the decision criteria for releasing quotas, are not currently a part of the SIP. The fact that these procedures are effective in preventing violations of the 24-hour NAAQS is evidenced in that field burning has not caused or significantly contributed to

violations during the past three years with a program designed to burn 180,000 acres. If the control program (including the 180,000 acre annual limitation) continues to function with equal effectiveness, it appears that violations of the 24-hour TSP NAAQS and PSD Class II increments will not occur.

Based upon this past performance, EPA feels that the proposed regulation is approvable. However, the procedures and decision criteria necessary to ensure maintenance of the NAAQS must be included in the SIP before final EPA approval action can be taken. These procedures can be embodied in an operations manual and would cover such things as the process and criteria for determining the acreage authorized on any day, the criteria for determining when "into-the-wind striplighting" will be required including what is considered to be "shortly after restrictions on burning due to rainfall have been lifted", and how "severe fire hazards" will be documented.

Call for Comments and Information

EPA solicits comments on the entire scope of the proposed Oregon field burning regulations currently pending before EPA and on the manner in which the State and EPA have addressed the concerns previously raised by EPA in the initial proposal in the Federal Register of August 3, 1979.

(Secs. 110 and 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: December 27, 1979.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 80-536 Filed 1-7-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1386-2]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designation—Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to revise the attainment status designation of Eagle Valley (Carson City) in Nevada for photochemical oxidant (Ox). The proposed revision is the result of the EPA's revising the Ox standard of 0.08 ppm to an ozone standard of 0.12 ppm (44 FR 8202, February 8, 1979). Eagle Valley is proposed to be redesignated from non-attainment for Ox to attainment for ozone.

If the area is redesignated attainment, the requirements of Title I, Part D of the Clean Air Act (CAA), as amended, would no longer apply to Eagle Valley for ozone.

DATE: Comments will be accepted if received on or before February 7, 1980.

ADDRESSES: Comments should be directed to: Arnold Den, Chief, Air Technical Branch (A-4), Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Information pertinent to the proposed redesignation is available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, SW., Room 2404, Washington, D.C. 20460.

EPA Region IX Office, 215 Fremont Street, San Francisco, CA 94105.

Nevada State Environmental Commission, 201 South Fall Street, Carson City, NV 89710.

FOR FURTHER INFORMATION CONATACT: Rodney L. Cummins, Chief (A-4-3), Technical Analysis Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 556-2002.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 9012) under section 107(d)(2) of the CAA, as amended, the EPA promulgated the State of Nevada's designation of Eagle Valley as nonattainment for Ox.

On February 8, 1979 (44 FR 8202) EPA revised the Ox standard of 0.08 ppm to an ozone standard of 0.12 ppm. In addition, EPA established a statistical method of determining whether the standard has been exceeded. The national standards for ozone are published as a revision to 40 CFR 50.9 and the statistical method as the new Appendix H, 40 CFR Part 50.

Because of the change in the standard, Governor List of Nevada submitted to the EPA, in a letter dated July 24, 1979, the State's redesignation of Eagle Valley as a revision to the State Implementation Plan. The Governor recommended that the Ox nonattainment area be redesignated as an ozone attainment area. The redesignation has been supported by data which indicate that the ozone air quality standard was not violated during the three year period, 1976 through 1978.

Under section 107(d)(5) of the CAA, a state may revise its designations of attainment status and submit them to the EPA for promulgation. Based upon a review of the air quality data for ozone in Eagle Valley and the use of the statistical method for determining whether violations of the NAAQS had occurred, the EPA believes that the NAAQS for ozone have been attained.

If the area is redesignated as proposed, the State would not be subject to the requirements of Part D of the CAA, as amended, for ozone in Eagle Valley. However, Eagle Valley remains subject to the requirements of Part D until the EPA approves in a final rulemaking action the State's redesignation of Eagle Valley as attainment for ozone.

Note.—The Environmental Protection Agency has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Secs. 107(d) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 74079(d) and 7601(a)))

Dated: December 26, 1979.

Carl C. Kohnert,

Acting Regional Administrator.

[FR Doc. 80-535 Filed 1-7-80; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 45, No. 5
Tuesday, January 8, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1980 Corn, Sorghum, Barley, Oats, Rye and Soybean Programs; Determinations Regarding the Proclamation of 1980 Crop National Program Acreages, Set-Aside Levels and Other Program Provisions for Corn, Sorghum, Barley, Oats, Rye and Soybeans

AGENCY: Agriculture Stabilization and Conservation Service, USDA.

ACTION: Notice of Determination of 1980 Crop National Program Acreages, Set-Aside Levels and Other Program Provisions for Corn, Sorghum, Barley, Oats, Rye and Soybeans.

SUMMARY: This notice is for the purpose of proclaiming national program acreages, announcing that there will be no required set-aside of cropland and setting forth other program provisions for the 1980 crops of corn, sorghum and barley in accordance with provisions in section 105A of the Agricultural Act of 1949, as amended. Provisions of the 1949 Act, as amended, require that a determination of national program acreage, national recommended reduction and set-aside requirements be announced for feed grains not later than November 15 prior to the year in which the crop is harvested. Section 201(e) of the Agricultural Act of 1949, as amended provides authority for a price support program for soybeans.

DATE OF ANNOUNCEMENT: Effective January 7, 1980.

ADDRESSES: Production Adjustment Division, ASCS-USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Orville I. Overboe (ASCS), (202) 447–7987.

SUPPLEMENTARY INFORMATION: The need for this notice is to satisfy the statutory requirements as provided for in Section 105A (d) and (f) of the Agricultural Act of 1949, as amended. A notice that the Secretary was preparing to make determinations with respect to the 1980 corn, sorghum and soybean program was published in the **Federal Register** on July 20, 1979 (44 FR 42741) in accordance with 5 U.S.C. 553 and provided for a 60-day comment period. The comment period was subsequently extended so that interested persons would have additional time in which to submit comments. See 44 FR 54736, dated September 21, 1979. Seventy responses, coming from 23 States and the District of Columbia, were received. Those responding included 45 farmers, 15 State and County ASC Committees, three national farm organizations, three State farm organizations, two national agribusinesses and two Congressmen. A summary of the responses with respect to the 1980 crop of feed grains and soybeans are as follows:

1. *National Program Acreages (NPA's):* There were five comments with respect to the establishment of the NPA's. All recommended that the 1980 NPA's be equal to or less than those announced for the 1979 feed grain crops.

2. *Set-Aside:* Fifty-two commented with 48 preferring some level of set-aside requirement for feed grains. These recommendations suggested set-aside levels ranging from five percent to over 20 percent, but a 10 percent set-aside level was the most common recommendation. Two comments were received suggesting that soybeans be included as a set-aside crop.

3. *Land Diversion:* Fourteen commented with 12 recommending some type of land diversion program for feed grains. These comments suggested levels of land diversion ranging from five to 20 percent; however, there was little consensus on the specific percentage of land to be diverted.

4. *National Recommended Reduction Percentage:* Two commented. One requested no percentage reduction in the acreage planted to feed grains in the previous year while the other preferred a reduction of 10 to 20 percent.

5. *Target Prices:* Twenty-five commented with 23 referring specifically to corn and five to sorghum. Target price levels preferred for corn ranged from $2.35 to $4.25 per bushel. However, the most common request was for target prices to be adjusted by the rate of inflation. Recommended sorghum target prices ranged from $2.45 to $4.85 per bushel. One person suggested a soybean target level of $6.50 per bushel.

6. *National Average Loan and Purchase Rates:* Seventeen commented. There was little consensus on recommended loan and purchase rates with respect to the 1980 crop of feed grains and soybeans, but the majority preferred some type of increase. Corn loan rates varied from $2.00 per bushel to 90% of parity. Soybean loan rates varied from $4.50 per bushel to 90% of parity.

All comments received were duly considered by the Secretary. Accordingly, the Secretary made determinations pertaining to the 1980 crops of corn, sorghum, barley, oats, rye and soybeans. These determinations were announced in a press release on October 22, 1979. The purpose of this notice is to affirm the determinations as previously announced.

Notices of Determinations

1. National Program Acreages for the 1980 Crops of Corn, Sorghum and Barley

It is hereby proclaimed that the preliminary national program acreages for the 1980 crop of corn shall be 82.1 million acres; sorghum, 13.9 million acres; and barley, 7.9 million acres. The national program acreages are based on the following data:

[In millions of bushels]

	Corn	Sorghum	Barley
(a) Estimated Domestic Use for 1980–81	4,910	547	372
(b) Plus Estimated Silage Use for 1980–81	635	40	
(c) Plus Estimated Exports for 1980–81	2,400	250	30
(d) Minus Estimated Imports for 1980–81	−1	0	−10
(e) Plus or Minus Adjustment to Adjust Stocks to Desired Level [1]	+22	−42	−12
(f) Divided by Estimated National Weighted Average Farm Program Yield	97	57	48
(g) Equals Preliminary 1980 National Program Acreage	82.1	13.9	7.9

[1] The Food and Agriculture Act of 1977 provides that the Secretary may adjust the national program acreage to accomplish a desired increase or decrease in carryover stocks. The U.S. feed grain stock objective is currently set at 5.7 percent of world feed grain consumption, an amount judged to be the U.S.'s "fair" share of world feed grain stocks. Using this formula, the U.S. feed grain stock objective is approximately 42 million metric tons as of September 30, 1980.

Section 105A(d)(1) of the 1949 Act provided that the Secretary may revise the national program acreage as proclaimed for the purpose of determining the allocation factor if he determines it is necessary based upon the latest information. The national allocation factors will be determined prior to December 1980 for barley and April 1981 for corn and sorghum.

2. No Set-Aside for 1980 Crop Feed Grains

Section 105A(f)(1) of the 1949 Act provides that the Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of feed grains is, in the absence of such a set-aside, likely to be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices to meet a national emergency. Accordingly, it is hereby determined and proclaimed that no set-aside of cropland will be required for the 1980 crops of feed grains. In making the determinations as to set-aside in accordance with the statutory authority set forth above, the Secretary utilized the following economic data.

Total feed grain supplies (corn, sorghum, barley, and oats) for the 1979/80 marketing year (MY) are estimated at 270.6 million metric tons (MMT) with utilization estimated at a record 227.6 MMT. This results in a 43.0 MMT carryover, compared with 46.2 MMT for 1978/79 and a stock objective of 42.0 MMT. With an estimated season average price for corn of around $2.45 a bushel, gross farm income from feed grain production, including program payments, is estimated at $21.9 billion—an annual increase of $2.1 billion.

The 1979/80 world feed grain production is forecast at 729.5 MMT, down about three percent from the record 1978 level. However, combining production with beginning stocks results in total supply forecast at 824.1 MMT—about one percent below the 1978/79 level. Total utilization, estimated at 744.0 MMT, is 2.1 MMT above the previous year. This leaves ending stocks of 80.1 MMT, which are less than 11 percent of utilization and 15 percent below the 1978/79 level.

In 1980/81, more land is expected to be planted to feed grains, and with average weather, a significant annual increase in world production should occur. This is expected to result in a slight decrease in world exports. Assuming continued expansion in world livestock and poultry production, utilization will also rise, leaving 1980/81 ending stocks near this year's level. However, even without any production adjustment programs, U.S. feed grain ending stocks in 1980/81 are likely to be 10–15 percent below our stock objective.

Total soybean supplies for the 1979/80 MY are estimated at 64.9 MMT with utilization at a record 54.6 MMT. Carryover stocks are estimated at 10.3 MMT, 120 percent above the 1978/79 level. With an estimated season average price for soybeans at $6.25 a bushel, gross farm income from soybean production is estimated at $13.8 billion—nearly a 10 percent annual increase.

Beginning stocks combined with world soybean production results in total supply projected at 103.5 MMT—up 15 percent from the previous year. Total utilization, estimated at 87.4 MMT, is about nine percent above 1978/79. This results in ending stocks increasing about 7.0 MMT from the 1978/79 level of 9.2 MMT.

World exports during 1979/80 are expected to reach about 43.3 MMT. Japan and European countries are the major importers, and the major exporting countries include the U.S., Brazil, and Argentina. However, the U.S. dominates the export markets, supplying about 70 percent of world export tonnage.

In 1980/81, world production is expected to be lower, but due to larger beginning stocks, total supply should increase two percent, nearing 106.0 MMT. Total utilization is estimated at 91.2 MMT, leaving 14.4 MMT in ending stocks. World exports will most likely increase to 46.0 MMT, with Brazil and Argentina providing the majority of the increase in export tonnage. However, all these projections are subject to wide variation based on future weather.

Given this outlook, it is determined that no set-aside is needed for the 1980 crop of feed grains. Such a determination protects against wide swings in production and prices in the event of bad weather. Lower stock levels would significantly increase the risk of rapid feed and food price inflation and a reduction in exports. The loss of any of our foreign export markets would be to the long-run disadvantage of our farming sector and entire economy. Should excess supply occur, the Secretary is authorized to offer the farmer-owned reserve to producers as a viable alternative to marketing their grain during periods of lower prices.

3. 1980 Land Diversion

It is hereby determined that since there will be no set-aside requirement for feed grains, no land diversion program will be implemented for the 1980 crop of feed grains.

4. Recommended Reduction From 1979 Planting for 1980 Crops of Corn, Sorghum, and Barley

It is hereby determined and proclaimed that producers who plant no more corn, sorghum or barley for 1980 harvest than was planted and considered planted for harvest in 1979 shall be guaranteed target price protection on the normal production from their entire acreage.

In applying the recommended reduction for 1980, the 1979 corn, sorghum and barley acreage considered planted for harvest shall be: The 1979 corn, sorghum and barley acreage planted for harvest plus the larger of:

(a) The total set-aside and diverted acreage, or

(b) The acreage reduced from the previous year but not to exceed the recommended 1979 voluntary reduction.

5. 1980 Established "Target" Price

The 1980 established "target" prices for feed grains are based on the formula in the 1949 Act, as amended. Current estimates, based on the formula, indicated target levels of $2.06 per bushel for corn, $2.46 for sorghum, and $2.35 for barley. However, these levels are subject to change depending upon final 1979 crop costs of production and the final 1979 corn, sorghum and barley yields per planted acres. Target levels per bushel could range from $2.00 to $2.20 for corn; $2.35 to $2.60 for sorghum; and $2.20 to $2.45 for barley.

6. 1980 Loan and Purchase Level (Feed Grains and Soybeans)

It is hereby determined that the 1980 crop feed grain and soybean loan and purchase levels per bushel shall be at least $2.00 for corn, $1.90 ($3.39 per cwt.) for sorghum, $1.63 for barley, $1.03 for oats, $1.70 for rye and $4.50 for soybeans. It has been determined that this level of support will maintain the competitive relationship of feed grains to wheat, soybeans and other grains in domestic and export markets.

7. Inclusion of Barley and Oats in the Feed Grain Program

It is hereby determined that the 1980 crop barley will be included in the feed grain program and therefore, a producer will be eligible for target price protection, price support loans and for participation in the farmer-owned reserve, if offered, with respect to the 1980 crop of barley. It is also determined that 1980 crop oats will not be included in the feed grain program as oats demand remains quite stable and the supply is adequate to meet this demand. However, oats will be eligible for the 1980 price support and purchase program and the farmer-owned reserve program, if offered.

Note.—It has been determined that this document does contain a major proposal requiring preparation of an Impact Analysis Statement. An approved Final Impact Statement is available from Orville I. Overboe or Lois Moe (ASCS) (202) 447–7987.

Note.—The ASCS, to meet requirements of the National Environmental Policy Act (Pub. L. 91–190, 45 U.S.C. 4321, et seq.), has

determined that the impact on the human environment is not significantly different from the impact discussed in an Environmental Impact Statement filed for the initial announcement of the 1977 program, and therefore, no additional statement is necessary.

Signed at Washington, D.C. on December 31, 1979.

Dale E. Hathaway,

Secretary.

[FR Doc. 80-346 Filed 1-7-80; 8:45 am]

BILLING CODE 3410-05-M

Farmers Home Administration

Business and Industrial Loans; Insured Loan Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR § 1980.423(b) is as follows:

a. Insured loans to private entrepreneurs will be at the rate of twelve and one-half percent (12½%). This rate will remain in effect until a change is published in the Federal Register.

EFFECTIVE DATE: January 8, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. LaVerne A. Isenberg, Room 6338, Farmers Home Administration, USDA, Washington, DC 20250. Phone: 202-447-2852.

Dated: December 26, 1979.

James E. Thornton,

Associate Administrator, Farmers Home Administration.

[FR Doc. 80-418 Filed 1-7-80; 8:45 am]

BILLING CODE 3410-07-M

Forest Service

Forest Service Policy on Pesticide Use and Criteria for Use of 2,4,5-T and 2,4-D.

AGENCY: Forest Service.

ACTION: Notice.

SUMMARY: This notice invites written comments on Forest Service policy on pesticide use and on criteria for use of 2,4,5-T or other pesticides containing TCDD,[1] and 2,4-D. Comments received will be considered for future amendments to the Forest Service Manual (FSM).

DATE: Persons who wish to file written comments should submit their comments on or before March 10, 1980.

ADDRESS: Written comments should be addressed to: Chief, Forest Service, Room 1205-B RPE, P.O. Box 2417, Washington, D.C. 20013

FOR FURTHER INFORMATION CONTACT: James L. Stewart, Director, Forest Insect and Disease Management, Room 1205-B RPE, P.O. Box 2417, Washington, D.C. 20013 (703-235-1560).

SUPPLEMENTARY INFORMATION: The Forest Service recently revised a major section of the Forest Service Manual on pesticide use management. This revision includes the policy on pesticide use and specific criteria for the use of 2,4,5-T and 2,4-D. The policy and criteria are set forth below:

1. Recommend and use pesticides only after the consideration of alternatives based on competent analyses of effectiveness, specificity, environmental impacts, and benefit-cost—clearly demonstrates that their use is essential to meet management goals. The full range of alternatives—including cultural, mechanical, manual, prescribed fire, biological, chemical, and regulatory methods—must be considered. High priority should be given to the utilization of employment opportunity programs and other opportunities to create jobs.

2. Use only pesticides registered by the Environmental Protection Agency (EPA) in full accordance with the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, except as otherwise provided in regulations, orders, or permits issued by EPA. All such exceptions will be closely reviewed.

3. Follow the requirements of Title I of the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190) as required in FSM 1950.

4. Coordinate fully with Federal and State wildlife management agencies (FSM 1950) in order to determine that proposed pesticide uses will not adversely affect endangered or threatened animal or plant species, or their critical habitats.

5. Refrain from pesticide use in designated Wilderness area (FSM 2320) except when necessary to prevent the loss of significant aspects of the designated Wilderness Area or to prevent significant losses to resource values on public or private lands bordering the Wilderness Area. The use of pesticides for insect and disease control on National Forest System lands within designated Wilderness Areas must be approved by the Assistant Secretary for Natural Resources and Environment (FSM 2320).

6. Ensure safety in pesticide use (FSM 2156). Spills, accidents, misapplications, and any other forms of contamination are to be avoided.

7. Ensure quality control through monitoring of the adequacy of application procedures and accomplishments of objectives (FSM 2155.3 and 2155.4).

8. Post areas treated with pesticides with appropriate signs indicating the name of the material used and date of application to insure that potential forest users are informed of possible exposure to pesticides (FSM 2155.21). Project officers will also notify persons within treatment areas whenever aerial applications of pesticides are to be made.

9. Transport, store, and dispose of pesticides and pesticide containers in accordance with Federal, State, and local laws and regulations in a manner which will safeguard public health, wildlife and fish, prevent damage to plants, and prevent soil and water contamination (FSM 2157).

10. Provide supervisory personnel with authority to suspend pesticide operations, whenever necessary, for all projects on National Forest System lands.

11. Review and approve all permittee, licensee, and grantee pesticide-use proposals and plans to insure that all uses of pesticides on National Forest System lands conform to this policy.

12. Evaluate sensitive areas during pesticide operations in order to detect unanticipated nontarget effects (FSM 2155.4).

13. Make comparisons of ground and aerial applications—including costs, safety, effectiveness, and possible consequences of drift to adjacent lands or water—whenever pesticides are to be used. Aerial application methods shall be used only when advantages over ground methods are significant. Aerial applications should be made with materials and methods which will minimize drift and ensure accurate placement.

14. Give special attention to all restricted-use pesticide handling and use precautions. Restricted-use pesticides shall be used only by personnel who are certified or who are under the direct supervision of a certified applicator (FSM 2154).

15. Support research to develop and evaluate the effectiveness and

[1] On March 1, the U.S. Environmental Protection Agency suspended certain uses of 2,4,5-T and silvex. 2,4,5-T products registered for forestry, rights-of-way, and pastures were suspended. Silvex products registered for forestry, rights-of-way, pastures, home and recreation areas, and aquatic uses were suspended (44 FR 15874, March 15, 1979). Forest Service will conform to these suspensions.

environmental safety of new and improved pesticide formulations and application methods—and to effectively transfer this technology to minimize costs and adverse environmental and health impacts.

Criteria for Use of 2,4,5-T, or Other Pesticides Containing TCDD, and 2,4-D Must be Supported by:

1. An indication that the proposal has been approved by the approving officer.

2. A site specific final environmental impact statement (FEIS) or an environmental assessment (EA).

a. An explanation of the consequences in terms of resource impact that would result if no action was taken.

b. An explanation of why these herbicides are the only alternatives which will accomplish the management objectives. If cost is reason for selecting the herbicide the analysis must include a comparative basis or localized cost of:

(1) Manual. This should include information on the local labor supply and efforts to use manual labor.

(2) Mechanical.

(3) Fire.

(4) Other chemical.

3. Assurance that the proposed use is in accordance with all label instructions and restrictions, including any dairy or meat animal grazing restrictions.

4. An application and safety plan, if not in FEIS or EA.

a. A map (minimum scale 1") which shows area to be treated, loading and mixing area, and flight routes if an aerial application. The map should plainly show private lands, places of permanent human habitation, and domestic water sources. A vicinity map must also be included.

b. An indication of airline distance from each treatment unit to nearest permanent human habitation within 1 mile of any part of any areas to be treated.

c. Assurance that flight routes will not be over places of permanent human habitation.

d. Assurance that notification and posting plans are in compliance with FSM 2150.

e. An indication of level of recreational use.

f. Assurance that application contractor is certified under appropriate laws as required.

5. Assurance that the following untreated buffer requirements will be adhered to:

a. Applications will not be made directly into water except when using formulations specifically registered for ditchbank or aquatic weed control. Roadsides will not be sprayed when water is running in adjacent ditches.

b. All untreated buffer requirements are minimums. The application project manager has full authority to require larger widths if topography, vegetation, or other relevant factors indicate it is necessary to do so.

c. Aerial applications.

(1) Water: A minimum 200-foot (horizontal distance) untreated buffer strip will be left around all domestic water supplies; all lakes, ponds, and other similar bodies of water that support a fishery, that have significant recreation use, or are important water supply sources; and along both sides of all streams that support a fishery in the area of application, have a channel width of more than 5 feet, and are live (flowing water) at time of treatment when 2,4,5-T or other herbicides containing TCDD are used. A minimum of 50 foot untreated buffer strip will be left around these areas when 2,4-D is used.

(2) Human habitation: No applications of 2,4,5-T or other herbicides containing TCDD will be made within 1 mile of permanent human habitations occupied at the time of applications, unless written permission to do so is obtained from the inhabitant(s). No application of 2,4-D will be made within ¼ mile of permanent human habitations.

(3) Non-National Forest land: No applications will be made within 100 feet of land in other ownerships unless written permission to do so is obtained from the landowner or manager.

(4) Public roads: Roads and adjacent camping sites will be closed during the application phase when practical; when closure is impractical a minimum buffer of 100 feet will be left untreated on each side of all roads and campsites used by the public.

d. Ground broadcast (vehicle or mistblower) applications.

(1) Water: A minimum 50 foot (horizontal distance) untreated buffer strip will be left around all domestic water supplies; all lakes, ponds, and other similar bodies of water that support a fishery, that have significant recreation use, or are important water supply sources; and along both sides of all streams that support a fishery in the area of application, have a channel width of more than 5 feet, and are live (flowing water) at time of treatment.

(2) Human habitation: No applications of 2,4,5-T or other herbicides containing TCDD will be made within 1 mile of permanent human habitations occupied at the time of application unless written permission to do so is obtained from the inhabitant(s).

(3) Non-National Forest Land: No applications will be made within 100 feet of land in other ownerships unless written permission to do so is obtained from the landowner or manager.

(4) Public roads: No untreated buffer strip required.

e. Individual tree or cut stump applications: No untreated buffer strips required.

The following definitions may be useful in clarifying these criteria:

(1) "Adjacent"—Contiguous.

(2) "Approving Officer"—The Forest official responsible for the proposed treatment.

(3) "Buffer Strip"—A protective area adjacent to an area requiring special attention or protection.

(4) "2,4,-D"—2,4, dichlorophenoxy acetic acid.

(5) "Domestic Water Supply"—A protective area adjacent to an area requiring special attention or protection.

(6) "Domestic water supply"—A source from which water is routinely used for human consumption and/or other household purposes.

(7) "Fishery"—Waters important as fish habitat, including spawning, and rearing areas and migration routes. Also includes waters that provide angling opportunities.

(8) "Flight Routes"—Airways to be followed by pesticide-carrying application craft.

(9) "Live Streams"—Water channels with currently flowing water.

(10) "Permanent Human Habitation"—Residences that are permanently established with foundations, water, and sanitary systems for the purpose of long-term seasonal or year-round occupancy by humans. This does not include vehicles, camper units, trailers, tents, or other such temporary forms of living accommodations.

(11) "Public Roads"—County, State, or Federal roadways or highways.

(12) "Recreational Use"—Hunting, hiking, fishing, camping, berrypicking, and related public use activities.

(13) "Road Closure"—Posting of a large sign in a road indicating that treatment is in progress.

(14) "TCDD"—2,3,7,8-tetrachlorodibenzo-p-dioxin.

(15) "2,4,5-T"—2,4,5-trichlorophenoxyacetic acid.

R. Max Peterson,

Chief, Forest Service.

December 27, 1979.

[FR Doc. 80-509 Filed 1-7-80; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Abbotts Creek Watershed, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Abbotts Creek Watershed project, Davidson, Forsyth, Guilford, and Randolph Counties, North Carolina, effective on December 10, 1979.

(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)

Dated: January 2, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–510 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

Bear-Tilda Bogue Watershed, Mississippi

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201, telephone 601–969–4335.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Bear-Tilda Bogue Watershed, Madison County, Mississippi.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project plan provided for accelerated technical assistance for application of land treatment measures, installation of eleven floodwater retarding structures, and 65.1 miles of channel improvement.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201, telephone 601–969–4335. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 10, 1980.

(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)

Dated: December 31, 1979.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–516 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

East Central Vermont R.C. & D. Area Critical Area Treatment Measures, Vermont

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, One Burlington Square, Room 205, Burlington, Vermont 05401, telephone 802–951–6795.

NOTICE: 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 environmental impact statements are not being prepared for the East Central Vermont RC&D Area Critical Area Treatment Measures in Windsor County and parts of Addison, Orange, and Rutland Counties, Vermont.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for treatment of critically eroding and sliding areas generally associated with State or community facilities. The planned works of improvement include protection of segments of streambank and shoreline (average length of 400 feet) undergoing rapid erosion advancement and treatment of unstable slopes which are experiencing rapid erosion or displacement. There are presently over 15 such segments and slopes identified as needing treatment in the RC&D area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, One Burlington Square, Room 205, Burlington, Vermont 05401, telephone 802–951–6795. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 7, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590a–f, q)

Dated: December 28, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80–517 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

Juniper Swamp Watershed, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture,

P.O. Box 2890, Washington, DC 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Juniper Swamp Watershed project, Robeson County, North Carolina, effective on December 10, 1979.

(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)

Dated: January 2, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources Soil Conservation Service.

[FR Doc. 80–511 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

Mud Creek Watershed, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, DC 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Mud Creek Watershed project, Henderson County, North Carolina, effective on December 10, 1979.

(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)

Dated: January 2, 1980.

Joseph W. Haas,

Assistant Administrator, for Water Resources, Soil Conservation Service.

[FR Doc. 80–512 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

Northern Vermont R.C. & D. Area; Critical Area Treatment Measures, Vermont

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, One Burlington Square, Room 205, Burlington, Vermont 05401, telephone 802–951–6795.

NOTICE: 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 environmental impact statements are not being prepared for the Northern Vermont RC&D Area Critical Area Treatment Measures in Grand Isle, Franklin, Orleans, Lamoille, Caledonia, and Essex Counties, Vermont.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for treatment of critically eroding and sliding areas generally associated with State or community facilities. The planned works of improvement include protection of segments of streambank and shoreline (average length of 400 feet) undergoing rapid erosion advancement and treatment of unstable slopes which are experiencing rapid erosion or displacement. There are presently over 25 such segments and slopes identified as needing treatment in the RC&D area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, One Burlington Square, Room 205, Burlington, Vermont 05401, telephone 802–951–6795. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 7, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590a-f, q)

Dated: December 28, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80–518 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

Stoney Creek Watershed, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, DC 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Stoney Creek Watershed project, Wayne County, North Carolina, effective on December 10, 1979.

(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)

Dated: January 2, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–513 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

Tallulah Creek Watershed (Long Creek Portion), North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FUR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, DC 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Tallulah Creek Watershed (Long Creek Portion) project, Graham County, North Carolina, effective on December 10, 1979.

(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)

Dated: January 2, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–514 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

Upper Bay River Watershed, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, DC 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Upper Bay River Watershed project, Pamlico County, North Carolina, effective on December 10, 1979.

(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)

Dated: January 2, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–515 Filed 1–7–80; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Order 79–12–128; Doc. 23080–2]

Final Service Mail Rates

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–12–128, Fixing Final Service Mail Rates, Docket 23080–2.

SUMMARY: The Board is adopting an order fixing the final service mail rates in the Priority and Nonpriority Domestic Service Mail Rates Investigation for the period July 1, 1979, through December 31, 1979.

DATES: Adopted: December 20, 1979.

FOR FURTHER INFORMATION CONTACT: James Gardner, Bureau of Domestic Aviation, Civil Aeronatics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5389.

SUPPLEMENTARY INFORMATION: By Order 79–7–95, served July 23, 1979, we directed all interested persons to show cause why the Board should not establish the domestic service mail rates proposed therein as the final rates for the period July 1, 1979 through December 31, 1979.

Objections were filed and they fell into two categories concerned with (1) the updating of fuel costs and (2) technical corrections. Over to the volatility fuel costs we have determined that it is necessary to update the rates quarterly to reflect increased fuel costs rather than on a semiannual basis. We are not changing our updating methodology. All technical charges noted by the parties are incorporated except for a charge to order paragraph 5 of Order 79–7–95 which has been corrected by an erratum.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302:

The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, for the period July 1, 1979, through September 30, 1979, to the carriers for the transportation by aircraft of that mail described in Order 79–7–16, ordering paragraph 3, subparagraphs (c), (d), and (e) between the points listed in subparagraph (c), *supra,* the facilities used and useful therefor, and the services connected therewith are those set forth in the attached Appendix A–1;

The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, for the period October 1, 1979, through December 31, 1979, to the carriers for the transportation by aircraft of that mail described in Order 79–7–16 ordering paragraph 3, subparagraphs (c), (d), and (e) between the points listed in subparagraph (c), *supra,* the facilities used and useful therefor, and the services connected therewith, are those set forth in the attached Appendix A–2;

We amend Order 79–7–16, ordering subparagraph 3(g), to read as follows: All weight in excess of the minimum chargeable weight per container established herein shall be charged at the sum of the full linehaul charge for the applicable service established in subparagraph (e) above, and the capacity-related portion of the terminal charge per pound originated as follows:

	Standard container	Daylight container
July 1, 1979, through September 30, 1979	3.028 cents.	3.004 cents
October 1, 1979, through December 31, 1979	3.184 cents.	3.159 cents

The terms and conditions applicable to the transportation; and of each class of mail at the rates established here are those set forth in Order 79–7–16.

The complete text of Order 79–12–128 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–12–128 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, December 20, 1979.

Phyllis T. Kaylor,

Secretary.

Appendix A–1

Final Domestic Service Mail Rates—July 1, 1979, Through Sept. 30, 1979

	Calendar year 1974 rates [1] (cents)	Escalation factors [2] (percent)	Final rates 7/1/79 through 9/30/79 (cents)
Linehaul charge per billing ton-mile			
Sack	11.49	64.79	18.93
PAL	6.50		10.71
Standard container	8.79		14.49
Daylight container	7.05		11.62
Terminal charge per pound originated capacity			
Taxi:			
Sack	0.991	64.79	1.633
PAL	0.728		1.200
Standard container	0.979		1.613
Daylight container	0.973		1.603
Departure:			
Sack	1.186	20.34	1.427
PAL	0.873		1.051
Standard container	1.176		1.415
Daylight container	1.164		1.401
Noncapacity:			
Sack	6.064	48.01	9.012
PAL	6.052		8.994
Standard container	1.746		2.595
Daylight container	1.747		2.596
Total terminal charge per pound originated			
Sack	8.241		12.072
PAL	7.653		11.245
Standard container	3.901		5.623
Daylight container	3.884		5.600

[1] Order 78–11–80, Appendix F.

[2] Appendix B.

Appendix A–2

Final Domestic Service Mail Rates—October 1, 1979, Through December 31, 1979

	Calendar year 1974 rates [1] (cents)	Escalation factors [2] (percent)	Final rates 7/1/79 through 9/30/79 (cents)
Linehaul charge per billing ton-mile			
Sack	11.49	80.70	20.76
PAL	6.50		11.75
Standard container	8.79		15.88
Daylight container	7.05		12.74
Terminal charge per pound originated capacity			
Taxi:			
Sack	0.991	80.70	1.791
PAL	0.728		1.315
Standard container	0.979		1.769
Daylight container	0.973		1.758
Departure:			
Sack	1.186	20.34	1.427
PAL	0.873		1.051
Standard container	1.176		1.415
Daylight container	1.164		1.401
Noncapacity:			
Sack	6.064	48.61	9.012
PAL	6.052		8.994
Standard container	1.746		2.595
Daylight container	1.747		2.598
Total terminal charge per pound originated			
Sack	8.241		12.230
PAL	7.653		11.360
Standard container	3.901		5.779
Daylight container	3.884		5.755

[1] Order 78–11–80, Appendix F.
[2] Appendix B.

[FR Doc. 80–522 Filed 1–7–80; 8:45 am]
BILLING CODE 6320–01–M

[Order No. 80–1–10; Docket No. 36981]

Kansas City-New York/Buffalo/ Philadelphia; Nonstop Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80–1–10 (Docket 36981) (*Kansas City-New York/Buffalo/ Philadelphia/Pittsburgh Subpart Q Proceeding*).

SUMMARY: The Board is proposing to grant Kansas City-New York/Buffalo/ Philadelphia nonstop authority to USAir. The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by February 11, 1980, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 36981, which we have entitled the *Kansas City-New York/Buffalo/ Philadelphia/Pittsburgh Subpart Q Proceeding.*

FOR FURTHER INFORMATION CONTACT: Janet A. Davis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5369.

SUPPLEMENTARY INFORMATION: Objections should be served upon: USAir, the Mayors of the cities of Buffalo and New York, New York, Newark, New Jersey, Kansas City, Missouri, and Philadelphia and Pittsburgh, Pennsylvania, the managers of the Kansas City, Buffalo, New York (JFK and LGA), Philadelphia and Pittsburgh airports, the Port Authority of New York, New York State Department of Transportation, New Jersey Department of Transportation, Pennsylvania Department of Transportation, Pennsylvania Public Utility Commission and Missouri Department of Transportation.

The complete text of Order 80–1–10 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 80–1–10 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Bureau of Domestic Aviation, January 3, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–558 Filed 1–7–80; 8:45 am]
BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Economic Development Administration Eligibility and Industry Studies; Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Wexler Knitting Mills, 1309 Noble Street, Philadelphia, Pennsylvania 19123, producer of men's, womens's and boys' sweaters (accepted December 17, 1979); (2) Alto Knitting Mills, Inc., 176 South Broadway, Yonkers, New York 10701, producer of women's sweaters (accepted December 17, 1979); (3) Mickey Blumfield, Inc., 519 8th Avenue, New York, New York 10018, producer of women's coats and jackets (accepted December 17, 1979); (4) The Daily Corporation, Montgomeryville Industrial Park, Montgomeryville, Pennsylvania 18936, producer of steel tubing (accepted December 19, 1979); (5) Peg-Tails Company, Inc., 20 East Maple Street, Hazleton, Pennsylvania 18201, producer of women's pants and skirts (accepted December 19, 1979); (6) Macbess Foundations, Inc., 44 West 28th Street, New York, New York, producer of women's body supporting garments (accepted December 19, 1979); (7) Midway Shake Company, P.O. Box 212, Tillamook, Oregon 97141, producer of cedar shakes and shingles (accepted December 20, 1979); (8) Doyle Shirt Manufacturing Corporation, Doyle, Tennessee 38559, producer of men's and women's shirts (accepted December 20, 1979); (9) Transitron Electronic Corporation, 168 Albion Street, Wakefield, Massachusetts 01880, producer of semiconductors and other electronic components (accepted December 21, 1979); (10) The Thompson Tool Company, Inc., 17 Butler Street, Norwalk, Connecticut 06850 producer of mechanical paint strippers (accepted December 20, 1979); (11) Saw Mill River Industries, 937 Saw Mill River Road, Yonkers, New York 10710, producer of exercising equipment, closet accessories and luggage carts (accepted December 21, 1979); (12) Pennsylvania Wilton Carpets, Inc., Allegheny Avenue and C Street, Philadelphia, Pennsylvania 19134, producer of woven carpeting (accepted December 26, 1979); (13) Arkay Pants Company, Howe and Crawford Street, Fall River, Massachusetts 02722, producer of men's and boys' coats and jackets; women's blazers and skirts (accepted December 26, 1979); (14) Hayes Packing Corporation, P.O. Box 1502, Binghamton, New York 13902, processor of meat (accepted December 26, 1979); (15) Erskine Glass and Manufacturing Company, 22nd and Lamplighter Place, Wellsburg, West Virginia 26070, producer of lighting glassware (accepted December 26, 1979); (16) Draper Egg Products, Inc., 42 Elm Street, Dryden, New York 13053, producer of processed eggs and egg substitute (accepted December 28, 1979); (17) Jason David Ltd., Inc., 83 Smith Avenue, Kingston, New York 12401, producer of women's dresses, blouses, skirts and pantsuits (accepted January 2, 1980); (18) Ideal Outerwear Company, Inc., 251 Grant Avenue, East Newark, New Jersey 07029, producer of men's coats, jackets, ski apparel and coveralls (accepted January 2, 1980); (19) Xonics, Inc., 515 East Touhy Avenue, Des Plaines, Illinois 60018, producer of X-ray equipment and other imaging products (accepted January 2, 1980); (20) Hyde Park Chemical Corporation, 170 Dupont Street, Plainview, New York 11803, producer of solvents, cleaners, herbicides, insecticides and deodorants.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms 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 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 Industry Studies.

[FR Doc. 80–557 Filed 1–7–80; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

Telecommunications Equipment Technical Advisory Committee; Change in Meeting

The meeting of the Telecommunications Equipment Technical Advisory Committee scheduled for Thursday, January 24, 1980, has been rescheduled for Thursday, February 7, 1980, at 10:00 a.m. in Room 5611, Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, DC. The agenda and relevant information relating to the Committee meeting, as published in the Federal Register (45 FR 60) on Wednesday, January 2, 1980, remain unchanged.

Dated: January 3, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80–591 Filed 1–7–80; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

National Bureau of Standards' Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet on Tuesday, February 5, 1980, from 8:00 a.m. to 12:00 noon in Lecture Room 1107, Radio Building, National Bureau of Standards, 325 Broadway, Boulder, Colorado, after which time the Visiting Committee members will meet separately with a number of NBS scientists in their various offices and laboratories. The Committee will again convene in Lecture Room 1107 of the Radio Building on Wednesday, February 6, 1980, from 8:00 a.m. to 12:00 noon.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Any person wishing to attend the meeting should inform Ms. Kay Byerly, Office of the Director, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921–3413.

Dated: January 3, 1980.

Ernest Ambler,

Director.

[FR Doc. 80–519 Filed 1–7–80; 8:45 am]

BILLING CODE 3510–13–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.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent Application 6–035,743: Target Discrimination Apparatus; filed May 3, 1979.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent Application 6–022,220: Sterility Testing Vessel; filed March 19, 1979.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217

Patent Application 6–032,316: Swash-Plate Pump with Improved Inlet Porting; filed April 23, 1979.

Patent Application 6–042,170: Ejector Seat with Pitch, Roll and Yaw Control; filed May 24, 1979.

Patent Application 6–043,188: Aliphatic Pheroxy Polyphthalocyanine; filed May 29, 1979.

Patent 4,119,962: Multiple Memory Adaptive MTI; filed November 23, 1977; patented October 10, 1978; not available NTIS.

Patent 4,133,204: Roughness Diagnostic Tool; filed May 15, 1978; patented January 9, 1979; not available NTIS.

Patent 4,141,274: Weather Modification Automatic Cartridge Dispenser; filed October 14, 1977; patented February 27, 1979; not available NTIS.

Patent 4,141,275: Afterburner Recoilless Rifle; filed July 14, 1977; patented February 27, 1979; not available NTIS.

Patent 4,147,055: Apparatus for Determining Projectile Position and Barrel Pressure Characteristics; filed December 15, 1977; patented April 3, 1979; not available NTIS.

Patent 4,147,124: Apparatus for Launching Stores from a Submerged Vehicle; filed September 26, 1977; patented April 3, 1979; not available NTIS.

Patent 4,150,875: Pressure-Resistant Housing; filed September 23, 1977; patented April 24, 1979; not available NTIS.

Patent 4,151,393: Laser Pile Cutter; filed February 13, 1978; patented April 24, 1979; not available NTIS.

Patent 4,154,185: Submersible Apparatus for Evacuating Seawater from Suction-Type-Work-Handling Gripper Members; filed

October 11, 1977; patented May 15, 1979; not available NTIS.

Patent 4,156,286: Solid State Data Recorder; filed November 16, 1977; patented May 22, 1979; not available NTIS.

Patent 4,158,322: Pyrotechnic Separation Device; filed August 22, 1977; patented June 19, 1979; not available NTIS.

Patent 4,158,447: Expanding Stabilizing Fin Cup; filed November 29, 1977; patented June 19, 1979; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, DC 20546

Patent Application 6-043,942: A System for Providing and Integrated Display of Instantaneous Information Relative to Aircraft Attitude, Heading, Altitude, and Horizontal Situation; filed May 30, 1979.

Patent Application 6-008,210: A Cooling System for an Aircraft Having a Cruise Range from Mach 2 to Mach 8; filed January 31, 1979.

Patent Application 6-014,663: Polcable Beam; filed February 23, 1979.

Patent Application 6-017,889: Helicopter Rotor Airfoil; filed March 6, 1979.

Patent Application 6-023,501: Heat Treat Fixture; filed March 23, 1979.

Patent Application 6-027,557: Polyimice Prepreg Material Having Improved Tack Retention; filed April 6, 1979.

Patent Application 6-030,964: Rotary Target V-Block; filed April 17, 1979.

Patent Application 6-037,072: Method and Apparatus for Producing Concentric Hollow Spheres; filed May 8, 1979.

Patent Application 6-043,911: An Annular Wing; filed May 30, 1979.

Patent Application 6-043,945: Lightning Discharge Identification System; filed May 30, 1979.

Patent 4,148,962: Fibrous Refractory Composite Insulation; filed September 8, 1978; patented April 10, 1979; not available NTIS.

Patent 4,151,800: Thermal Insulation Protection Means; filed April 15, 1977; patented May 1, 1979; not available NTIS.

Patent 4,154,256: Self Stabilizing Sonic Inlet; filed March 29, 1978; patented May 15, 1979; not available NTIS.

Patent 4,155,475: Bonding of Sapphire to Sapphire by Butectic Mixture of Aluminum Oxide and Zirconium Oxide; filed December 30, 1975; patented May 22, 1979; not available NTIS.

[FR Doc. 80-520 Filed 1-7-80; 8:45 am]

BILLING CODE 3510-04-M

Office of the Secretary

Commerce Technical Advisory Board; Cancellation of Meeting

Notice is hereby given of cancellation of the meeting of the Commerce Technicial Advisory Board which was scheduled for January 10-11, 1980 at the Southwest Fisheries Center, National Oceanic and Atmospheric Administration, La Jolla, California.

Dated: January 2, 1980.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 80-556 Filed 1-7-80; 8:45 am]

BILLING CODE 3510-18-M

Privacy Act Issuances; Annual Publication of Systems of Records

Correction

In FR Doc. 79-38914 appearing at page 76662 in the issue for Thursday, December 27, 1979, the following change should be made. On page 76662, the right-hand column, under **APPENDIX I,** the first paragraph, the last sentence should read: "Because these items are in proposed form, they have not been incorporated into the text of the republished systems."

BILLING CODE 1505-01-M

Mid-Atlantic Fishery Management Council and the New England Fishery Management Council Advisory Panels; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (as revised), and after consultation with GSA, the Department has determined that the renewals of the Advisory Panels (APs) for the Mid-Atlantic and the New England Fishery Management Councils are in the public interest in connection with the performance of duties imposed on the Department by law.

The President signed the Fishery Conservation and Management Act (FCMA) into law on April 13, 1976. The Act mandated the establishment of eight Regional Fishery Management Councils to serve as the instruments of Federal-State-private interaction in the conduct of fishery management in the U.S. Fishery Conservation Zone (FCZ). The Act also authorized the establishment of such advisory panels as are deemed necessary in assisting the Councils in carrying out their functions.

Both Panels were established on December 20, 1977. They are expected to continue with a balanced representation of members, who are appointed by the parent Councils. The purpose of each Panel is to advise the respective Council in the assessments and specifications contained in the fishery management plans (FMP) for fisheries within the Council's geographic area of concern, with particular regard to (1) the extent to which the fishing vessels of the United States will harvest the resources considered in FMPs, (2) the effect of such FMPs on local economies and social structures, (3) potential conflicts between user groups of a given fishery resource, and (4) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources. Research indicates that the functions of these Panels cannot be accomplished by any organizational element or other committee of the Department.

The Panels have produced several oral and written reports on the topics listed above. The Advisory Panel for the Mid-Atlantic Council is currently addressing ten fishery management units selected by the Council for management plan development. The Advisory panel for the New England Council has selected seven such units. The management plans for each are in the developmental state.

These Advisory Panels will continue to operate in compliance with the provisions of the Federal Advisory Committee Act. Copies of each Advisory Panel's charter will be filed with the appropriate committees of the Congress and with the Library of Congress. Inquiries regarding this notice may be addressed to the Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: December 20, 1979.

Guy W. Chamberlain, Jr.,

Assistant Secretary for Administration.

[FR Doc. 80-447 Filed 1-7-80; 8:45 am]

BILLING CODE 3510-17-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Futures Contract; Availability

The Commodity Futures Trading Commission ("Commission") is making available and requesting public comment on significant revisions to the Two-Year Treasury Note contract proposed by the Commodity Exchange, Inc. On March 7, 1979, the Commission announced the availability of the original Two-Year Treasury Note contract (44 FR 12478). The instant revisions were submitted on November 2, 1979. Copies of the amended contract are available at the Commission's offices in Washington, New York,

Chicago, Minneapolis, Kansas City and San Francisco. The Commission will also furnish copies upon request made to the Commission's Secretary.

Any person interested in submitting written comments on the terms and conditions of this amended contract should send comments by February 7, 1980 to Ms. Jane Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581. (202) 254–6314. Copies of all comments will be available for inspection at the Commission's Washington office.

Issued in Washington, D.C., on January 2, 1980.

Jane K. Stuckey,

Secretary of the Commission

[FR Doc. 80-448 Filed 1-7-80; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974: Notice of Additions/Deletions of Systems of Records

AGENCY: Department of the Army, DOD.

SUMMARY: The Department of the Army proposes to add two new systems of records to its inventory and to delete two.

DATES: The systems shall be effective as proposed without further notice on February 7, 1980, unless comments received on or before February 7, 1980, which result in a contrary determination requiring republication for further comments.

ADDRESS: Written public comments are invited and may be submitted to the Department of the Army, ATTN: DAAG–AMR–R, 1000 Independence Avenue, SW, Washington, DC 20314, prior to February 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus H. Fraker, The Adjutant General Center, Department of the Army, 1000 Independence Avenue, SW, Washington, DC 20314; telephone: 202/693–0973.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records have been published in the Annual Compilation at 44 FR 73729, December 17, 1979. Reports of proposed new systems published herein were submitted on November 26, 1979, pursuant to the provisions of 5 USC 552a(o).

January 2, 1980.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

Deletions

A0314.17aDAAG

System name:

Individual Transaction Files (Customer Orders) (44 FR 73797) December 17, 1979

Reason:

Records are described in system of records AAFES1609.02 printed below.

A1012.04bTRADOC

System name:

Resident Student Record System (44 FR 73964) December 17, 1979.

Reason:

Records are described in system of records A1012.04h TRADOC printed below.

Additions

AAFES1609.02

SYSTEM NAME:

1609.02 AAFES Customer Service.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, TX; Headquarters AAFES-Pacific; Headquarters, AAFES-Europe; and all continental United States and oversea Exchange regions, area exchanges, post and base exchanges, and satellites within the AAFES system. Addresses are listed in the Directory of the Department of the Army, appearing in the Annual Compilation of System Notices, published in the **Federal Register.**

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AAFES customers who elect to purchase merchandise on a time payment, layaway, or special order basis or who need purchase adjustments or refunds.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of active layaway tickets, requests for refunds, special order forms, requests for special order procurement, special order logs, cash receipts vouchers, and repair vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record customer transactions/payments for layaways and special orders; to determine payment status before finalizing these transactions; to identify layaway account delinquencies and prepare customer reminder notices; to prepare and mail refunds to customers on canceled layaways or special orders; and to process purchase refunds and repair orders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file boxes/cabinets.

RETRIEVABILITY:

By last name of customer, document control number, and/or due date.

SAFEGUARDS:

Records are maintained in areas accessible to authorized personnel only. Layaway, special order, cash receipts, and refund vouchers are prenumbered and logged as used or retired.

RETENTION AND DISPOSAL:

Canceled or completed layaway tickets: Held in file for 6 months after cancellation or delivery of merchandise, then destoryed.

Purchase orders: Retained for 2 years, then destroyed.

Refund vouchers: Retained for 6 years, then destroyed.

Returned merchandise slips: Retained for 6 years, then destroyed.

Cash receipts vouchers: Retained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Merchandising Division, Headquarters, Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commander, Headquarters, Army and Air Force Exchange Service, ATTN: MR–O, Dallas, TX 75222; telephone: Area Code 214/330–2653.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, Headquarters, Army and Air Force Exchange Service, ATTN: MR–O, Dallas, TX 75222, and should contain customer's full name, current address and telephone number, Army and Air Force Exchange Service activity at which transaction was initiated, date of transaction, and control number of document involved.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is furnished by the customer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.04hTRADOC

SYSTEM NAME:

1012.04 Grade Calculator System

SYSTEM LOCATION:

Director of Automation (ATZLSW–DOA), United States Army Command and General Staff College (USACGSC), Ft Leavenworth, KS 66027.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any officer, United States or Allied, enrolled in the USACGSC resident program.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains personal data on resident students (i.e., name, rank, social security number (SSN)); administrative data (i.e., counselor, class section); and academic data (i.e., courses, course grades).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to schedule resident students for courses in the USACGSC curriculum; to process grades and other academic related information; to record and translate tests, subcourse and course grades; and, at year end, to prepare school transcripts. Records are used also to prepare rosters and labels for use by the USACGSC departments and other Ft Leavenworth activities. Records serve to track resident student progress throughout the academic year by preparation of various reports and by interactive terminal query.

The automated grading examination system (GRADEX) constitutes a subsystem of this file in that it provides the capability to grade and perform item analysis on various tests given to resident students on MARK SENSE forms.

The student information system constitutes a second sub-system of the file providing the ability to identify students who possess certain skills. This assists in the assignment of students to projects and as assistant instructors. Information collected is printed on reports and is also retrievable by interactive terminal query.

The models and simulation system and the geography of Asia system constitutes a third sub-system of the file providing the capability to administer tests interactively using computer terminals.

The authomated student housing assignment system constitutes a fourth sub-system of the file providing the ability to assign students to quarters prior to their arrival.

The user name password system constitutes a fifth sub-system of the file providing the ability to assign computer passwords to students for there use throughout the academic year.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disks.

RETRIEVABILITY:

By SSN, student exam code or computer user name.

SAFEGUARDS:

Computer programs are kept in locked cabinets and, after normal duty hours, the building is secured by guards. Computer access is controlled by passwords which are periodically changed. Access to the computer programs is further restricted by additional passwords which are also changed periodically. Data files are maintained in a secure environment restricted to authorized employees.

RETENTION AND DISPOSAL:

Records are destroyed at the completion of an academic year except that educational transcripts become part of an individual's Official Military Personnel File.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Automation, United States Army Command and General Staff College, Ft Leavenworth, KS 66027.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commandant, United States Army Command and General Staff College, ATTN: Director of Automation, Bell Hall, Ft Leavenworth, KS 66027; telephone: Area Code 913/684–2498.

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Commandant, United States Army Command and General Staff College, ATTN: ATZLSW–DOA, Ft Leavenworth, KS 66027.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Personal data and enrollment information are obtained from the students at the time they complete enrollment and from Department of the Army orders. Grades, class section number, and academic information are obtained from the USACGSC academic departments. Data for the GRADEX system are obtained from the MARK SENSE cards completed by the students and information extracted from the Grade Calculator System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-594 Filed 1-7-80; 8:45 am]
BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Mississippi River and Tributaries, Yazoo River Basin, Yazoo Area Pump Project, Mississippi.

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 plan includes a pumping station appurtenant to the Yazoo backwater levee located about 0.5 mile west of the Steele Bayou drainage structure, and inlet and outlet channels. The inlet channel from Steele Bayou to the pumping station will be about 4,000 feet long with bottom widths varying from 500 feet where it joins Steele Bayou to 1,120 feet at the pumping station. The outlet channel from the pumping station to the Yazoo River will be about 6,000 feet long with bottom widths varying from 1,120 feet at the pumping station to 390 feet where it enters the Yazoo River.

2. *Possible Alternatives:* In planning and design studies for the pumping plant, consideration was given to several alternative sizes of pumping plants (10,000 to 30,000 cubic feet per second), several minimum pumping elevations (80, 83, 85, and 90 feet, mean

sea level), and leveeing the Big Sunflower River with no pumping plant. Consideration was also given to a multiple-site pumping system that would consist of a pump in the upper ponding area and a pump in the lower ponding area with a total pumping capacity of 25,000 cubic feet per second. Nonstructural alternatives were also considered. These were: (1) no action, (2) flood plain regulation, and (3) floodproofing.

3. *Description of Scoping Process.* a. *Public involvement.* Close coordination has been maintained with interested governmental agencies and concerned groups and individuals throughout the period this project has been under study. A public meeting to discuss this project was held on 10 July 1979 at Vicksburg, Mississippi. At least one additional public meeting is planned.

b. *Issues analyzed in the EIS.* The major issues of the Yazoo Area Pump Project are considered to be the positive economic impacts of flood reduction and the negative impacts on environmental elements, including bottom-land hardwood forests, wetlands, water quality of lakes and streams, and fish and wildlife resources. Impacts on terrestrial and aquatic ecosystems, as well as impacts on archeological and socioeconomic elements, will be analyzed in the EIS.

c. *Assignments for input into the EIS.* No specific assignments other than the Corps of Engineers as responsible agency.

d. *Environmental review and consultation requirements.* Review by Federal, state, and local agencies and interested groups and individuals.

4. *Scoping Meeting Schedule.* Because of the advanced state of the study and the extensive coordination with interested agencies and groups to date, a scoping meeting will not be held.

5. *Date DEIS Will Be Available to Public.* July 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Kenneth G. Bray, Planning Division, Regional Planning Branch, U.S. Army Corps of Engineers, P.O. Box 60, Vicksburg, Mississippi 39180.

Dated: December 27, 1979.

Samuel P. Collins, Jr.,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-521 Filed 1-7-80; 8:45 am]

BILLING CODE 3710-GX-M

Defense Mapping Agency

Privacy Act of 1974; Altered System of Records

AGENCY: Defense Mapping Agency (DMA).

ACTION: Notice of an altered system of records.

SUMMARY: The Defense Mapping Agency proposes to alter an existing system of records subject to the Privacy Act of 1974 by placing the record system in a computer memory core for retrieval through visual display terminals and line printers for reasons of efficiency and economy; and to increase the number and types of individuals on whom records are maintained by adding security clearance data on all DMA employees, contractor personnel and persons being considered for DMA employment. The specific changes to the record system being amended are set forth below, followed by the system published in its entirety, as amended.

DATES: This system shall be amended as proposed without further notice on February 7, 1980, unless comments are received on or before February 7, 1980, which would result in a contrary determination and require republication for further comment.

ADDRESS: Send any comments to the Privacy Act Officer, Defense Mapping Agency, ATTN: Administration Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305.

FOR FURTHER INFORMATION CONTACT: M. J. Stafford, telephone 202-254-4401.

SUPPLEMENTARY INFORMATION: The Defense Mapping Agency's system of records inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 have been published in the Federal Register as follows:

FR Doc. 79-37052 (44 FR 74017) December 17, 1979.

The Defense Mapping Agency submitted an altered system report dated November 26, 1979 for this proposed amendment under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of a new or altered system report. This is in compliance with Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda No. 1 and No. 3 dated September 30, 1975 and May 17, 1976, respectively, which provides supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the privacy Act of 1974. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

January 3, 1980.

B0502-03 HQHTA

System name:

Master Billet/Access Record (44 FR 74032) December 17, 1979.

Changes:

Categories of individuals covered by the system:

Delete entry and substitute: "All DMA employees and contractor personnel who have been granted a security clearance or indoctrinated for access to Sensitive Compartmented Information (SCI) and all personnel being considered for DMA employment. In addition, employees of other government agencies are included for the period during which their security clearance or SCI access status is permanently certified to DMA."

Categories of records in the system:

Delete entry and substitute: "File may contain for an individual the following: name, rank/grade, military component or civilian status, social security number, SCI billet number and title, security clearance, SCI accesses authorized and held, date Background Investigation completed, date and indoctrinated or debriefed, date and state of birth, DMA badge number and expiration date, and whether an authorized courier of SCI material."

Authority for maintenance of the system:

Delete entry and substitute: "Executive Order 12065, National Security Information, 28 June 1978."

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

Delete entry and substitute:

"Internal users, uses and purposes:

"Records are used by DMA security personnel to identify and verify personnel granted security clearances or authorized access to SCI. Purpose of verification and identification is to control access to secure areas for use of classified information; for periodic reindoctrination (rebriefing) of employees for SCI access; for periodic security education and training; and for control and reissue of identification badges."

"External users, uses and purposes:

Information is also used to certify personnel SCI access status to other government agencies and to the Defense Intelligence Agency for updating the Security Management Information System."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Delete the entry.

Storage.

Delete the entry and substitute: "Records are stored in computer memory core for retrieval through visual display terminals and line printers."

Retrievability:

Delete the entry and substitute: "Files are retrieved by name and at least one other personal identifier, such as a date of birth, place of birth, social security number of military service number. Files may also be retrieved by billet number and/or DMA security badge number."

Safeguards:

In line three, change the words "DMAAC" and "DMAHTC" to "DMA Components". In line four, delete the word "teletype".

System manager and address:

Delete the entry and substitute: "Director, Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, telephone 202/254–4603."

Notification procedure:

In line two, after the word ATTN: insert "Special". In last line change the numbers "4411" to "4603".

Contesting record procedures:

In line three, after the word ATTN: insert "Special". In last line change the numbers "4411" to "4603".

Record source categories:

Delete the entry and substitute: "Information is supplied by the individual concerned through completion of the Personal History Statement DD 398. The bases for billet entries are security clearance or access approval messages or correspondence from the Defense Intelligence Agency; bases for incombent entries are indoctrination oaths executed by incumbents at the time of indoctrination."

B0502–03 HQHTA

SYSTEM NAME:

Master Billet/Access Record

SYSTEM LOCATION:

Primary System—Special Security/Activities Division, Department of Computer Services, DMA Hydrographic/Topographic Center.

Decentralized segments—HQ DMA and DMA Aerospace Center. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DMA employees and contractor personnel who have been granted a security clearance or indoctrinated for access to Sensitive Compartmented Information (SCI) and all personnel being considered for DMA employment. In addition, employees of other government agencies are included for the period during which their security clearance or SCI access status is permanently certified to DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain for an individual the following: name, rank/grade, military component or civilian status, social security number, SCI billet number and title, security clearance, SCI accesses authorized and held, date Background Investigation completed, date indoctrinated or debriefed, date and state of birth, DMA badge number and expiration date, and whether an authorized courier of SCI material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12065, National Security Information, 28 June 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

INTERNAL USERS, USES AND PURPOSES:

Records are used by DMA security personnel to identify and verify personnel granted security clearances or authorized access to SCI. Purpose of verification and identification is to control access to secure areas for use of classified information; for periodic reindoctrination (rebriefing) of employees for SCI access; for periodic security education and training; and for control and reissue of identification badges.

EXTERNAL USERS, USES AND PURPOSES:

Information is also used to certify personnel SCI access status to there government agencies and to the Defense Intelligence Agency for updating the Security Management Information System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in computer memory core for retrieval through visual display terminals and line printers.

RETRIEVABILITY:

Files are retrieved by name and at least one other personal identifier, such as date of birth, place of birth, social security number or military service number. Files may also be retrieved by billet number and/or DMA security badge number.

SAFEGUARDS:

Secured in alarmed vault in guarded building. Vault accessible only to properly cleared, authorized personnel. Transmission of system data between DMA Components is by Secure (encrypted) circuit.

RETENTION AND DISPOSAL:

Active records only are maintained. Records of personnel debriefed for SCI access are dumped on a debrief tape which is printed as an alphabetical listing cumulatively each month for one year, then the tape is erased. Old printed listing is destroyed when replaced by new printed listing (weekly).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Mapping Agency, ATTN: Special Security Office, Building 56, U. S. Naval Observatory, Washington, D.C., 20305, telephone 202–254–4603.

NOTIFICATION PROCEDURE:

Information may be obtained from Defense Mapping Agency, ATTN: Special Security Office, Building 56, U. S. Naval Observatory, Washington, D.C, 20305, telephone 202–254–4603.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to above. Written requests for information should contain the full name of the individual, social security number, current address and telephone number. For personal visits, the individual should be able to furnish personal identification containing his/her full name, social security number, physical description, photograph, and signature.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Defense Mapping Agency, ATTN: Special Security Office, Building

56, U. S. Naval Observatory, Washington, D.C, 20305, telephone 202–254–4603.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual concerned through completion of the Personal History Statement DD398. The bases for billet entries are security clearance or access approval messages or correspondence from the Defense Intelligence Agency; bases for incumbent entries are indoctrination oaths executed by incumbents at time of indoctrination.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80–596 Filed 1–7–80; 8:45 am]

BILLING CODE 3810–70–M

National Security Agency

Privacy Act of 1974; Altered System of Records

AGENCY: National Security Agency (NSA).

ACTION: Notice of an altered system of records.

SUMMARY: The National Security Agency proposes to alter an existing system of records subject to the Privacy Act of 1974. The proposed alteration to this system of records will automate the information contained on the Supervisor's Report of Mishap, utilizing magnetic disk as the primary storage media with magnetic tape as a back-up, and all required reporting will be accomplished by computer generation. The specific changes to the system being amended are set forth below, followed by the system published in its entirety, as amended.

DATES: This system shall be amended as proposed without futher notice on February 7, 1980 unless comments are received on or before February 7, 1980, which would result in a contrary determination and require republication for further comment.

ADDRESS: Send any comments to the General Counsel, National Security Agency, Room 9A178, Fort Meade, Maryland 20755.

FOR FURTHER INFORMATION CONTACT: Lt. Cmdr. Gene Bowman, Telephone 301–688–6054 at the above address.

SUPPLEMENTARY INFORMATION: The National Security Agency's systems of records inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93–579 have been published in the Federal Register as follows:

FR Doc. 79–37052 (44 FR 74422) December 17, 1979

The National Security Agency submitted an altered system report dated December 10, 1979 for this proposed amendment under the provisions of 5 U.S.C. 522a(o) of the Privacy Act which requires submission of a new or altered system report. This is in compliance with Office of Management and Budget (OMB) Circular A–108, Transmittal Memoranda No. 1 and No. 3 dated September 30, 1975 and May 17, 1976, respectively, which provides supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975

H.E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

January 3, 1980.

GNSA06

System name:

NSA/CSS Health, Safety and Medical Files.

Last publication:

The NSA/CSS systems of records inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93–579 was last published in the Federal Register at 44 FR 74426, December 17, 1979.

Specific changes proposed:

Authority for maintenance of the system:

Add at the end "Executive Order 11807, Executive Order 9397, 29 C.F.R. 1960 and Department of Defense Instruction 1000.19."

Storage:

Add "magnetic tape, disk or other computer storage media, computer listings."

Retrievability:

Add "social security account number and specific subject matter data elements."

Safeguards:

Add "For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area, additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized person only, and certain password and other identifying information available to authorized users only are required. Terminals are not available outside of specific offices at headquarters area locations."

GNSA06

SYSTEM NAME:

NSA/CSS Health, Medical and Safety Files.

SYSTEM LOCATION:

Primary System—National Security Agency/Central Security Service, Fort George G. Meade, MD 20755. Decentralized Segment—Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, military assignees, applicants, retirees, building concessionaires, assigned GSA employees, certain employees of contractors, visitors requiring emergency treatment, in certain cases members of employees' families with prior approval of the employee, blood donors, designated Health and Safety Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of completed medical questionnaires, results of physical examinations and laboratory tests, records of medical treatment and services, x-rays, notices of injury, forms and correspondence including exchanges with Department of Labor related to injury and subsequent claims, correspondence with personal physician, NSA/CSS Medical Center reports, safety reports, absence and attendance records, medical evaluations, fitness for duty reports, "Log of Federal Occupational Injuries and Illnesses," results of psychological assessment testing and interviews, psychiatric examination results and related reports, forms and notes, lists of blood donors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86–36, and Federal Employees Compensation Act of September 7, 1916, as amended, Title 5, U.S.C. and Office of Personnel Management implementation thereof as contained in Federal Personnel Manual. In addition, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended (42 U.S.C. 4582) and subchapter A of Chapter I, Title 42, CFR

Executive Order 11807, Executive Order 9397, 29 CFR 1960 and Department of Defense Instruction 1000.19.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine fitness for hiring, continued employment or assignment and reassignment, to process accident and compensation claims, correct hazardous conditions, determine eligibility for disability retirement, record names of blood donors. When required, specific information from these files may be made available to the Department of Labor in those cases involving compensation claims and, with the permission of the individual, to other medical personnel or the American Red Cross for additional examination, treatment, counseling or other medical purpose, Freedom of Information and Privacy Act authorities as appropriate, and to other governmental entities as required and appropriate. Alcohol abuse patient records used in accordance with cited statute and regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, magnetic tape, disk or other computer storage media, computer listings.

RETRIEVABILITY:

By name, social security account number and specific subject matter data elements.

SAFEGUARDS:

Secure, limited access facilities and within these facilities lockable containers. Records are accessible only to authorized personnel. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area, additional secure limited access facilities, specific processing request from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only are required. Terminals are not available outside of specific offices at headquarters area locations.

RETENTION AND DISPOSAL:

Medical files and records on traumatic injury and occupational disease are transferred to official personnel folder upon separation; traumatic injury and occupational disease correspondence on civilian employees and retirees is retained indefinitely. Applicant medical files are retained for no more than one year or until date designated to individual; files on military assignees are forwarded to parent service upon reassignment from NSA/CSS; all other medical case files are destroyed upon termination of association with NSA/CSS. Psychological files on applicants are retained for no more than one year or until date designated to individual; all other files are retained for four years after end of individual's association with NSA/CSS. Decentralized segments are either transferred with employee or assignee, or retained for a period after separation as appropriate but not to exceed three years and are then destroyed. Alcohol abuse patient records retained and disposed of pursuant to cited statute and regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Policy Staff, National Security Agency/Central Security Service, Fort George G. Meade, MD 20755.

RECORD ACCESS PROCEDURES:

Request from individuals for access shall be in writing addressed to Chief, Policy Staff, National Security Agency/Central Security Service, Fort George G. Meade, MD 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Policy Staff, National Security Agency/Central Security Service, Fort George G. Meade, MD 20755.

RECORD SOURCE CATEGORIES:

Applicants, employees, assignees, official personnel folders, NSA Safety Officers and records, witnesses to accidents and injuries, medical and administrative personnel, blood donor personnel, members of employee's family with employee's permission and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file which are classified are exempted pursuant to Title 5, U.S.C., section 552a, subsection (k)(1) subject to the provisions of section 552(b)(1) of this title; individual records constituting investgatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information are exempted pursunt to subsection (k)(5); individual records consisting of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service are exempted pursuant to subsection (k)(6). Certain records may be subject to specific provisions of Public Law 86–36, Public Law 88–290 and Title 18 U.S.C. 798. In addition, medical, psychological and psychiatric records may be subject to certain special access procedures established pursuant to Title 5, U.S.C. section 552a, subsection (f)(3).

[FR Doc. 80-595 Filed 1-7-80; 8:45 am]
BILLING CODE 3810-70-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Notice of Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that closed meetings of the DIA Advisory Committee will be held on:

Thursday and Friday, 7–8 February 1980, The Pentagon, Washington, D.C.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

Dated: January 3, 1980.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-524 Filed 1-7-80; 8:45 am]
BILLING CODE 3810-70-M

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of Changes in Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem

Bulletin Number 90. This bulletin lists changes in per diem rates precribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 90 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 31 December 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick W. Weiser, 325–9330.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin No. 90

To the Heads of Executive Departments and Establishments:

Subject: Table of Maximum Per Diem Rates in Lieu of Subsistence for United States Government Civilian Officers and Employees for Official Travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense dated 17 August 1966, SUBJECT: Executive Order 11294, August 4, 1966, "Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status" in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702 (a)((2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 89 except in the case identified by an asterisk which rate is effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak[1]	$9.65
Anchorage	62.00
Annette	61.00
Narrow	94.00
Bethel	84.00
College	60.00
Cordova	76.00
Deadhorse	110.00
Delta Junction	59.00
Dillingham	83.00
Dutch Harbor	82.00
Eielson AFB	60.00
Elmendorf	62.00
Fairbanks	60.00
Ft. Greely	59.00
Ft. Richardson	62.00
Ft. Wainwright	60.00
Galena	52.00
Juneau	60.00
Ketchikan	61.00
King Salmon	62.00
Kodiak	66.00
Kotzebue	91.00
Murphy Dome	60.00
Noatak	91.00
Nome	90.00
Noorvik	91.00
Petersburg	61.00
Shemya AFG[1]	11.00
Shungnak	91.00
Sitka-Mt. Edgecombe	61.00
Skagway	61.00
Spruce Cape	68.00
Tanana	90.00
Valdez	70.00
Wainwright	79.00
Wrangell	61.00
Other	62.00
American Samoa	54.00
Guam M. I	54.0
Hawaii:	
Hawaii	59.00
Kauai	55.00
Maui	54.00
Molokai	54.00
Oahu	70.00
Other	54.00
Johnston Atoll	15.00
Midway Islands[1]	9.65
Puerto Rico:	
Aguadilla (Incl CG Air Station Borinquen)	63.00
Bayamon:	
12–16—5–15	102.00
5–16—12–15	75.00
Carolina:	
12–16—5–15	102.00
5–16—12–15	75.00
Dorado	54.00
Fajardo:	
12–16—5–15	102.00
5–16—12–15	75.00
Ft. Buchanan (Incl. GSA Service Center, Guaynabo):	
12–16—5–15	102.00
5–16—12–15	75.00
Mayaguez	63.00
Ponce (Incl. Ft. Allen NCS)	58.00
Roosevelt Roads:	
12–16—5–15	102.00
5–16—12–15	75.00
Sabana Seca:	
12–16—5–15	102.00
5–16—12–15	75.00
San Juan (Incl. San Juan Coast Guard Units):	
12–16—5–15	102.00
5–16—12–15	75.00
Other	63.00
*Virgin Islands of U.S.:	
12–1—4–30	89.00
5–1—11–30	65.00
Wake Island[2]	17.00
Other Localities	15.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal, and incidental expenses.

Dated: January 3, 1980.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-536 Filed 1-7-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Canadian Crude Oil Allocation Program; Allocation Notice for the January 1 Through March 31, 1980, Allocation Period

In accordance with the provisions of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby publishes the allocation notice specified in § 214.32 for the allocation period commencing January 1, 1980.

In October 1979, the Canadian National Energy Board (NEB) began authorizing exports of crude oil from Canada on a monthly basis, instead of a quarterly basis. Consequently, although this allocation notice is for the January through March 1980 quarter, the volumes listed represent only January exports from Canada. Pursuant to § 214.32(c), this quarterly notice will be revised with the publication of supplemental notices when Canada notifies the ERA of export levels for February and for March.

The issuance of Canadian crude oil rights for the January 1, 1980, allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) the name of each refiner and other firm to which rights have been issued; (2) the base period volume [1] of Canadian crude oil for each first or second priority refinery; (3) the base period volume of Canadian light and

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis.

heavy crude oil, respectively, for each first or second priority refinery; (4) the nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

The issuance of Canadian crude oil rights is made pursuant to § 214.31, which provides that rights may be issued to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian light and heavy crude oil, respectively, included in the refinery's volume of crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period, November 1, 1974, through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the Appendix also reflects any adjustments made by ERA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions or to reflect current operating conditions as provided by § 214.31(d).

Based on its review of the affidavits, supplemental affidavits and reports filed pursuant to Subpart D of Part 214, and other information available to the agency, ERA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by ERA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by § 214.31(e), in the allocation period commencing January 1, 1980, each refinery or other firm which has been issued Canadian crude oil rights for light and heavy crude oil, respectively, is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian light and heavy crude oil, respectively, subject to allocation under Part 214, equal to the number of rights specified in the Appendix.

The NEB has formally advised ERA that the total volume of Canadian light crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the month of January 1980 will be 50 barrels/day (B/D), all of which is operationally constrained through the Union Oil pipeline from the Reagan field in Canada to the Thunderbird refinery (second priority) at Cut Bank, Montana.

The total volume of Canadian heavy crude oil authorized for export and subject to allocation under Part 214 will be 144,727 B/D for the month of January 1980.

Allocation of Canadian Light Crude Oil

Pursuant to 10 CFR 214.35, ERA has given effect to the operational constraint regarding the Thunderbird refinery in the issuance of rights for Canadian light crude oil for the month of January set forth in the Appendix.

Allocation of Canadian Heavy Crude Oil

The authorized export level for Canadian heavy crude oil for the month of January 1980 is 144,727 B/D. Allocations of heavy crude oil were made according to the procedures specified in § 214.31(a)(3).

First, the first priority refineries for which nominations had been submitted were allocated heavy crude oil equal to one-fourth of their total base period volumes of Canadian heavy crude oil. Second, the first priority refineries for which nominations had been submitted were allocated heavy crude oil equal to one-fourth of their total base period volumes of Canadian crude oil already allocated to them. The nominations of two of the refineries (Murphy-Superior, Wis. and Ashland-St. Paul Park, Minn.) were less than their total base period volumes, and they were therefore given allocations equal to their nominations. Third, second priority refineries for which nominations for Canadian heavy crude oil were received were allocated heavy crude oil equal to one-fourth of their base period Canadian heavy crude oil runs to stills. Fourth, since the allocable supply of Canadian heavy crude oil for the month of January is greater than the number of rights calculated in the preceding three steps, ERA has issued 3,088 additional rights to Koch Refining Company for its first priority refinery at Pine Bend, Minnesota, pursuant to § 214.31(a)(3)(iv).[2]

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with ERA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the thirtieth day preceding each allocation period, provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

Within 30 days following the close of each three-month allocation period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before 30 days from the publication of this Notice.

Issued in Washington, D.C. on December 29, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[2] For the purposes of making calculations under § 214.31(a)(3)(iv), ERA has used Koch's actual volume of non-Canadian crude oil processed in October 1979 and estimates of volumes of such crude oil to be processed in November 1979 and December 1979. If, after the actual runs to still volumes for November and December are available, the estimates must be revised, the ERA will adjust January allocations in a supplemental allocation notice.

Appendix.—*Canadian Allocation Program Rights—January 1980*

[Barrels Per Day]

Refiner/refinery	Priority	Base period volumes			Nominations		Allocation[1]	
		Total Canadian runs	Canadian light crude oil	Canadian heavy crude oil	Light	Heavy	Light	Heavy
Amoco:								
Whiting, Ind.	II	26,751	25,560	1,191	0	10,000	0	2,469
Casper, Wyo.	II	2,991	2,991	0	0	0	0	0
Mandan, N.D.	II	8,995	8,995	0	0	0	0	0
Sugar Creek, Mo.	II	317	317	0	0	0	0	0
Arco: Cherry Point, Wash.	II	34,225	34,225	0	0	0	0	0
Ashland:								
Buffalo, N.Y.	II	36,752	32,033	4,719	0	0	0	0
Findlay, Ohio	II	2,198	33	2,165	0	0	0	0
St. Paul Park, Minn.	I	[3]14,707	[3]13,127	[3]1,580	35,000	31,000	0	[3]31,000
Clark: Blue Island, Ill.	II	18,764	18,764	0	0	0	0	0
Consumers Power:								
Essexville, Mich.	I	13,872	13,872	0	0	0	0	0
Marysville, Mich.	I	27,306	27,306	0	0	0	0	0
Conoco:								
Billings, Mont.	I	25,994	25,994	0	25,994	0	0	0
Denver, Colo.	II	4,639	4,639	0	4,638	0	0	0
Ponca City, Ok.	II	1,188	1,188	0	1,188	0	0	0
Wrenshall, Minn.	I	20,651	20,651	0	20,651	0	0	0
CRA:								
Coffeyville, Kan.	II	318	318	0	0	0	0	0
Phillipsburg, Kan.	II	173	173	0	0	0	0	0
Scottsbluff, Neb.	II	401	401	0	0	0	0	0
Crystal: Carson City, Mich.	II	1,104	1,104	0	0	0	0	0
Dow Chemical, U.S.A.: Bay City, Mich.	II	2,767	2,767	0	0	0	0	0
Energy Cooperative: East Chicago, Ind.	II	10,804	10,267	537	0	0	0	0
Exxon: Billings, Mont.	I	15,908	15,908	0	16,500	0	0	0
Farmers Union: Laurel, Mont.	I	13,439	13,439	0	13,500	0	0	0
Gladieux: Fort Wayne, Ind.	II	774	774	0	0	0	0	0
Gulf: Toledo, Ohio.	II	13,253	13,253	0	0	0	0	0
Husky:								
Cheyenne, Wyo.	II	4,865	4,865	0	0	0	0	0
Cody, Wyo.	II	806	806	0	0	0	0	0
Koch: Pine Bend, Minn.	I	[3]44,383	[3]3,396	[3]40,987	0	95,000	0	[3]77,471
Lake Superior D.P.: Ashland, Wis.	I	125	125	0	0	0	0	0
Lakeside: Kalamazoo, Mich.	II	1,240	1,240	0	0	0	0	0
Laketon: Laketon, Ind.	II	141	10	131	0	200	0	132
Little America:								
Casper, Wyo.	II	2,248	2,248	0	0	0	0	0
Sinclair, Wyo.	II	709	709	0	0	0	0	0
Marathon: Detroit, Mich.	II	10,301	10,159	142	30,000	10,000	0	650
Mobil:								
Buffalo, N.Y.	II	24,995	24,995	0	0	6,036	0	1,250
Ferndale, Wash.	II	45,444	45,444	0	0	10,975	0	2,272
Joliet, Ill.	II	14,606	2,132	12,474	0	12,989	0	12,581
Murphy: Superior, Wisc.	I	25,625	20,253	5,372	12,000	8,000	0	8,000
NCRA:McPherson, Kans.	II	836	836	0	0	0	0	0
Pester Refining Co.: El Dorado, Kans.	II	196	196	0	0	0	0	0
Phillips:								
Great Falls, Mont.	II	1,222	1,222	0	0	0	0	0
Kansas City, Kans.	II	3,352	3,105	247	0	0	0	0
Rock Island: Indianapolis, Ind.	II	1,063	1,063	0	0	0	0	0
Shell:								
Anacortes, Wash.	II	55,919	55,919	0	30,000	0	0	0
Wood River, Ill.	II	8,673	8,673	0	0	0	0	0
Sohio: Toledo, Ohio.	II	29,182	29,182	0	15,000	10,000	0	1,459
Sun: Toledo, Ohio.	II	16,427	16,427	0	0	0	0	0
Tenneco: Chalmette, La.	II	1,767	1,767	0	0	0	0	0
Texaco:								
Anacortes, Wash.	II	41,229	41,229	0	0	0	0	0
Casper, Wyo.	II	1,380	1,380	0	0	0	0	0
Lockport, Ill.	II	1,244	1,244	0	0	0	0	0
Texas American: West Branch, Mich.	II	2,011	2,011	0	0	0	0	0
The Refinery Corp.: Commerce City, Colo.	II	174	174	0	0	0	0	0
Thunderbird: Cut Bank, Mont.	II	554	554	0	0	0	[4]50	0
Total Petroleum: Alma, Mich.	II	9,727	3,020	6,707	0	8,000	0	6,858
Union Oil of California: Lemont, Ill.	II	11,711	11,711	0	10,000	20,000	0	585
United Refining: Warren, Pa.	II	9,917	9,789	128	0	0	0	0
Wyoming Refining Co.: New Castle, Wyo.	II	676	676	0	0	0	0	0
Total priority I		202,010	154,071	47,939	123,645	134,000	0	116,471
Total priority II		469,029	440,588	28,441	90,876	88,200	50	28,256
Total I and II		671,039	594,659	76,380	214,521	222,200	50	144,727

[1] Although nominations were made on a quarterly basis, allocations reflect the volumes of crude oil which must be exported from Canada only during the month of January.

[3] Adjusted.

[3] Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.

[4] Operational constraint.

[FR Doc. 80-398 Filed 1-7-80; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of November. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;

3. Properly maintain records required under the aforementioned regulation; and

4. Cease and desist from employing and discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact June F. Wallach, Acting District Manager, U.S. Department of Energy, Office of Enforcement, Western District, 111 Pine Street, San Francisco, California 94111, telephone number (415) 556-7200.

Firm Name, Address and Audit Date

Azmi Younis Service, 901 Long Beach, Compton, CA—10/23/79.
Atlantic Chevron, 766 Atlantic, Los Angeles, CA—10/23/79.
Charles Bewley, 6001 Rosemead, Pico Rivera, CA—10/31/79.
H & V Mobil Service, 5430 W. Pico Blvd., Los Angeles, CA 90019—11/1/79.
Nick Salerno's Chevron Service, 12001 Beach Blvd., Stanton, CA 90680—11/2/79.
Greg's Arco, 16502 Bolsa Chica, Huntington Beach, CA 92649—11/2/79.
Max's Service, 10344 W. Olympic Blvd., Los Angeles, CA 90064—11/2/79.
Shane's Arco Service, 10350 W. Olympic Blvd., Los Angeles, CA 90064—11/2/79.
Farmer's Market, 3707 Riverside, Chino, CA 91710—11/2/79.
Garcia & Son's, 12080 Central Ave., Chino, CA 91710—11/2/79.
Karl E. Koester Chevron Dealer, 15492 Ventura Blvd., Sherman Oaks, CA 91403—11/2/79.
Solis Shell, 3965 E. Olympic, Los Angeles, CA 90023—11/5/79.
Solis Shell, 4411 E. Whittier, Los Angeles, CA—11/5/79.
Polo Shell Service, 4625 E. Olympic, Los Angeles, CA 90022—11/5/79.
Shell's Texaco Service, 3026 N. Frazick, Baldwin Park, CA 91706—11/5/79.
Baird's Chevron, 3106 N. Puente Ave., Baldwin Park, CA 91706—11/5/79.
Kiki's Arco Service, 2087 So. Reservoir, Pomona, CA 91766—11/5/79.
Kim's Shell Service, 9854 Long Beach Blvd., South Gate, CA—11/5/79.
Max's Vernon Truck, 3745 Soto, Vernon, CA—11/5/79.
Civic Center Exxon, 2324 N. Las Vegas Blvd., Las Vegas, Nevada 89030—11/6/79.
City Hall Arco, 329 N. Las Vegas Blvd., Las Vegas, Nevada 89101—11/6/79.
Wiens Texaco, 1701 S. Las Vegas Blvd., Las Vegas, Nevada 89101—11/6/79.
Leddy & Halls Texaco, 137317 S. Hawthorn, Hawthorn, CA 90250—11/6/79.
Chuck's Smith Chevron, 12110 Central Ave., Chino, CA 91710—11/6/79.
Jim's Tires, 1107 S. Hacienda Blvd., Hacienda Heights, CA 91745—11/6/79.
Randy's Chevron, 1010 Fairway Drive, Industry, CA 91745—11/6/79.
Ron's Chevron Service, 8263 N. Laurel Canyon Blvd., North Hollywood, CA—11/6/79.
Westlake Exxon, 3995 Thousand Oaks Blvd., Westlake Village, CA 91361—11/6/79.
Gay's 5th & Ogden Mobil, 201 N. Las Vegas Blvd., Las Vegas, Nevada 89101—11/7/79.
Bob Battaglia Chevron, 2610 Lakewood Blvd., Long Beach, CA 90815—11/7/79.
Floyd's Chevron Service, 11501 E. Carson Street, Lakewood, CA 90715—11/7/79.
Joseph Van Moos, 2010 Pacific, Covina, CA 91790—11/7/79.
Ralph P. Charlton #1, 2430 S. Euclid Ave., Ontario, CA 91762—11/7/79.
Ralph P. Charlton #2, 12201 Mountain Ave., Chino, CA 91710—11/7/79.
Ralph P. Charlton #3, 12485 Central Ave., Chino, CA 91710—11/7/79.
Searles Arco, 928 Ft. Stockton, San Diego, CA—11/7/79.
Charleston Rancho Chevron, 2237 W. Charleston, Las Vegas, Nevada 89102—11/8/79.
Loma Portal Service, 2902 Lytton, San Diego, CA—11/7/79.
Tom Burgess Chevron, 3495 El Cajon, San Diego, CA—11/8/79.
Dieguenos Inc., 3359 University, San Diego, CA—11/8/79.
C. W. Morris, 3795 Sixth Ave., San Diego, CA—11/8/79.
Alex McCreary Shell, 255 E. Manchester, Los Angeles, CA—11/8/79.
Tropicana Chevron, 3785 S. Las Vegas Blvd., Las Vegas, Nevada 89109—11/9/79.
Gary Teed Texaco, 3101 N. Baldwin Park Blvd., Baldwin Park, CA 91706—11/9/79.
Cliff's Service, 7851 S. Western, Los Angeles, CA—11/9/79.
Sayed Exxon, 9800 Archibald Ave., Ontario, CA 91764—11/9/79.
R & J Automotive, 501 N. Vineyard, Ontario, CA 91761—11/9/79.
Don Locy Chevron, 2397 Fletcher Parkway, El Cajon, CA—11/9/79.
Mollison Union, 691 North Mollison, El Cajon, CA—11/9/79.
Dyno Tune N'Lube, 3151 W. 6th Street, Los Angeles, CA 90020—11/13/79.
Dago's Texaco Service, 3827 Sunset Blvd., Los Angeles, CA 90026—11/13/79.
Auto Center Chevron, 8315 Indiana Ave., Riverside, CA—11/13/79.
Ed Beck Exxon, 26572 Junipero Serra, San Juan Capistrano, CA 92675—11/13/79.
Avery Parkway Exxon, 28692 Camino Capistrano, San Juan Capistrano, CA 92675—11/13/79.
Emil Arco Garage, 5724 W. 3rd Street, Los Angeles, CA 90036—11/14/79.
Ken Martin Co., 15501 Beach Blvd., Westminster, CA 92683—11/14/79.
Frank's Texaco, 1313 W. San Bernardino, Covina, CA 91722—11/14/79.
Mile's Texaco, 28821 Western Ave., San Pedro, CA 90731—11/14/79.
Minit Man Car Wash, 5050 Mission Center Rd., San Diego, CA—11/14/79.
Joe's Service, 724 Washington, San Diego, CA—11/14/79.
Fakhoury Service Center, 220 S. Vincent West Covina, CA 91790—11/14/79.
Jim's Chevron Service, 256 E. Manchester Los Angeles, CA 90003—11/15/79.
Ken Warbrick's Chevron Service, 4710 Green River Drive Corona, CA 91720—11/15/79.
Serrano Shell Service, 3853 E. 3rd Los Angeles, CA—11/14/79.
Bob's Chevron, 10635 E. Firestone, Norwalk, CA—11/15/79.
Gene Horvarth Chevron, 1298 Broadway El Cajon, CA—11/15/79.
Chuck Turner's Chevron, 698 Mollison El Cajon, CA—11/15/79.
Jim Gentry Chevron, 5102 Waring Road, San Diego, CA—11/15/79.
Avenida Exxon, 1610 W. Sixth, Corona, CA91720—11/16/79.
Harold Human Exxon, 10115 Sierra Ave., Fontana, CA 92335—11/16/79.
J. J. Rosa & Son's, 12488 Central Ave., Chino, CA 91710—11/16/79.
Khnir Service Station, 20001 Beach Blvd., Huntington Beach, CA 92648—11/16/79.
Kang's Service Center, 10210 Rosecrans Avenue, Bellflower, CA 90670—11/16/79.
Agoura Chevron, 5221 Palo Comado Cyn. Rd., Agoura, CA 91301—11/16/79.
Larry's Exxon Station, 2299 S. Victoria, Montalvo, CA 93003—11/16/79.
Good News, 1802 Hill Street, Oceanside, CA—11/16/79.
Tom Kennedy's Texaco, 2001 Oceanside Oceanside, CA—11/16/79.

Rollins Shell Service, 2008 Pacific Hwy., San Diego, CA—11/16/79.
Chuck Coplen Chevron Service, 863 W. Alosta Ave., Glendora, CA 91790—11/17/79.
Neil Meyer Chevron, 125 N. Barranca West Covina, CA 91791—11/18/79.
J & M Texaco Service, 701 N. Grand Ave. Covina, CA 91723—11/19/79.
Grand & Badillo Chevron Service, 106 S. Grand Ave. Covina, CA 91724—11/19/79.
Jack's Chevron Service, 2266 Foothill Blvd. Montrose, CA 91020—11/19/79.
Beckman & Kay 695, Western Los Angeles, CA—11/19/79.
Manuel's Arco Garage 2672 Fletcher Drive Los Angeles, CA 90039—11/20/79.
LaVaughn's Mobil Service, 810 Huntington Drive San Marino, CA 91108—11/20/79.
Nohl Ranch Texaco, 2640 N. Santiago Blvd., Orange, CA 92667—11/20/79.
Joe's Exxon, 9485 California Ave., Riverside, CA 92503—11/20/79.
Westwood Arco Inc., 10936 Wilshire Blvd., Los Angeles, CA 90024—11/20/79.
Vander Voort's Exxon, 850 W. Highland Ave., San Bernardino, CA—11/20/79.
Bob Jenson, Chevron Service, 623 Foothill Blvd., La Canada, CA 91011—11/20/79.
Rancho Chevron, Rancho Rd. & Thousand Oaks, Thousand Oaks, CA—11/20/79.
Charley Exxon Service, 546 E. Alosta, Glendora, CA 91740—11/21/79.
Steve Wolfinbarger Chevron Ser., 801 E. Alosta Glendora, CA 91730—11/21/79.
Dino's Liquor & Deli, 108 E. Baseline San Bernardino, CA—11/21/79.
Bigelow's Exxon 797 W. Second Ave., San Bernardino, CA—11/21/79.
Steve's Arco, 1000 N. Pacific Glendale, CA 91202—11/21/79.
Bob Zook Exxon, 2415 Lyon Newhall, CA—11/21/79.
Enterprise Shell Service, 400 Oxnard Blvd. Oxnard, CA 93030—11/21/79.
Thomas Mobil Service, 19505 E. Cypress Covina, CA 91722—11/26/79.
Don's Mobil Service 1803 W. Badillo Street W. Covina, CA 91790—11/26/79.
Jack's Exxon, 360 S. Glendora West Covina, CA 11/26/79.
Dominguez Car Wash, 20651 South Avalon, Carson, CA 90745—11/26/79.
American Motor Home Sales, Inc., 2302 Hwy 91 at Sarfas Club Dr., Corona, CA 91270—11/26/79.
Norm's Chevron Service, 100 W. Ontario, Corona, CA 91720—11/27/79.
Tony's Auto Car, 4051 Eagle Rock Blvd., Los Angeles, CA 90065—11/27/79.
Jim's Chevron, 4005 Eagle Rock Blvd., Los Angles, CA 90065—11/27/79.
Owl Chevron, 2505 Ventura Blvd., Oxnard, CA 93030—11/27/79.
Bob Leech's $4 Autorental, 4810 W. Imperial Hwy., Inglewood, CA 90304—11/28/79.
Wally Magill Chevron Service, 1990 Los Angeles Ave., Simi Valley, CA 93065—11/28/79.
Ghazaleh Mobil, 5803 Los Angeles Ave., Simi Valley, CA 93065—11/28/79.
Howard's Shell & Towing, 2405 Sycamore Drive, Simi Valley, CA 93065—11/28/79.
Magic Mountain Chevron, 27050 Magic Mtn. Pkwy, Valencia, CA 92355—11/28/79.
Lee Denton Chevron, 6972 Warner, Huntington Beach, CA—11/29/79.
Ranch House Chevron, 27541 Tourney Rd., Valencia, CA 91355—11/29/79.
Ray's Exxon, 3675 Central, Riverside, CA 92506—11/29/79.
Keith's Exxon, 20500 San Fernando Rd., Newhall, CA 91321—11/29/79.
Sausalito Shell, 2901 Bridgeway Blvd., Sausalito, CA 94965—11/2/79.
Calaveras Shell, 950 E. Calaveras Blvd., Milpitas, CA 95035—11/1/79.
Lake Macimiento Resort, Star Route, Bradley, CA 93426—11/14/79.
Sharrareh Arco, 1572 Landess Avenue, Milpitas, CA 95035—11/12/79.
Deer Park Arco, 795 Rio Del Mar, Aptos, CA 95003—11/12/79.
Cliff's Exxon, 46494 Mission Boulevard, Fremont, CA 94538—11/13/79.
Lucky's Olympic Service, 45th Avenue & Judah, San Francisco CA 94122—11/29/79.
K & W Shell, 288 E. Virginia Street, San Jose, CA 95122—11/27/79.
Wolco Exxon, 1501 East Montevista, Vacaville, CA 95688—11/27/79.
PTL Texaco, 833 University Avenue, Berkeley, CA 94710—11/30/79.
Don's Chevron, 1101 University Avenue, Berkely, CA 94702—11/30/79.
Frank Gillespie Arco, N. 542 Interstate, Portland, OR 97217—10/26/79.
Frank Gillespie Arco, 6508 N. Interstate, Portland, OR 97217—10/26/79.
Samish Way Arco, 125 Samish Way, Bellingham, WA 98225—11/1/79.
Foster Exxon, 12155 S.E. Foster Rd., Portland, OR 97266—10/29/79.
Morin's Shell Service, Broadway & Market, Coos Bay, OR 97420—10/29/79.
Aurora Service Center, 12815 Aurora Ave. N., Seattle, WA 98133—11/23/79.
Security Service Station, 1502 Market St., Tacoma, WA 98402—11/29/79.
Columbia Exxon Products, 2050 South Columbian, Tacoma, WA 98108—11/4/79.
E. J. Ruff Arco, P.O. Box 375, Stevenson, WA 98468—11/23/79.
Reiss Union 76, 6th & Grant, Prosser, WA 99350—11/14/79.
Ripley's Chevron, 1762 Main St., Sweet Home, OR 97386—11/26/79.
Witham's Truck Stop, 2341 Biddle Rd., Medford, OR 97501—11/28/79.
Les & Terry's Chevron, 5006 S. 6th St., Klamath Falls, OR 97601—11/29/79.
Hillsdale Mobil, 6303 SW Capitol Hwy., Portland, OR 97225—11/18/79.
Handy Andy's Auto Service, 7991 SW Capitol Hwy., Portland, OR 97225—11/18/79.
Adams Chevron, P.O. Box 85, Government Camp, OR 97028—11/1/79.

Issued in Washington, DC on the 3rd day of January, 1980.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

[FR Doc. 80-543 Filed 1-7-80; 8:45 am]
BILLING CODE 6450-01-M

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of November, 1979. These Consent Orders concern prices charged by retail motor gasoline dealers in excess of the maximum lawful selling price for motor gasoline since August 1, 1979, failure to properly post the maximum lawful selling price on certification and engaging in business practices which are either discriminatory with respect to purchasers of motor gasoline, resulting in a higher price than permitted, or tied the sale of gasoline to the purchase of another service. The purpose and effect of these Consent Orders is to bring the consenting firms into compliance with the Mandatory Petroleum Allocation and Pricing Regulations from August 1, 1979, and they do not address or limit any liability with respect to consenting firm's prior compliance or possible violation of the aforementioned regulations pursuant to the Consent Orders, the consenting firms agree to the following actions:

A. With respect to selling prices:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Roll back prices to achieve refund of overcharges;

3. Properly maintain records required under the aforementioned regulations.

B. With respect to business practices:

1. Cease and desist from employing any form of discriminatory practice;

2. Cease and desist from employing any practice designed to obtain a price higher than is permitted by the regulations;

3. Cease and desist from employing any practice making the sale of gasoline contingent upon the purchase of another service, charging for services by means of a fee computed on a cents per gallon basis, or charging a fee to dispense gasoline.

C. With respect to posting requirements:

1. Properly post the maximum lawful selling price or certification;

2. Rollback the maximum lawful selling price for failure to post;

For further information regarding these Consent Orders, please contact Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast District, 1421 Cherry Street, Philadelphia, PA. 19102 Telephone Number 9215) 597-2633.

Firm Name, Firm Address, and Audit Date

Bartel's Mobil, Main Street, Unity, ME—11-1-79
Lessard's Market, N. Belfast Avenue, Augusta, ME—11-1-79
Bangor St. Sunoco, 102 Bangor Street, Augusta, ME—11-1-79
Dick's Auto Body, 103 Bangor Street, Augusta, ME—11-1-79
Leighton Service Station, 968 Minot Avenue, Auburn, ME—11-2-79
Gendron's Mobil, 440 Sabbattus Street, Lewiston, ME—11-2-79
Gendron's Mobil, 1292 Lisbon Street, Lewiston, ME—11-2-79
Ron's Shell, 510 Sabbattus Street, Lewiston, ME—11-2-79
Gendron's Exxon, 138 Pine Street, Lewiston, ME—11-7-79
Hency's Shell, 990 Lisbon Street, Lewiston, ME—11-7-79
Spofford's Chevron, 210 Bartlett Street, Lewiston, ME—11-8-79
John's Interstate 95, 1892 Lisbon Street, Lewiston, ME—11-8-79
Dubuc's Carwash, 147 Eastern Avenue, Lewiston, ME—11-8-79
Grondin's Auto Service, 1345 Sabbattus Street, Lewiston, ME—11-9-79
Sacre's Gas & Variety, 64 Sabbattus Street, Lewiston, ME—11-9-79
Center St. Exxon, 484 Center St. Auburn, ME—11-15-79
Boutin Auto Sales, 1360 Sabbattus Street, Lewiston, ME—11-15-79
Whiting's Service Center, 199 Court Street, Auburn, ME—11-15-79
Stan's Gulf, 1 Center Street, Auburn, ME—11-16-79
Grimmel's Service Station, 681 Lisbon Street, Lewiston, ME—11-8-79
Aroostook Farms, Lisbon Road, Lewiston, ME—11-8-79
Adams Country Market, Rte 3, S. China, ME—11-1-79
Poisson's Exxon, 260 Main Street, Auburn, ME—11-27-79
Triangle Service Station, 61 Lincoln Street, Lewiston, ME—11-28-79
Chapman's Exxon, Bridge and Water Sts., Gardiner, ME—11-29-79
Whittier Gulf Station, Rte. 16 and 25, W. Ossipee, NH—11-1-79
Varney's General Store, N., Chichester, Pittsfield, NH—11-2-79
Friendly Corner Store, 2650 Brown Avenue, Manchester, NH—11-5-79
Wilson tire Co., Rte. 25, Rumney, NH—11-6-79
Shortt's Garage, Rte. 25, Rumney, NH—11-6-79
McAlister's Cash Market, Rte. 25, W. Rumney, NH—11-6-79
Bud's Country Store, Box 282, Warren, NH—11-6-79
The Strand, Box 282, Warren, NH—11-6-79
Young's Store, Rte. 3, Pittsburg, NH—11-7-79
Trading Post, Pittsburg, NH—11-7-79
Young's Garage, Box 115, Pittsburg, NH—11-7-79
Spar Restaurant, Washington St., West Stewartstown, NH—11-7-79
Brooks Chevrolet, N. Main St., Colebrook, NH—11-7-79
Norman's Mobil, 124 Glen Avenue, Berlin, NH—11-8-79
Bartlett Variety Store, Rte. 302, Bartlett, NH—11-9-79
Pete's General Store, 41 Center Street, Grasmere, NH—11-5-79
Quickshop Gas, Rte. 125, Kingston, NH—11-7-79
Dave's BP, Rte. 125, Kingston, RI—11-14-79
Al's Mobil, Front Water St., Exeter, NH—11-15-79
Smith's Service Station, 202 Main Street, Lancaster, NH—11-16-79
Rowe's Gas Station, Rowe Drive, Fremont, NH—11-27-79
Fremont Motor Sales, Main Street, Fremont, NH—11-27-79
Carl's Gulf and Car Wash, 36 Water Street, Exeter, NH—11-27-79
Gray's Garage, Dover Road, Durham, NH—11-28-79
Val's Getty Station, 10 High Street, Somersworth, NH—11-28-79
Canada's Texaco, Rte 1, Portsmouth, NH—11-28-79
Newfield's Country Store, Main Street, Newfields, NH—11-29-79
Gorton's Store, Danville, NH—11-29-79
Woodstock Sunoco, Pleasant and Charles, Woodstock, VT—11-6-79
Bob's Texaco, 35 Pleasant Street, Woodstock, VT—11-6-79
Mooney's Garage, 28 Central St., Woodstock,VT—11-6-79
Jim & Zel's, Rte 4, Bridgewater, VT—11-7-79
Merril's Garage, Rte 4, Killington, VT—11-7-79
Buxton's Services Inc., 137 N. Main St., Rutland, VT—11-7-79
C&M Sunoco, 278 S. Main Street, Rutland, VT—11-7-79
Poullney Service Center, 12-14 Main St., Poullney, VT—11-8-79
Row's Country Store, 407 Woodstock Road, White River, VT—11-9-79
Week's Sunoco, Rte. 116, Conway, MA—11-1-79
Savoy General Store, Rte. 116, Savory, MA—11-1-79
Bernardston Auto Exchange, Rte 10, Bernardston, MA—11-1-79
Interstate Mobil, 833 E. Columbus Ave., Springfield, MA—11-2-79
New Boston Store, Rte 8, Sandisfield, MA—11-2-79
U.S. Bonds Inc., Rte 8, Otis, MA—11-2-79
Granville Country Store, Rte 57, Granville, MA—11-2-79
Parrota's Auto Center, 357 Main St., Agawam, MA—11-2-79
Perfection Auto Service, 1160 Berkshire Ave., Indian Orchard, MA—11-1-79
Ken's Arco, 1143 Berkshire Avenue, Indian Orchard, MA—11-1-79
O'Connor Goodyear, 2821 Boston Road, Wilbraham, MA—11-1-79
Bob Lucy's Service Station, 889 Main Street, Melrose, MA—11-1-79
Anjim's Mobil, 960 Main Street, Wakefield, MA—11-1-79
Miller's Exxon, 602 Main Street, Wakefield, MA—11-1-79
D&L Service Station, 215 Broadway, Malden, MA—11-1-79
J&T Auto Repair, 130 Eastern Avenue, Malden, MA—11-2-79
Patsy's Texaco, 135 Eastern Avenue, Malden, MA—11-2-79
Joel's Citgo, 245 Main Street, Malden, MA—11-2-79
Arnie's Service Station, 259 Main Street, Malden, MA—11-2-79
Lauria's Exxon, 367 Medford St., Malden, MA—11-2-79
Skip's Gulf, 84 Highland Avenue, Malden, MA—11-2-79
Salem St. Mobil, 348 Salem St., Medford, MA—11-2-79
Peters Arco Service, River and Eagle, North Adams, MA—11-6-79
Zaranek Service Station, 466 Main Street, Indian Orchard, MA—11-5-79
Dino and Fred Service, 227 Center St., Ludlow, MA—11-5-79
Bondsville Garage, 86 S. Main Street, Bondsville, MA—11-5-79
Mass Marine Mobil, 1193 State St., Springfield, MA—11-6-79
J Street Amoco, 1107 State St., Springfield, MA—11-6-79
State Street Service, 592 State Street, Springfield, MA—11-6-79
John's Mobile & Transmission, 437 E. Columbus Ave., Springfield, MA—11-6-79
Demusis Texaco, 668 Liberty, Springfield, MA—11-6-79
Ronca's Arco Service, 679 Main Street, Springfield, MA—11-6-79
Mastroianni Service, 731 Liberty St., Springfield, MA—11-6-79
Cocchi Service, 283 Carew St., Springfield, MA—11-7-79
Gene's Arco, 53 West Street, Springfield, MA—11-7-79
Southgate Texaco Service, 470 Columbus Ave., Springfield, MA—11-7-79
A-1 Gas Mart, 733 E. Columbus Avenue, Springfield, MA—11-7-79
Pety's Texaco Service, 2395 Main Street, Springfield, MA—11-7-79
Archambault Service, 562 Chicopee St., Williamansett, MA—11-7-79
Falls Arco, 63 Bridge St., S. Hadley Falls, MA—11-7-79
Plaza Shell, 373 Northampton, Amherst, MA—11-7-79
Quonset Exxon, Rte. 9—Russell St., Hadley, MA—11-7-79
Hadley Sunoco, 212 Russell St., Hadley, MA—11-7-79
Breckwood Service Station, 429 Boston Road, Springfield, MA—11-8-79
Gene's Service, 560 State St., Springfield, MA—11-8-79
Cochituate Texaco, 130 Main St., Cochituate, MA—11-9-79
St. Martin's Auto, Rte 20, Huntington, MA—11-6-79
Huntington Garage, Main St., Huntington, MA—11-6-79
Decoteau Service Center, Rte. 20, Russell, MA—11-6-79
Walsh's Service Station, Rte. 23, Monterey, MA—11-7-79
Halls General Store, Rte 23, East Otis, MA—11-7-79
Morawiec Brothers Service Station, 28 Mechanic St., Westfield, MA—11-7-79
Interstate Auto Supply, 290 E. Main St., Westfield, MA—11-7-79
Agawam Auto Repair, 830 Springfield St., Feeding Mills, MA—11-7-79
Nobscot Chevron, 900 Edgell Road, Framingham, MA—11-7-79

Roy's Texaco Service, 705 Liberty St., Springfield, MA—11–6–79
Stan and Fran Texaco, 1271 Page Blvd. Springfield, MA—11–13–79
Ciampi's Holiday Gulf, 100 Congress St., Springfield, MA—11–13–79
Leonard's Auto Repair, 288 Allen Street, Springfield, MA—11–14–79
Al Grimaldi Oil & Burner Service, 295 Allen St., Springfield, MA—11–14–79
Gurney's Service Station, 510 Allen Street, Springfield, MA—11–14–79
Welker Tire & Auto Service, 1800 Wilbraham Road, Springfield, MA—11–15–79
Nowak Oil, 22 Stony Hill Road, Wilbraham, MA—11–15–79
Lee Service Center, Housatonic St., Lee, MA—11–8–79
Stockbridge Motors, Rte. 7, Stockbrdge, MA—11–8–79
Stockbridge Gulf, South and Parts St., Stockbridge, MA—11–8–79
Hoff's Mobil, 112 Main Street, Lenox, MA—11–9–79
Balestro's Garage, State St., Richmond, MA—11–9–79
Mario's Garage, Lenox Road, W. Stockbridge, MA—11–9–79
Bachetti's Exxon, Rte 7 and Commonwealth, Great Barrington, MA—11–13–79
North Family Joiners, 224 State Road, Great Barrington, MA—11–13–79
Spaulding Chevrolet, 67–77 State Road Barrington, MA—11–13–79
Henry's Auto Service, Stockbridge Road, Great Barrington, MA—11–14–79
Denny's N. Plain Road, Housatonic, MA—11–14–79
Beaubien Sunoco, 101 Third St., Turners Falls, MA—11–13–79
Goly's Citgo, 286 Federal St., Greenfield, MA—11–13–79
Fisher's Garage Inc., 59 Sugar Loaf St., S. Deerfield, MA—11–13–79
Frontier Service Center, 176 Main St., S. Deerfield, MA—11–13–79
C&L Service, 40 Prospect St., Hatfield, MA—11–13–79
Pep's Amoco, 322 East Main St., Westfield, MA—11–15–79
Donatini Brothers, 960 Memorial Ave., W. Springfield, MA—11–15–79
Webster's Service Station, 798 Main St., Agawam, MA—11–15–79
Frank Pigwathre's Auto Service Ctr., 395 Agawam St., Agawam, MA—11–15–79
Mutti's Service Station, 119 Walnut St., Agawam, MA—11–15–79
Jim's Sunoco, 326 Park St., W. Springfield, MA—11–16–79
Puc's Gas & Groceries, 297 Appremont Highway, Holyoke, MA—11–16–79
Whitewing Service, 568 Newton St., South Hadley, MA—11–27–79
Gagne's Package Store, Amherst Road, South Hadley, MA—11–27–79
Northampton Radiator Co., 346 King St., Northampton, MA—11–28–79
East Amherst Texaco, 35 Belchertown Road, Amherst, MA—11–29–79
Weston Gas, 88 Boston Post Road, Weston, MA—11–30–79
Frank's Auto Service, 528 N. Main St., E. Longmeadow, MA—11–27–79
Four Conors Arco 201 North Main St., W. Longmeadow, MA—11–27–79
F&L Service Station, 20 North Main St., E. Longmeadow, MA—11–28–79
Mark Service Center, 940 Belmont Ave., Springfield, MA—11–29–79
Frank's American & Foreign Car Service, 689 White St., Springfield, MA—11–29–79
Vin's Exxon Service, 453 Cooley St., Springfield, MA—11–29–79
Akis Gulf Service, 25 Washington St., Brookline, MA—11–27–79
Terzakis Bros. Inc. 112 Rantoul St., Beverly, MA—11–26–79
A&S Service, 2849 Mendon Road, Cumberland, RI—11–7–79
Bald Hill Sunoco, 944 Bald Hill Road, Warwick, RI—11–6–79
Bakbosa Citgo, 517 Warren Ave., Providence, RI—11–1–79
Bakeman's Exxon, W. Ave. & S. Main St. Albion, NY—11–13–79
Albion Auto Service Texaco, E. Ave., & Main Ave., Albion, NY—11–13–79
Mr. Halstead Mobil, 204 S. Main St., Albion, NY—11–13–79
Pop Shop Gulf, 161 S. Main St., Albion, NY—11–14–79
Holley Service Texaco, State & Batabiasts, Holley, NY—11–14–79
F&L Gulf, 52 State St., Holley, NY—11–14–79
5 Point Service Gulf, North Main St., Holley, NY—11–14–79
Jake & Son Exxon, 201 E. Center St., Medina, NY—11–15–79
Midway Gulf, 4601 Kirkwood Highway, Wilmington DE—11–6–79
Kirkwood Exxon, Kirkwood Highway at Rt. 41, Wilmington, DE—11–23–79
Mac's Getty, Chestnut Hill & Marrows Rds. Newark, DE—11–23–79
Mitchell's Arco, 3003 Kirkwood Highway, Elsmere, DE—11–28–79
Hanna's Exxon, Concord & Monroe Aves. Wilmington, DE—11–30–79
Harry's Gulf, Rts. 1 & 175, Jessup, MD—11–13–79
Chartley Shell, 525 Main St., Reisterstown, MD—11–13–79
Eddison Exxon, Edison Highway & Federal St., Baltimore, MD—11–13–79
Bel Air Car Wash, 328 Baltimore Pike, Bel Air, MD—11–14–79
Joppa Rd. Amoco, 1601 Joppa Road, Towson, MD—11–15–79
Virginia Ave., Exxon, 1800 Virginia Ave., Hagerstown, MD—11–15–79
William Eichelberger Shell, 1735 Virginia Ave., Hagerstown, MD—11–15–79
Joe's Gulf, 2749 Virginia Ave., Williamsport, MD—11–15–79
Williamsport Exxon, 301 E. Potomac St., Williamsport, MD—11–15–79
Elkton Gulf, 218 W. Plasky Highway & Landing Lane, Elkton, MD—11–28–79
K&J Arco, Inc. 722 Bridge St., Elkton, MD—11–28–79
11–Kammerman Marina, 437 Carson Ave., Atlantic City, NJ—11–06–79
South High Exxon, 141 S. High St., Morgantown, WV—11–27–79
Gudgas Service Station, 100 Vestal Parkway East, Vestal, NY—11–27–79
Center Alignment, 500 Merrick Road, Baldwin, NY—11–21–79
Dan & Jim's Exxon Service Station, 200 Vestal Parkway East, Vestal, NY—11–29–79
Fred's Mobil, 40–48 Denison Parkway East, Corning, NY—11–28–79
Pelc & Barone Gulf, 585 S. Braddock & Forbes Ave., Pittsburgh, PA—11–1–79
Cefola's Exxon 324 Hulton Road, Oakmont, PA—11–1–79
Fred's Arco, Rt. 8 Greater Butler Mart, Butler, PA—11–1–79
Bill Puff Mobil, 1130 N. Main St., Butler, PA—11–2–79
Cirillo's Gulf, Cunningham & Jefferson St., Butler, PA—11–2–79
Bon Aire Exxon, 1125 N. Main St., Butler, PA—11–1–79
Mooney's Arco, 6865 Rising Sun Ave., Philadelphia, PA—11–5–79
Maple Glen Exxon, 450 Limekiln Pike, Maple Glen, PA—11–5–79
Springer's Arco, Limekiln Pike & Welsh Rd., Maple Glen, PA—11–5–79
Jim's Service Center, 724 Lancaster Ave., Stratford, PA—11–5–79
Fox Chase Arco, Pine Rd. & Oxford Ave., Phila. PA—11–7–79
Realley's Arco, Oxford Ave., & Langdon St., Philadelphia, PA—11–7–79
Jenkintown Shell, York & Baeder Rds., Jenkintown, PA—11–7–79
Ambrose's Sunoco, 1627 W. Cheltenham Ave., Philadelphia, PA—11–7–79
Leo's Auto Service, Rising Sun & Oxford Ave., Philadelphia, PA—11–8–79
Pete's Texaco, 5118 Torresdale Avenue, Philadelphia, PA—11–8–79
Scalzo Automotive Center, Rhawn Ave., & Veree Rd., Philadelphia, PA—11–8–79
Gray's Gulf, Weiss Ave., & Bethlehem Pike, Flourtown, PA—11–8–79
Lou's Exxon, Roosevelt Blvd., & Oxford Ave., Philadelphia, PA—11–9–79
S&H Texaco, 1408 Lititz Pike, Lancaster, PA—11–9–79
George Butler's Tire Center, 1701 York Road, Abington, PA—11–13–79
Scavone & Garvin's Sunoco, York & Wheatsheaf Rds., Abington, PA11–13–79
Abington Exxon, Old York & Woodland Rds., Abington, PA—11–13–79
Abington Gulf, York and Brentwood Rds., Abington, PA—11–13–79
Martin's Sunoco, 6619 Ridge Ave., Philadelphia, PA—11–14–79
Bob's Service Center, Inc., Ridge Ave., & Walnut Lane, Philadelphia, PA—11–14–79
Curcio's Mobil, Ridge Ave., & Hermit St., Philadelphia, PA—11–14–79
Wyndmoor Exxon, 1007 E. Willow Grove Ave., Wyndmoor, PA—11–14–79
Amadio's Arco, Willow Grove Ave., & Elm St., Wyndmoor, PA—11–14–79
DiBrino's Mobil, Montgomery Ave., & Bethlehem Pike, Erdenheim, PA—11–14–79
Pagano's Service Centers, Inc., 7065 Lincoln Drive, Philadelphia, PA—11–15–79
Yoder's Texaco, 6501 Ridge Avenue, Philadelphia, PA—11–15–79
Meade's Arco, Ridge & Mitchell Avenues, Philadelphia, PA—11–15–79
Kazakov's Texaco, Broad St., & Stenton Avenue, Philadelphia, PA—11–16–79
Major Bradley, 6301 Broad St., & Medary Ave., Philadelphia, PA—11–16–79
Winter's Gulf, 6832 Old York Road, Philadelphia, PA—11–16–79
Fox Chase Mobil, Oxford & Burlholme Ave., Philadelphia, PA—11–19–79
Espoir, Inc., 601 Bethlehem Pike, Erdenheim, PA—11–19–79

Lee's Arco, 1700 W. Cheltenham Ave., Philadelphia, PA—11–19–79
Brinton's Getty Service, Bethlehem Pike & Haws St., Erdenheim, PA—11–20–79
Grannis Arco, County Line Rd. & 2nd St., Huntingdon Valley, PA—11–20–79
Montgomery's Exxon, Central Avenue & Ashbourne Road, Cheltenham. PA—11–20–79
Eidenshink's Arco, York & Starr Rds. Elkins Park, PA—11–20–79
Richie's Exxon, 6401 Oxford Ave., Philadelphia, PA—11–23–79
Glenside Transmission Co., Inc., 500 Jenkintown & Easton Rds., Glenside, PA—11–26–79
Bob's Mobil, 7300 Algon Ave., Philadelphia, PA—11–26–79
Nate's Sunoco, Cottman & Algon Avenues, Philadelphia, PA—11–26–79
Bethayres Exxon, Huntingdon Pike & Philmont Ave., Bethayres, PA—11–26–79
Justa Farm Shell Servicenter, Huntingdon Pk. & Bayberry Rd, Huntingdon Valley, PA—11–26–79
Gibb's Arco, City Line Ave., & Golf Rd., Philadelphia, PA—11–27–79
Howard's Arco, 6201 Lancaster Ave., Philadelphia, PA—11–27–79
Salas's Sunoco, 5022 City Avenue, Philadelphia, PA—11–27–79
Curcio's Arco, Belmont Ave & Levering Mill Rd., Bala Cynwyd, PA—11–28–79
Del Campo's Exxon, 500 Belmont Ave., Bala Cynwyd, PA—11–28–79
Frustaci's Arco, Belmont & Jefferson Ave., Bala Cynwyd, PA—11–28–79
Eckert's Arco, Rt. 13 & Haines Rd., Levittown, PA—11–28–79
Harvey Lambert's Mobil, 4301 Market St., Philadelphia, PA—11–28–79
Hurley's Getty, 4140 Chestnut St., Philadelphia, PA—11–28–79
Rosen's Amoco, Belmont Ave & Rock Hill Rd., Bala Cynwyd, PA—11–28–79
Pat's Exxon, Rt. 13 & Beaver Dam Rd., Bristol, PA—11–28–79
Volpi's Sunoco, Rock Hill & Conshohocken State Rds., Bala Cynwyd, PA—11–28–79
Wagner's Texaco, Rt. 13 & Haines Rd., Levittown, PA—11–29–79
Bolli Bros., Rt. 13 & Pa. Turpike, Levittown, PA—11–29–79
Bolli Bros., 8600 New Falls Rd., Levittown, PA—11–29–79
Jim's Mobil, 500 Oxford Valley Road, Fairless Hills, PA—11–29–79
Pro Gulf, 63rd and Chestnut Sts., Philadelphia, PA—11–29–79
Fairless Hills Atlantic Service, Oxford Valley & Trenton Rds., Fairless Hills, PA—11–29–79
Radaszewski's Getty, 8th and Lafayette Sts., Conshohocken, PA—11–29–79
52nd & Spruce Arco, 52nd & Spruce Sts., Philadelphia, PA—11–29–79
Abington Getty, Old York Rd., & Parkview Ave., Abington, PA—11–30–79
Silva's Exxon, 5032 City Line Avenue, Philadelphia, PA—11–30–79
Mike's Sunoco, 626 Route 112 & Medford Ave., Patchogue, NY—11–1–79
Steve & John's Service, 41–01 23rd St., Long Island City, NY—11–1–79
Gonral Service Center, 64–01 Woodhaven Blvd., Rego Park, NY—11–1–79
Parkhaven Heights Service Center, 89–14 Myrtle Avenue, Glendale, NY—11–1–79
Yellowstone Service Station, 68–29 Woodhaven Blvd., Rego Park, NY—11–1–79
Cross Bay Amoco, 163–01 Cross Bay Blvd., Howard Beach, NY—11–1–79
Community Service Station, 137–27 Cross Bay Blvd., Ozone Park, NY—11–1–79
Best Yet Auto Service, 802 Utica Ave., Brooklyn, NY—11–5–79
Castle Serve Center, 2400 E. Tremont Ave., Bronx, NY—11–1–79
1189 Bronx River Ave Corp., 1189 Bronx River Ave., Bronx, NY—11–1–79
Parkchester Service, 1881 E. Tremont Ave., Bronx, NY—11–1–79
Springmill Service Station, 2990 Victory Blvd., Staten Island, NY—11–1–79
Ralph's Service Station, 6232 Amboy Road, Staten Island, NY—11–1–79
Bill & Bob's Service Station, 2259 Utica Ave., Brooklyn, NY—11–6–79
Queens Gulf Gas Station, 85–02 Queens Blvd., Elmhurst, NY—11–7–79
South Broadway Texaco Service Station, 578 South Broadway, Yonkers, NY—11–6–79
Jost Amoco Service Station, 856 McClean Ave., Yonkers, NY—11–6–79
Richmond Service Station, 2062 Richmond Road, Staten Island, NY—11–7–79
Salvo Service Station, 3701 Amboy Road, Staten Island, NY—11–7–79
G&S Service Station, 90 East Broadway, New York, NY—11–9–79
Dyna Station, 94 Division Street, New York, NY—11–9–79
J&M Service Center, 135 East 3rd, Mount Vernon, NY—11–8–79
Vin & Larry's Service Center, 193 West First Street, Mount Vernon, NY—11–8–79
Mini Service Center, 534 Coney Island Ave., Brooklyn, NY—11–13–79
Fredal Service Station, 5802 Northern Blvd., Woodside, NY—11–13–79
Padauano Service Station, 690 Henderson Ave., Staten Island, NY—11–7–79
GNE Service Center, 170 Middleneck Road, Great Neck, NY—11–8–79
T&C Gas Station, 75–41 Yellowstone Road, Rego Park, NY—11–14–79
Col Maz Service Station, 601 East Fordham Road, Bronx, NY—11–14–79
Joe's 113–10 Beach Channel Drive Corp., 113–10 Beach Channel Drive, Belle Harbor, NY—11–7–79
Academy Gulf, Long Beach Road & Academy Street, Oceanside, NY—11–9–79
Andersen Service Station, 32 Jamaica Avenue, Brooklyn NY—11–15–79
P&A Sons Servicenter, 3337 Long Beach Road, Oceanside, NY—11–19–79
Pete's Service Center, 890 Monroe Avenue, Rochester, NY—11–13–79
Whitney's Service Station, 1821 Monroe Ave., Rochester, NY—11–13–79
Scotty's Service Station, 1886 Monroe Avenue, Rochester, NY—11–13–79
Oceanside Service Station, 3345 Long Beach Road, Oceanside, NY—11–20–79
Great Neck Service Station, 265 East Shore Road, Manhasset, NY—11–20–79
Monroe Texaco, 2340 E. Main St., Rochester, NY—11–13–79
Mt. Hope Service Center, 1500 Mount Hope Ave., Rochester, NY—11–13–79
Dave's Automotive, 2100 Ridge Road East, Rochester, NY—11–14–79
Dave's Mobil, 4320 Culver Road, Rochester, NY—11–14–79
Zambito's Service Station, 1495 East Ridge Road, Rochester, NY—11–14–79
Reg's Exxon, 1233 Ridge Road East, Rochester, NY—11–14–79
Roto Blend, 555 Ridge Road East, Rochester, NY—11–14–79
Alton's Service Station, 3000 Culver Road, Rochester, NY—11–14–79
Kolesnik's Sunoco, 417 Monroe Ave., Rochester, NY—11–14–79
Vito & Son's, 1425 Culver Road, Rochester, NY—11–15–79
Ray Hurysz's Sunoco, 2740 Monroe Ave., Rochester, NY—11–14–79
Winton East Exxon, 1844 East Ave., Rochester, NY—11–20–79
Clover Hills Service Station, 2951 Monroe Ave., Rochester, NY—11–20–79
V. Marinaro's Texaco, 2575 Culver Road, Rochester, NY—11–15–79
Bailey Chevron, 3995 W. Henrietta Road, Rochester, NY—11–15–79
Larry's Mobil, 4011 West Henrietta Road, Rochester, NY—11–15–79
Vic Vesa's Mobil, 3108 East Avenue, Rochester, NY—11–15–79
Bob's Texaco & Tire Service, 4900 West Henrietta Road, Henrietta, NY—11–15–79
Mike & Sam's Service, 2157 East Henrietta Road, Rochester, NY—11–16–79
Murray's Collison, 2860 East Henrietta Road, Rochester, NY—11–16–79
Fuel-it Sunoco, 1321 University Ave., Rochester, NY—11–23–79
C. J. Service Station, 5801 Amboy Road, Staten Island, NY—11–23–79
Cherly's Service Station, 1225 Hylan Blvd., Staten Island, NY—11–23–79
Pete & Jim's Exxon, 840 East Main Street, Rochester, NY—11–13–79
Pugliese Shell, 400 Merrick Ave., Merrick, NY—11–21–79
Colonna's Service Station, 18 East Merrick Road, Baldwin, NY—11–21–79
Cancos Service Station, 723 Bedford Avenue, Brooklyn NY—11–27–79
Dynamic Exxon Service Center, 606 Northern Blvd & Lakeville Road, Great Neck, NY—11–27–79
James Bulloch Inc., 439 Beach 129 Street, Belle Harbor, NY—11–28–79
Ronjo Service Station, 31 Northern Blvd. Great Neck, NY—11–28–79
Tom Val Service Station, 1896 Bruckner Blvd., Bronx, NY—11–28–79
Twin Auto, 2686 Long Beach Road, Rockville Centre, NY—11–28–79
Lipton Services, 159 Lyell Ave., Rochester, NY—11–13–79
Piehler Exxon, 1803 Lyell Ave., Rochester, NY—11–13–79
Bob Frye's Arco, 51 Chili Ave., Rochester, NY—11–13–79
Edwards Brothers Garage, 930 Chili Ave., Rochester, NY—11–14–79
Sharp Mobil, 1291 Lyell Ave., Rochester, NY—11–13–79
Carmine's Service Station, 1601 86th St., Brooklyn, NY—11–19–79
Neitz Tire Service, 1132 Ridge Road, Rochester, NY—11–14–79
DeLucia Service Station, 96 Lyell Ave., Rochester, NY—11–13–79
Wittman Motors, 2996 Ridge Road West, Rochester, NY—11–15–79

Brown's Arco Service, 860 Ridge Road West, Rochester, NY—11–14–79
H. H. Morse Oil Co., 206 Smith St., Rochester, NY—11–13–79
Ali Service Center, 2534 Ridge Road, Rochester, NY—11–16–79
Paul's Service Center, 735 Emerson St., Rochester, NY—11–14–79
Canal's Service Center, 2955 Dewey Ave., Rochester, NY—11–14–79
Bauman's Friendly Service, 2044 Latta Road, Rochester, NY—11–14–79
Jericho Service Station, 100 Jericho Turnpike, Jericho, NY—11–21–79
Town Hall Garage, 1500 Jericho Turnpike, New Hyde Park, NY—11–21–79
J & B Exxon, 263 E. Jericho Turnpike, Mineola, NY—11–21–79
Hamm's Service Station, 275 Main St., Binghamton, NY—11–29–79
W. J. Norton Service Station, 363 Upper Court St., Binghamton, NY—11–29–79
D & D Exxon, 851 Lake Ave., Rochester, NY—11–15–79
Dave Booth's Mobil Service, 2765 Chile Ave., Rochester, NY—11–15–79
ABC Sunoco, 1060 Ridge Road West, Rochester, NY—11–15–79
S & S Lincoln, Inc. 656 Lake Ave., Rochester, NY—11–15–79
Carpenter Exxon, 2930 Chili Ave., Rochester, NY—11–16–79
Ted's Exxon, P.O. Box 331, Shartlesville, PA—11–1–79
Koeller Service Center, Rts. 202 & 73, Center Square, PA—11–1–79
John Nolan's Exxon, 657 W. Main St., Trappe, PA—11–1–79
Ellis & Son Service Center, Rt. 724 & Helm St., Pottstown, PA—11–1–79
Don's Exxon, 309 Schuylkill Rd., Spring City, PA—11–1–79
Stopyra Bros. 999 Anchor St., Philadelphia, PA—11–1–79
Muzzey's Store, Rte. 25, Rumney, NH—11–6–79
Wilfred's Gulf Station, Main St., & Fourth, Berlin, NH—11–8–79
Frank's Service, 77 Main Street, Indian Orchard, MA—11–15–79
Bellmore Getty Service, 2798 Merrick Rd., Bellmore, NY—11–30–79
J & M Service Center, 1700 Broadway, Hewlitt, NY—11–29–79
Scinta's Service Station, 3830 Merrick Rd., Seaford, NY—11–30–79
Chuck's Service Center, 2300 Huntingdon Pike & Welsh Rd., Bethayres, PA—11–20–79
Freeport Service Station, 102 West Merrick Road, Freeport, NY—11–30–79
Freeport Gasorama, 93 West Merrick Road, Freeport, NY—11–30–79
Walters Texaco Service Station, 115 Main St., Binghamton, NY—11–28–79
R. Lechner's Service Station, RD #6 Upper Court Street, Binghamton, NY—11–30–79

Issued in Philadelphia, PA on the 28th day of December, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 80–541 Filed 1–7–80; 8:45 am]

BILLING CODE 6450–01–M

Coline Gasoline Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provide an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: November 19, 1979. Comments by: February 7, 1980.

ADDRESS: Send comments to: Jack L. Wood, District Manager of Enforcement, Western District Office, Department of Energy, 111 Pine Street, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT: Jack L. Wood, District Manager of Enforcement, Western District Office, Department of Energy, 111 Pine Street, San Francisco, CA 94111; Phone (415) 556–7200.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Office of Enforcement of the ERA executed a Consent Order with Coline Gasoline Corporation of Santa Fe Springs, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. Consent Order

Coline Gasoline Corporation, with its home office in Santa Fe Springs, California, is a firm engaged in the processing and sale of natural gas liquids and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212.

The Office of Enforcement of the Economic Regulatory Administration (ERA) and Coline Gasoline Corporation (Coline) entered into a Consent Order to resolve certain actions which could be brought by ERA as a result of its audit of Coline.

The significant terms of the Consent Order with Coline are as follows:

1. The period covered by the audit was August 19, 1973 through May 31, 1978.

2. DOE alleges that Coline charged prices in excess of the maximum allowable to its customers in violation of the DOE regulations 10 CFR 212.163 and predecessor regulations.

3. Coline, without admitting any of the allegations of the ERA and without admitting that it has violated any regulation or overcharged any customer, is willing to enter into this Consent Order as a means of settling and compromising all its outstanding disputes with the ERA thus avoiding the expense of protracted, complex litigation. Coline agrees to refund to DOE the sum of $474,996.15 plus accrued interest thereon of $153,484.64. This amount will be refunded on or before November 19 1979.

4. The provisions of 10 CFR 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

Refunded overcharges as described in I.3 above will be in the form of a certified check make payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the detemination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the treasury of the United States pursuant to 10 CFR 205.199I(a).

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment

period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Jack Wood, District Manager of Enforcement, Western District Office, Department of Energy, 111 Pine Street, San Francisco, CA 94111. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 556–7200.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Coline Gasoline Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on February 7, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the third day of January, 1980.

Robert D. Gerring,

Director, Program Operations Division, Economic Regulatory Administration.

[FR Doc. 80-542 Filed 1-7-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of Proposed Remedial Orders issued to the following firms, charging them with pricing violations, connected with the retail sale of gasoline during the time periods stated:

Firm and location	Amount	Audit period
Salvatore & Richard Snisky d.b.a. Bragg Service Center, Building No. 134, J.F.K. International Airport, Jamaica, N.Y. 11430	$31,791	8/1/79–11/2/79
Roosevelt Weston d.b.a. Little Reb Auto, 117-27 Farmers Boulevard, St. Albans, N.Y.	182	11/15/79–12/10/79
Dave James Bethel Church and Library Roads, Bethel Park, Pa.	258	9/1/79–11/30/79
Paul D'Arpino d.b.a. Terrace Mobil, 704 Front Street and Route 81, Binghampton, N.Y.	18,292	8/1/79–11/29/79
Bill Kallinikos, d.b.a. Bridge Tunnel Service Station 49-01 Van Dam Street, Long Island City, N.Y. 11101	2,432	9/4/79–9/12/79 and 11/15/79–12-13/79

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before January 23, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylavania, on the 28th day of December 1979.

Herbert M. Heitzer,

District Manager, Northeast District Enforcement.

[FR Doc. 80-540 Filed 1-7-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

University Coal Research Laboratories Program

AGENCY: Department of Energy.

ACTION: Supplementary Information.

1. Due to the funding limitations for the University Coal Research Laboratories contained in the Department of Energy's fiscal year 1980 appropriations for fossil energy and related programs (Pub. L. 96–126, as specified in the Conference Committee Report on this Act—House Report No. 96–604), the Program Announcement relative to the selection and designation of thirteen universities as University Coal Research Laboratories is cancelled effective December 14, 1979. (Reference Section 320.8, 44 FR 25601, May 1, 1979).

2. The Conference Committee in rejecting the Department's request for fiscal year 1980 funds for the University Coal Research Laboratories Program did provide the Department with $5,000,000 which may be used to support coal research at universities having existing laboratories capable of coal research. The Department has issued a Notice of Program Interest (No. FE–NPI–80–001) on the availability of funds for such research. Universities interested in submitting unsolicited research proposals on coal-related subjects may request copies of this Notice from the following office: Office of Advanced Research and Technology, Office of Fossil Energy, Mail Stop C–156, Department of Energy, Washington, D.C. 20545, Telephone Number: Area Code 301–353–2784.

Proposals submitted in response to this Notice should be received as soon as possible and no later than March 1, 1980, in order to be considered for funding in fiscal year 1980.

Issued in Washington, D.C., December 31, 1979.

N. Douglas Pewitt,

Acting Director of Energy Research.

[FR Doc. 80-548 Filed 1-7-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1385-8; PF-161]

Filing of Pesticide, Food, and Feed Additive Petitions

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA or the Agency).

ACTION: Notice of filing.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following petitions have been submitted to the Agency for consideration.

PP OF 2288. E. I. du Pont de Nemours and Co., Wilmington, DE 19898. Proposes that 40 CFR 180.303 be amended by establishing a tolerance for residues of the insecticide oxamyl (methyl *N', N'*-dimethyl-*N*-(methylcarbamoyl)oxy)-1-thiooxamimidate in or on the raw agricultural commodity cucurbits at 1.5 parts per million (ppm). The proposed analytical method for determining residues is gas chromatography with sulfur-sensitive flame photometric detector.

PP OF 2296. Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. Proposes that 40 CFR 180.374 be amended by establishing tolerances for the combined residues of the insecticide *O*-(4-(methylthio)phenyl) *S*-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the following raw agricultural commodities:

Commodity	*Part(s) per million (ppm)*
Corn, field (grain, dry including popcorn)	0.1
Corn, field (whole, dry ears)	5.0
Corn forage, fodder, and ensilage	8.0
Corn sweet	1.0
Meat, fat and meat byproducts of cattle, goats, hogs, horses, and sheep	0.05
Milk	0.002
Tomatoes	10.00

The proposed analytical method for determining residues is gas chromatography equipped with T.C. detector.

FAP OH 5245. Mobay Chemical Corp. Proposes that 21 CFR 193.212 be amended by permitting the combined residues of the insecticide *O*-[4-(methylthio)phenyl] *S*-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites in corn oil at 2.0 ppm.

FAP OH5245. Mobay Chemical Corp. Proposes that 21 CFR 561.233 be amended by permitting the combined residues of the insecticide *O*.[4-methylthio)phenyl] *S*-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the commodity corn, cannery waste at 15.0 ppm.

COMMENTS/INQUIRIES: Comments may be submitted, and inquiries directed, to Product Manager (PM) 12, Mr. Frank Sanders, Room E–335, Registration Division (TS–767), Office of Pesticide Programs, EPA, 402 M St., SW, Washington, DC 20460, telephone number 202/426–2635. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Secs. 408(d)(1)(21 U.S.C. 346a) and 409(b)(5)(21 U.S.C. 348) Federal Food, Drug, and Cosmetic Act)

Dated: December 31, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 80-491 Filed 1-7-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1385–6; OPTS–51014]

Receipt of Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA, or the Agency).

ACTION: Receipt of a Premanufacture Notice.

SUMMARY: Section (§) 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. § 5(d)(2) requires EPA to publish a summary of each PMN in the Federal Register. This Notice announces receipt of a PMN and provides a summary.

DATE: Persons who wish to file written comments on the PMN should submit their comments no later than 30 days before the applicable notice review period ends.

ADDRESS: Written comments should bear the PMN number "5AHQ–1279–0077", and should be submitted in triplicate to the Document Control Officer (TS–793), Office of Pesticide and Toxic Substances, EPA, 401 M Street, S.W., Washington, D.C. 20460.

Nonconfidential portions of the PMN and other documents in the public record are available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday (excluding holidays), in Room E–447 at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Wilson, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, EPA, Washington, D.C. 20460, telephone: 202/426–3980.

SUPPLEMENTARY INFORMATION: § 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under § 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. (Notice of availability of the Initial Inventory was published in the Federal Register on May 15, 1979 (44 FR 28558)). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms (44 FR 2242, January 10, 1979). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy (44 FR 28564, May 15, 1979) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see the section entitled "Notice in the Federal Register" on p. 28567 of the Interim Policy.

A PMN must include the information listed in § 5(d)(1) of TSCA. Under § 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under § 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the § 5(d)(2) notice is subject to § 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

EPA normally has 90 days to review a PMN once the Agency receives it (§ 5)(a)(1)). The § 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under § 5(c), EPA may for good cause extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

One the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice uner § 5(a)(1)(A).

(Sec. 5, Toxic Substances Control Act (90 Stat. 2012; (15 U.S.C. 2604)))

Dated: January 2, 1980.

Cynthia Kelly,

Acting Deputy Assistant Administrator for Chemical Control.

PMN No.: 5AHQ–1279–0077.

Close of Review Period: March 12, 1980.

Manufacturer's Identity: ABCO Industries, Inc., P.O. Box 335, Roebuck, SC 29376.

Specific Chemical Identity: Magnesium acrylate.

Use: Industrial and commercial polymerizable monomer.

Data: [1]

Production Volume: The following are the estimates of production of magnesium acrylate for the first three years of manufacture:

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[1] All data and other information are as provided by the manufacturer.

[Amount in pounds]

Production year	Production (lb/yr)		
		Minimum	Maximum
First year	100,000	50,000	150,000
Second year	500,000	500,000	700,000
Third year	1,000,000	500,000	1,500,000

Environmental Release: There will be no release to the air from the closed kettle used during the manufacturing process. Furthermore, since any spilled material or equipment washes will be treated by incineration, none of the product will be released to the environment.

Disposal: Disposal during processing of the chemical substance will consist of the following operations:

1. An incinerator operating at 2,200F will be used to convert all organic materials to water and carbon dioxide;
2. A scrubber will remove non-volatiles (metals as oxides) to a scrubber pond;
3. All recovered solids will be disposed of in a secured landfill; and
4. No hazardous products will be released to the environment.

Exposure: The product, a salt which is a 30% solution of magnesium acrylate, has no volatility so that no air contamination should result from its use. By analogy with other common acrylate salts, magnesium acrylate should be non-toxic in normal use, and after application the resulting polymer should be non-toxic and should not migrate.

Very small amounts of acrylic acid or acrylic acid polymer could result from hydrolysis of either the monomer or polymer with normal changes in pH of the aqueous system.

[FR Doc. 80-469 Filed 1-7-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1385-7; OPTS-51011]

Receipt of Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA, or the Agency).

ACTION: Receipt of Premanufacture Notices.

SUMMARY: Section (§) 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish a summary of each PMN in the **Federal Register**. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Persons who wish to file written comments on a PMN should submit their comments no later than 30 days before the applicable notice review period ends.

ADDRESS: Written comments should bear the PMN number of the particular chemical substance, and should be submitted in triplicate, to the Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, EPA, 401 M Street, S.W., Washington, D.C. 20460.

Nonconfidential portions of the PMN's and other documents in the public record are available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday (excluding holidays), in Room E-447 at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Rosenberg (5AHQ-1279-0039A), telephone: 202/426-2601, and Roger Garrett (5AHQ-1279-0076), telephone: 202/426-3936, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, EPA, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: § 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under § 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. (Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558)). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms (44 FR 2242, January 10, 1979). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy (44 FR 28564, May 15, 1979) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see the section entitled "Notice in the **Federal Register**" on p. 28567 of the Interim Policy.

A PMN must include the information listed in § 5(d)(1) of TSCA. Under § 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under § 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the § 5(d)(2) notice is subject to § 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, and the generic use and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

EPA normally has 90 days to review a PMN once the Agency receives it (§ 5(a)(1)). The § 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under § 5(c), EPA may for good cause extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under § 5(a)(1)(A).

(Sec. 5, Toxic Substances Control Act (90 Stat. 2012; (15 U.S.C. 2604))

Dated: January 2, 1980.

Cynthia Kelly,

Acting Deputy Assistant Administrator for Chemical Control.

PMN No.: 5AHQ-1279-0039A.

Closed of Review Period: March 5, 1980.

Manufacturer's Identity: Claimed confidential. The submitter has total annual sales of between $100,000,000 and $499,999,999 and intends to produce

the new chemical substance at a plant in the eastern north-central region of the country whose three-digit standard Industrial Classification Code is 285.

Specific Chemical Identity: Polymer of: Styrene, 2-ethylhexyl methacrylate, isobutoxymethyl acrylamide, dimethylaminopropyl methacrylamide.

Uses: Claimed confidential. The substance will be used in an open use that will release less than 50 kilograms of the substance to the environment per year. The use will involve exposure to non-chemical industrial employees daily with potential skin and eye contact and inhalation. The use will also involve exposure for consumers as part of an article.

Data:[1]

Physical/Chemical Properties:

a. Flash Point = 70° F at 56.9% non-volatiles.

b. Non-volatile materials = 56.9%.

c. Density (liquid) = 7.94 lbs/gal.

d. $pK_b + 9.4$ pk units.

e. Polymer soluble in water = 0.1%.

f. Average molecular weight = 29,000–32,000.

g. B.O.D. = 26,700 ppm.

h. C.O.D. = 260,000 ppm.

i. Total free monomers content ≤ 0.4%.

j. Elemental analysis: %C = 73; %O = 12; %H = 10; %N = 5.

Production Data

Production year	Prod. (kg/yr) Minimum	Maximum
a. First year	3,500	10,000
b. Second year	15,000	30,000
c. Third year	30,000	100,000

Toxicity Data of Raw Materials:

Styrene: One of the reactive monomers used in formulation. The oral LD_{50} in rats is 5,000 mg/kg (minimally toxic). Irritation is experienced by humans at 600 ppm. The American Conference of Governmental Industrial Hygienists (ACGIH) has established a threshold limit value (TLV) of 100 ppm to protect against narcosis and irritation.

2-Ethylhexyl methacrylate: One of the reactive monomers. The intraperitoneal LD_{50} in mice is 2,614 mg/kg (slightly toxic). Exposure may produce irritation of eyes, skin, and respiratory tract. Du Pont recommends a TLV of 25 ppm to prevent irritation.

Isobutoxymethyl acrylamide:

a. Contains 5% acrylamide. The oral LD_{50} of acrylamide in rats is 170 mg/kg (moderate-serious toxicity). The dermal LD_{50} in rabbits is 1,000 mg/kg (moderately toxic). Can produce skin peeling and nervous system disorders. The ACGIH has established a TLV of 0.3 mg/m^3 to protect against nervous disorders.

b. Contains 5% isobutyl alcohol. The 4-hour inhalation LC_{50} in rats is 8,000 ppm. The ACGIH has established a TLV of 50 ppm to protect against narcosis, irritation, and systemic effects.

Dimethylaminopropyl methacrylamide:

A reactive monomer. The oral LD_{50} in rats is 3.54 ml/kg (slightly toxic). The dermal LD_{50} in rabbits is 2.50 ml/kg (slightly toxic). May produce slight skin irritation. Can cause severe eye irritation. The low vapor pressure minimizes the inhalation hazard. No TLV is established.

Butyl cellosolve:

A diluent. The ACGIH has established a TLV of 50 ppm to protect against irritation and systemic effect.

Isopropanol: A diluent.

The ACGIH has established a TLV of 400 ppm to protect against irritation and narcosis.

Vazo Catalyst (azobisisobutyronitrile):

The oral LD_{50} in mice is 700 mg/kg (moderately toxic). Thermal decomposition by burning may release cyanide (CN) which is highly toxic.

Occupational Exposure Data:

All reactive monomers and solvent diluents are mchanically transferred from storage tank and drums into a mix tank during processing. This mechanical transfer minimizes employee exposure to these raw materials. Environmental monitoring for employee exposure to styrene in similar operations indicates that exposures do not exceed 5 parts per million (ppm). Monitoring for other monomers involved in this process has not yet been conducted. However, the low vapor pressure of these monomers suggests that exposure will be minimal. Employee exposure to solvents during their addition to mixing tanks in similar operations has consistently been below one half of the appropriate ACGIH TLV. Exposure to the azobisisobutyronitrile catalyst has not been measured but is expected to be low since small quantities are carefully added to mix tanks by employees wearing personal protective equipment as for all phases of formulation (i.e., protective gloves, safety glasses or chemical goggles, synthetic aprons, and respirators where appropriate).

Employee exposure to solvents occurs during cleansing, filter pressing, and drumming operations. Local ventilation systems are installed around the filter press and drumming operation to reduce organic vapor exposures. Exposure to the solvents in this product (butyl cellosolve and isopropanol) has been well below the ACGIH TLV's during the formulation of similar products. Thus, the exposure to solvents during the formulation of this polymer is expected to be below the level of concern.

Employee and commercial user exposure is expected to be minimal due to the low vapor pressure and high molecular weight of the polymer.

Employee exposure to raw materials during processing, transport, and commercial use of the polymer is expected to be minimal since the total residual monomer content of the product is less than 0.5%. Some exposure to the solvent diluents may occur.

The manufacturer gave the following specific data:

Activity	Exposure route	Maximum number exposed	Maximum duration Hour/day	Maximum duration Day/year	Concentration Average	Concentration Peak
Processing	Inhalation, dermal.	12	4	20	0–1 ppm	0–1 ppm.

Two employees may perform laboratory analysis on the polymer. Exposure is expected to be negligible.

Two employees may perform quality control sampling during processing. Exposure is expected to be negligible.

A maximum of 8 people will be involved in processing. This will include: Adding the polymer to mixers, adding pigments and vehicles to the batch, and filling containers with the product for transport to customers.

Employee exposures to the polymer in all of these cases is expected to be negligible.

Physical states of the new chemical substance to which workers may be exposed: Solid, fume, or liquid.

[1] All data and other information are as provided by the manufacturer.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture	Inhalation, dermal.	6	4	20	0–1 ppm	1–10 ppm.
Disposal	Inhalation, dermal.	5	8	2	0–1 ppm	0–1 ppm.

One employee will obtain samples from the reactor during polymerization. The employee may be exposed to a peak concentration of 1–10 ppm during collection of the samples.

Two employees in the quality control laboratory will analyze small samples of the polymer. Exposure is expected to be negligible.

One employee strains the polymer through a filter press and fills 55-gallon drums. Exposure to the polymers is expected to be negligible.

During the above operation, employees wear personal protective devices.

Physical states of the new chemical substance to which workers may be exposed: Solid, fume, or liquid.

Other substances (e.g., byproducts, co-products, feedstocks, and intermediates) associated with the manufacture of the new chemical substance that may reasonably be anticipated to be present in the workplace and to which workers may be exposed.

Substance	CAS Registry No. 39
Butyl cellosolve	111–76–2
Isopropyl alcohol	67–63–0
Isobutyl alcohol	78–83–1

PMN No.: 5AHQ–1279–0076.

Close of Review Period: March 9, 1980.

Manufacturer's Identity: Claimed confidential.

Specific Chemical Identity: Specific chemical identity was claimed confidential. General class: 4-Amino-N-substituted benzene sulfonamide.

Uses: This PMN chemcial substance will be used as a captive intermediate.

Data Submitted: [1]

Physical/chemical properties:

a. Melting point: 134–139°C (dry basis).

b. pH: neutral.

c. Solubility: Soluble in acetone and acetic acid.

d. Color: Fawn.

e. Purity: Not less than 98% dry basis).

Test Result:

a. Acute oral LD_{50} (rats) > 4000 mg/kg (one test reported).

b. Acute dermal LD_{50} (rat) > 4000 mg/kg (one test reported).

c. Skin irritation (rat): Practically nonirritating. (one test reported).

d. Eye irritation (rabbit): Practically nonirritating with only transient conjunctival erythema. (one test reported).

e. Skin sensitization (guinea pig): Not a strong sensitizer when tested as a 10% weight/volume (w/v) solution of the PMN substance in dimethylformamide (one test reported).

f. Subacute oral toxicity (rat): Repeated ingestion of significant levels (1 gm per kg body weight) of the PMN chemical for as little as two weeks may result in a high incidence of mild renal damage and possible methemoglobin and Heinz body formation (one test reported).

Occupational Exposure:

a. Duration of exposure: 4 workers will process the Chemical 7 hours per day for approximately 14 days per year.

b. Physical state of chemical substance; Press cake.

c. The type of exposure: Drums of the chemicals will be charged into the reactor vessels and mixed with other ingredients. Protective clothing will be worn while handling the chemical to minimize exposure although the submitter states that no special protective equipment will be required. The submitter states further that since this chemical is only used as a captive intermediate, there will be no exposure of other processors or consumers to the specific PMN substance.

Environmental Release and Disposal:

The submitter states that since the substance will be imported into the U.S. in relatively small quantities and is a press cake packed in steel drums, there is little chance of environmental release while being transported from the port of entry to the processing plant.

All of the chemical will be used in a chemical reaction at one site in a batch operation. Usage will be as a captive intermediate. The submitter states that the substance is totally consumed in the process and leaves no residual waste.

All inventory is expected to be consumed and will not be sent to landfill areas for disposal.

[1] All data and other information are as provided by the manufacturer.

FR Doc. 80–490 Filed 1–7–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1386–1; OPP–50444]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 43421–EUP–1. Southern Forest Experiment Station, Gulfport, Mississippi 39503. This experimental use permit allows the use of 5.0 kilograms of the insecticide chlortetracyline HCl on wooden buildings to evaluate control of subterranean termits. A total of 150 buildings is involved; the program is authorized only in the State of New Jersey. The experimental use permit is effective from September 24, 1979 to September 24, 1980. (PM–15, George Larocca, Room: E–329, Telephone: 202/426–9490)

No. 4581–EUP–33. Pennwalt Corporation, Monrovia, California 91016. This experimental use permit allows the use of 147.5 pounds of the fungicide O-phenylphenol and 150 pounds of the fungicide 2,6-dichloro-4-nitroaniline on kiwi fruits to evaluate control of surface mold and decay. A maximum of 1,200,000 pounds of fruit is involved; the program is authorized only in the State of California. The experimental use permit is effective from October 3, 1979 to October 3, 1980. Temporary tolerances for residues of the active ingredients in or on kiwi fruit has been established. (PM–21, Henry Jacoby, Room: E–305, Telephone: 202/755–2562)

No. 1624–EUP–19. U.S. Borax Research, Anaheim, California 92801. This experimental use permit allows the use of the remaining quantity (5,952 pounds originally authorized) of N^3,N^3-di-*n*-propyl-2,4-dinitro-6-(trifluoromethyl)-*m*-phenylenediamine in or on almond hulls, cottonseed, cotton forage, grapes, nuts, soybeans, soybean forage and hay, and stone fruits to evaluate control of annual grasses and broadleaf weeds. A total of approximately 1,000 pounds remaining from the original stock is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Michigan, Mississippi, Missouri, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from August 24, 1979 to May 16, 1980. Temporary tolerances for residues of the active ingredient in or on almond hulls, cottonseed, cotton forage, grapes, nuts, soybeans, soybean forage and hay, and stone fruits have been established. (PM–23, Willa Garner, Room: E–351, Telephone: 202/755–1397)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136))

Dated: December 31, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 80–492 Filed 1–7–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1386–3]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A–104), U.S. Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISs) which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of December 24 to December 28, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from January 4, 1980 and will end on February 18, 1980. The 30-day review period for final EIS's as calculated from January 4, 1980 will end on February 4, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For hard copy reproduction: Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street, NW, Suite 316, Washington, DC 20037.

FOO FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to Section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of December 24, 1979 to December 28, 1979 the 30-day review period will be calculated from January 4, 1980. The review period will end on February 4, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of December 24, 1979 to December 28, 1979. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: January 3, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A–104).

Appendix I—EIS's Filed With EPA During The Week of December 26 Through 28, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A, Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Animal and Plant Health Inspection Service

Draft

Rangeland Grasshopper Cooperative Management, Programmatic, Several, December 28: Proposed is a management program for the protection of rangelands and agricultural crops from damage by grasshoppers. Several alternatives are considered which include: (1) No action; (2) biological control; (3) use of biological agents such as fungi, bacteria, viruses, protozoa, and parasites and predators; (4) cultural and mechanical; (5) integrated pest management; (6) eradication; and (7) chemical insecticides. The plan of work will be site specific for a grasshopper management action plan. (EIS Order No. 91277.)

Forest Service

Draft

Jerritt Canyon Gold Mine and Mill, Humbolt National Forest, Elko County, Nev., December 27: Proposed is the issuance of a permit to construct an open-pit mine known as Jerritt Canyon Mine located in Elko County, Nevada. Other features of the permit include a cyanidization mill and tailings disposal pond within and adjacent to the Humbolt National Forest. The alternatives include: (1) No action; (2) waste rock disposal alternatives; (3) mill, corridor and tailing pond alternatives; and (4) power transmission line alternatives. (EIS Order No. 91288.)

Final

Bull River-Clark Fork Planning Unit Kootenai National Forest, Bonner and Lincoln Counties, Idaho and Sanders County, Montana, December 27: Proposed is a land management plan for the Bull River-Clark Fork Planning Unit of the Kootenia National Forest within the County of Bonner, Idaho, and the Counties of Lincoln and Sanders, Montana. The unit encompasses 263,806 acres of land. In addition to no action four alternatives are considered which emphasize: (1) Amenity values and wildlife habitat, (2) commodity production, (3) primitive and dispersed recreation, and (4) all potentials. (USDA–FS–FES–(ADM)–01–14–79–11) Comments made by: DOI, State Agencies, groups, individuals, and businesses. (EIS Order No. 91283.)

Quartz Mountain Land Management Plan, Kaniksu National Forest, Bonner County, Idaho and Pend Oreille County, Wash., December 27: Proposed is a land management plan for the Quartz Mountain Planning Unit of the Kaniksu National Forest within the Idaho Panhandle National Forests located in Bonner County, Idaho and Pend Oreille County, Washington. The plan contains a preferred alternative with a mix of land uses with emphasis on timber management, wildlife, recreation and esthetic values. The plan will only effect the 64,920 acres of National Forest lands within the unit (USDA–FS–FES–(ADM)–01–04–78–02). Comments made by: USDA, COE, DOE, DOI, EPA, FERC, State and local agencies, groups, individuals, and businesses. (EIS Order No. 91287.)

Heppner Planning Unit, Umatilla National Forest, several counties, Oreg., December 27: Proposed is a land management plan for the Heppner Planning Unit in the Umatilla National Forest in the Counties of Morrow, Wheeler, Grant and Umatilla, Oregon. The area involved encompasses 271,555 acres of land. Five alternatives consider: (1) Recreation, (2) wood fiber yield, (3) water yield, (4) forage for domestic livestock grazing, and (5) habitat diversity for wildlife (USDA–FS–R6–FES–(ADM)–79–06). Comments made by: FERC, USDA, COE, DOC, DOE, HUD, DOI, TREA, EPA, State and local agencies, groups and individuals. (EIS Order No. 91281.)

Desolation Land Management Plan, Umatilla National Forest, Union, Grant, Umatilla Counties, Oreg., December 27: Proposed is a land management plan for the 448,840 acre Desolation Planning Unit, Umatilla National Forest, Umatilla, Union and Grant Counties, Oregon. The preferred alternative features: (1) The management of the Greenhorn Mountain Area for future designation as a special interest area, (2) primitive/remote undeveloped recreational areas, (3) commodity management and production with management of elk and fish habitat, (4) a historical and cultural assessment area, and (5) wood fiber production and domestic grazing areas. Seven alternatives are considered in total (USDA–FS–06–14–78–02). Comments made by: USDA, DOC, COE, DOE, EPA, DOI, State agencies, groups, individuals, and businesses. (EIS Order No. 91282.)

Greys-Salt River Planning Unit, Bridger-Teton National, Forest, Lincoln County, Utah, December 27: Proposed is a land management plan for the Greys-Salt River planning unit located in Bridger-Teton National Forest, Lincoln County, Wyoming. Alternatives for the management plan include emphasis on: (1) Dispersed recreation with recommendation for wilderness study for roadless areas, (2) dispersed recreation with minimum development and no wilderness study of roadless areas, (3) non-commodity key values, (4) commodity key values, (5) balance of all values (proposed-plan), and (6) commodity production regardless of key values (USDA–FS–R4–FES–ADM–78–8). Comments made by: AHP, USDA, EPA, HUD, DOI, State and local agencies, groups, individuals, and businesses. (EIS Order No. 91285.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

Nehalem Bay North and South Jetties Rehabilitation, Tillamook County, Oreg., December 28: Proposed is the rehabilitation of the north and south jetties of Nehalem Bay located in Tillamook County, Oregon. The rubblemound jetties would be constructed to original dimensions using present construction specifications. The alternatives considered include: bar dredging, and rehabilitation of both jetties. The purpose of the project include: improvement of navigational safety, maintenance of the usability of the navigation channel, and the reduction of wave erosion damage to a nearby residential area (Portland District). (EIS Order No. 91294.)

Final

Willow Creek Lake, Heppner, Morrow County, Oreg., December 26: Proposed is a multipurpose project for the Willow Creek drainage located in Heppner, Morrow County, Oregon. The project would involve the creation of Willow Creek Lake and construction of a 161 foot high dam. The project would provide flood control, irrigation, recreation, and wildlife enhancement. Approximately three miles of county road would be relocated, as will the city water supply line and storage tank. The alternatives include: (1) No action, (2) relocation of flood-prone section, (3) construction of a flood control channel, (4) various sizes of reservoirs, and (5) flood plain zoning. (Walla Walla District). Comments made by: HEW, USDA, DOT, HUD, DOC, DOI, EPA, State and local agencies, groups and individuals. (EIS Order No. 91280.)

Final Supplement

Kings Island Turning Basin, Savannah Harbor (FS–2), Chatham County, Ga., December 27: This statement supplements a final EIS No. 60901, filed 6–17–76, concerning the modification of Savannah Harbor in Chatham County, Georgia. This statement concerns disposal sites for the enlargement of the Kings Island Turning Basin in Savannah Harbor. The disposal sites addressed in the final EIS were later zoned for industrial use but became available again for use as disposal sites. The sites addressed in the final supplemental EIS No. 80994, filed 9–12–78 have become economically infeasible. The proposed sites are Argyle Island, Gutchinson Island and Georgia Ports Authority property (Savannah District). Comments made by: USDA, HUS, FERC HEW, DOT, EPA, State and local agencies, individuals and businesses. (EIS Order No. 91284.)

East Rockaway Inlet, Erosion Control, Jamaica Bay, N.Y. December 28: This statement supplements final EIS No. 40714, filed 5–2–74 concerning beach erosion control along the Atlantic coast of New York City from East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York. The statement concerns the western portion of the project which has not achieved the designed shore protection. The plan includes the construction of terminal stone groin and the placement of sand fill around the groin. The groin will be approximately 530 feet long and approximately 80 feet wide at the base (New York District). Comments made by: USDA, DOC, DOI, DOT, EPA, State and local agencies, groups. (EIS Order No. 91293.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Eugene Wojcik, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2157.

Supplement

O'Hare Water Reclamation Plant, Des Plaines (FS–1), Cook County, Ill. December 28: This statement supplements a final EIS, No. 50747, filed 5–23–75, concerning the O'Hare Water Reclamation Plant in the City of Des Plaines, Cook County, Illinois. The final EIS recommended inclusion of a condition in the grant agreement which required aerosol suppression at the WRP. Due to considerable research concerning the use of aerosols this statement now recommends the rescission of the grant condition to allow operation of the O'Hare WRP without suppression facilities.

Comments made by: USDA, DOT, HEW, DOI, State and local agencies, groups and individuals. (EIS Order No. 91295.)

Contact: Mr. Bill Geise, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–4831.

Draft

Greeley WWT Facilities and Management Plan (DS–1), Weld County, Colo., December 28: This statement supplements a final EIS No. 61709 filed 12–7–76, concerning wastewater treatment facilities for the city of Greely, Weld County, Colorado. This statement analyzes additional alternatives which include: (1) Consideration of the Delta Mechanical Plant, (2) treatment and discharge to Crow Creek, (3) treatment and discharge to Crow Creek and Ogilvy Ditch, and (4) a land application system. (EIS Order No. 91297.)

Contact: Mr. Kenneth Bigos, Region IX, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, (415) 556–8030.

Final

Modesto Wastewater Facilities Improvements, Grant, Stanislaus County, Calif., December 28: Proposed is grant funding for modification improvements of the wastewater treatment and disposal facilities in the City of Modesto, Stanislaus County, California. The project would add a new 15 MGD influent pump station with a cross connection to one of the two existing pump stations; new booster pumps on the primary effluent pipeline to the oxidation ponds; two new sludge thickners; a sludge digester; additional sludge drying beds; 1,440 horsepower in additional aerators at the oxidation pond; and new chlorination and dechlorination facilities at the oxidation

ponds. (EPA–9–CA–Stanislaus-Modesto-WWTP–9) Comments made by: AHP, COE, DOI, USDA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 91292.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755–6306.

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Develpment Act. Copies may be obtained from the Office of the Appropriate Local Executive. Copies are not available from HUD.

Final

Woodlawn Drainage System (CDBG), Schenectady, Schenectady County, N.Y., December 27: Proposed is the awarding of CDBG funds for the Woodlawn Drainage project located in the City and County of Schenectady, New York. The project consists of the construction and reconstruction of piping and ditching of a branch of the Lisha Kill. The purpose of the project is to improve drainage in the area by lowering groundwater levels in the Woodlawn Reserve and increasing pipe capacity in the collection system. Features of the project are: (1) Construction of an open ditch, a 2.1 acre holding pond, 19.6 acre holding pond, a 90" diameter reinforced concrete pipe, and a 54" diameter pipe; and (2) reconstruction of an existing open ditch. Comments made by: EPA, COE, State and local agencies, groups, individuals, and businesses. (EIS Order No. 91291.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, (202) 426–4357.

Draft

MY 82–85 Trucks Average Fuel Economy Standards, regulatory, December 27: Proposed are average Fuel Economy standards for MY 1982 through 1985 light trucks. "Light truck" applies to pickup trucks, vans and four-wheel drive general utility vehicles, with a gross weight rating up to and including 8,500 lbs., a curb weight of 6,000 lbs. or less, and a frontal area of less than 45 sq. ft. The fuel economy levels proposed are:

Model year	MPG 2-wheel drive	MPG 4-wheel drive
1982	17.4	15.6
1983	18.0–20.0	15.6–16.0
1984	18.0–21.4	16.1–19.3
1985	19.7–22.4	16.2–19.9

(EIS Order No. 91289.)

Federal Highway Administration

Draft

I–8 and CA–125 Interchange, San Diego County, Calif., December 28: Proposed is the revision of the existing interchange at I–8 and CA–125 in the Cities of El Cajon and La Mesa, San Diego County, California. Improvement of I–8 would begin near Jackson Drive and terminate at El Cajon Boulevard. The improvements to CA–125 would begin near Lemon Avenue to I–8. In addition to no action the alternatives consider: (1) complete interchange revision, (2) partial interchange revision, and (3), a, no frontage road alternative. (FHWA–CA–EIS–79–06–D.) (EIS Order No. 91296.)

Draft

Whitwater River Crossing, IN–1 to IN–1/44, Fayette County, Ind., December 27: Proposed is the construction of a new bridge and approaches over the Whitewater River in the City of Connersville, Fayette County, Indiana. The construction would begin at IN–1 southeast of Connersville and terminate at the intersection of IN–1 and IN–44 in Connersville. The facility would vary from 1.34 to 2.08 miles in length depending on the alternative chosen. The approach road would be two lanes with partial access control. In addition to no build the alternatives include structural improvement of the existing bridge and three alignment alternatives. (FHWA–IND–EIS–78–03–D.) (EIS Order No. 91290.)

I–195, BWI Airport to I–95, Anne Arundel, Baltimore, and Howard Counties, Md., December 26: Proposed is the construction of I–195 from the Baltimore-Washington International Airport to the present terminus of I–95 at US 1 in the Counties of Anne Arundel, Baltimore and Howard, Maryland. The facility would be a six-lane full access, divided highway extending for 3.1 miles. Also included is the upgrading of the interchanges with US 1 and the Baltimore-Washington Expressway and the reconstruction of the interchange with MD–170. MD–170 would be upgraded to a six-lane limited access facility. Two construction alternatives are under consideration. (FHWA–MD–EIS–79–07–D.) (EIS Order No. 91279.)

U.S. Coast Guard

Draft

Waterfront Facilities Regulations, regulatory, National, December 26: Proposed are waterfront facilities regulations concerning the handling of hazardous commodities in the ports, harbors and navigable waterways of the U.S. The regulations proposed include: (1) General facility requirements, (2) bulk liquid facilities, (3) liquefied gas facilities, (4) container/break bulk/explosive facilities, (5) bulk solids facilities, and (6) other facilities. (EIS Order No. 91278.)

Final Supplement

I–95/FL–9, FL–74 to Canal C–23, Palm Beach and Martin Counties, Fla., December 27: This statement supplements a final EIS filed in October 1972. Proposed is the construction of a six-lane rural highway, approximately 34 miles in length, located in Palm Beach and Martin Counties, Florida. The project would be a divided highway with full control of access. It would also be the last link with I–95 along the east coast of Florida, and if constructed, would provide the user with non-stop travel from north Florida to Miami. Six alternatives are considered. (FHWA–FLA–EIS–78–1–FS) Comments made by: EPA, DOC, DOT, State and local agencies. (EIS Order No. 91286.)

EIS's Filed During the Week of December 26 Through 28, 1979

[Statement title index—by State and County]

State	County	Status	Statement title	Accession No.	Date filed	Original agency No.
California	San Diego	Draft	I–8 and CA–125 Interchange	91296	12–28–79	DOT.
	Stanislaus	Final	Modesto Wastewater Facilities Improvements, grant.	91292	12–28–79	EPA.
Colorado	Weld	Draft	Greeley WWT Facilities and Management Plan (DS–1).	91297	12–27–79	EPA.
Florida	Palm Beach	Supple	I–95/FL–9, FL–74 to Canal C–23	91286	12–27–79	DOT.
	Martin					
Georgia	Chatham	Supple	King's Island Turning Basin, Savannah Harbor (FS–2).	91284	12–24–79	COE.
Idaho	Bonner	Final	Bull River-Clark Fork Planning Unit, Kootenai NF	91283	12–27–79	USDA.
	Bonner	Final	Quartz Mountain Land Management Plan, Kaniksu NF.	91287	12–27–79	USDA.
	Sanders	Final	Bull River-Clark Fork Planning Unit, Kootenai NF	91283	12–27–79	USDA.
Illinois	Cook	Supple	O'Hare Water Reclamation Plant, Des Plaines (FS–1).	91295	12–28–79	EPA.
Indiana	Fayette	Draft	Whitewater River Crossing, IN–1 to IN–1/44	91290	12–27–79	DOT.
Maryland	Anne Arundel	Draft	I–95, BWI Airport to I–95	91279	12–26–79	DOT.
	Baltimore	Draft	I–95, BWI Airport to I–95	91279	12–26–79	DOT.
	Howard	Draft	I–95, BWI Airport to I–95	91279	12–26–79	DOT.

EIS's Filed During the Week of December 26 Through 28, 1979 —Continued

[Statement title index—by State and County]

State	County	Status	Statement title	Accession No.	Date filed	Original agency No.
Montana	Lincoln	Final	Bull River-Clark Fork Planning Unit, Kootenai NF	91283	12-27-79	USDA.
	Sanders					
National		Draft	Waterfront Facilities Regulations	91278	12-26-79	DOT.
Nevada	Elko	Draft	Jerritt Canyon Gold Mine and Mill, Humbolt NF	91288	12-27-79	USDA.
New York	Schenectady	Final	Woodlawn Drainage System (CDBG), Schenectady.	91291	12-27-79	HUD.
		Supple	East Rockaway Inlet, Erosion Control, Jamacia Bay	91239	12-28-79	COE.
Oregon	Grant	Final	Desolation Land Management Plan, Umatilla NF	91282	12-27-79	USDA.
	Morrow	Final	Willow Creek Lake, Heppner	91280	12-26-79	COE.
	Several	Final	Heppner Planning Unit, Umatilla NF	91281	12-27-79	USDA.
Oregon	Tillamook	Draft	Nehalem Bay North and South Jetties Rehabilitation.	91294	12-28-79	COE.
	Umatilla	Final	Desolation Land Management Plan, Umatilla NF	91282	12-27-79	USDA.
	Union	Final	Desolation Land Management Plan, Umatilla NF	91282	12-27-79	USDA.
Programmatic		Draft	Rangeland Grasshopper Cooperative Management.	91277	12-28-79	USDA.
Regulatory		Draft	Waterfront Facilities Regulations	91278	12-26-79	DOT.
		Draft	NY 82-85 Trucks Average Fuel Economy Standards.	91289	12-27-79	DOT.
Several		Draft	Rangeland Grasshopper Cooperative Management.	91277	12-28-79	USDA.
Utah	Lincoln	Final	Greys-Salt River Planning Unit, Bridger-Teton NF	91285	12-27-79	USDA.
Washington	Pend Oreille	Final	Quartz Mountain Land Management Plan, Kaniksu NF.	91287	12-27-79	USDA.

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver/ extension	Date review terminates
None.					

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn By the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
None.				

[FR Doc. 80-586 Filed 1-7-80; 8:45am]

BILLING CODE 6560-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 79-683]

Privacy Act of 1974; Automation of Consumer Complaint System

AGENCY: Federal Home Loan Bank Board.

ACTION: Final Action: change in record system.

SUMMARY: The Federal Home Loan Bank Board has automated its Consumer Complaint System in order to improve complaint processing services and to facilitate analysis of investigative problems and common consumer complaints.

EFFECTIVE DATE: January 8, 1980.

FOR FURTHER INFORMATION CONTACT: Lucy Griffin, Director, Consumer Division, Office of Community Investment, Federal Home Loan Bank

Board, 1700 G Street, N.W., Washington, D.C. 20552 (202–377–6237).

SUPPLEMENTARY INFORMATION: On June 21, 1979, the Federal Home Loan Bank Board, by Resolution No. 79–363 (44 FR 40406, dated July 10, 1979) proposed to automate its consumer complaint system. The Board received comments from one Federal savings and loan association and one trade association, both supporting the proposal; both commenters suggested modifications to the proposal discussed below.

One commenter questioned the cost-effectiveness of the proposal. The Board carefully considered the relative costs and benefits of the proposed automated system. The system was developed by Board staff and will be maintained on the Board's existing computer by staff, thereby keeping costs low. The alternative, manual generation of reports from the 3,000 complaints received each year, would have had a substantially higher cost. The Board believes that the benefits of the system including efficient, timely complaint processing and analyses, are well worth the relatively modest cost incurred.

Both commenters stressed that access to the system should be restricted and that reports, whenever possible, should withhold the identity of individual institutions. These concerns have been taken into account by limiting access to authorized users and employment of a code which is changed every four to six weeks. Reports are maintained in secured offices. Information revealing the identity of individual complainants and institutions is restricted to use by the Board and its supervisory system. However, general reports prepared from information derived from the system will be made publicly available, with the exception of such reports and parts of reports as may be exempted from disclosure under the Freedom of Information Act.

One commenter recommended that the system be structured to enable the Board to identify complaints by descriptive coding indicating the nature of the complaint, its number and resolution. The Board's system includes these areas of information, and a number of others: information entered for each complaint identifies the complainant, the institution being complained about, the source from which the complaint was received, whether the complaint was received directly from the complainant or by referral, the nature of the complaint, the date(s) received, the processing and receiving office, and the date and nature of the resolution.

One commenter recommended that a time factor be included in the report program to enable the Board to distinguish between complaints and compliance problems relating to new regulations, and those pertaining to regulatory requirements already familiar to the industry. It was suggested that such a distinction would enable the Board to more meaningfully analyze the impact of new regulations, such as the Community Reinvestment Act, Nondiscrimination, and fair trade practices, on both consumers and the industry. The Board believes that this suggestion may have merit and has directed its staff to study development of such a program, with a view toward identifying educational needs of consumers and the industry and measuring the impact and degree of compliance with new regulations.

One commenter proposed that the time for retention of records be changed from an indefinite period to a specific, reasonable time. The Board agrees with this recommendation and has accordingly specified the time for retention of records as three years.

Accordingly, the Board hereby adopts an automated consumer complaint system as described below:

SYSTEM NAME:

Consumer Inquiry Records and Data.

SYSTEM LOCATON:

Consumer Division, Office of Community Investment, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUBSIDIARY:

Related information may be maintained in FHLBB and FHLBB Regional Offices' files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit inquiries or complaints concerning savings and loan associations, the deposits of which are insured by the FSLIC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries and complaints, the nature of such inquiries or complaints, and information on the investigation and resolution of inquiries and complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to officials of savings and loan associations in connecion with investigation of inquiries and complaints. Relevant referrals may be made to appropriate law enforcement agencies or authorities in connection with investigation and/or prosecution of alleged civil, criminal and administrative violations. Disclosures may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual. Disclosures may also be made to the Federal Reserve Board, other Federal financial regulatory agencies, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and requirements. (Such disclosure will be made in a nonidentifiable manner when feasible and appropriate.) Referrals may also be made to other Federal and nonfederal governmental supervisory or regulatory authorities when the subject matter of a complaint or inquiry is more properly within such other agency's jurisdiction. Other disclosures are intra-agency only.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, computer tape.

RETRIEVABILITY:

By individual name, complaint number or system identifier; or by savings and loan association name, district, complaint code, source code, disposition code; or by some combination thereof.

SAFEGUARDS:

Maintained in secured offices.

RETENTION AND DISPOSAL:

Records are retained for three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Consumer Division, as above.

NOTIFICATION PROCEDURE:

Director, Consumer Division, as above.

RECORD ACCESS PROCEDURES:

Director, Consumer Division, as above.

CONTESTING RECORD PROCEDURES:

Director, Consumer Division, as above.

RECORD SOURCE CATEGORIES:

Inquirer or complainant (or his or her representative, which may include, e.g., a member of Congress or an attorney); savings and loan association officials,

employees and members; examiners and central files on savings and loan associations.

(Pub. L. 93–579, as amended; 5 U.S.C. Section 552a)

Dated: December 21, 1979.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80–593 Filed 1–7–80; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 28, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T–3881.

Filing Party: Randall V. Adams, Administrative Assistant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T–3881, between the Port of Palm Beach (Port) and Griffiths Maritime Industries, Inc. (Griffiths) provides for the one (1) year lease by the Port to Griffiths of certain open land at Palm Beach to be used for open storage.

Agreement No. 8493–11.

Filing Party: Robert B. Yoshitomi, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 8493–11 would amend Article (3) of the Trans-Pacific American Flag Berth Operators Agreement for the purpose of describing the procedure by which the member lines will collect, recapitulate, and disseminate cargo statistics.

Agreement No. 8530–4.

Filing Party: Carroll F. Genovese, Executive Director, Movers' & Warehousemen's Association of America, Inc., 1001 North Highland Street, Arlington, Virginia 22201.

Summary: Agreement No. 8530–4 modifies the International Movers' Rate Agreement to conform to the requirements of General Order 7, Revised.

By Order of the Federal Maritime Commission.

Dated: January 2, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80–438 Filed 1–7–80; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 52]

Carmichael Forwarding Service; Order of Revocation

On October 22, 1979, Carmichael Forwarding Service, 1614 West Temple Street, Los Angeles, California 90026, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 52 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 52 issued to Carmichael Forwarding Service be and is hereby revoked effective October 22, 1979, without prejudice to reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Carmichael Forwarding Service.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80–440 Filed 1–7–80; 8:45 am]

BILLING CODE 6730–01–M

Inactive Tariffs; Cancellation

By Notice published in the **Federal Register** on September 14, 1979, the Commission notified the carriers named therein of its intent to cancel certain tariffs in the absence of a showing of good cause why such tariffs should not be cancelled. The Order gave the carriers until October 15, 1979, to respond to the Notice of Intent to Cancel.

Following is a list of the carriers who either advised the Commission of their inactivity in the domestic trades or who failed to respond to the order.

Carrier	Tariff No.	Scope
Acme Fast Freight, Inc. (Acme Overseas, Series), Joseph Rubenstein, Director of Traffic,.	FMC–F No. 1	From Los Angeles, Oakland, and San Francisco, Calif., to Honolulu, Hawaii.
Aero-Nautics Forwarders, Inc., Stanley N. Burger, President, 1167 NW. 22d St., Miami, Fla. 33127.	FMC–F No. 1	Between U.S. Atlantic ports and San Juan, Puerto Rico.
Aero-Nautics Forwarders, Inc., Stanley N. Burger, President, 1167 NW. 22d St., Miami, Fla. 33127.	FMC–F No. 4	Between Jacksonville and Miami, Fla., and points in Puerto Rico.
Alaska Freight Forwarders, Inc., Ray I. Weberg, Vice President, 6749 East Marginal Way, South Seattle, Wash. 98108.	FMC–F No. 2	Between Seattle, Wash., and Alaska/Hawaii.
Alvarez Shipping Co., Inc., Joe Alvarez, President, 3854 3d Ave., Bronx, N.Y. 10457.	FMC–F No. 2	Between U.S. Atlantic ports and ports in Puerto Rico.
American International Shipping Co., E. D. Helmer, Traffic Manager, P.O. Box 545, Decatur, Ind. 46733.	FMC–F No. 3	Between U.S. Pacific ports and Hawaii.
American International Shipping Co., E. D. Helmer, Traffic Manager, P.O. Box 545, Decatur, Ind. 46733.	FMC–F No. 4	Between Pacific coast ports and ports in Hawaii; also from east Coast ports to Honolulu, Hawaii.
Arrow-Lifschultz Freight Forwarders, Inc., H. L. Rosenthal, Traffic Manager, 386 Park Ave. South, New York, N.Y. 10016.	FMC–F No. 2	Between California ports and ports in Hawaii.
Caribbean Area Transportation, Inc., Charles F. Cahill, Vice President, G.P.O. Box 4, San Juan, P.R. 00906.	FMC–F No. 2	Between San Juan, Puerto Rico and Charlotte Amalie, St. Thomas Christiansted, U.S. Virgin Islands.
Caribbean Forwarders, Inc., Ray McQuaig, President, P.O. Box 3847, St. Thomas, V.I. 00801.	FMC–F No. 1	Between Puerto Rico and the U.S. Virgin Islands.

Carrier	Tariff No.	Scope
Caribe Shipping, Inc., Pablo Roman, President, 24 Dodworth St., Brooklyn, N.Y. 11221.	FMC–F No. 1	Between New York and San Juan, Puerto Rico.
Caribsam Trading, Inc., Harold E. Burger, President, Cond. Park Plaza, Penthouse 1, Isla Verde, P.R. 00913.	FMC–F No. 1	Between ports in Puerto Rico and ports in U.S. Virgin Islands and between ports in the U.S. Virgin Islands.
Columbia Export Packers, Inc., Henry A. Aizpuru, President, 19032 South Vermont Ave., Torrance, Calif. 90502.	FMC–F No. 5	Between U.S. ports and ports in Alaska, Guam, Hawaii, Puerto Rico, the Virgin Islands, and American Samoa.
Columbus Express & Shipping Co., Inc., Angel Colon, President, 1029 East 167th St., Bronx, N.Y. 10459.	FMC–F No. 2	Between New York City port area and points and places in Puerto Rico.
Container Transport International, Inc., Jerome Slater, Vice President, 17 State St., New York, N.Y. 10004.	FMC–F No. 1	Between U.S. ports and ports in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.
Delta Steamship Lines, Inc., F. A. Wendt, Vice President, P.O. Box 50250, New Orleans, La. 70150.	FMC–F No. 1	Between U.S. gulf ports and Puerto Rico.
Delta Steamship Lines, Inc., F. A. Wendt, Vice President, P.O. Box 50250, New Orleans, La. 70150.	FMC–F No. 2	Between U.S. gulf ports and Charlotte Amalie, St. Thomas, V.I.
El Faro Shipping Co., Inc., Louis de Jesus, President, 100 Scholes St., Brooklyn, N.Y. 11206.	FMC–F No. 1	Between New York City port area and Puerto Rico.
El Seis de Mayo Express, Inc., Octavia Sanchez, President, 765 East 149th St., Bronx, N.Y. 10455.	FMC–F No. 1	Between New York and New Jersey and Puerto Rico.
Fast Mar Service, Inc., Jose R. Garcia, President, 4711 Dell Ave., North Bergen, N.J. 07047.	FMC–F No. 6	Between New York and New Jersey and San Juan, P.R.
HC&D Moving and Storage Co., Inc., Robert H. Grosjean, Vice President, P.O. Box 190, Honolulu, Hawaii 96810.	FMC–F No. 1	Between U.S. ports and ports in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.
Intermountain Fast Freight d.b.a. Hawaiian Cargo Expediters, Robert H. Fuller, President, 5766 Ferguson Dr., Los Angeles, Calif. 90022.	FMC–F No. 1	Between California ports and ports in Hawaii.
International Container Express, Inc., J. Fernandez, Vice President, 925 Market St., Paterson, N.J. 07513.	FMC–F No. 1	Between New York, N.Y., Charleston, S.C., Miami and Jacksonville, Fla., and points and places in Puerto Rico and the U.S. Virgin Islands.
International Sea Van, Inc., J. C. Connell, Assistant Secretary/ Treasurer, 1212 St. George Rd., Evansville, Ind. 47711.	FMC–F No. 2	Between ports in the United States and ports in Alaska and Hawaii and possessions of the United States.
Interstate Motor Freight System, Elmer G. Meyers, Vice President, 134 Grandville Ave., SW., Grand Rapids, Mich. 49502.	FMC–F No. 2	Between U.S. ports and ports in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.
Italian Line, L. Giorginia, Assistant to the General Manager, Passenger Traffic, 1 Whitehall St., New York, N.Y. 10004.	FMC–P No. 1	Between New York or Port Everglades and St. Thomas, V.I.
Ketchikan Transportation Co., Inc., Robert G. Young, President, 1649 Tongass Ave., Ketchikan, Alaska 99901.	FMC–F No. 3	Bill of lading tariff at and between ports and places in Alaska.
Loux & Son Drayage, Harry W. Loux, Manager, 200 3d St., Oakland, Calif. 94607.	FMC–F No. 2	Between Pacific coast ports and Guam, Marianas Islands.
Mercantile Freight Service, Inc. (Mercantile Services, Ltd., Series), David L. Fraley, Issuing Officer, 300 Market St., Oakland, Calif. 94607..	FMC–F No. 1	Between Pacific coast ports and ports in Hawaii.
Mitchell Overseas Movers, Inc., Hugh B. Mitchell, President, P.O. Box 88738, Seattle, Wash. 98168.	FMC–F No. 1	From, to, and Between U.S. ports and ports in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.
Monte Grand, Inc., Juaquin Negroni, President, 807 10th St., Union, N. J. 07087.	FMC–F No. 1	Between Naknek, Alaska, and points and places in Alaska.
Moody's Sea Lighterage, Roland Moody, General Manager, Aleknagik, Alaska 99555.	FMC–F No. 1	Between Naknek, Alaska, and points and places in Alaska.
Nationwide Traffic Service Bureau, Inc., Authur Mulford, President, 1400 NE. 115th St., North Miami, Fla. 33161.	FMC–F No. 1	From Miami and Port Everglades, Fla., to Puerto Rico.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, 1 Embarcadero Center, San Francisco, Calif. 94111.	FMC–P No. 4	Between U.S. Pacific coast and Hawaii; also between United States and foreign ports.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, 1 Embarcadero Center, San Francisco, Calif. 94111.	FMC–P No. 7	Between U.S. pacific coast ports and ports in Alaska and foreign ports.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, 1 Embarcadero Center, San Francisco, Calif. 94111.	FMC–P No. 8	To and between U.S. Pacific coast ports and ports in the Orient and ports in Hawaii and the South Pacific.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, 1 Embarcadero Center, San Francisco, Calif. 94111.	FMC–P No. 10	Between U.S. Pacific coast ports and Hawaii and foreign ports.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, 1 Embarcadero Center, San Francisco, Calif. 94111.	FMC–P No. 11	Between U.S. Pacific coast ports and ports in Mexico, Central America, and northern Europe.
Padgett Transport Co., Inc., Don Padgett, President, P.O. Box 2785, St. Thomas, V.I. 00801.	FMC–F No. 1	Between San Juan, P.R., and Christiansted and Frederiksted, St. Croix and Charlotte Amalie, St. Thomas, V.I.
Profit By Air, Inc., Havey E. Pittluck, President, 6151 West Century Blvd., Los Angeles, Calif. 90045.	FMC–F No. 1	Between U.S. Atlantic ports and San Juan, P.R.
Samoa Pacific Container Service, Michael B. Beidleman, President, 1540 West 9th St., Long Beach, Calif. 90813.	FMC–F No. 1	From ports in California to Pago Pago, American Samoa, and Apia, western Samoa.
Sancaribe, Inc., A. Osvaldo Diez, President, 4471 N.W. 36th St., Miami Springs, Fla. 33166.	FMC–F No. 1	Between South Atlantic and gulf ports and ports in Puerto Rico and the U.S. Virgin Islands.
Security Forwarding Express, Inc. (Security Forwarding Express, Series), Henry Zaldivar, President, P.O. Box 593499 A.M.F., Miami, Fla. 33159.	FMC–F No. 2	Between U.S. Atlantic ports and points and places in Puerto Rico.
Smith Lighterage Co., Elmer L. Smith, Box 106, Dillingham, Alaska 99576.	FMC–F No. 2	Bill of lading tariff applicable at and between ports and points in Alaska.
Sorensen's Lighterage Co., Emil Sorensen, Box 45, Dillingham, Alaska 99576.	FMC–F No. 2	Bill of lading tariff applicable at and between ports and places in Alaska.
Sorensen's Lighterage Co., Emil Sorensen, Box 45, Dillingham, Alaska 99576.	FMC–F No. 3	Between ship's anchorage and shore at Clark's Point, Dillingham, Ekuk, and Kanakanak, Alaska.
States Steamship Co., C. R. Nickerson, Agent, 9 Main St., San Francisco, Calif. 94105.	FMC–F No. 53	From Hawaiian Islands to Pacific coast ports.
States Steamship Co., C. R. Nickerson, Agent, 9 Main St., San Francisco, Calif. 94105.	FMC–F No. 58	From Pacific coast ports to ports in Hawaii.
States Steamship Co., J. A. Bathrop, Vice President, 320 California St., San Francisco, Calif. 94104.	FMC–P No. 3	Between U.S. Pacific coast ports and the Orient and Southeast Asia, including Hawaii.
Tern N.V. (Netherlands Mead, N. V. Series), Louisa Pelella, Secretary, Carib Shipping Corporation, 120 McArthur Causeway, Miami Beach, Fla. 33159.	FMC–F No. 3	Between Miami, Fla., and St. Thomas and St. Croix, V.I.
Transcaribe Freight Corp., Frank Arevalo, President, P.O. Box 2294, A.M.F., Miami, Fla. 33159.	FMC–F No. 1	Between ports in Puerto Rico and U.S. Atlantic ports.
Transoceanic Navigation Co., Wayne C. Thiessen, Managing Director, 408 Duke of Gloucester St., Williamsburg, Va. 23185.	FMC–F No. 1	Between ports of Norfolk, Newport News, Alexandria, Hopewell, and Richmond, Va., and ports in Puerto Rico.
Trans-World Tariff & Research Service, Inc., Agent, Edna M. Studley, Vice President, 1341 G Street NW., Washington, D.C 20005.	FMC–F No. 1	Rules tariff.
Arista, Inc. d.b.a. Trisa Line (Trailer Container Line, Series), N. W. Ball, Tariff Publishing Officer, 2125 Biscayne Blvd., Miami, Fla. 33137.	FMC–F No. 1	Between Miami, Fla., and ports in the U.S. Virgin Islands and between ports in the U.S. Virgin Islands.

Accordingly, pursuant to authority delegated by section 4.08 of Commission Order No. 201.1 (Revised) dated June 30, 1975, the tariff publications of the above named carriers are hereby cancelled.

By the Commission.
Francis C. Hurney,
Secretary.

[FR Doc. 80-441 Filed 1-7-80; 8:45 am]
BILLING CODE 6730-01-M

[Docket No. 79-104]

Specific Commoditiy Rates of Far Eastern Shipping Company in the Philippines/U.S. Pacific Coast Trade; Order of Suspension and To Show Cause

The Far Eastern Shipping Company (FESCO), a controlled carrier as defined in section 1 of the Shipping Act, 1916, 46 U.S.C. 801, offers ocean liner service in the transpacific trades of the United States. On March 2, 1979, the Federal Maritime Commission served an Order suspending certain FESCO commodity rates and directing that carrier to show cause why those rates should not be disapproved. The Commission took that action because it was of the opinion that those rates may be unjust and unreasonable. The statutory suspension period has since expired. At this time, the question of the reasonableness of those rates is still under investigation in Commission Docket No. 79-10, *Rates of Far Eastern Shipping Company.*

FESCO has recently filed new rates applicable to certain commodities in the trade between the Philippines and the United States Pacific Coast. Earlier rates on these commodities were among the numerous rates suspended by the Commission in Docket No. 79-10. These new rates, listed in Appendix A hereto, are all lower than the previously suspended rates. A review of tariffs on file at the Commission indicates that these new rates appear to be significantly lower than the comparable rates of all other active carriers in that trade. The review also reveals that with the addition of bunker surcharges, as specified in FESCO's and other carriers' tariffs, the spread between FESCO's rates and those of other carriers increases.

Because these FESCO rates are significantly lower than the rates of all other active carriers in the trade, and because these are rates applicable to major moving commodities that are also carried out other carriers in the trade, the Commission believes that these rates may not be required to assure the movement of particular cargo and may create a disruptive effect on the trade. The Commission is, therefore, of the opinion that FESCO's rates, listed in Appendix A hereto, may be unjust and unreasonable. Accordingly, we shall order FESCO to show cause why such rates should not be disapproved. 46 U.S.C. 817(c).

In determining whether FESCO's rates are just and reasonable, the Commission may take into account certain factors. 46 U.S.C. 817(c)(2). Under the circumstances presented, particularly since only individual commodity rates are being considered and not FESCO's entire rate structure for this trade, the Commission believes that the last three factors set forth in section 18(c)(2) are those most appropriate to its decision. In addition, the parties should address themselves to: the historical trends and levels of these commodity rates in this trade; the effect of FESCO's service in the trade on rates for these specific commodities; the effect FESCO's new rates would have on the trade, particulary on FESCO's market share and the market share of other carriers in the trade; and whether FESCO's rates are necessary to assure the movement of particular cargo. If competition among shippers within the trade or from another trade is offered as justification for the level of FESCO's rates specific evidence should be adduced to support that contention. Additionally, no statements herein should be construed to shift the burden of proof under section 18(c). In any proceeding under that section, the burden of proof is on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable.

This proceeding will be handled on an expedited basis. The matter will be assigned to an Administrative Law Judge to preside over prehearing and hearing procedures. The Administrative Law Judge will then certify the evidentiary record directly to the Commission for decision. The Commission urges all carriers and other parties with an interest in the proceeding to petition for leave to intervene at the earliest possible date.

The Commission is of the further opinion that the subject tariff matter should be suspended pursuant to authority granted the Commission under section 18(c)(4) of the Shipping Act, 1916.

Under section 18(c)(4), a controlled carrier may file new rates to take effect immediately during the suspension period in lieu of the suspended rates; provided that the Commission may reject such new rates if is of the opinion that they are unjust and unreasonable. In this case, because of the difference between FESCO's rates and all other active carriers' rates and the potential for trade disruptions which rate differentials present, the Commission is of the opinion that FESCO's replacement rates falling below those of the lowest U.S. or Philippine flag carriers actively operating in the trade will be unjust and unreasonable particularly as FESCO's bunker surcharge is $10.00 per ton below that of most other carriers. This opinion does not prejudice our final disposition of this proceeding, as that disposition will be based solely on the evidence adduced at the hearing, nor does it constitute a finding a unreasonableness under section 18(c)(1).

FESCO will be required to post and file a supplement to its tariff FMC-23 reproducing this suspension order in its entirety, to specifically indicate the replacement rates on each applicable tariff page, and to address each tariff filing regarding replacement rates to the

Commission's Office of Audits and Programs.

Now, therefore, *it is ordered,* That pursuant to sections 18 and 22 of the Shipping Act, 1916, 46 U.S.C. 817, 821, the Far Eastern Shipping Company be named respondent in this proceeding and be ordered to show cause why the commodities rates published in its freight tariff FMC–23, as shown in Appendix A, should not be disapproved by the Commission;

It is further ordered, That pursuant to section 18(c) of the Shipping Act, 1916, Respondent demonstrate that the commodity rates published in its freight tariff FMC–23 as shown in Appendix A are just and reasonable;

It is further ordered, That pursuant to section 18(c) of the Shipping Act, 1916, the tariff matter set forth in Appendix A is hereby suspended, effective upon the effective date of the individual tariff matter, and the use thereof deferred for 180 days from the effective date of suspension, unless otherwise ordered by the Commission.;

It is further ordered, That Respondent may file new rates during the suspension period, effective immediately, provided that the Commission may reject such new rates if it is of the opinion that the new rates are unjust and unreasonable;

It is further ordered, That all rates filed by FESCO to take effect immediately in lieu of rates suspended herein be addressed to the Commission's Office of Audits and Programs, Room 10125;

It is further ordered, That FESCO post and file a supplement to its tariff FMC–23 reproducing this suspension order in its entirety, and specifically indicate the replacement rates on each applicable page of its tariff;

It is further ordered, That pursuant to Rule 42, the Commission's Bureau of Hearing Counsel be made a party to this proceeding;

It is further ordered, That this proceeding be assigned for expedited public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that hearings be held at a date and place to be determined by the Presiding Administrative Law Judge but commencing no later than March 15, 1980;

It is further ordered, That the scope of these proceedings shall include an examination of the relationship between the FESCO rates and rates of other carriers in the trade, whether FESCO's rates, included in Appendix A, are required to assure the movement of particular cargo in the trade, and whether the rates are required to maintain acceptable continuity, levels, or quality of common carrier service from the Philippines to the United States Pacific Coast. This examination shall include consideration of the following matters: the historical trends and levels of these commodity rates in this trade; the effect of FESCO's service in the trade on rates for these specific commodities; and the effect FESCO's new rates would have on the trade, particularly on FESCO's market share and the market share of other carriers in the trade;

It is further ordered, That the following procedural schedule will be adhered to, provided that the Presiding Administrative Law Judge, upon a showing of good cause, may make such changes as he deems necessary:

(1) Petitions for Leave to Intervene—January 10;
(2) Replies to Petitions for Leave to Intervene—January 18;
(3) Rulings on Petitions for Leave to Intervene—January 25;
(4) Commencement of Discovery—February 1;
(5) Prehearing conference for rulings on discovery and other prehearing matters—February 12;
(6) Commencement of Hearings—March 15;
(7) Certification of Record—April 15;
(8) Simultaneous Opening Briefs—May 5;
(9) Simultaneous Reply Briefs—May 19;
(10) Request for Oral Argument—May 23.

It is further ordered, That the hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That the record in this proceedings is to be certified to the Commission for decision on or before April 15, 1979, and that such certification shall contain a statement by the Administrative Law Judge that the record as so certified is a full and sufficient basis for agency decision and that there exist no questions of witness demeanor or of witness credibility not sufficiently reflected by the record, including witness cross-examination, which, in his opinion, necessitate the issuance of an initial decision. If the Administrative Law Judge is unable to make such certification, he shall amend the procedural schedule to provide for briefing and thereafter issue such decision promptly;

It is further ordered, That a notice of this order be published in the **Federal Register** and that a copy thereof be served upon the respondent;

It is further ordered, That persons other than those already party to this proceeding who desire to become parties and participate herein shall file a petition to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) no later than the close of business January 10, 1980;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference shall be mailed directly to all parties of record;

It is further ordered, That except as provided in Rules 159 and 201(a) of the Commission's Rules of Practice and Procedure (46 CFR 502.159, 46 CFR 502.201(a)), all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record;

It is further ordered, That concurrently with publication, a copy of this order be transmitted to the President of the United States in accordance with section 18(c)(5) of the Shipping Act, 1916.

By the Commission.

Francis C. Hurney,
Secretary.

Appendix A.—*Freight Tariff—FMC–23*

Far Eastern Shipping Co.
From: Ports in the Philippines
To: U.S. Pacific ports and Overland Common points

Description	Tariff item	Rate suspended	Effective date	Page revision identification
Glass Manufactures, N.O.S.....	510	Local $1,200.00 P/C 20	12/30/79	14th Rev 53, reissued on 15th Rev 53 and 16th Rev 53.
Furniture made of: Buri Furniture Only.	480	Local $40.50M O.C.P. $36.00M.	1/05/80	15th Rev 53, reissued on 16th Rev 53.

Appendix A.—*Freight Tariff—FMC-23* —Continued

Description	Tariff item	Rate suspended	Effective date	Page revision identification
Woven Articles, Viz.: Bags-Marketing/Shopping of Woven Fiber; Baskets, Bamboo/Buri Rib; Braids; Buri; Brooms; Cloth, Abaca/Burlap/Raffia/Saguran; Mats-Mattings, Bamboo/Bankman/Buri/Grass/Hemp/Door/Woven Fiber; Nipa Strips; Petutes Rakes; Bamboo; Rugs, Balangot/Hemp; Sawali and Screen; Woven Fiber, N.O.S.	1070	Local $54.00M O.C.P. $54.50M.	1/06/80	4th Rev 61-A.
Reefer Cargo, other	890	Local $52.00W or $46.50M	1/15/80	7th Rev 60.
Fruit Juice Concentrates	890	Local $113.40M	1/15/80	7th Rev 60.

[FR Doc. 80-439 Filed 1-7-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

SBT Corp.; Acquisition of Bank

SBT Corporation, Savannah, Georgia, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares of Commercial Bank, Waycross, Georgia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 4, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 2, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-470 Filed 1-7-80; 8:45 am]

BILLING CODE 6210-01

First Financial Group of New Hampshire, Inc.; Acquisition of Bank

First Financial Group of New Hampshire, Inc., Manchester, New Hampshire, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire up to 100 per cent of the voting shares of Claremont National Bank, Claremont, New Hampshire. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 25, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 31, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-471 Filed 1-7-80; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Bank of Austin, Austin, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 4, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be present at a hearing.

Board of Governors of the Federal Reserve System, January 2, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-472 Filed 1-7-80; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Texas Corp.; Acquisition of Bank

Mercantile Texas Corporation, Dallas, Texas, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)) to merge with Pan National Group, Inc., El Paso, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Mercantile Texas Corporation, Dallas, Texas, is also engaged in the following nonbank activities: consumer and business financing, credit life, health and accident insurance and data processing services. In addition to the factors considered under § 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in § 4 of the Act (12 U.S.C. § 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 31, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 31, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-473 Filed 1-7-80; 8:45 am]

BILLING CODE 6210-01-M

First Bloomington Corp.; Formation of Bank Holding Company

First Bloomington Corporation, Bloomington, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger and consolidation to The National Bank

of Bloomington, Bloomington, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later then February 4, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, Janaury 2, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-474 Filed 1-7-80; 8:45 am]

BILLING CODE 6210-01-M

Waupaca Bancorp.; Formation of Bank Holding Company

Waupaca Bancorporation, Waupaca, Wisconsin, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Waupaca, Waupaca, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 31, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 31, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-475 Filed 1-7-80; 8:45 am]

BILLING CODE 6210-01

New Richmond Bancorp.; Formation of Bank Holding Company

New Richmond Bancorporation, New Richmond, Ohio, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The New Richmond National Bank, New Richmond, Ohio. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 31, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 31, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-476 Filed 1-7-80; 8:45 am]

BILLING CODE 6210-01-M

First Citizens Financial Corp. of Vivian, Inc.; Formation of Bank Holding Co.

First Citizens Financial Corporation of Vivian, Inc., Vivian, Louisiana, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of Citizens Bank & Trust Company of Vivian, Louisiana, Vivian, Louisiana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 4, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 2, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-477 Filed 80-; 8:45 am]

BILLING CODE 6210-01

Bank Holding Companies; Notice of Proposed *De Novo* Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than January 31, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

CITICORP, New York, New York (consumer finance and insurance activities; Alabama): to engage, through its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., in operating a finance company, including making or acquiring loans and other

extensions of credit, secured or unsecured, for consumer and other purposes; purchasing and servicing for its own account sales finance contracts; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; acting as agent for the sale of property and casualty insurance and for the sale of credit life and credit casualty accident and health insurance directly related to extensions of credit. Credit related life, accident and health may be underwritten by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. These activities would be conducted from an office in Birmingham, Alabama serving the State of Alabama.

B. *Federal Reserve Bank of Kansas City* (John F. Zoellner, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

MISSOURI COUNTRY BANCSHARES, INC., Liberal, Missouri (insurance activities; Missouri): to engage as agent or broker in the sale of property and casualty insurance and in the sale of credit life and accident and health insurance directly related to extensions of credit by its subsidiary bank, Bank of Raymondville, Raymondville, Missouri. These activities will be conducted on the premises of the Bank of Raymondville in Raymondville, Missouri, serving Texas County, Missouri.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, December 31, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-478 Filed 1-7-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: CIBA–GEIBY Limited is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of all the common stock of Sublistatic Corporation of America and Corporacion Sublistatica S.A. from La Lainiere de Roubaix. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to requests for early termination submitted by both parties to the transaction. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and require that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 80-443 Filed 1-7-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[F-79-7]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Washington Utilities and Transportation Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *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 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Washington Utilities and Transportation Commission involving the application of the Pacific Northwest Bell Telephone Company for increases in rates for intrastate telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officials, and employees thereof.

Dated: December 21, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-522 Filed 1-7-80; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Education

Advisory Panel on Financing Elementary and Secondary Education; Meeting

AGENCY: Advisory Panel on Financing Elementary and Secondary Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Panel on Financing Elementary and Secondary Education. It also describes the functions of the Panel. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, Section 10(a)(2)). This document is intended to notify the general public of its opportunity to attend.

DATES: January 24 and January 25, 1980, 9:00 a.m. to 5:00 p.m.

ADDRESS: 400 Maryland Avenue, S.W., Washington, D.C., room 3000.

FOR FURTHER INFORMATION CONTACT: Dr. George B. Lane, Acting Executive Director, Advisory Panel on Financing Elementary and Secondary Education, Room 313–H, 200 Independence Avenue, S.W., Washington, D.C. 20202 (202–245–8220).

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education is established under Section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95–561). The Panel is directed to

provide the Secretary and the Congress with periodic advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The views and recommendations of the Advisory Panel shall provide periodic advice to the Secretary concerning the conduct of studies authorized by Section 1203 and make interim reports to the President and the Congress in 1980, 1981, and 1982 on the results of the studies conducted. The Advisory Panel shall also provide comments on the Secretary's annual reports and such additional recommendations for legislation or other appropriate action to the Congress no later than sixty days after submission of such reports.

The meeting of the Advisory Panel will be open to the public.

The proposed agenda includes:

(1) Progress report on budget and staffing.

(2) Continued discussion of draft study plan.

(3) Related organizational business.

Records shall be kept of all Advisory Panel proceedings and shall be available for public inspection at the Office of the Assistant Secretary for Education, 200 Independence Avenue, S.W., Room 313-H, Washington, D.C. 20202.

Signed at Washington, D.C. on January 4, 1980.

George B. Lane,

Acting Executive Director, Advisory Panel on Financing, Elementary and Secondary Education.

[FR Doc. 80-436 Filed 1-7-80; 8:45 am]

BILLING CODE 4110-89-M

Food and Drug Administration

[Docket No. 79F-0463]

E. I. du Pont de Nemours & Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: E. I. duPont de Nemours & Co. has filed a petition proposing the safe use of ethylene-vinyl acetate-carbon monoxide terpolymer as an adhesive in articles for food-contact use.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3456) has been filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19897, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of ethylene-vinyl acetate-carbon monoxide terpolymer in articles intended for food-contact use.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation, and the agency concludes that an environmental impact statement is not required, notice of availability of the environmental impact analysis report will be published in the Federal Register regulation, in accordance with 21 CFR 25.25(b).

Dated: December 27, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-351 Filed 1-7-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0434]

R. T. Vanderbilt Co., Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The R. T. Vanderbilt Co., Inc., has filed a petition proposing that the food additive regulations be amended to provide for the use of 1,3,5-triethylhexahydro-1,3,5-triazine as an antimicrobial agent in the manufacture of paper and paperboard.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3393) has been filed by R. T. Vanderbilt Co., Inc., 30 Winfield St., Norwalk, CT 06855, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the use of 1,3,5-triethylhexahydro-1,3,5-triazine (Chemical Abstracts Service Registry No. 77079-27-3) as an antimicrobial agent in formulations employed in the manufacture of paper and paperboard.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the requirement of an environmental impact analysis report, and that no environmental impact statement is necessary. A copy of all relevant environmental impact materials may be seen in the office of the Hearing Clerk (HFA-305) Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 27, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-352 Filed 1-7-80; 8:45 am]

BILLING CODE 4110-03-M

Food and Drug Administration

[Docket No. 79G-0412]

Olin Corp.; Withdrawal of Petition for Affirmation of Gras Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of a petition proposing that calcium hypochlorite used in potable water be affirmed as generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Olin Corp., 275 South Winchester Ave., New Haven, CT 06511, has withdrawn its petition (GRASP 3G0017), notice of which was published in the Federal Register of March 23, 1973 (38 FR 7578), proposing that calcium hypochlorite used in potable water be affirmed as GRAS. The company is voluntarily withdrawing its petition in light of the recent memorandum of understanding (MOU) between the Food nd Drug Administration (FDA) and the Environmental Protection Agency with regard to water, which was published in the Federal Register of July 20, 1979 (44 FR 42775). According to the MOU, the use of calcium hypochlorite in potable water is no longer considered to be under FDA jurisdiction.

Dated: December 28, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-449 Filed 1-7-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Pacific City Sand Dune Area Off-road Vehicle Closure; Oregon

December 28, 1979.

Notice is hereby given that the use of motorized vehicles on the following described land is prohibited in accordance with the provisions of 43 CFR 8340 and Executive Order 11644 as amended:

Willamette Meridian, Oregon

T. 4S., R. 10W.
Section 19, Lots 1 and 2

The above described land contains 80.96 acres in Tillamook County. The land affected by this closure notice is a sand dune, an unusual habitat for Oregon. During the period 1962 to 1968, a succession of plantings was made to stabilize the dune. Active sand movement prior to that period caused road maintenance difficulties for the county. A small portion of the area is now used by the Pacific City Sanitary District for a sewage treatment plant site. Recently, the Pacific City Water District has been authorized to drill three test water well points to determine the quality of the dune aquifer as a source of municipal water.

A small population of Alaska rein-orchid, a proposed endangered plant species, is located on the land.

The public land has been used by vehicles to a limited extent. Where the land has been used, plants have been damaged or destroyed.

The continued use of the public land by vehicles would threaten the dune stabilization project, could adversely affect the ground water quality, and could damage or destroy the population of Alaska rein-orchid. Closure signs have been posted along the property lines. Maps showing the land described above are available at the Bureau of Land Management, Salem District Office, Box 3227 (3550 Liberty Road, S.), Salem, Oregon 97302.

The prohibition of vehicular use of the land 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 closure is effective immediately and shall remain in effect until December 10, 1980, unless revised, revoked, or amended prior to that date.

Dated: December 28, 1979.

Edward G. Stauber,
District Manager.

[FR Doc. 80-437 Filed 1-7-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before December 28, 1979. Pursuant to § 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by January 18, 1980.

Carol Shull,
Acting Keeper of the National Register.

ARKANSAS

Pulaski County

Little Rock, *Leiper-Scott House*, 312 S. Pulaski St.

CALIFORNIA

Alameda County

Alameda, *Union Iron Works Turbine Machine Shop*, 2200 Webster St.

Sacramento County

Sacramento, *U.S. Post Office, Courthouse and Federal Building*, 801 I St.

Santa Clara County

Palo Alto, *Norris House*, 1247 Cowper St.

COLORADO

Saguache County

La Garita vicinity, *Capilla de San Juan Bautista*, NW of La Garita.

DISTRICT OF COLUMBIA

Washington

Boulder Bridge and Ross Drive Bridge, Rock Creek Park.

INDIANA

Hamilton County

Noblesville vicinity, *Conner, William, House*, S of Noblesville at 30 Conner Lane.

Lake County

Whiting, *Whiting Memorial Community House*, 1938 Clark St.

NEW HAMPSHIRE

Cheshire County

Dublin, *Dublin Town Hall*, NH 101.

Grafton County

Franconia, *Dow Academy*, Dow Ave.
Franconia vicinity, *Lovett's By Lafayette Brook (Lovett's Inn)*, S of Franconia on Profile Rd.

NEW JERSEY

Essex County

West Caldwell, *Harrison, Samuel Orton, House*, 153 Orton Rd.

Hudson County

Jersey City, *Newkirk House*, 510 Summit Ave.

NORTH CAROLINA

Durham County

Durham, *Watts Hospital*, Broad St. and Club Blvd.

OHIO

Athens County

Canaanville vicinity, *Savage-Stewart House*, SE of Canaanville on U.S. 50.

Belmont County

Morristown, *Morristown Historic District*, Church, Main, W. Cross, E. Cross and Middle Cross Sts.

Butler County

Oxford, *Oxford Railroad Depot and Junction House*, S Elm and W. Spring Sts.

Clark County

Springfield vicinity, *Kenton-Hunt Farm*, N of Springfield at 4690 Urbana Rd.

Hocking County

Logan, *Logan City Hall*, 101 E. Main St.

Miami County

Piqua, *Arrowston (William Boal Wood House and Estate)* 1220 Park Ave.

Monroe County

Clarington vicinity, *Kindleberger, Frederick, Stone House and Barn*, NW of Clarington on SR 25.

Noble County

Sharahsville vicinity, *Young-Shaw House*, E of Sharahsville on OH 146.

OKLAHOMA

Choctaw County

Hugo vicinity, *Goodland Mission*, SW of Hugo.

Oklahoma County

Arcadia, *Tuton's Drugstore*, 1st and Main Sts.
Luther, *Engels' Dry Goods Store*, 114 S. Main St.
Oklahoma City, *Braniff Building*, 324 N. Robinson St.
Oklahoma City, *Gatewood Historic District*, NW 16th, 22nd and NW 23rd Sts.
Oklahoma City, *Harbour-Longmire Building*, 420 W. Main St.
Oklahoma City, *Medical Arts Building*, 100 Park Ave.

Oklahoma City, *Perrine Building*, 119 N. Robinson St.
Oklahoma City, *Pioneer Building*, 401 N. Broadway St.
Oklahoma City, *Tradesman's National Bank Building*, 101 N. Broadway St.
Oklahoma City, *Trolley Car No. 229*, Off Eastern Ave.
Oklahoma City, *Walcourt Building*, 1401 N. Walnut Ave.

OREGON

Multnomah County

Portland, *New Logus Block*, 523–535 SE. Grand Ave.
Portland, *Sprague-Marshall-Bowie House*, 2234 NW. Johnson St.
Portland, *Trevett-Nunn House*, 2347 NW. Flanders St.

SOUTH CAROLINA

Williamsburg County

Kingstree, *Brockinton-Scott House*, 221 W. Railroad Ave.

TENNESSEE

Shelby County

Memphis, *Gayoso-Peabody Historic District*, Roughly bounded by Call Pl., S. 3rd and S. Front Sts., Monroe and Gayoso Aves.
Memphis, *Paisley Hall*, 1822 Overton Park Ave.

UTAH

Grand County

Moab, *Moab Cabin (Balsley Cabin)*, E. 1st St.

WASHINGTON

Adams County

Ritzville, *Greene, Nelson H., House*, 502 S. Adams St.
Ritzville vicinity, *Devenish, Stephen, Ranch (Flying Circle)* SE of Ritzville.

Clallam County

Sekiu vicinity, *Hoko River Rockshelter Archeological Site.*

King County

Seattle, *Galland, Caroline Kline, House*, 1605 17th Ave.

Lewis County

Centralia, *Olympic Club Saloon*, 112 N. Tower St.

Pierce County

Puyallup, *Lotz, J. H., House*, 1004 2nd Ave., NW.
Tacoma, *Pacific National Bank (Luzon Building)* 1302 Pacific Ave.
Tacoma, *Union Depot-Warehouse Historic District*, Roughly bounded by RR tracks, 15th, 23rd and Market Sts.

WISCONSIN

Van Loon Wildlife Area Truss Bridge Thematic Resources. Reference—see individual listings under La Crosse County.

La Crosse County

La Crosse vicinity, *Bridge No. 1 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse.
La Crosse vicinity, *Bridge No. 2 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse.
La Crosse vicinity, *Bridge No. 3 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse.
La Crosse vicinity, *Bridge No. 4 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse.
La Crosse vicinity, *Bridge No. 5 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse.
La Crosse vicinity, *Bridge No. 6 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse.

Pepin County

Durand, *Durand Free Library*, 315 W. 2nd Ave.

[FR Doc. 80-345 Filed 1-7-80; 8:45 am]
BILLING CODE 4310-03-M

National Park Service

Availability of Environmental Assessment for a Development Concept Plan and Notice of Public Hearing; Fort Washington Marina, Piscataway Park, Md.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental assessment for a Development Concept Plan for Fort Washington Marina, a unit of Piscataway Park, Maryland. The assessment addresses an array of alternative levels of development of the marina, located on Piscataway Creek, Maryland.

Public hearings on this planning effort will be held as follows:

February 7, 1980 (Thursday) at 7:30 p.m., Potomac Landing Elementary School, 12500 Fort Washington Road, Fort Washington, Maryland.

Written comments on this assessment are invited and will be received no later than March 7, 1980. Written comments should be addressed to the Superintendent, National Capital Parks-East, 5210 Indian Head Highway, Oxon Hill, Maryland 20021.

Copies of the assessment of alternatives are available from:

National Capital Parks-East, 5210 Indian Head Highway, Oxon Hill, Maryland 20021 (phone: 301/763–1770).
National Park Service, National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. (phone: 202/426–6738).

Dated: December 26, 1979.

John G. Parsons,

Regional Director, National Capital Region.

[FR Doc. 80-550 Filed 1-7-80; 8:45 am]
BILLING CODE 4310-70-M

[INT DES 80-2]

Lincoln Boyhood National Memorial, Indiana; Availability of Draft Environmental Statement and Proposed Master Plan

Notice is hereby given that the U.S. Department of the Interior, National Park Service, has prepared a draft master plan to guide the development, management and operation of Lincoln Boyhood National Memorial. It is further noted that a draft environmental impact statement has been prepared pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4332) to address the probable effects of the proposed plan and of the reasonable alternatives.

The draft master plan and the environmental impact statement will be available for public review and comment for a period of not less than sixty (60) days from the date of this notice. Written comments are invited and should be sent to the Superintendent, Lincoln Boyhood National Memorial, Lincoln City, Indiana 47552, telephone 812/937–4757.

Notice is also given that the draft master plan and the environmental impact statement will be the subjects of public meetings to be conducted in the visitor center of the Memorial on January 16, 1980, at 2 p.m. and at 7 p.m.

Copies of the draft master plan and environmental impact statement are available from, or for inspection at the Office of the Superintendent at the above address and the Office of the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 66102, telephone 402/221–3431.

This notice supersedes an indentical announcement made in the December 18, 1979 **Federal Register**; has the practical effect of extending the 60-day review period.

Daniel J. Tobin, Jr.,

Acting Director.

[FR Doc. 80-551 Filed 1-7-80; 8:45 am]
BILLING CODE 4310-70-M

Office of the Secretary

Alaska Native Claims Settlement Act; Clarification of Solicitor's Memorandum

This notice publishes an amendment to the Solicitor's Memorandum of October 24, 1978, adopted in Secretarial Order (S.O.) 3029 dated November 20, 1978, which was published in the **Federal Register** Monday, November 27, 1978 (43 FR 55287–55292). The amendment clarifies the position of the

Department of the Interior regarding valid existing rights under the Alaska Native Claims Settlement Act. The clarifying amendment to the Solicitor's memorandum is published in its entirety below.

Additional information regarding the Order may be obtained from Mr. Beaumont McClure, Chief, Alaska Programs Staff, Bureau of Land management, U.S. Department of the Interior, Washington, DC 20240, telephone 202–343–6511.

Dated: December 26, 1979.

Cecil D. Andrus,

Secretary of the Interior.

United States Department of the Interior, Office of the Solicitor,
Washington, D.C., November 20, 1979.

Memorandum To: Secretary.
From: Solicitor.
Subject: Amendment of Solicitor's Memorandum of October 24, 1978, Adopted in Secretarial Order 3029 dated November 20, 1978.

A sentence in my memorandum of October 24, 1978 entitled "Valid Existing Rights Under the Alaska Native Claims Settlement Act" (ANCSA) has generated some confusion and requires clarification. Since that memo was adopted by you in Secretarial Order 3029, dated November 20, 1978, in its entirety, amendment requires your concurrence.

The sentence concerned the adjudication by the Bureau of Land Management (BLM) of certain potential third party interests in land being conveyed to Natives. It reads: Nevertheless it is appropriate for BLM to determine in the first instance the validity of those interests which are created by Federal law since BLM is in most cases the agency charged with the administration of those laws.

This sentence was not intended to require the adjudication of unpatented mining claims located under the Mining Law of 1872, 17 Stat. 92, 30 U.S.C. 22 *et seq.* Congress, in section 22(c) of ANCSA, specifically treated unpatented mining claims differently from other types of possible pre-existing rights. Section 22(c) and the regulations implementing it provide that the land on which an unpatented mining claim is located, if selected by a Native corporation, will be conveyed unless prior to conveyance the claimant files an application for mineral patent or mineral survey. 43 CFR 2650.3–2. The Department's position that it may convey land which contains unpatented claims, the validity of which has not been determined, was recently upheld in *Alaska Miners* v. *Andrus,* A 76–263 (D. Alaska), Memorandum and Order dated October 19, 1979.

Neither was the sentence intended to require the adjudication of rights claimed under RS 2477 which, like the Mining Law of 1872, does not require an application to be filed with BLM. RS 2477, enacted in 1866, provided: "The right-of-way for the construction of highways over public lands, not reserved for public use, is hereby granted." 19 Stat. 253, 43 U.S.C. 932. It was repealed in 1976, 90 Stat. 2793. BLM did not issue grants of rights-of-way under this statute. The courts have generally considered the issue of whether a right-of-way has been established under this statute to be a question of state law not requiring any federal approval or acknowledgment. *See, e.g., Hamerly* v. *Denton,* 359 P.2d 1. (Alaska 1961). Accordingly, the Department has refrained from adjudicating possible RS 2477 interests. *See Herb Penrose,* A–29507 (July 26, 1963) and *Alfred E. Koenig,* A–30139 (November 25, 1964).

Where no application or acknowledgment is required of BLM, that agency has no special basis on which to adjudicate the claim. Accordingly, the sentence should be amended to provide for BLM adjudication only where it is the agency charged with administration of the law.

For the foregoing reasons, the sentence should be revised to read: Nevertheless, it is appropriate for BLM to determine in the first instance the validity of those interests created by federal laws, which are administered by BLM, other than unpatented mining claims under the Mining Law of 1872, 30 U.S.C. 22 *et seq.,* and rights-of-way under RS 2477 (repealed in 1976 by 90 Stat. 2793).

Leo Krulitz,

Solicitor.

I concur.

Cecil D. Andrus,

Secretary of the Interior.

November 20, 1979.

[FR Doc. 80–498 Filed 1–7–80; 8:45 am]
BILLING CODE 4310–70–M

Water and Power Resources Service

Floodplains and Wetlands Executive Orders; Final Procedures

AGENCY: Water and Power Resources Service, Department of the Interior.

ACTION: Notice of change to final procedures.

SUMMARY: On July 17, 1979, the Water and Power Resources Service (formerly the Bureau of Reclamation) published its final procedures for implementing the requirements of Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) in the Federal Register (FR 44–138). The Water and Power Resources Service is republishing, in its entirety, for the purposes of updating the final procedures to recognize the name change of the Bureau of Reclamation, Department of the Interior, to the Water and Power Resources Service, Department of the Interior; renumber the procedure reference codes to correspond to a new location in Water and Power Resources Service's Instructions for implementation; and correct any typographical and editorial errors.

EFFECTIVE DATE: These procedures will become effective on January 8, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. James D. Ellingboe, Director, Planning Policy Staff, Water and Power Resources Service, 18th and C Streets, NW., Washington, D.C. 20240 (202–343–4787).

SUPPLEMENTARY INFORMATION: The Water and Power Resources Service's final procedures adopt to a major degree the Floodplain Management Guidelines for Implementing Executive Order 11988, published by the U.S. Water Resources Council (43 FR 6030). These guidelines provide a description of the process for implementing the Order and an explanation of terms and floodplain management concepts. The procedures were published in draft notice form on October 27, 1978. Public comments have been received through November 27, 1978. Comments were also received from the following: Council on Environmental Quality, Water Resources Council, and Federal Insurance Administration. Comments received were generally similar in addressing the need for more specificity and detail in the guidelines and procedures to assure better implementation of the Orders. Broadly stated, the comments similarly addressed the need to—Designate an official responsible for ensuring actions are implemented in compliance with the Orders; expand definitions of key words and concepts; assure that harm to lives, property, and floodplain values is properly minimized; assure that applicants for facilities use permits and grants; evaluate the effect of applicant proposals on floodplains and wetlands prior to approval; assure that proper restrictions are placed on property proposed for lease, easement and disposal to non-Federal public or private parties; define the public audience and ensure their continuous involvement in floodplain decisionmaking; prescribe how alternative sites will be identified and evaluated, and how impacts will be determined. Inasmuch as the proposed rule did not attempt to prescribe detailed implementing procedures in all cases, we found those comments to be most helpful in finalizing our implementation procedures.

Dated: December 20, 1979.

R. Keith Higginson,

Commissioner of Water and Power Resources.

Water and Power Resources Service Instructions in Compliance with Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands)

Series 350—General Instructions, Part 378—Floodplain Management and Protection of Wetlands

Chapter 1

.1 *Authority.* These procedures are in accordance with the Water Resources Council Floodplain Management Guidelines (43 FR 6030) and the Department of the Interior's Interim Guidelines (43 FR 112). The procedures pertain to the planning, design, construction, operation and maintenance programs, and the small projects and distribution system loan programs of the Water and Power Resources Service.

.2 *BObjectives.* The basic objective of the Water and Power Resources Service program is the development and conservation of water and related land resources. In accomplishing this objective, the Service assists the States, local governments, and other Federal agencies to stabilize and stimulate regional and local economies, enhance and protect the environment, and improve the quality of life in the 17 contiguous Western States and Hawaii. The proposed procedures to implement the Orders are applicable to all Water and Power Resources Service actions. Under the Service program procedures and guidelines, all actions that are undertaken are in accordance with, but not limited to Orders and Guidelines previously referenced herein and the following:

A. Unified National Program for Floodplain Management, Water Resources Council, 1976.

B. Executive Order 11514, Protection and Enhancement of Environmental Quality.

C. Office of Management and Budget OMB Circular A–95.

.3 *Responsibility of Water and Power Resources Service Officials.*

A. The Commissioner of Water and Power Resources Service, within the delegated authority of the Department of the Interior, has responsibility for implementing these final procedures.

B. The Water and Power Resources Service Regional Directors, under authority delegated by the Commissioner of Water and Power Resources Service, are responsible for implementing these final procedures in concert with departmental and Service Instructions.

.4 *Definitions of Key Terms:*

A. *Action*—any Water and Power Resources Service activities including but not limited to construction; modification and rehabilitation; operation and maintenance; land acquisition or change in use; issuance of licenses, fees, and permits; and disposal of Federal lands and facilities.

B. *Base Flood*—is that flood which has a 1 percent chance of occurrence in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

C. *Base Floodplain*—the 100-year floodplain (1 percent chance floodplain). Also see definition of floodplain.

D. *Critical Action*—any activity for which even a slight chance of flooding would be too great, such as storing lunar samples or highly toxic or water reactive materials.

E. *Facility*—any item constructed or located by a person including buildings, structures and utility items, canals, distribution systems, roads and bridges, and other land development items such as drainage canals.

F. *Flood or Flooding*—a general condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, or unusual and rapid accumulation surface waters from any source.

G. *Flood Fringe*—that portion of the floodplain outside of the regulatory floodway (often referred to as "floodway fringe").

H. *Floodplain*—land areas adjoining a river or other water courses including at a minimum, that area subject to a 1 percent or greater chance of flooding in any given year. The base floodplain shall be used to designate the 100-year floodplain (1 percent chance floodplain). The critical action floodplain is defined as the 500-year floodplain (0.2 percent chance floodplain).

I. *Floodproofing*—the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out or to reduce the effects of water entry.

J. *Minimize*—to reduce to the smallest practicable amount or degree.

K. *One Percent Chance Flood*—the flood having one chance in 100 of being exceeded in any 1-year period (a large flood). The likelihood of exceeding this magnitude increases in a time period longer than 1 year, e.g., there are two chances in three of a larger flood exceeding the 1 percent chance flood in a 100-year period.

L. *Practicable*—capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost, or technology.

M. *Preserve*—to prevent modification to the natural floodplain environment or to maintain it as closely as possible to its natural state.

N. *Regulatory Floodway*—the area regulated by Federal, State or local requirements; the channel of a river or other watercourse and the adjacent land areas that must be reserved in an open manner; i.e., unconfined or unobstructed either horizontally or vertically to provide for the discharge of the base flood so that cumulative increase in water surface evaluation is no more than a designated amount (not to exceed 1 foot as set by NFIP).

O. *Restore*—in the event of agency activities, to reestablish a setting or environment in which the natural functions of the floodplain can again operate.

P. *Support*—actions which encourage or otherwise provide incentives to undertake floodplain or wetlands development, such as extending roads or utilities into or near a floodplain, therefore making floodplain development more feasible.

Q. *Wetlands*—those areas that are freguently inundated by surface or ground water and normally support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands also could be interpreted to include canals, seeps, reservoirs, drains, and other conditions resulting from or associated with features of water control projects.

.5 *Basic Prinicples.* The policy of the Water and Power Resources Service is to incorporate into all agency activities whatever provisions are necessary to:

A. Avoid long- and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands;

B. Avoid direct or indirect support of floodplain and wetlands development wherever there is a practicable alternative;

C. Reduce the risk of flood loss;

D. Minimize the impact of floods on human health, safety, and welfare;

E. Preserve, and protect the natural and beneficial values served by floodplains and wetlands;

F. Where impacted by agency construction activities to restore floodplains and wetlands;

G. Develop an integrated process to involve the public in the floodplains and wetlands management decisionmaking process;

H. Implement the Unified National Program for Flood Plain Management; and,

I. Establish internal management controls to monitor Water and Power Resources Service actions to assure compliance with the procedures set forth herein.

.6 *Application of Principles.*

A. To the extent practical, the Water and Power Resources Service will integrate floodplain management and wetland protection requirements into it construction and operation programs and consultation, planning, and decision processes. Following publication, the Water and Power Resources Service will systematically review and update pertinent rules, regulations, and guidelines to implement these procedures. The conceptual framework and recommendations for achieving a viabale floodplain management program at all levels of the government set forth in the Unified National Program for Floodplain Management (Public Law 90–448, Section 1302—Water Resources Council, 1976) will be incorporated into Water and Power Resources Service Instructions. In the interim, all Service offices have been directed to integrate congressional and Presidential directives for floodplain management and wetlands protection into all Service programs.

B. As an integral part of its program, the Water and Power Resources Service will implement the methods, standards, and definitions of terms as set forth in Part II—Decisionmaking Process of the Water Resources Councils guidelines for determining risks and hazards of flood loss, minimization of impact on health, safety, and welfare; and the evaluation of alternatives including the restoration and perservation of beneficial floodplain values. The Water and Power Resources Service will deviate from that process only when Service or departmental missions and programs will be

more adequately served by a modified procedure. When the affected floodplain includes wetlands, the application of these procedures will also reflect the wetland guidelines and considerations. For actions proposed in wetlands or in a floodplain, the following procedural steps will be addressed and integrated into the planning process.

(1) *Floodplain Boundaries.* Base floodplain boundaries and 500-year floodplain boundaries for critical actions will be determined and identified with the proposed action. Consideration will be given to the implications of the occurrence of a flood larger than the base flood where a slight chance of flooding would endanger essential public facilities and services. All structures and facilities and operations affecting the floodplain will be evaluated and reported in the project planning reports. Actions which may indirectly impact or indirectly support development in the base (substitute "500-year" for "base" in critical cases) floodplain also will be assessed and reported on. When available, Department of Housing and Urban Development published maps for determining the location of Service facilities within both the 100-year and 500-year floodplain will be used. Additional maps will be developed where published information is lacking or additional detail is required.

(2) *Public Involvement.* To insure that adequate information and opportunities at all levels of program development are provided early in the decisionmaking process to allow the public to effectively participate in floodplain and wetland decisions, the public involvement procedures for these and other planning and operation and maintenance activities shall:

(a) Include notice of proposed action to appropriate OMB Circular A–95 clearinghouse in the furtherance of (1) Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966; (2) Title IV of the Intergovernmental Cooperation Act of 1968; (3) section 102(2)(C) of the National Environmental Policy Act of 1969; (4) the Coastal Zone Management Act of 1972; and, (5) objectives of Title VI of the Civil Rights Act of 1964. Also covered are leases, licenses, and permits for the uses of Federal land under the Service's jurisdiction as well as the acquisition and disposal of land; and under Public Law 91–646, the relocation of persons, businesses, farms, and nonprofit organizations displaced as a result of the land acquisition.

(b) Include as broad an audience as appropriate to insure that adequate information and opportunities are provided the public for participation in the decisionmaking process involving floodplains and wetlands. The policies and objectives for public involvement are generally parallel with planning procedures contained in Water and Power Resources Service Instructions and are based on the National Environment Policy Act of 1969 regulations. However, specific references to the Orders and objectives contained herein will be included in the public participation program. Notices of proposed actions involving floodplain and wetlands will be published in the local newspapers. In addition, copies of the notices will be mailed to local and State governing bodies, adjacent property owners, and concerned individuals and organizations. The list of recipients of the notices will include other active Federal agencies at headquarters and regional levels, conservation groups, farm and taxpayer organizations. The press release of the notices, will contain the scheduled dates and locations of public hearings and meetings.

Where considerable public interest in the proposed action is anticipated, public meetings will be scheduled as often as required to allow full discussion of the issues at an early planning stage. A record of the public involvement efforts and a summary of comments will be maintained in the project files for public reference. Publication of proposed actions involving sensitive and controversial issues will be published in the Federal Register.

(c) Provide timely opportunities for all segments of the public to provide their comments on an action or plan before alternative actions or plans have been precluded. The public in the affected areas shall be advised early, through the public participation process, whenever a proposed plan will result in activity in the base floodplain or wetlands. In addition to existing Water Resources Council, National Environmental Policy Act of 1969, and Executive Order 11514, public involvement processes, the Water and Power Resources Service will use other public information methods such as continuing interaction and involvement opportunities; news releases, newsletters, and public meetings to inform the interested publics. When a determination has been made that there is no practicable alternative to locating an action in the floodplain, the Orders require the reporting of this finding by various procedures. In addition, the Order requires early public review of plans whenever an action is proposed for the floodplain or wetlands. With some minor exceptions, existing Water and Power Resources Service Instructions contain adequate guidelines for reporting requirements of the Orders. The following additional information shall be included in existing reporting requirements, as appropriate, for general investigation studies, projects in engineering and design stages, activities under the operations and maintenance program, and projects under construction.

(3) *Program Evaluation.* If there is no practicable alternative to locating an action in the floodplain, a public notice shall be prepared and circulated to the general public. The notice shall include the following:

(a) A description of why the action must be located in the floodplain or wetlands;

(b) A description of significant facts considered in making the determination to locate in the floodplain or wetlands, including alternative sites and actions considered and any tradeoffs that were made; and

(c) A statement indicating whether the proposal conforms to applicable State or local floodplain protection standards.

The public notice issued upon completion of a study action or its equivalent will serve as the means to satisfy these requirements of the Order. Public notices shall provide specific information pertaining to subparagraphs (1), (2), and (3) of this paragraph, and the notices shall be appropriately disseminated to the general public in the affected area. Future notices submitted to State and areawide A–95 clearinghouses will include the additional information required by the Orders.

(4) *Proposed Development.* Requests for new authorizations or new appropriations for construction starts submitted to Congress shall provide information on whether a proposed action will be located in the floodplain or wetlands. If the proposed action is located in the floodplain or wetlands, the submittal to Congress will provide information on compliance with the Orders. This will include statements on whether the action affects the natural and beneficial values of the floodplain or wetlands; steps taken to minimize potential harm to or within the floodplain or wetlands caused by the action; and steps taken to restore and preserve the natural and beneficial floodplain or wetlands values.

(5) *Program Actions.* Since Water and Power Resources Service program actions are subject to the provision of the National Environmental Act of 1969, a statement of findings on actions located in the floodplain and wetlands will be prepared to accompany environmental statements and feasibility reports to include, in addition to existing requirements, the following:

(a) Reasons why the proposed action must be located in the floodplain, or wetlands.

(b) Facts considered in making the determination to locate in the floodplain or wetlands, including alternative sites and actions considered.

(c) Statement on whether the proposed action conforms to applicable State or local floodplain or wetlands protection standards.

(d) Statement on whether the action affects the natural and beneficial values of the floodplain or wetlands.

(e) Description of steps taken to design or modify the proposed action in order to minimize potential harm to or within the floodplain or wetlands; and

(f) A general listing of other involved agencies, groups, and organizations.

All planning reports will contain a thorough analysis of activities in or potentially effecting the floodplain or wetlands and will be sent to the following offices nearest the site of the proposed action for public access: Environmental Protection Agency, Federal Insurance Administration, Geological Survey, Fish and Wildlife Service, Corps of Engineers, Soil Conservation Service, Bureau of Indian Affairs, and State agencies for land and water activities.

(6) *Program Alternatives.* All proposed Water and Power Service actions will be evaluated to determine where alternatives exist to development on floodplain or wetland areas. Alternatives to be evaluated include:

(a) Carrying out the proposed action at a location outside the base floodplain or wetlands (alternative sites);

(b) Other means which accomplish the same purpose (alternative actions); and

(c) No action.

From these alternatives, including a no action alternative, the most practicable

solution will be selected and the analyses leading to conclusion will be documented and made available for review by the public as part of the project report.

(7) *Program Impacts.* Under Water and Power Resources Service Instructions and application of the Water Resources Council-Water and Related Land Resources, Establishment of Principles and Standards (38 PT. III FR 24778), the costs and impacts of practical alternatives to floodplain development and for wetlands protection will be formulated to optimize beneficial effects of the National economic development and environmental quality objectives. Direct or indirect Federal support of floodplain development or of new construction in wetlands must be avoided where alternatives exist to reduce or eliminate impacts of the proposed action. The Water and Power Resources Service will address in its National Environmental Policy Act documents the following types of impacts:

(a) Positive and negative impacts (beneficial and harmful);

(b) Concentrated and dispersed impacts (impacts on-site, near-site, and remote from the installation); and

(c) Short- and long-term impacts (include temporary changes and those that take the form of delayed changes resulting from the cumulative effects of many individual actions).

(d) Impacts of development in the floodplain and wetland areas related to the general concepts of occupancy and modification.

(e) Harm to lives and property from flood hazards.

(f) Harm to natural and beneficial values of floodplain and wetland areas.

(g) Restoration of floodplains and wetlands values, if applicable, to the proposed action.

(8) *Assessment of Proposed Actions.* As part of the assessment of the effect of proposed actions related to floodplains and wetlands, the Water and Power Resources Service will minimize to the extent practicable the potential impacts or support to or within floodplains and wetlands identified under item 6, above; restore and preserve the natural and beneficial values served by the floodplains; and preserve and enhance the natural and beneficial values of wetlands.

(9) *Program Evaluation.* The Water and Power Resources Service will reevaluate the proposed action to determine first, if it is still practicalbe in light of its flood hazards and its potential to disrupt floodplain and wetlands values and second, if alternatives rejected under item 7, are practicable in the light of information gained in items 6 and 7.

(10) *Report of Findings.* If there is no practicable alternative to locating an action in the floodplain or wetlands, a report of this finding will be made to the public as a part of existing planning and National Environmental Policy Act of 1969 procedures. The public review will be accomplished under the existing Water and Power Resources Service reporting procedures. The public notice issued upon completion of a study action, review of an environmental statement for a proposed action, or its equivalent will serve as the means to satisfy these requirements of the Order. The following information is required by Executive Order 11988 and shall be included with existing reporting requirements, as appropriate, for general investigation studies, projects in design and construction stages, studies under special authorities, and activities under the operations and maintenance program, and shall apply to both floodplains and wetlands:

(a) A discussion of why the action must be located in a floodplain or wetland;

(b) A description of significant facts considered in making the determination to locate in a floodplain or wetland, including alternative sites and actions considered and any tradeoffs that were made and any restoration required; and

(c) A statement indicating whether the proposal conforms to applicable State or local floodplain or wetland protection standards.

(11) *Service Instructions.* Water and Power Resources Service instructions, procedures, and working guidelines will be up-dated to insure that there is a continuing compliance with the Orders for newly implemented Service projects along with long-term operation and maintenance programs.

.7 Applications to Water and Power Resources Service Program. The procedures will not apply to projects or programs for which draft or final environmental impact statements have been filed prior to May 24, 1977, nor to projects currently under construction nor for which construction funding was approved in the fiscal year 1979 program.

A. *Planning Studies.* At the earliest stages of planning, the Regional Director shall assure that policy and guidelines of these final procedures shall be employed in the multi-objective planning process to a scope and level appropriate for appraisal, feasibility, and definite plan studies. For those studies for which reports have been completed and forwarded to the Commissioner of Water and Power Resources Service in draft or environmental statements which were not filed prior to May 24, 1977, supplemental information concerning implementation in compliance of these procedures shall be provided.

B. *Design and Construction.* Assistant Commissioner—Engineering and Research shall insure that projects in the design and construction stage comply with the intent and objectives of the Orders as set forth in these final procedures. Facilities to be located in floodplains will be constructed, at a minimum, in accordance with the standards and criteria promulgated under National Flood Insurance Program. Deviations are allowed only to the extent that these standards are inappropriate in meeting Water and Power Resources Service objectives authorized by Congress.

C. *Operation and Maintenance Activities.* The policies and guidelines of these final procedures are applicable to operation and maintenance activities of the Water and Power Resources Service. Regional Directors shall insure that projects operated and maintained within their jurisdiction comply with the policies set forth in these procedures as they relate to all Federally financed power facilities and water storage, conveyance, distribution, drainage, and groundwater works, whether operated by Service, water user organization, or other beneficiaries. Provisions of these final procedures also apply to acquisition of land, management and disposal of land, and other real property; development, administration and coordination of recreation and fish and wildlife programs; and public use of project lands and waters, including identification, protection, preservation, and maintenance of cultural resources. In accordance with the steps of implementation of these procedures outlined under *Water and Power Resources Service Compliance with Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands),* the procedures also apply to acquisition of land, management and disposal of land, and other real property.

(1) When considering a request for the lease or rental of Service land by a non-Federal public or private entity, the potential effects on any floodplain or wetland area resulting from the proposed use of the land must be evaluated to determine if the proposal would or could encourage modification or development which could lead to human habitation of the floodplain or wetland area.

(2) When proposing to convey right or title to Service lands within a floodplain or wetland to Non-Federal public or private entity, Water and Power Resources Service shall:

(a) Reference in the conveying document those uses that are restricted under identified Federal, State, or local floodplain or wetland regulations; and

(b) Attach other appropriate existing restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by laws; or

(c) Withold such properties from conveyance; and

(d) For recreation or other public use areas located in a floodplain or wetland, the Water and Power Resources Service shall provide on project facilities in this area and other places where appropriate, conspicuous delineation of the 100-year and 500-year flood levels, flood of record, and probable flood height in order to enhance public awareness of flood hazards. In addition, field installations shall review their storm control and disaster plans to assure that adequate provision is made to warn and evacuate the general public as well as employees. These plans will include the integration of adequate warning time into such plans.

[FR Doc. 80-404 Filed 1-7-80; 8:45 am]
BILLING CODE 4310-09-M

DEPARTMENT OF JUSTICE

Council on the Role of Courts; Meeting

Notice is hereby given that the Council on the Role of Courts will meet in Washington, D.C., on Friday, January 25, and Saturday, January 26, 1980. The meeting, which is scheduled for 9:00 a.m. to 5:30 p.m. on Friday and 9:00 a.m. to

12:30 p.m. on Saturday, will be held at the Federal Judicial Center, 1520 H Street, N.W.

The meeting will first review the major themes of the work of the Council to date and then focus on two principal topics for discussion: How courts adapt to novel types of business, and the fairness and effectiveness of non-judicial forums. Discussion will begin with regard to holding a national conference on the role of courts and on publishing the Council's final report. The meeting will be open to the public. Minutes of the proceedings will be made available upon request.

Additional information may be obtained from Mr. C. Ronald Ellington, Office for Improvements in the Administration of Justice, United States Department of Justice, Washington, D.C. 20530. Telephone (202) 633–3593.

Harry A. Scarr,

Administrator, Federal Justice Research Program.

[FR Doc. 80-497 Filed 1-7-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C. this 2nd day of January 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending January 5, 1980

Name of Applicant and Location of Enterprise: Southern Ductile Casting Corp., Pell City, Alabama.

Principal Product or Activity: Manufacture of ductile iron castings.

[FR Doc. 80-420 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

[TA-W-6308]

Annetta of California, Inc., Pico Rivera, Calif.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 31, 1979, in response to a worker petition received on September 5, 1979, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's leather coats at Annetta of California, Incorporated, Pico Rivera, California. The investigation revealed that the firm produces women's cloth coats. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's coats and jackets increased from 1977 to 1978.

Annetta of California, Incorporated works primarily for a single garment manufacturer. That manufacturer provided less work to Annetta from January through October, 1979 than in the same period in 1978. Its own sales of women's coats decreased during the same period. Major customers of the manufacturer were surveyed regarding their purchases of women coats. Several major customers reduced their purchases from the manufacturer in the first 10 months of 1979 compared with the same period in 1978, and increased purchases of imported women's coats in February through October, 1979 compared with the same period in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's cloth coats produced at Annetta of California, Incorporated, Pico Rivera, California contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Annetta of California, Incorporated, Pico Rivera, California who

became totally or partially separated from employment on or after August 29, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-561 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6268]

Baros Coat & Suit Corp., Brooklyn, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 25, 1979, in response to a worker petition received on October 18, 1979, which was filed on behalf of workers and former workers producing ladies' suits, coats, car coats, jackets and quilted coats at the Baros Suit and Coat Corporation, Brooklyn, New York. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's suits, coats and jackets have increased both absolutely and relative to domestic production in 1978 compared to 1977.

A Department of Labor survey of the manufacturer that contracts for all Baros Suit and Coat's production revealed that the manufacturer decreased the quantity of ladies' suits, coats and jackets purchased from Baros during the first 10 months of 1979 compared to the same periods in 1978. Over the same periods the manufacturer experienced a decline in its sales, and increased its purchases of imported ladies' suits, coats and jackets.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the ladies' suits, coats and jackets produced at the Baros Suit and Coat Corporation, Brooklyn, New York, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Baros Suit and Coat Corporation, Brooklyn, New York who became totally or partially separated from employment on or after March 1, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-562 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6294]

Creations by Kenscott, Inc., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 30, 1979, in response to a worker petition received on October 18, 1979, which was filed on behalf of workers and former workers producing ladies' and men's leather garments at Creations by Kenscott, Incorporated. The company primarily produces ladies' and men's leather coats and jackets. It is concluded that all of the requirements have been met.

U.S. imports of leather coats and jackets increased in value both absolutely and relative to domestic production from 1977 to 1978.

A survey conducted by the Department revealed that some customers which reduced purchases from Creations by Kenscott, Incorporated in 1978 and the first ten months of 1979 increased purchases of imported leather coats and jackets during the same period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like of directly competitive with ladies' and men's leather coats and jackets produced at Creations by Kenscott, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Creations by Kenscott, Incorporated, New York, New York who became totally or partially separated from employment on or after October 11, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-563 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6329,646]

Custom Casuals, Inc., and T. T. Mallo, Ltd., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigations were initiated on November 6, 1979, and November 27, 1979, in response to worker petitions received on November 2, 1979, and November 13, 1979, which were filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' dresses, one-piece dresses, jackets, and two-piece suits at Custom Casuals, Incorporated, New York, New York, and on behalf of workers and former workers producing ladies' rainwear at T. T. Mallo, Ltd. in New York, New York. The investigation revealed that Custom Casuals produces ladies' ensembles, suits, blouses, coats, dresses and rainwear. Custom Casuals, Incorporated, is the parent company of T. T. Mallo, Ltd., and workers of both Custom Casuals and T. T. Mallo work on all products. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's suits increased absolutely and relative to domestic production from 1977 to 1978.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely from 1976 to 1977 and from 1977 to 1978. U.S. imports increased relative to domestic production from 1977 to 1978.

U.S. imports of women's misses' and children's coats and jackets increased absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

U.S. imports of women's and misses' dresses increased absolutely and relative to domestic production from 1977 to 1978.

In a survey conducted by the Department of Commerce, customers accounting for a significant proportion of Custom Casuals' sales declines indicated that they had decreased purchases from Custom Casuals and had increased purchases of imported ladies' ensembles, suits, blouses, coats and dresses. The Department of Commerce certified Custom Casuals, Incorporated on June 12, 1979, as eligible to apply for firm adjustment assistance.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' ensembles, suits, blouses, coats and dresses produced at Custom Casuals, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Custom Casuals, Incorporated, and T. T. Mallo, Limited, New York, New York, engaged in employment related to the production of ladies' ensembles, suits, blouses, coats and dresses who became totally or partially separated from employment on or after October 25, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-564 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6559]

Delaware Trucking Co., Inc., Muncie, Ind.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 10, 1979, in response to a worker petition received on December 3, 1979, which was filed on behalf of workers and former workers transporting Chrysler auto parts at Delaware Trucking Company, Incorporated, Muncie, Indiana. The investigation revealed that Chrysler cars are also transported.

Delaware Trucking Company, Incorporated, is engaged in providing the service of transporting automobiles and parts.

Thus, workers of Delaware Trucking Company, Incorporated, do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Delaware Trucking Company, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Delaware Trucking Company, Incorporated, and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting automobiles and automotive parts at Delaware Trucking Company, Incorporated, are employed by that firm. All personnel actions and payroll transactions are controlled by Delaware Trucking Company, Incorporated. All employee benefits are provided and maintained by Delaware Trucking Company, Incorporated. Workers are not, at any time, under employment or supervision by customers of Delaware Trucking Company, Incorporated. Thus, Delaware Trucking Company, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Delaware Trucking Company, Incorporated, Muncie, Indiana, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-565 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6332]

Gem Sportswear, Inc., Roselle Park, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 6, 1979, in response to a worker petition received on November 2, 1979, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's and women's leather and cloth coats at Gem Sportswear, Inc., Roselle Park, New Jersey. It is concluded that all of the requirements have been met.

Imports of men's, boys', women's, girls' and infants' leather coats and jackets increased absolutely and relative to domestic production in 1977 compared with 1976 and in 1978 compared with 1977, and increased absolutely in the first quarter of 1979 compared with the first quarter of 1978.

A major customer surveyed by the U.S. Department of Commerce reduced purchases from Gem Sportswear, Inc. in 1979 while increasing imports during the same period of time.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and women's leather and cloth coats produced at Gem Sportswear, Inc., Roselle Park, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Gem Sportswear, Inc., Roselle Park, New Jersey who became totally or partially separated from employment on or after July 1, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-568 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6357]

Guyan Service Co., Inc., Logan, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 13, 1979, in response to a worker petition received on October 29, 1979, which was filed on behalf of workers and former workers of Guyan Service Company providing power line construction and related electrical services to area coal companies. The investigation revealed that the correct name of the firm is Guyan Service Company, Inc. Guyan Service Company, Inc. is a contractor of power line and sub-station construction.

Guyan Service Company, Inc., is engaged in providing the service of power line and sub-station construction and related electrical work.

Thus, workers of Guyan Service Company, Inc., do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Guyan Service Company, Inc. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Guyan Service Company, Inc., and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in power line and sub-station construction at Guyan Service Company, Inc., are employed by that firm. All personnel actions and payroll transactions are controlled by Guyan Service Company, Inc. All employee benefits are provided and maintained by Guyan Service Company, Inc. Workers are not, at any time, under employment or supervision by customers of Guyan Service Company, Inc. Thus, Guyan Service Company, Inc., and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Guyan Service Company, Inc., Logan, West Virginia, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-569 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6297]

Henry Friedricks & Co., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 30, 1979, in response to a worker petition received on October 24, 1979, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' coats and sportswear at Henry Friedricks and Company, Incorporated, New York, New York. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's coats, jackets, slacks, and skirts increased during 1978 compared to 1977.

Major surveyed customers of Henry Friedricks and Company decreased purchases from Henry Friedricks and increased purchases of imported women's sportswear and coats during January-October 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's coats and sportswear produced at Henry Friedricks and Company, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Henry Friedricks and Company, Incorporated, New York, New York who became totally or partially separated from employment on or after October 16, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-570 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6349]

Huntingdon Apparel Manufacturing Co., Huntingdon, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 8, 1979, in response to a worker petition received on November 3, 1979, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing man's trousers at Huntingdon Apparel Manufacturing Company, Huntingdon, Pennsylvania. The investigation revealed that the trousers are for men's suits. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of men's and boys' suits decreased both absolutely and relative to domestic production in 1978 compared with 1977 and decreased absolutely in the January–September period of 1979 compared with same period of 1978.

Huntingdon Apparel Manufacturing Company is a garment contractor producing trousers for men's suits. The Department surveyed the manufacturers of Huntingdon Apparel. The survey revealed that the manufacturers had increased their purposes of men's apparel from domestic sources in 1978 compared with the same period of 1978. The manufacturers decreased or stopped importing men's suits and trousers in 1979 compared with 1978.

Conclusion

After careful review, I determine that all workers at Huntingdon Apparel Manufacturing Company, Huntingdon, Pennsylvania, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-571 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 18, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 18, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of December 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
D'Leo Fashions, Inc. (Company)	Hoboken N.J	12/14/79	12/11/79	TA-W-6,667	Contractor of ladies' coats.
Eaton Corporation, Engineer Fastener Div. (Allied Industrial Workers Union).	Massillon, Ohio	12/17/79	12/12/79	TA-W-6,668	Draw and roll raw steel.
Ford Motor Company, Nashville Glass Plant (UAW).	Nashville, Tenn	12/21/79	12/17/79	TA-W-6,669	Auto glass.
Forrest City Machine Works, Inc. (UAW)	Forrest City, Ark	12/19/79	12/13/79	TA-W-6,670	Farm equipment.
General Tire & Rubber Company (URW)	Marion, Ind	12/18/79	12/12/79	TA-W-6,671	Fiberglass and foam parts for tires.
Great Lakes Tanning Company (AMC & BW of NA Union).	Milwaukee, Wis	12/21/79	12/18/79	TA-W-6,672	Rug skins and garment skins (shearlings).
Great Western Sugar Company (workers)	Loveland, Colo	12/20/79	12/14/79	TA-W-6,673	Manufacturing, research, and development of sugar.
R. M. Knitting Mills, Inc. (company)	Union City, N.J	12/17/79	12/12/79	TA-W-6,674	Knitted outerwear for men and women.
Reed and Prince Manufacturing Company (USWA).	Worcester, Mass	12/17/79	12/13/79	TA-W-6,675	Screws and fasteners.

[FR Doc. 80-566 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of

a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 18, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 18, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 31st day of December 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Elgin, Joliet & Eastern Railway Company, Joilet Mill Yard (United Transportation Union).	Joliet, Ill	12/12/79	12/7/79	TA-W-6,676	Hauling raw and scrap materials.
Elgin, Joliet & Eastern Railway Company, East Joliet Yard (United Transportation Union).	Joliet, Ill	12/12/79	12/7/79	TA-W-6,677	Hauling raw and scrap materials.
Elgin, Joliet & Eastern Railway Company, Waukegan Yard (United Transportation Union).	Waukegan, Ill	12/12/79	12/7/79	TA-W-6,678	Hauling raw and scrap materials.
Elgin, Joliet & Eastern Railway Company, South Chicago Yard (United Transportation Union).	Chicago Ill	12/12/79	12/7/79	TA-W-6,679	Hauling raw and scrap materials.
Elgin, Joliet & Eastern Railway Company, Gary Mill Yard (United Transportation Union).	Gary, Ind	12/12/79	12/7/79	TA-W-6,680	Hauling raw and scrap materials.
Elgin, Joliet & Eastern Railway Company, Kirkyard (United Transportation Union).	Gary, Ind	12/12/79	12/7/79	TA-W-6,681	Hauling raw and scrap materials.
International Packings Corporation (company)	Morristown, Ind	12/12/79	12/7/79	TA-W-6,682	Precision rubber seals for new automobile manufacturers.
Tropical Brands Packing Company (workers)	Bronx, N.Y	12/14/79	12/11/79	TA-W-6,683	Packaging tropical fruits.

[FR Doc. 80-567 Filed 1-7-80; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-6312]

Leemar Corp., Camden, N.J.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 31, 1979, in response to a worker petition received on October 25, 1979, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' dresses and sportswear at the Camden, New Jersey plant of Leemar Corporation. The investigation revealed that the plant also produces blouses, vests, skirts and blazers. In the following determination, with respect to the production of laides' dresses, vests, skirts and jackets and without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey revealed that the manufacturers for whom Leemar produced vests, skirts, jackets and dresses did not import these products nor utilize foreign contractors in 1977, 1978 or the first six months of 1979. In addition, the manufacturer who decreased business with Leemar, reported increasing company sales over this time period.

With respect to the production of ladies' blouses, all of the criteria have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in 1977 compared to 1976 and increased absolutely and relative to domestic production in 1978 compared to 1977.

A Departmental survey was conducted with the manufacturer which represented a substantial proportion of Leemar's contract work for ladies; blouses. The production of ladies' blouses for this manufacturer is an integrated operation, performed by the Mantua and Camden plants of Leemar.

Leemar's contract work with this manufacturer for the production of ladies; blouses declined in 1978 compared to 1977 and in the first quarter of 1979 compared to the first quarter of 1978. The survey revealed that the manufacturer significantly increased its use of overseas contractors for its blouse production in 1978 compared to

1977 and in the January–July 1979 period compared to the same period of 1978.

The manufacturer's increased reliance on foreign contractors contributed importantly to declines in employment in all departments of the Mantua plant and in the Operating Department of the Camden plant of Leemar Corporation. Workers are separately identifiable by department at the Camden plant.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses produced at the Mantua and Camden, New Jersey plants of Leemar Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers in the Operating Department at the Camden plant. In accordance with the provisions of the Act, I make the following certification:

All workers in the Operating Department of the Camden, New Jersey plant of Leemar Corporation, as specified in the attached appendix, who became totally or partially separated from employment on or after November 1, 1978 and before August 1, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers in the Operating Department of the Camden, New Jersey plant of Leemar Corporation who became totally or partially separated from employment on or after August 1, 1979, are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

Appendix TA–W–6312

The following four workers in the Operating Department of the Camden, New Jersey plant of Leemar Corporation who became totally or partially separated from employment on or after November 1, 1978, and before August 1, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974:

Name and Social Security Number

Jennie Zinicola, 138–01–4716.
Rose Rosselli, 149–09–1793.
Angeline De Ninno, 150–10–1323.
Dorothy Johnson, 140–26–6975.

[FR Doc. 80–572 Filed 1–7–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–6313]

Leon Clothing Manufacturing, Inc., Boston, Mass.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was intitiated on October 31, 1979, in response to a worker petition received on October 26, 1979, which was filed on behalf of workers and former workers producing men's jackets and coats at Leon Clothing Manufacturing, Incorporated, Boston, Massachusetts. The investigation revealed that the plant produces men's topcoats and sportcoats. In the following determination, without regard to whether any of the other cirteria have been met for workers producing men's sportcoats the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department surveyed manufacturers for which Leon Clothing Manufacturing, Incorporated did contract work. The survey revealed that jobbers and manufacturers with which the subject firm did contract work did not purchase imported men's sportcoats. A survey of customers of the manufactures that had decreasing sales revealed that these customers did not purchase imported men's sportcoats.

For workers producing men's topcoats, all of the criteria have been met.

The Department's survey further revealed that jobbers, representing a significant proportion of the production of men's topcoats by the subject firm increased purchases of imported men's topcoats while decreasing their purchases from Leon Clothing in the fourth quarter of 1978 compared to the same quarter of 1977 and in the first ten months of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conlcude that increases of imports of articles like or directly competitive with men's topcoats produced at Leon Clothing Manufacturing, Incorporated, Boston, Massachusetts contributed importantly to the decline in sales or production and to the total partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Leon Clothing Manufacturing, Incorporated, Boston, Massachusetts, engaged in employment related to the production of men's topcoats who became totally or partially separated from employment on or after October 22, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80–573 Filed 1–7–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–5388]

Parflex Rubber Thread Corp., Providence, R. I.; Negative Determination on Reconsideration

On September 17, 1979, the Department of Labor made an Affirmative Determination Regarding Application for Reconsideration for former workers of Parflex Rubber Thread Corporation, Providence, Rhode Island. This determination was published in the **Federal Register** on September 25, 1979 (44 FR 55249).

The petitioners argue, in their request for reconsideration, that imported extruded latex rubber thread was sold through a major domestic supplier and that this imported rubber thread was sold to customers of Parflex Rubber Thread Corporation in such quantities as to contribute importantly to the closing of the firm.

In light of the information and arguments presented by the petitioners, a further investigation was made by the Department. The investigation confirmed that imported extruded latex rubber thread was sold through a domestic supplier. However, it was found that these imports did not contribute importantly to the closing of Parflex Rubber Thread Corporation.

The Department conducted a survey of the customers of Parflex Rubber Thread Corporation who were known to have purchased imported rubber thread. This survey, as in the survey conducted in the original investigation, failed to reveal that imports of articles like or directly competitive with the extruded

latex rubber thread produced at Parflex were an important factor in the closing of the firm.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with the extruded latex rubber thread produced at Parflex Rubber Thread Corporation did not contribute to the closing of that firm. The denial of eligibility to apply for adjustment assistance of the former workers of Parflex Rubber Thread Corporation, Providence, Rhode Island, therefore, is affirmed.

Signed at Washington, D.C., this 28th day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-574 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6339]

Phoenix Clothes Division of Genesco, Inc., Quakertown, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 6, 1979 in response to a worker petition received on October 30, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's coats at the Shippensburg, Pennsylvania plant of Phoenix Clothes. The investigation revealed that the correct name of the subject firm plant is the Quakertown, Pennsylvania plant of Phoenix Clothes, Division of Genesco, Incorporated. It is concluded that all of the requirements have been met.

U.S. imports of men's and boy's dress coats and sportcoats increased both absolutely and relative to domestic production from 1977 to 1978.

U.S. imports of men's and boy's tailored suits in 1978 exceeded the average level for the period 1974 through 1977.

A survey of the customers of Phoenix Clothes revealed that customers decreased purchases of suits and sportcoats from Phoenix and increased purchases of imported suits and sportcoats in the first eight months of 1979 compared to the same period in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits and sportcoats sold by Phoenix Clothes, Division of Genesco, Incorporated contributed importantly to the decline in sales or production of men's coats and to the total or partial separation of workers at the Quakertown, Pennsylvania plant of Phoenix Clothes, Division of Genesco, Incorporated. In accordance with the provisions of the Act, I make the following certification:

All workers of the Quakertown, Pennsylvania plant of Phoenix Clothes, Division of Genesco, Incorporated who became totally or partially separated from employment on or after December 1, 1978 and before October 20, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who became totally or partially separated on or after October 20, 1979 are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-575 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6354]

Roller Fabrics Inc., Milwaukee, Wis.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 8, 1979 in response to a worker petition received on November 3, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf on workers and former workers producing knitted pile fabrics at Roller Fabric, Incorporated, Milwaukee, Wisconsin. In the following determinations, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of knit fabrics (cotton and man-made; grey and finished) decreased absolutely and relative to domestic production during every year from 1974 through 1978, and decreased absolutely during January through September 1979 compared with the same period in 1978. The ratio of imports to domestic production never exceeded 0.61 percent from 1974 through 1978. U.S. imports of certain pile fabrics were negligible in relation to total imports of knit fabrics.

Conclusion

After careful review, I determine that all workers of Roller Fabrics, Incorporated, Milwaukee, Wisconsin are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-576 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6271]

Seaside Blouse Manufacturing Corp., Bridgeport, Conn.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 25, 1979 in response to a worker petition received on October 23, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers

producing women's blouses at the Seaside Blouse Manufacturing Corporation, Bridgeport, Connecticut. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat therof, and to the absolute decline in sales or production.

None of the manufacturers for whom Seaside worked in 1979 imported blouses or used foreign contractors. One manufacturer reported both decreased blouse sales and decreased contract work with Seaside in the first nine months of 1979 compared to the same period of 1978. A Department survey of some of that manufacturer's customers found no respondents who had decreased purchases of women's blouses from the manufacturer while increasing purchases of imports.

Conclusion

After careful review, I determine that all workers of Seaside Blouse Manufacturing Corporation, Bridgeport, Connecticut are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-577 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6303]

Skyland Virginia Corp., Chilhowie, Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 30, 1979 in response to a worker petition received on October 24, 1979 which was filed on behalf of workers and former workers producing children's jeans, shorts, skirts, tops, crawlers, and jumpers at the Chilhowie, Virginia plant of Skyland Virginia Corporation. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales of production.

The Chilhowie, Virginia plant, which is part of Skyland Virginia Corporation, produces infants', toddlers' and children's woven apparel, such as crawlers, shirts, slacks, shorts, jackets and skirts. The Skyland Virginia Corporation is a division of Skyland International Corporation, which markets the children's clothing.

A Department survey was conducted with customers which purchased infants', toddlers' and children's apparel from Skyland International Corporation. During the period of January–October 1979 as compared to January–October 1978, which represents the time period of Skyland's sales declines; and of Chilhowie's production declines, the surveyed customers who reduced purchases from Skyland did not increase their purchases of imported infants', toddlers' and children's apparel.

Conclusion

After careful review, I determine that all workers at the Chilhowie, Virginia plant of Skyland Virginia Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-578 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6384]

Timex Clock Co., Waterbury, Conn.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 15, 1979 in response to a worker petition received on October 12, 1979 which was filed on behalf of workers and former workers performing administrative functions related to manufacturing and selling clocks at the Waterbury, Connecticut headquarters of Timex Clock Company.

Due to the short term of operation of the Waterbury, Connecticut headquarters of the Timex Clock Company, there is not sufficient information in this case upon which to base a determination. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 27th day of December 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-579 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6341 and TA-W-6341 A, B]

Ware Knitters North, Ware, Mass., & Ware Knitters South, and Knitster, Inc., Albemarle, N.C.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 6, 1979 in response to a worker petition received on October 30, 1979 which was filed on behalf of workers and former workers producing women's and men's knit shirts and warm-up suits at Ware Knitters, Incorporated, Ware, Massachusetts. The investigation revealed that the name of the plant is Ware Knitters North and that the plant also produces double knit fabric. The investigation was expanded to include the Ware Knitters South plant, which knits double knit fabric and the Knitster, Incorporated plant, which produces men's and women's knit shirts and warm-up suits. These plants are located in Albemarle, North Carolina. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' woven dress and business shirts increased absolutely and relative to domestic production from 1977 to 1978. U.S. imports increased absolutely in the first nine months of 1979 compared to the same period of 1978.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely from 1976 to 1977 and from 1977 to 1978. U.S. imports increased relative to domestic production from 1977 to 1978.

U.S. imports of finished fabric increased absolutely and relative to domestic production from 1977 to 1978.

Ware Knitters is a vertically-integrated contracting operation, producing men's and women's knit shirts. A Departmental survey was conducted with manufacturers from whom Ware Knitters, Incorporated received contract work. Manufacturers accounting for a significant proportion of contract work done by Ware Knitters in 1978 reduced their contracts with the company in the first eight months of 1979 and increased their purchases of imported men's and women's shirts in that time period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and women's knit shirts produced at Ware Knitters North, Ware, Massachusetts; at Ware Knitters South and at Knitster, Incorporated of Albemarle, North Carolina, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Ware Knitters North, Ware, Massachusetts, of Ware Knitters South, Albemarle, North Carolina and of Knitster, Incorporated, Albemarle, North Carolina who became totally or partially separated from employment on or after January 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-580 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6324 and 6325]

Zenith Radio Corp., Plant No. 1 and Plant No. 2, Chicago, Ill.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 31, 1979, in response to a worker petition received on October 12, 1979, which was filed by the Independent Radionic Workers of America on behalf of workers and former workers producing color television subassemblies at plants No. 1 (TA-W-6324) and No. 2 (TA-W-6325) in Chicago, Illinois of the Zenith Radio Corporation. It is concluded that all of the requirements have been met.

Company imports of color television subassemblies increased from 1977 to 1978 and during the first six months of 1979 compared to the same period of 1978.

Domestic production of color television subassemblies by Zenith has decreased in direct relation to increasing company imports of color television subassemblies.

A certification applicable to the workers at the Chicago, Illinois plants No. 1 and No. 2 of the Zenith Radio Corporation was issued on November 30, 1977 (TA-W-2447, 2448) and remained in effect until November 30, 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with color television subassemblies produced at plants No. 1 and No. 2 of the Zenith Radio Corporation, Chicago, Illinois contributed importantly to the decline in sales or production and to the total or partial separation of workers of those plants. In accordance with the provisions of the Act, I make the following certification:

All workers of plants No. 1 and No. 2 in Chicago, Illinois of the Zenith Radio Corporation who became totally or partially separated from employment on or after November 30, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-581 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6326 and TA-W-6368]

Zenith Radio Corp., Plant No. 6, Chicago, Ill., and Plant No. 9 (Zenith Electronics Corp. of Missouri), Springfield, Mo.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

An investigation was initiated on October 31, 1979, in response to a worker petition received on October 12, 1979 which was filed by the Independent Radionic Workers of America on behalf of workers and former workers engaged in color television subassembly and final assembly at Plant No. 6, Chicago, Illinois of the Zenith Radio Corporation (TA-W-6326). An investigation was initiated on November 13, 1979, in response to a worker petition received on November 7, 1979 which was filed by the International Brotherhood of Electrical Workers on behalf of workers and former workers engaged in color television subassembly and final assembly at Plant No. 9, Springfield, Missouri of the Zenith Radio Corporation (Zenith Electronics Corporation of Missouri) (TA-W-6368). In the following determinations, without regard to whether any of the other criteria have been met, for workers engaged in final assembly of color televisions, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of color televisions decreased absolutely and relative to domestic production in the first three quarters of 1979 compared with the same 1978 period. The ratio of imports to domestic production has decreased every year since 1976.

Total company sales and production of color televisions increased from 1977 to 1978 and in the first three quarters of 1979 compared with the same 1978 period.

For workers producing color television subassemblies all of the criteria have been met.

Company imports of color television subassemblies increased from 1977 to 1978 and in the first six months of 1979 compared with the same 1978 period.

Domestic production of color television subassemblies by Zenith has decreased in direct relation to increasing company imports of subassemblies.

A certification applicable to workers at Plant No. 6, Chicago, Illinois and Plant No. 9, Springfield, Missouri of the

Zenith Radio Corporation was issued on November 30, 1977 (TA–W–2446, 2454) and remained in effect until November 30, 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that of imports of articles like or directly competitive with color television subassemblies produced at Plant No. 6, Chicago, Illinois of the Zenith Radio Corporation and Plant No. 9, Springfield, Missouri of the Zenith Radio Corporation (Zenith Electronics Corporation of Missouri) contributed importantly to the decline in sales or production and to the total or partial separation of workers at those plants. In accordance with the provisions of the Act, I make the following certification:

All workers of Plant No. 6, Chicago, Illinois of the Zenith Radio Corporation and Plant No. 9, Springfield, Missouri of the Zenith Radio Corporation (Zenith Electronics Corporation of Missouri) engaged in employment related to the production of color television subassemblies who became totally or partially separated from employment on or after November 30, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

After careful review, I also determine that all workers of Plant No. 6, Chicago, Illinois of the Zenith Radio Corporation and Plant No. 9, Springfield, Missouri of the Zenith Radio Corporation (Zenith Electronics Corporation of Missouri) engaged in final assembly of color televisions are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80–582 Filed 1–7–80; 8:45 am]

BILLING CODE 4510–28–M

Pension and Welfare Benefit Programs

[Application No. D–1346]

Proposed Exemption for Certain Transactions Involving Prevue Products, Inc., Retirement Plan and Prevue Products, Inc., Pension Plan

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale for cash by Prevue Products, Inc. Retirement Plan (the Retirement Plan) and Prevue Products, Inc. Pension Plan (the Pension Plan) (collectively, the Plans) of 1,056 shares of first preferred stock of Prevue Products Inc. (Prevue), the Plan's sponsor, to Prevue. The exemption would also exempt the exchange of 264 shares of Prevue first preferred stock by Mr. Zvi R. Cohen, an officer, shareholder and director of Prevue and fiduciary of the plans for Prevue third preferred stock. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plans, Prevue, the Plans' Administrative Committee and the Plan's Trustees.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before February 18, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D–1346. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Robert N. Sandler, of the Department of Labor, telephone (202) 523–8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code. The proposed exemption was requested in an application filed on behalf of the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. Prevue is engaged in the business of manufacturing molded plastic footwear, primarily for women and children. The Retirement Plan is for Prevue hourly employees and the Pension Plan is for Prevue salaried and clerical employees. The assets of the Plans are commingled for investment purposes. As of September 30, 1978, the market value of the Plans' assets was $672,804, of which approximately 57.5 percent represented the Pension Plans' share and approximately 42.5 percent represented the Retirement Plan's share.

2. Pursuant to the terms of the Plans, Prevue's Board of Directors is responsible for appointing the Plans' Trustees and also the Administrative Committee which is the Plan Administrator for both Plans. Messrs. Zvi R. Cohen, Eli Cohen, Spencer Gettinger, Melvin Scoval, Peter Malkin and Harold Hoffman are the members of Prevue's Board of Directors. Mr. Zvi R. Cohen is a director, officer and major shareholder of Prevue. Messrs. Gettinger, Scoval and Malkin are not shareholders of Prevue or related to any of the parties to the transaction. Mr. Harold Hoffman is the uncle of Mrs. Zvi R. Cohen.

The members of the Administrative Committee are Messr. James L. Salerno, William Shorey and Zvi R. Cohen. Mr. Salerno is an officer of Prevue and a participant in the Retirement Plan, and Mr. Shorey is an employee of Prevue and a participant in the Retirement Plan.

The Trustees of the Plans are Messrs. J. Barry Morrissey and Louis J. Hamel, both members of the law firm of Hale & Dorr, Boston, Massachusetts. Hale & Dorr is not legal counsel for the Employer, Mr. Zvi R. Cohen or the Plans.

3. In 1965, the Plans purchased 1,056 shares of first preferred stock of the predecessor of Prevue for $40 per share. The Plans' investment in the first preferred shares represents approximately 61 percent of the issued and outstanding shares of the first preferred stock and as of September 30, 1978, represented approximately 6 percent of the Plans' assets. Prevue has paid the stipulated $2.40 per share dividend for every year the Plans have held the stock.

4. The first transaction for which an exemption is requested is the redemption by Prevue, pursuant to its right to call such shares, of the Plans' 1,056 shares of first preferred stock for $40 a share in cash. No commission will be charged with respect to the proposed transaction. The shares will be retired by Prevue along with all other issued and outstanding shares of first preferred stock, which will also be redeemed by Prevue. The second transaction for which an exemption is requested is the redemption by Prevue of the 264 shares of first preferred stock presently owned by Mr. Cohen. Mr. Cohen will receive Prevue third preferred stock with an aggregate value equal to the aggregate value of the shares of his first preferred stock. Mr. Leon S. Bishop, an independent appraiser, stated that the third preferred stock, which is a new issue, should be valued at its par value of $100 per share. Mr. Bishop's opinion regarding the value of the third preferred stock was derived from a complete analysis of Prevue's financial condition and an appraisal of the value of all classes of Prevue stock. Therefore, the Plans and Mr. Cohen will receive the same consideration for their shares of first preferred stock.

5. The Plans wish to enter into the proposed transactions because, in order to realize a better rate of return on the Plans' assets, the Plans have decided to liquidate their present investment portfolio and invest in guaranteed income investments.

6. Mr. Bishop appraised the fair market value of the first preferred stock as being no greater than the par value and proposed purchase price of $40 a share. Among Mr. Bishop's reasons for this conclusion are the following:

(a) The first preferred stock is callable by Prevue at its option for an amount equal to $40 per share plus all dividends declared thereon and unpaid. The provisions of this stock undercut to some extent the assurance of cumulative dividends since the Directors of Prevue are not obligated to declare dividends on the first preferred stock.

(b) There is no market for the sale of the first preferred stock other than to a relatively small group of individuals. If the Plans sought to sell the shares, the only likely buyers would be these individuals or Prevue.

(c) There is no provision in Prevue's Certificate of Incorporation for a sinking fund for the first preferred stock. Accordingly, the Plans have no ability to cause Prevue to retire the shares. The call privilege which exists with respect to the stock is solely an option on the part of Preview.

(d) While Prevue has enjoyed substantial financial success for the last several years, in 1973 it was reorganized pursuant to the provisions of Chapter XI of the Bankruptcy Act. Also, while there is substantial earnings coverage for the 6 percent dividend and substantial net worth in excess of the liquidation preference of the first preferred stock, Prevue is still in a high risk business.

(e) Finally, the 6 percent dividend rate is modest by contemporary standards. The appraiser states that current offerings of preferred stocks generally carry dividends in the range of 9 percent to 10½ percent and many preferred stocks are priced on the New York Stock Exchange to yield in the range of 10 percent.

7. In summary, the applicants represent that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act because:

(a) The proposed transactions involve a one-time occurrence for cash;

(b) The fair market value of the first preferred stock, as determined by an independent appraiser, is no greater than the proposed purchase price of $40 a share;

(c) The first preferred stock yields a relatively low rate of return and lacks marketability; and

(d) The proposed transactions are part of a liquidation of the Plans' current investment portfolio in order to invest the Plans' assets in guaranteed income investments which would yield a significantly higher rate of return to the Plans than the first preferred stock yields; and

(e) It is represented that while the Plans will receive cash for their first preferred stock and Mr. Cohen will receive third preferred stock, both the Plans and Mr. Cohen will receive the same consideration for their shares of first preferred stock. The value of the third preferred stock has been determined by an independent appraiser.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all employees of Prevue, participants and beneficiaries receiving benefits under the Plans, terminated participants with vested benefits under the Plans, the Trustees of the Plans and the Plans' Administrators. The notification will consist of a brief summary of the transactions for which the exemption is requested, a statement concerning the right of interested persons to comment and request a hearing within the period set forth in the notice of pendency and a copy of the notice of pendency published in the **Federal Register.** Notification will be given to interested persons within ten days after the notice of pendency has been published in the **Federal Register.** Employees of Prevue will be notified by posting a copy of the statement and the **Federal Register** notice on the employees' bulletin board. All other persons will be notified by first class mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's

interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) Through (E) of the Code, shall not apply to the sale by the Plans to Prevue of the 1,056 shares of Prevue first preferred stock held by the Plans for $40 a share in cash, nor to the exchange by Zvi R. Cohen of his 264 shares of Prevue first preferred stock for an equivalent consideration per share in Prevue third preferred stock.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 28th day of December, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-544 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-29-M

LIBRARY OF CONGRESS

American Folklife Center Board of Trustees; Meeting

In accordance with Pub. L. 92–463, the Board of Trustees of the American Folklife Center announces its meeting to be held on January 29, 1980, in the Whittall Pavilion of the Library of Congress from 9:30 a.m. to 5:00 p.m. The meeting will be open to the public up to the seating capacity of the room (approximately 50, including about 25 members of the Board and the staff of the American Folklife Center). It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center (202) 287–6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94–201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done on contract by others. In the brief period of the Center's operation it has begun energetically to carry out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 80-523 Filed 1-7-80; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL COMMISSION ON AIR QUALITY

Meeting Scheduled for January 28

The National Commission on Air Quality hereby gives notice of a meeting scheduled for January 28. The meeting will be held in Room 4200 of the Dirksen Senate Office Building, located at First Street, N.E., and Constitution Avenue, N.E., Washington, D.C., and will begin at 2:00 p.m.

The agenda for the meeting will include the following items:

1. Approval of the minutes of the November 13, 1979 Commission meeting.
2. Discussion of activities of the Commission's Research Committee.
3. Consideration and selection of alternative air pollution control policies to be applied in the Commission's regional studies.

Questions about the meeting should be directed to Mr. Morris A. Ward at (202) 245–6355.

National Commission on Air Quality.

William H. Lewis, Jr.,

Director.

[FR Doc. 80-496 Filed 1-7-80; 8:45 am]

BILLING CODE 6820-98-M

NATIONAL COMMISSION ON SOCIAL SECURITY

Changed Hearing

January 3, 1980.

The National Commission on Social Security has changed the location of the Friday, January 18 hearing in Sacramento, California. The hearing will NOT be held at State Office Building No. 8 as previously announced. The new location is the County Board of Supervisors Chambers, Sacramento County Administrative Services Building, 700 "H" Street, Sacramento, California.

As previously announced, the hearing will begin at 9:00 a.m. and continue until 5:00 p.m.

Additional information about the hearing may be obtained from the Commission office: Room 126—Pension Building, 440 G Street, N.W., Washington, D.C. 20218. Phone: 376–2622.

Francis J. Crowley,

Executive Director.

[FR Doc. 80-493 Filed 1-7-80; 8:45 am]

BILLING CODE 6820-AC-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.41 "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses for the period November 14 through December 3, 1979. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St., NW., Washington, D.C.

Dated this day December 21, 1979, at Bethesda, Md.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Pathfinder Mines, 11/08/79, 11/14/79, XU08476.	Natural uranium	68,000		For purification purposes and return to Mexico to be used eventually as fuel for Laguna Verde.	Mexico.
Edlow Int'l, 11/21/79, 11/26/79, XU08478	Depleted uranium	13,000		For evaluation purposes for possible use as feed for nuclear reactors.	United Kingdom.
Transnuclear, 11/16/79, 11/19/79, XSNM01626.	93.3% enriched uranium	3.008	2.806	High enriched fuel for Hoger Onderwijs Reactor.	Netherlands.
Transnuclear, 11/26/79, 11/26/79, XSNM01627.	93% enriched uranium as metal.	93.0 98.0	86.77 91.43	Fuel for NRX and NRU reactors and for experimental fuel.	Canada.
Transnuclear, 11/30/79, 11/03/79, XSNM01629.	3.35% enriched uranium	16,242	544.1335	Reload for ANGRA-I	Brazil.
General Electric, 11/30/79, 12/03/79, XSNM01630.	3.7% enriched uranium	115,000	3,100	Cofrentes multiple reload	Spain.

[FR Doc. 80-488 Filed 1-7-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment approves the Beaver Valley Unit No. 1 inservice inspection program and grants relief of certain inspection requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 28, 1976, as supplemented October 10, 1977, June 12, 1978, July 24, 1978 and August 10, 1979, (2) Amendment No. 22 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 4th day of December, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 80-482 Filed 1-7-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-23, issued to Carolina Power and Light Company, which revised Technical Specifications for operation of the H. R. Robinson Unit No. 2 (the facility) located in Darlington County, South Carolina. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which incorporate limiting conditions for operation and surveillance requirements for the control room ventilation system and editorial changes to the Technical Specifications for the Spent Fuel Building Filter System and the Contamination Purge Filter System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 6 and March 15, 1979, (2) Amendment No. 45 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 5th day of December 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 80-480 Filed 1-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237, 50-254]

Commonwealth Edison Co. and Iowa Illinois Gas & Electric Co.; Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Provisional Operating License No. DPR-19, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit No. 2, located in Grundy County, Illinois. The Commission has also issued Amendment No. 54 to Facility Operating License No. DPR-29, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad-Cities Nuclear Power Station, Unit No. 1, located in Rock Island County, Illinois. the amendments become effective as of the date of issuance.

The amendments extend the MAPLHGR curves for improved 7×7 (7D230) and 7×7 mixed oxide fuel bundles to planar average exposure values of 40,000 MWD/t (short ton).

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated December 4, 1979, as supplemented December 20, 1979, (2) Amendment No. 45 to License No. DPR-19, and Amendment No. 54 to License No. DPR-29, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public document Room, 1717 H Street NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois, for Dresden 2 and at the Moline Public Library, 504—17th Street, Moline, Illinois, for Quad Cities 1. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 28 day of December 1979.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc. 80-481 Filed 1-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-498A, 50-499A, 50-445A and 50-446A]

Houston Lighting & Power Co., et al. (South Texas Project, Units 1 & 2) and Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these antitrust proceedings to consist of the following members:

Alan S. Rosenthal, Chairman
Michael C. Farrar
Thomas S. Moore

Dated: January 2, 1980.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 80-483 Filed 1-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-367]

Northern Indiana Public Service Co.; Establishment of Atomic Safety and Licensing Board to Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 F.R. 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Northern Indiana Public Service Co.

(Bailly Generating Station, Nuclear 1)

Construction Permit No. CPPR-104

This action is in reference to an Order published by the Commission on November 30, 1979, in the Federal Register (44 FR 69061-62) entitled "Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear 1); Opportunity for Hearing on Constructon Permit Extension".

The Chairman of this Board and his address is as follows:

Herbert Grossman, Esq., Atomic Safety and Licensing Board Panel, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The other members of the Board and their addresses are as follows:

Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Mr. Glenn O. Bright, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md., this 31st day of December 1979.

Robert M. Lazo,

Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 80-484 Filed 1-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Provisional Operating License No. DPR-22, issued to Northern States Power Company, which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment involves a modification to the average planar linear heat generation rate (APLHGR) limitations on the fuel.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act

of 1975, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 21, 1979, (2) Amendment No. 42 to License No. DPR-22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 28th day of December 1979.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch #3 Division of Operating Reactors.

[FR Doc. 80-485 Filed 1-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-2750L and 50-3230L]

Pacific Gas & Electric Co., (Diablo Canyon Nuclear Power Plant, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding to consist of the following members:

Richard S. Salzman, Chairman
Dr. W. Reed Johnson
Thomas S. Moore

Dated: January 2, 1980.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 80-486 Filed 1-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-545]

Westinghouse Electric Corp. Reference Safety Analysis Report (RESAR-3S Nuclear Steam Supply System Standard Design); Issuance of Amendment to Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC staff) has issued Amendment No. 1 to Preliminary Design Approval No. PDA-7, dated December 21, 1979, for the reference system design of a nuclear steam supply system portion of a pressurized water reactor nuclear power plant as described in the Westinghouse Electric Corporation Reference Safety Analysis Report RESAR-3S and amendments thereto. PDA-7 was issued by the NRC staff on December 30, 1976 for a three-year period.

Amendment No. 1 to PDA-7 extends its expiration date from December 30, 1979 to December 30, 1981. This change was made as a result of the Nuclear Regulatory Commission's August 1978 policy statement on standardization of nuclear power plants which provided for an extension to five years of the effective terms for preliminary design approvals for reference system designs issued prior to the August 1978 policy statement. Previously, the preliminary design approvals for nuclear steam supply system reference system designs were set to terminate three years after issuance.

The Nuclear Regulatory Commission's August 1978 policy statement identified certain matters that PDA holders would be required to address prior to the granting of PDA extensions. These matters were identified in NRC staff letters to the Westinghouse Electric Corporation, R. Boyd to T. Anderson, dated November 9, 1978 and D. Vassallo to T. Anderson dated December 13, 1979. By letters dated December 15, 1978 and December 18, 1979, T. Anderson to S. Varga and T. Anderson to D. Vassallo, respectively, the Westinghouse Electric Corporation submitted Amendments 14 and 15 to the RESAR-3S application, which addressed each of these matters. The NRC staff has reviewed Amendments 14 and 15 for completeness and has concluded that the Westinghouse Electric Corporation has addressed each of these matters. The NRC staff considers this to be an acceptable basis for extending PDA-7 for two additional years. If the NRC staff is informed by a utility-applicant that it intends to reference the RESAR-3S Nuclear Steam Supply System design after December 30, 1979, it will then perform a detailed review of Amendments 14 and 15 and any additional licensing requirements resulting from our review of the accident at Three Mile Island, Unit 2 on March 28, 1979 to assure that each of the identified matters has been acceptably resolved for the RESAR-3S Nuclear Steam Supply System design.

The NRC staff has implemented this procedure for extending PDA's, in consideration of the high degree of confidence it places in reference system designs for which PDA's have been issued. This procedure permits the detailed review of the identified matters to be deferred on these designs until a utility-applicant requirement for that review is identified.

Amendment No. 1 to PDA-7 is effective as of its date of issuance and shall expire on December 30, 1981, unless earlier superseded by issuance of a final design approval for the RESAR-3S Nuclear Steam Supply System design, or unless extended by the NRC staff. The expiration of PDA-7, as amended, should not affect use of the RESAR-3S Nuclear Steam Supply System design for reference in any construction permit application docketed prior to such date.

A copy of Amendment No. 1 to PDA-7 dated December 21, 1979 is available for public inspection at the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

For the Nuclear Regulatory Commission.

William F. Kane,

Acting Chief, Standardization Branch, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 80-487 Filed 1-7-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act; Notice of New Systems

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effects on such proposal on

the privacy and other personal or property rights of individuals . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personal information into the new or altered systems, or 60 days prior to the issuance of any requests of proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between November 26, 1979 through December 21, 1979. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

Department of Defense

System Name:

AAFES Customer Service.

Report Date:

November 26, 1979.

Point-of-Contact:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1735 N Lynn Street, Arlington, VA 22209.

Summary:

The Army and Air Force Exchange service proposes to establish this new system of records to file records of customer transactions relating to layaway or time payments, special orders, refunds and repair orders.

System Name:

Master Billet/Access Record.

Report Date:

November 26, 1979.

Point-of-Contact:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1735 N Lynn Street, Arlington, VA 22209.

Summary:

The Defense Mapping Agency proposes to alter an existing system of records used to maintain records on employees who have been granted access to special intelligence information. The change will allow retrieval of this information through visual display terminals and line printers. It will also increase the number of individuals on whom clearances are maintained to include all agency employees, contractor personnel, persons being considered for employment, and employees of other government agencies. The system is used to control access to secure areas, for rebriefing, for periodic security education and training; and for control and reissue of identification badges.

System Name:

Grade Calculator System.

Report Date:

November 26, 1979.

Point-of-Contact:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1735 N Lynn Street, Arlington, VA 22209.

Summary:

The Army proposes a new system of records to manage students at the Army Command and General Staff College. It will contain scholastic, personal and administrative data on each student, including test results, scheduling information, experience levels and capabilities, quarters assignments, and counselor assignments. It will also be used to prepare final school transcripts.

System Name:

NSA/CSS Health, Medical and Safety Files.

Report Date:

December 10, 1979.

Point-of-Contact:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, VA 22209.

Summary:

The National Security Agency proposes to alter an existing system of records by automating that portion of the system that contains records of health, injury and property damage incident reports. Automation of these records will permit the agency to produce by computer the occupational injury or illness reports required by the Occupational Health and Safety Act of 1970.

Pension Benefit Guaranty Corporation

System Names:

(1) Correspondence Between PBGC and Persons Outside PBGC (PBGC–1).

(2) Disbursements (PBGC–2).

(3) Employee Payroll, Leave and Attendance Records (PBGC–3)

(4) Employee Travel Records (PBGC–4).

(5) Personnel Records (PBGC–5).

(6) Plan Participant and Beneficiary Data (PBGC–6).

(7) Equal Employment Opportunity Discrimination Complaints (PBGC–7).

(8) Employee Adverse Action Files (PBGC–8).

Report Date: December 11, 1979.

Point-of-Contact:

Ms. Nina R. Hawes, Staff Attorney, Office of General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington, DC 20006.

Summary:

The Pension Benefit Guarantee Corporation proposes to add two new systems of records, provide for two new routine uses, provide notice of the partial automation of two systems of records, and make minor editorial changes to several systems of records. The two new systems, PBGC–7 and PBGC–8 were formerly part of the Corporation's personnel records system. They are now being maintained apart from that system. The first new proposed routine use will permit information from PBGC–3, PBGC–5 and PBGC–8 to be disclosed to the recognized union representative for collective bargaining and representation purposes. The second new proposed routine use will permit disclosure of information from PPGC–6 Plan Participant and Beneficiary Data, to a union representative of the plan participants. Systems PBGC–5 and PBGC–6 have been partially automated and each system is in the process of conversion from manual files to magnetic tapes and computer cards. The minor editorial corrections and revisions involved changing the system managers and location of certain systems.

Department of Justice

System name:

Citizen's Mail File.

Report Date:

November 28, 1979.

Point-of-Contact:

William Snider, Administrative Counsel, Justice Management Division, 10th and Constitution Avenue, NW, Washington, DC 20530.

Summary:

This new system of record will be used by the Land and Natural Resources Division of the Department of Justice to file correspondence between the division and members of the general public.

System Name:

Integrated Case Control System.

Report Date:

December 10, 1979.

Point-of-Contact:

Mr. William J. Snider, Administrative Counsel, Justice Managment Division, Department of Justice, Washington, DC 20530.

Summary:

The Immigration and naturalization Service proposes to add a new system of records containing an automated index and file summary records to manage files and process various kinds of cases within each INS district office and files control suboffice. The system will be used to prepare fee receipts, routine casework correspondence, case schedules, workload statistics and other management information. It is the full scale version of an earlier test system, Application and Petition Tracking System, which will be deleted.

Nuclear Regulatory Commission

System Name:

IE Household Move Survey.

Report Date:

December 4, 1979.

Point-of-Contact:

Mr. Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, Nuclear Regulatory Commission, Washington, DC 20555.

Summary:

This system will consist of survey questionnaires filled out voluntarily by its employees on the costs associated with moving to new job locations. The purposes of the survey is to find out if employees are being fairly reimbursed for such moves.

David R. Leuthold,

Budget and Management.

[FR Doc. 80-592 Filed 1-7-80; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16456; File No. BSECC-79-5]

Boston Stock Exchange Clearing Corp.; Self-Regulatory Organizations; Proposed Rule Change

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 December 26, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed Rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

Boston Stock Exchange Clearing Corporation (BSECC) proposes an interpretation to an existing agreement between the Philadelphia-Baltimore Stock Exchange (now the Philadelphia Stock Exchange, Inc.) and the Boston Stock Exchange (now the Boston Stock Exchange, Incorporated) dated March 5, 1957. The interpretation relates specifically to an amendment to the agreement dated March 5, 1957, which states in part that: "All securities delivered shall conform to the delivery requirements of the receiving Stock Clearing Corporation * * *."

BSECC has received and concurs with the interpretation of Stock Clearing Corporation of Philadelphia (SCCP) that it is not in conflict with the latter's requirements if BSECC wishes to deliver securities to New England Securities Depository Trust Company (NESDTC), which will act as a depository facility for SCCP pursuant to an agreement signed by SCCP and NESDTC.

Statement of Basis and Purpose of Proposed Rule Change

The purpose of the proposed interpretation is to reduce costs and promote greater efficiency in clearance between BSECC and SCCP.

The proposed interpretation will enable BSECC to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible in accordance with the purposes set forth in Section 17A(b)(3)(F) of the Act.

No formal comments were solicited from members.

No burden on competition will be imposed by the proposed interpretation.

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, 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, NW., 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 January 29, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Shirley E. Hollis,

Assistant Secretary.

December 28, 1979.

[FR Doc. 80-531 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21377; 70-6393]

Columbia Gas System, Inc. et. al.; Proposed Allocation of Holding Company System's Consolidated Taxes

December 31, 1979.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807; Columbia Gas Transmission Corp., 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314; Columbia Gas of Ohio, Inc.; Columbia Gas of West Virginia, Inc.; Columbia Gas of Kentucky, Inc.; Columbia Gas of Virginia, Inc.; Columbia Gas of Pennsylvania, Inc.; Columbia Gas of New York, Inc.; Columbia Gas of Maryland, Inc., 99 North Front Street, Columbus, Ohio 43215; Columbia Hydrocarbon Corp., The Inland Gas Company, Inc., 340-17th Street, Ashland, Kentucky 41101; Columbia Gulf Transmission Co., 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Alaskan Gas Transmission Corp.; Columbia LNG Corp.; Columbia Gas Development of Canada Ltd.; Columbia Coal Gasification Corp.; Columbia Gas Development Corp.; Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Delaware 19807.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its above-named wholly owned subsidiary companies have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"),

designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to allocate the System's consolidated taxes for the years 1979 and 1980 in the same manner as was previously authorized for the years 1977 and 1978 by the Commission's orders dated March 2, 1978 (HCAR No. 20427), February 2, 1979, (HCAR No. 20913), and February 27, 1979 (HCAR No. 20936). Those orders provided that the cash difference between the adjusted consolidated tax liability and the actual consolidated tax liability be remitted by Columbia to Columbia Gas Development Corporation (Development U.S.), and Columbia Gas Development of Canada Ltd. (Development Canada) in proportion to their respective tax losses, if any, incurred in 1977 and 1978 for use in further exploration and development work. It is stated that the proposed transaction is necessitated by the continually growing needs of the System for supplies of natural gas, coupled with the general decline of supplies from traditional sources. This has resulted in expanded exploration and development activities by two of Columbia's exploration and development subsidiary companies, Development U.S. and Development Canada. These activities have required large amounts of capital to be supplied by the parent company. In connection with such activities, these subsidiaries have in recent years incurred tax losses. The inclusion of such tax losses in the consolidated tax returns filed by the System will result in commensurate reductions in the System's consolidated tax liabilities. However, under the tax allocation provisions of Rule 45(b)(6), the benefit of such tax reductions are allocated to companies in the System other than the subsidiaries whose tax losses give rise to the tax reductions, thus making unavailable to the latter the tax benefits which might otherwise be applied in furtherance of their efforts to develop additional gas reserves to meet the System's requirements.

Under the instant proposal Columbia will calculate the System's tax liability for 1979 and 1980 to be reported on its consolidated tax returns for such years in the usual manner, but for purposes of assessing liability among individual companies of the System, will add back the reduction in such tax liability generated by Development U.S.'s and Development Canada's tax losses. The combined amount (adjusted consolidated tax liability) will then be apportioned among the Columbia system companies other than Development U.S. and Development Canada in accordance with Rule 45(b)(6).

The other Subsidiaries will then make payments to Columbia of their allocable share of the adjusted consolidated tax liability in accordance with Rule 45(b)(6). Columbia, in turn, will pay to Development U.S. and Development Canada, in proportion to their respective tax losses, the cash equivalent of the difference between the actual consolidated tax return liability of the system and the aggregate amounts received by Columbia from the other Subsidiaries.

As a result of the Commission's previous Orders which authorize Columbia to allocate System's consolidated Federal income tax liability by a method other than prescribed by Rule 45(b)(6), the exploration and development companies have received tax benefits from their 1973 through 1978 losses sustained as a result of their exploration and development activities as follows:

Years	Tax benefits generated from net tax losses	
	Development U.S.	Development Canada
1973 *	$6,468,115	$6,524,520
1974 *	5,475,729	3,028,467
1975	12,989,153	2,731,909
1976	19,438,754	4,076,678
1977	28,041,480	5,082,723
1978	20,568,053	4,469,787

* In addition, in 1973 and 1974, Columbia Coal Gasification Corporation received similar tax benefits from its tax losses equal to $498,105 in 1973 and $329,944 in 1974 as authorized by the Commission.

Gross expenditures for exploration and development for Development U.S. for the years 1979 and 1980 are estimated to be $62,332,000 and $56,251,000 respectively, and gross expenditures for exploration and development for Development Canada for 1979 and 1980 are estimated to be $17,562,000 and $15,296,000 respectively.

The present net income projection for Development U.S. for the years 1979 and 1980 are $8,307,000 and $9,895,000 respectively. Net income projections for Development Canada for 1979 and 1980 are $831,000 and $2,222,000 respectively. However, it is estimated that both Development U.S. and Development Canada will have Federal income tax losses for the years 1979 and 1980. The estimated net tax losses for Development U.S. for 1979 and 1980 are $22,670,000 and $13,449,000 respectively. The estimated net tax losses for Development Canada for 1979 and 1980 are $11,283,000 and $7,548,000, respectively. The proposed transaction will allow these companies to continue to receive the benefit of the tax losses attributable to them, for 1979 and 1980, and enable them to sustain the level of expenditures necessary to find and produce gas reserves adequate to meet the needs of the System and its customers.

In future years, when Development U.S. or Development Canada have net taxable income they, or either of them, may be entitled to tax credits as a result of the loss carry-back or carry-over provisions of Section 172(b) of the Internal Revenue Code of 1954 in order to comply with the separate return limitations required by Rule 45(b)(6). To the extent that these companies receive tax benefits pursuant to the Commission's order or the proposed transaction, such benefits would be applied to reduce any tax credits in future years to which either of these companies might otherwise be entitled under the separate return limitations of Rules 45(b)(6).

Development Canada signed an agreement on October 8, 1979 which would sell to a Japanese group most of the 3.75 percent working interest it holds in acreage being operated by Dome Petroleum Ltd. in the Canadian Beaufort Sea. Under the agreement, Development Canada retains a 0.25 percent interest in the acreage as well as the right to purchase 21.5 percent of any gas found on the 2.9 million net acres. Sale price under the agreement is $50 million, Canadian, or approximately $42 million, U.S. As a result, $10.5 million will be added to the 1979 projected net income of $831,000 listed above. Dome Petroleum had the right to match any offer made for Development Canada's interest in the Beaufort Sea and did, in fact, exercise such right on December 5, 1979. In past years Development Canada has received tax benefits for some of its share of the costs of unsuccessful drilling of this acreage. Consummation of this transaction with either of the prospective purchasers would produce earnings for Development Canada sufficient to reverse approximately $9 million of tax benefits and retire a like amount of the non-interest bearing Demand Promissory Notes substantiating such tax benefits which Development Canada has issued pursuant to Commission authorization.

Subject to the foregoing, in no event will the tax allocated to any subsidiary company exceed the amount of tax based upon a separate return computed

as if such company had always filed its tax return on a separate return basis. No changes in the accounting requirements authorized by the Commission will occur as a result of approval of the proposed transaction.

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 no state or federal regulatory body, other than this Commission, had jurisdiction over the proposed transaction.

Notice is further given, That any interested person may, not later than January 25, 1980, 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 desire 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 declarants at the above-stated addresses, 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 declaration, as filed or as it may be amended, may be 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. 80-527 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21374; 70-5388]

Eastern Utilities Associates, et al.; Proposed Extension of Bank Borrowing by Subsidiary

December 31, 1979.

In the Matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107; Blackstone Valley Electric Co., P.O. Box 1111, Lincoln, Rhode Island 02865; Eastern Edison Co., 36 Main Street, Brockton, Massachusetts 02403; Montaup Electric Co., P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given, That Eastern Utilities Associates ("EUA"), a registered holding company, and its electric utility subsidiaries Blackstone Valley Electric Company ("Blackstone"), Eastern Edison Company ("Eastern") and Montaup Electric Company ("Montaup"), have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10, 12(b), 12(c) and 12(f) of the Act and Rules 43(a) and 45(a) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By prior orders issued in this proceeding, EUA was authorized to enter into a series of transactions designed to effect the transfer of Blackstone's proportionate ownership in the securities of Montaup (the EUA system's generating company) to Eastern, which now owns all of Montaup's securities.

As a part of that reorganization program, Blackstone was authorized, by order dated February 19, 1975 (HCAR No. 18817), to borrow $25,000,000 pursuant to a loan agreement with the Chase Manhattan Bank, N.A. ("Chase"). Blackstone originally issued its note ("Note") to Chase in said amount, which note bore interest at 115 percent of the prime rate and was to mature February 16, 1976. By subsequent orders dated February 12, 1976, February 8, 1977, January 17, 1978, and February 1, 1979 (HCAR Nos. 19386, 19880, 20402, and 20909), Blackstone was authorized to extend the maturity of the Note, in each case for approximately one year. The Note next matures on January 28, 1980, and presently bears interest at a rate per annum equal to 115 percent of the sum of the prime rate plus ½ percent. The Note is secured by a first mortgage on certain properties of Blackstone. No compensating balances are required in connection with the borrowings.

By post-effective amendment it is now proposed that Blackstone and Chase enter into an amendment to their loan agreement, which amendment would (1) extend the maturity of the Note to January 28, 1981, and (2) change the interest rate to a rate per annum equal to the sum of the prime rate plus 2 percent, with a minimum interest rate of 12 percent. No compensating balances will be required in connection with the borrowings. Assuming a prime rate of 15.25 percent, the effective interest cost of the borrowings would be 17.25 percent.

It is stated that Blackstone presently contemplates the payment of the Note from the proceeds of a future debt financing, the undertaking of which is felt is to be dependent upon Blackstone's ability to obtain sufficient rate relief. The issuance of such securities might be possible by early 1981.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Rhode Island Division of Public Utilities and Carriers has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction thereover.

Notice is further given, That any interested person may, not later than January 25, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended by said post-effective amendment, 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 addresses, 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 by said post-effective amendment 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 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 Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-528 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21376; 70-6311]

General Public Utilities Corp., et al.; Post-Effective Amendment Regarding Issuance and Sale of Additional First Mortgage Bonds and Request for an Exception from Competitive Bidding

December 31, 1979.

In the Matter of General Public Utilities Corp., 260 Cherry Hill Road, Parsippany, New Jersey 07054; Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Co., 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605; Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907.

Notice is hereby given, That General Public Utilities Corporation ("GPU"), a registered holding company, and its electric utility subsidiaries Jersey Central Power & Light Company ("Jersey Central"), Metropolitan Edison Company ("Met-Ed"), and Pennsylvania Electric Company ("Penelec"), have filed with this Commission a post-effective amendment to their application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(d) of the Act and Rules 44, 45, 50(a)(2) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By orders dated June 19, 1979 (HCAR No. 21107) and October 30, 1979 (HCAR No. 21276), the Commission authorized GPU, Jersey Central, Met-Ed and Penelec to issue, sell and renew their respective promissory notes (the "notes") having a maturity of not more than six months from the date of issue from time to time through October 1, 1981 pursuant to a revolving credit agreement with a syndicate of commercial banks (the "Loan Agreement"). Aggregate borrowings under the Loan Agreement are limited to $500,000,000 and Met-Ed's indebtedness thereunder is restricted to $125,000,000. the indebtedness under the Loan Agreement was to be secured by an unconditional guarantee given by GPU, as well as the pledge by GPU to the banks of the common stock of Jersey Central, Met-Ed, Penelec and GPU Service Corporation, and, in the cases of Jersey Central and Met-Ed, certain other collateral.

Met-Ed now proposes to issue and sell for cash to the banks participating in the Loan Agreement and requests an exception from the competitive bidding requirements of Rule 50 under the Act for such issuance and sale, up to $14,000,000 aggregate principal amount of additional first mortgage bonds (the "New Bonds"). The New Bonds would be issued under the Indenture, dated November 1, 1944, between Met-Ed and Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture. Of the New Bonds, up to $7,000,000 principal amount will be issued against a like principal amount of Met-Ed's First Mortgage Bonds due February 1, 1980, and up to $7,000,000 principal amount will be issued against cash or bondable value of property additions. The New Bonds may be subject to redemption and to mandatory repurchase upon the occurence of certain events.

The New Bonds will mature on or before December 31, 1981. The interest rate on the New Bonds will be computed in accordance with the formula for determining the interest rate on the notes issued by Met-Ed under the Loan Agreement—that is, ranging from 105 percent to 111 percent of the higher of (i) Citibank's base rate, as in effect from time to time, or (ii) ½ of 1 perceht above the three-week moving average of offering rates for three-month certificates of deposit of major banks. In other words, the New Bonds will bear interest at a rate equal to the rate that the notes issued by Met-Ed under the Loan Agreement would have borne had they, and not the New Bonds, been issued. The aggregate principal amount of notes issued by Met-Ed under the Loan Agreement and the New Bonds outstanding at any one time shall not exceed $125,000,000. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged.

The fees, commissions and expenses to be incurred in connection with proposed transaction will be filed by amendment. The Pennsylvania Public Utility Commission has jurisdiction with respect to Met-Ed's proposed issuance and sale of the New Bonds. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given, That any interested person may, not later than January 25, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the 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 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 Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-526 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21360; 70-3816]

Jersey Central Power & Light Co.; Proposed Extension of Time for Capital Contributions To Be Made by Subsidiary Utility Companies to a Non-Utility Subsidiary Company

December 27, 1979.

In the matter of Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Co., 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19603; Pennsylvania Electric Co., 1001 Broad Street, Johnstown, Pennsylvania 15907; Saxton Nuclear Experimental Corp., 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19603.

Notice is hereby given, That Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company ("utility companies"), all public utility subsidiary companies of General Public Utilities Corporation, a registered holding company, and the utility companies' non-utility subsidiary company, Saxton Nuclear Experimental Corporation, have filed with this Commission post-effective amendments to their joint application-declaration, as previously amended, filed in this proceeding designating Sections 2(a)(3), 2(a)(19), 6(a), 7(a), 10, 12(f) and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 7(b), 24(c)(3)(C) and 100 as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as futher amended by the post-effective amendments, which are summarized below, for a complete statement of the proposed transactions.

By orders issued in this proceeding dated May 11, 1960 (HCAR No. 14427) May 20, 1968 (HCAR No. 15481), and December 31, 1974 (HCAR No 18738), the utility companies were authorized to acquire all of the capital stock of Saxton and to make capital contributions to Saxton aggregating $10,000,000 through December 31, 1979. Saxton was organized as a nonprofit stock corporation to costruct, operate, and maintain a small experimental nuclear reactor and the captial contributions were to be used for such purposes.

It is stated that Saxton's experimental and research activities have been terminated and its reactor facility has been decommissioned. It is further stated that pursuant to the regulations of the Nuclear Regulatory Commission, Saxton must continue in existence long enough to dismantle its nuclear facility. As a result, Saxton's corporate charter has been amended to extend Saxton's corporate existence in perpetuity.

Saxton and the utility companies have filed further post-effective amendments to the joint application-declaration proposing to extend the period wherein capital contributions may be made by the utility companies to Saxton through December 31, 1984. It is proposed that utility companies continue making contributions to Saxton through the extended period of its corporate life, such contributions to be used by Saxton to wind up its affairs, dispose of its properties or maintain them in a safe condition and obtain all necessary governmental and other releases. It is stated that in the absence of unusual circumstances, the cost of surveillance, insurance and maintenance for the facility through December 31, 1984, will be approximately $10,000 per year. Approximately $100,000 of the $10,100,000 of authorized contributions by the utility companies remains available.

The order of May 11, 1960, also exempted Saxton's operations and the research agreement between Saxton and the utility companies from the requirements of Section 13 of the Act and the rules thereunder. The sixth post-effective amendment requests a confirmation that such exemption from said section and applicable rules continues in effect.

It is stated that the Board of Public Utility Commissioners of the State of New Jersey has approved the period within which contributions may be made by the utility companies and that no other state and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that the utility companies will incur no fees or expenses in connection with the proposed transactions.

Notice is further given, That any interested person may, not later than January 17, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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 addresses, 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 by the post-effective amendment 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. 80-525 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16459; Filed No. SR-MSRB-79-14]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rules

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 17, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission the proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board (the "Board") is filing proposed amendments to rule G–35 on arbitration (hereafter sometimes referred to as the "proposed rule changes"). The text of the proposed rule changes appears below.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule changes is as follows:

Purpose of Proposed Rule Changes

A uniform arbitration code (the "Uniform Code") has been developed by the Securities Industry Conference on Arbitration, which is composed of the representatives of the Board, ten other self-regulatory organizations, three public members and the Securities Industry Association (the "Conference"). The Uniform Code, when implemented by the various self-regulatory organizations, will establish throughout the securities industry a uniform system of arbitration procedures for customer claims. The Uniform Code was submitted to the Commission by the Conference on December 28, 1978. As a result of comments from the Commission staff, certain changes were made in the Uniform Code.

The proposed rule changes are intended to conform the provisions of the Board's arbitration code, contained in rule G–35, to those of the Uniform Code. Although the Uniform Code is intended to address only the arbitration of customer disputes, the proposed rule changes will also modify the procedures for the arbitration of intra-industry

disputes. We understand that several of the other self-regulatory organizations are similarly revising their procedures for the arbitration of such disputes.

The Conference also agreed on a standard fee schedule. The Board intends to file in the near future an amendment to rule A–16 to conform the fees and charges prescribed in that rule to those agreed to by the Conference.

Basis Under the Act for Proposed Rule Changes

The proposed rule changes have been adopted pursuant to Sections 15B(b)(2)(C) and 15B(b)(2)(D) of the Act. Section 15B(b)(2)(C) provides in pertinent part that the Board's rules be designed

> to promote just and equitable principles of trade * * * to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

Section 15B(b)(2)(D) states that the Board shall, if it deems appropriate

> provide for the arbitration of claims, disputes, and controversies relating to transactions in municipal securities: Provided, however, That no person other than a municipal securities broker, municipal securities dealer, or person associated with such a municipal securities broker or municipal securities dealer may be compelled to submit to such arbitration except at his instance and in accordance with section 29 of this title.

Comments Received From Members, Participants or Others on Proposed Rule Changes

The Board has neither solicited nor received comments on the proposed rule changes. As noted above, the proposed rule changes are intended to conform the Board's Arbitration Code to the Uniform Code developed by the Securities Industry Conference on Arbitration. In developing the Uniform Code, the Conference had the benefit of the views of three public representatives and an industry trade organization, as well as those of the self-regulatory organizations. In addition, the Conference submitted the Uniform Code to the Commission to obtain the comments of the Commission and its staff prior to the final adoption of the Uniform Code by the Boards of the self-regulatory organizations. Certain changes were made in the Uniform Code as a result of the comments of the Commission staff.

Burden on Competition

The Board does not believe that the proposed rule changes will impose any burden on competition in the municipal securities industry inasmuch as the proposed rule changes will be equally applicable to all participants in the industry. In addition, the proposed rule changes may improve competition in the securities industry as a whole since all participants will be subject to the same arbitration procedures.

On or before February 12, 1980, 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 organizations consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes 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 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, NW., 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 30 days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Text of Proposed Amendments

Rule G–35.* Arbitration. Every municipal securities broker and municipal securities dealer shall be subject to the Arbitration Code set forth herein.

Arbitration Code

Sections 1 through 4. No change

Section 5. Initiation of Proceedings

Except as otherwise provided herein, an arbitration proceeding under this Arbitration Code shall be instituted as follows:

(a) The *claimant* [initiating party] shall file with the Director of Arbitration three executed copies of the Submission Agreement *and* [with] three copies of the Statement of Claim *of* [upon] the controversy in dispute, together with the documents in support of the claim. The Statement of Claim should specify the relevant facts and the remedies sought. [(b)] The Director of Arbitration shall endeavor to serve promptly by mail or otherwise on the respondent or respondents one copy of the Submission Agreement and one copy of the Statement of Claim.

(*b*) [(c)] The respondent or respondents shall, within 20 business days of receipt of service, file with the Director of Arbitration one executed Submission Agreement and one copy of the answer. The answer shall contain all available defenses to the Statement of Claim and may set forth any related counterclaim the *respondent or respondents* [responding party or parties] may have against the *claimant* [initiating party] and any third-party claim against any other party or person upon any existing claim, dispute or controversy subject to arbitration under this Arbitration Code.

(*c*) [(d)] If the respondent or respondents interpose a third-party claim, the Director of Arbitration shall endeavor to serve promptly by mail or otherwise a copy of the third-party claim, together with a copy of the Submission Agreement, on such third party who shall respond in the manner provided for response to the Statement of Claim.

(*d*) [(e)] The Director of Arbitration shall endeavor to serve promptly by mail or otherwise on the *claimant* [initiating party] a copy of the answer, counterclaim, third-party claim or other responsive pleading, if any. The *claimant* [initiating party] may within ten business days of receipt of a counterclaim file a reply to the counterclaim with the Director of Arbitration who will serve a copy of the reply on the *respondent or respondents* [responding party or parties].

(*e*) [(f)] [Notwithstanding the provisions of this section,] *T*he time period to file any pleading, whether such be denominated as a claim, answer, counterclaim, [or] reply *or third-party pleading*, may be extended for such further periods as may be granted by the Director of Arbitration.

(*f*)(*1*) [(g)(1)] *With respect to any dispute, claim or controversy submitted to arbitration, a*ny party or person eligible to submit a claim under this Arbitration Code shall have the right to proceed *in the same arbitration* against any other party or person [subject to this Arbitration Code in the same hearing]

Italics indicate new language; [brackets] indicate deletions.

upon any claim directly related to such dispute.

(2) For purposes of this subsection, the Director of Arbitration shall be authorized to determine preliminarily whether a claim is directly related to the matter in dispute and to join any other party to the dispute and to consolidate the matter for hearing and award purposes.

(3) All final determinations in respect of joining and consolidation under this subsection shall be made by the arbitration panel.

Section 6. Time Limitation Upon Submission

No claim, dispute or controversy shall be eligible for submission to arbitration under this Arbitration Code in any instance where six years shall have elapsed from the occurrence of the act or event giving rise to the calim, dispute or controversy. *This section shall not extend applicable statutes of limitations.*

Section 7. No change

Section 8. Composition and Appointment of Panels

(a) No change.

(b) Notice of Appointment; Objections. [Upon selection of a panel,] *T*he Director of Arbitration shall *inform* [promptly advise each of] the parties to the proceeding of the *names and business affiliations* [identity] of the persons appointed to the panel *at least eight business days prior to the date fixed for the initial hearing session. In an arbitration proceeding being heard by a panel consisting of more than one arbitrator,* each party shall have the right to one peremptory challenge [with respect to the members of the panel if the panel consists of three persons or less, and two peremptory challenges, if the panel consists of more than three persons]. Each party shall also have the right to request that the Arbitration Committee remove other members of the panel, which the Arbitration Committee shall be empowered to do in its sole discretion. A party wishing to exercise a peremptory challenge [or challenges] or to request that the Arbitration Committee remove members of the panel must do so *by notifying* [in a writing transmitted to] the Director of Arbitration *in writing* within five business days of [receipt of] notification of the identity of the persons named to the panel.

Section 9. Dismissal or Termination of Proceedings

The arbitrators, after their election and at any time during the course of the arbitration, may either upon their own initiative or *at* [upon] the [joint] request of *a party* [the parties], dismiss the proceeding and refer the parties to the remedies provided by law. *The arbitrators shall, upon the joint request of the parties, dismiss the proceedings.*

Section 10. No change

[Section 11. Legal Proceedings

No party shall during the arbitration of any matter, prosecute or commence any lawsuit, action or proceeding against any other party relating to any of the matters being arbitrated pursuant to this Arbitration Code.]

Section *11*[12] Tolling of Time Limitations for the Institution of Legal Proceedings

No change.

Section *12*[13] Designation of Number of Arbitrators

(a) Controversies Involving Persons Other Than Municipal Securities Brokers or Municipal Securities Dealers

(1) Except as otherwise provided in this Arbitration Code, in all arbitration matters in which a person other than a municipal securities broker or municipal securities dealer is involved and where the matter in controversy does not exceed the amount of *$100,000* [$50,000], *or where the matter in controversy does not involve or disclose a money claim or the amount of damages cannot be readily ascertained at the time of commencement of the proceeding, the Director of Arbitration shall appoint an arbitration panel which shall consist of no less than three nor more than five arbitrators,* [an arbitration panel shall consist of no less than three nor more than five arbitrators, as determined by the Director of Arbitration,] *at least a* [the] majority of whom shall not be associated with a broker, dealer or municipal securities dealer unless such person requests a panel consisting of a majority of arbitrators associated with a broker, dealer or municipal securities dealer.

(2) In all arbitration matters in which a person other than a municipal securities broker or municipal securities dealer is involved, and where the amount in controversy exceeds *$100,000* [$50,000], *the Director of Arbitration shall appoint an arbitration panel which shall consist of five arbitrators,* [an arbitration panel shall consist of five arbitrators] at least three of whom shall not be associated with any broker, dealer or municipal securities dealer unless such person requests a panel consisting of a majority of arbitrators associated with a broker, dealer or municipal securities dealer.

[(3) In all arbitration matters in which a person other than a municipal securities broker or municipal securities dealer is involved, and where the claim, dispute or controversy does not involve a money claim or the amount of damages cannot be readily ascertained at the time of commencement of the proceeding, an arbitration panel shall consist of no less than three nor more than five arbitrators, as determined by the Director of Arbitration, the majority of whom shall not be associated with any broker, dealer or municipal securities dealer unless such person requests a panel consisting of a majority of arbitrators associated with a broker, dealer or municipal securities dealer.]

(b) No change.

Section *13*[14] Required Disclosure by Arbitrators

Each arbitrator shall be required to disclose to the Director of Arbitration any circumstances which might preclude such arbitrator from rendeirng an objective and impartial determination upon any matter submitted to arbitration. *Prior to the commencement of the first hearing session, the Director of Arbitration may remove an arbitrator who discloses such infomation. The Director of Arbitration shall also inform the parties of any information disclosed pursuant to this section if the arbitrator who disclosed the information is not removed.*

Section *14*[15] Disqualification or Other Disability of Arbitrators

In the event that any arbitrator, *after the commencement of the first hearing session but* prior to the rendition of the award, should become disqualified, resign, die, refuse or be unable to perform or discharge his duties, the Director of Arbitration, upon such proof as the Director of Arbitration deems satisfactory [to establish any one of the foregoing conditions], shall, where permitted by law, either (a) appoint a new member to the panel to replace such arbitrator, obtaining the consent of the parties if necessary under applicable law, or (b) with the consent *or* [and] waiver of the parties, direct that the arbitration proceed without the substitution of a new arbitrator. [In the event the Director of Arbitration shall appoint a new member to the panel as provided in clause (a) of this section, each party to the proceeding shall have the right to one peremptory challenge with respect to such appointment and, after the exercise of such right, to request the Arbitration Committee to remove any person subsequently

appointed, which the Arbitration Committee shall be empowered to do in its sole discretion.]

Section *15*[16] Requirement for a Hearing

No change.

Section *16*[17] Designation of Time and Place of Hearings

Unless the law directs otherwise, the time and place of the initial hearing shall be determined by the Director of Arbitration and for each ensuing hearing thereafter by the arbitration panel. [Notwithstanding the foregoing,] *Any* party to a proceeding may seek review by the Arbitration Committee of the decision of the Director of Arbitration *regarding the time or place of the initial hearing* by promptly filing a request to that effect with the Director of Arbitration. *In such case the Arbitration Committee shall determine the time or place of the initial hearing.* Notice of the initial hearing shall be delivered at least eight business days prior to the date fixed for hearing by personal service or registered or certified mail to each of the parties and for each hearing thereafter as the arbitration panel shall determine, unless the parties shall by their mutual consent waive the notice provisions provided under this Section. Attendance at a *hearing* [meeting] constitutes a waiver of notice thereof.

Section *17*[18] Representation by Counsel

No change.

Section *18*[19] Attendance at Hearings

No change.

Section *19*[20] Failure to Appear

No change.

Section *20*[21] Adjournments

No change.

Section *21*[22] Acknowledgment of Pleadings

The arbitrators shall acknowledge to all parties present that they have read the pleadings filed by the parties. [unless such acknowledgment shall be specifically waived by the parties, their counsel or representatives.]

Section *22*[23] Power to Direct Appearances

The arbitrators shall be empowered, without resort to subpoena process, to direct the appearance of any person associated with a municipal securities broker or municipal securities dealer and the production of any [relevant] records in the possession or control of *such* [any] person [associated with a municipal securities broker or municipal securities dealer] or of *any* [the] municipal securities broker or municipal securities dealer. Unless the arbitrators direct otherwise, the party requesting the appearance of a person or the production of documents under this section shall bear all *reasonable costs* [actual and necessary expenses] *incurred* in connection with the appearance of such person or the production of documents.

Section *23*[24] Subpoena Process

(*a*) The arbitrators and any counsel of record to a proceeding shall have the power of subpoena process as is now or may hereafter be provided by law. However, the parties shall produce witnesses and documents to the fullest extent possible without resort to the issuance of subpoena process.

(*b*) *Prior to the first hearing session, the parties shall cooperate in the voluntary exchange of such documents and information as will serve to expedite the arbitration. If the parties agree, they may also submit additional documents to the Director of Arbitration for forwarding to the arbitrators.*

Section *24*[25] Evidence

No change.

Section *25*[26] Interpretation of Arbitration Code

No change.

Section *26*[27] Determination of Arbitrators

All rulings and determinations of the panel shall be by a majority of the arbitrators. [All decisions and awards must be made by at least a majority of the arbitrators of a panel.]

Section *27*[28] Record of Proceedings

Unless requested by the arbitrators or a party or parties to a dispute, no record of an arbitration proceeding shall be kept. If a record is kept, it shall be a verbatim record. If a party or parties to a dispute elect to have the record transcribed, the cost of such transcription shall be borne by the party or parties making the request. [A verbatim record shall be required of every proceeding before a panel of arbitrators. The arbitrators or any party to a proceeding shall have the right to review the record. A party shall also have the right to a copy of the record, provided that the party pays the cost of reproducing it.]

Section *28*[29] Conduct of Hearings

(a) Oath of Arbitrators. *Prior to the commencement of the first hearing session, an oath or affirmation shall be administered to the arbitrators.* [An oath shall be required of the arbitrators unless all parties, their counsel or representatives shall have waived the taking of such oath in writing either in a duly executed submission agreement or other separate instrument. Such oath shall be administered by any person authorized by law to administer oaths to the arbitrators unless the taking of an oath shall have been previously waived.]

(b) No change.

(c)(1) *Order of Presentation.* The *claimant* [initiating party], or such party's counsel or representative, shall present such evidence and proofs and produce such witnesses as *the claimant* [he] may have in support of *the* [his] claim.

(2) The *respondent* [responding party], or such party's counsel or representative, shall then present such evidence, defenses, claims, if any, and produce such witnesses as *the respondent* [he] may have in support of *such* [his] defenses [and/] or claims

(3) All testimony shall be under oath *or affirmation* [unless the taking of an oath is waived by the parties or their counsel or representatives and the arbitrators]. Any party or witness testifying during the course of the proceedings shall be subject to the examination of the other party, or such party's counsel or representative.

(4) No change.

Section *29*[30] Amendment of Pleadings

No amendment to the pleadings shall be permitted *after receipt of a responsive pleading* except upon the consent of the arbitrators and upon such terms and conditions as they may direct.

Section *30*[31] Reopening of Hearings

*Where permitted by law, t*he arbitrators may reopen any hearing before an award is rendered upon their own initiative or, in their discretion, upon the application of any party.

Section *31*[32] Awards

(a) All awards shall be in writing and signed by a majority of the arbitrators or in such other manner as is required by law. *Such awards may be entered as a judgment in any court of competent jurisdiction.* The arbitrators shall be empowered to assess any costs and fees upon the parties in such manner as they deem to be just and reasonable, including but not limited to the expense of the record. [All awards shall be rendered within 30 business days from the date that the hearings shall have been declared closed unless the

hearings are reopened as provided under this Arbitration Code.]

(b) and (c) No change.

(d) The arbitrators shall endeavor to render an award within thirty business days from the date the record is closed.

Section *32*[33] Miscellaneous

No change.

Section *33*[34] Fees, Costs and Expenses of Arbitration

No change.

Section *34*[35] Simplified Arbitration for Small Claims

No change.

[FR Doc. 80-529 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16455; File No. SR-NESDTC-79-3]

New England Securities Depository Trust Co.; Self-Regulatory Organizations; Proposed Rule Change

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 December 26, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed Rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

New England Securities Depository Trust Company (NESDTC) proposes to accommodate an interpretation to an existing agreement between Philadelphia-Baltimore Stock Exchange (now the Philadelphia Stock Exchange, Inc.) and the Boston Stock Exchange (now the Boston Stock Exchange, Incorporated) dated March 5, 1957. The interpretation relates specifically to an amendment to the agreement dated March 5, 1957, which states in part that: "All securites delivered shall conform to the delivery requirements of the receiving Stock Clearing Corporation * * *." (See Amendment attached as Exhibit 2, page 2(b).) NESDTC has received and concurs with the interpretation of Stock Clearing Corporation of Philadelphia (SCCP) that it is not in conflict with the latter's requirements if Boston Stock Exchange Clearing Corporation (BSECC) wishes to deliver securities to NESDTC, which will act as a depository facility for SCCP per an agreement between SCCP and NESDTC (attached as Exhibit 3).

Statement of Basis and Purpose of Proposed Rule Change

The purpose of the proposed interpretation is to reduce costs and promote greater efficiency in clearance between SSCP and BSECC.

The proposed interpretation will enable NESDTC to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible in accordance with the purposes set forth in Section 17A(b)(3)(F) of the Act.

No formal comments were solicited from members.

No burden on competition will be imposed by the proposed interpretation.

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, 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 January 29, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

December 28, 1979.

[FR Doc. 80-530 Filed 1-7-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1740]

Oklahoma; Declaration of Disaster Loan Area

The following two Counties and adjacent counties within the State of Oklahoma constitute a disaster area as a result of natural disaster as indicated:

County, Type of natural disaster(s), and Date(s)

Cimarron—Blizzard and Wind—10/30/79-10/31/79.

Texas—Blizzard, Snow Storm, and Wind—10/30/79-10/31/79.

Eligible persons, firms and organizations may file aplications for loans for physical damage until the close of business on June 16, 1980, and for economic injury until the close of business on September 15, 1980, at:

Small Business Administration, District Office, 200 N.W. 5th St., Suite 670, Federal Building, Oklahoma City, Oklahoma 73102.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: December 14, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-590 Filed 1-7-80; 8:45 am]

BILLING CODE 8025-01-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

January 3, 1980.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Complete Legal Name of Cooperative Association or Federation of Cooperative

Associations: Agriland Trucking Cooperative Association, Incorporated
Principal Mailing Address (Street No., City, State, and Zip Code): 2700 Esquire Drive, Boise, ID 83704.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 2700 Esquire Drive, Boise, ID 83704.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): R. J. Redmond, 2700 Esquire Drive, Boise, ID 83704.
(2) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Central America Farm Lines, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 18700 John F. Kennedy Blvd., Houston, TX 77205.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 18700 John F. Kennedy Blvd., Houston, TX 77205.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): William W. Selman, P.O. Box 60773, Houston, TX 77205.
(3) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Indiana Farm Bureau Cooperative Association, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 120 East Market Street, Indianapolis, IN 46204.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 120 East Market Street, Indianapolis, IN 46204.
Person To Whom Inquires and Correspondence Should be Addressed (Name and Mailing Address): Charles Shaw, 120 East Market Street, Indianapolis, IN 46204.
(4) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: International Marketing & Distributing, Inc.
Principal Mailing Address (Street No., City, State and Zip Code): P.O. Box 87, Declo, ID 83323.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Jct. of ID Highways 81 and 77, Declo, ID 83323.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Decloss Stoker, P.O. Box 87, Declo, ID 83323.
(5) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Lincoln County Farmlines (Cooperative)
Pincipal Mailing Address (Street No., City, State and Zip Code): P.O. Box 82429, Oklahoma City, OK 73148.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 4415 Highline Blvd., Suite 109, Oklahoma City, OK 73108.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): John W. Crudup, P.O. Box 82429, Oklahoma City, OK 73148.
(6) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Pacific Atlantic Marketing Association, Inc.
Pincipal Mailing Address (Street No., City, State and Zip Code): P.O. Box 141, Patton, CA 92369.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 11100 S. Mt. Vernon, Colton, CA 92324.
Person To Whom Inquiries and Correspondence Should be Addressed (name and Mailing Address): Carl Brooks, 11100 S. Mt. Veron, Colton, CA 92324.

Agatha, L. Mergenovich,

Secretary,

[FR Doc. 80-505 Filed 1-7-80; 8:45 am]
BILLING CODE 7035-01-M

[Notice No. 158]

Assignment of Hearings

January 2, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

37251, Landmark, Inc. V. Consolidated Rail Corporation, now assigned for hearing on January 30, 1980 will be held in Room No. 220, Old Federal Bldg. Courthouse, 85 Marconi Blvd., Columbus, OH.

MC 144122 (Sub-No. 44F), Carretta Trucking, Inc., now assigned for hearing on January 22, 1980 will be held in Room E-2222, Federal Building, 26 Federal Plaza, New York, NY.

MC 144672 (Sub-No. 9F), Victory Express, Inc., now assigned for hearing on January 28, 1980 will be held in Room No. 8017, Federal Building, 550 Main Street, Cincinnati, OH.

MC 95540 (Sub-No. 1077F), Watkins Motor Lines, Inc., now assigned for hearing on January 29, 1980 will be held in room No. 8017, Federal Building, 550 Main Street, Cincinnati, OH.

MC 108119 (Sub-No. 128F), E. L. Murphy Trucking Company, now being assigned for hearing on March 6, 1980 (2 Days), at San Francisco, CA in a hearing room to be designated later.

MC 144259 (Sub-No. 5F), Jennaro Lines, Inc., now being assigned for hearing on March 10, 1980 (2 Days), at San Francisco, CA in a hearing room to be designated later.

MC 141804 (Sub-No. 181F), Western Express, Division of Interstate Rental, Inc., now being assigned for hearing on March 12, 1980 (3 Days), at San Francisco, CA in a hearing room to be designated later.

MC 123272 (Sub-No. 24F), Fast Freight, Inc., now being assigned for hearing on March 5, 1980 (3 Days), at Milwaukee, WI in a hearing room to be designated later.

MC 118457 (Sub-No. 23F), Robbins Distributing Company, Inc., now being assigned for hearing on March 10, 1980 (2 Days), at Milwaukee, WI in a hearing room to be designated later.

MC 94265 (Sub-No. 288F), Bonney Motor Express, Inc., now being assigned for hearing on March 12, 1980 (3 Days), at Milwaukee, WI in a hearing room to be designated later.

MC 96878 (Sub-No. 3F), Consolidated Transfer & Warehouse Co., Inc., now assigned for hearing on January 23, 1980, will be held in Room 5409, Federal Courthouse Building, 200 N.W. 4th Street, Oklahoma City, OK.

MC 136828 (Sub-No. 28F), Cook Transports, Inc., Application Dismissed.

MC 112908 (Sub-No. 9F), Kingsway Transports Limited, now assigned for hearing on January 21–22, 1980 (5 Days), at Detroit, MI, in room No. 1194, McNamara Federal Bldg., 770 Michigan Avenue, Detroit, MI, and continued to January 23–25, 1980 in room No. 1090, McNamara Federal Bldg., 770 Michigan Avenue, Detroit, MI, is transferred to January 21–25, 1980 (5 Days), at the Hotel Pontchartrain, Two Washington Blvd., Detroit, MI.

MC 1515 (Sub-No. 258F), Greyhound Lines, Inc., a California corporation, now assigned for hearing on January 8, 1980 will be held in Room No. 882, General Service Administration Building, 75 Spring Street, Atlanta, GA.

MC FC 77834, Danella Bros., Inc. (Transferor), Plymouth Transport, Inc. (Transferee), now assigned for hearing on January 9, 1980 at Philadelphia, PA is postponed to February 13, 1980 (3 Days), at Philadelphia, PA in a hearing room to be designated later.

MC 147144F, International Carriers, Inc., now being assigned for hearing on February 26, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 133302 (Sub-No. 5F), Wichita Southeast Kansas Transit, Inc., now being assigned for hearing on March 17, 1980 (1 Week), at Wichita, KS in a hearing room to be designated later.

MC 14252 (Sub-No. 42F), Commercial Lovelace Motor Freight, Inc., now assigned for hearing on January 8, 1980,

will be held in Room No. 220, Old Federal Bldg. & Courthouse, 85 Marconi Blvd., Columbus, OH.

MC 145500 (Sub-No. 1F), East Texas Cartage Company, now assigned for hearing on February 25, 1980 is canceled and reassigned to February 25, 1980 (5 Days), at Fort Worth, TX in a hearing room to be designated later.

MC 113855 (Sub-No. 477F), International Transport, Inc., transferred to Modified Procedure.

MC 123405 (Sub-No. 65F), Food Transport, Inc., now assigned for hearing on January 11, 1980 will be held at the State Building, 941 Morse Blvd., Room No. 3, Orlando, FL.

MC 146623 F, Stamey Enterprises, Inc., now assigned for hearing on January 14, 1980, will be held in Room No. 218, Federal Building, 51 South West First Avenue, Miami, FL.

MC 11220 (Sub-No. 166F), Gordons Transports, Inc., now assigned for Prehearing Conference on January 28, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 110325 (Sub-No. 93F), Transcon Lines, a corporation, now being assigned for hearing on February 26, 1980 (4 Days), in the Paisley Room, Executive West Motor Hotel, Freedom Way at Fairgrounds, Louisville, KY and continued to March 3, 1980 (5 Days), in the Georgia Room, Executive Inn, 600 Walnut Street, Evansville, IN.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-502 Filed 1-7-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 79F)]

Chicago & North Western Transportation Co. Abandonment Near Blair and Tekamah in Washington and Burt Counties, NE; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided November 15, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of the line of railroad extending between milepost 98.1 near Blair and milepost 80.7 near Tekamah, a distance of 17.4 miles in Washington and Burt Counties, NE. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-500 Filed 1-7-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-62 (Sub-No. 1)]

Marinette, Tomahawk & Western Railroad Co., Abandonment Near Kings and—Discontinuance of Service—Near Kings and Tomahawk, in Lincoln County, WI; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided July 10, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permits the abandonment and discontinuance of operations by the Marinette, Tomahawk & Western Railroad Company (1) abandonment of .49 miles of its line of railroad known as the Kings Line between milepost 11.24 to milepost 11.73 near Kings, WI; and (2) discontinuance of service over 2.62 miles of its line of railroad known as the Kings Line between milepost 11.73 and milepost 14.35 near Kings and Tomahawk, WI. A certificate of abandonment will be issued to the Marinette, Tomahawk and Western Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41

FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-501 Filed 1-7-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 56)]

Southern Pacific Transportation Co. Abandonment Between Brenham and Giddings, TX; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 by a decision decided December 8, 1978, and the decision of the Commission, Division 2, acting as an Appellate Division, served August 8, 1979, as modified, adopted the decision of December 8, 1978, which is administratively final, stating that, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its line of railroad from the end of the line extending from milepost 20.86 near Brenham in a westerly direction to the beginning of the branch at railroad milepost 55.78 near Giddings, a distance of 34.92 miles. The line sought to be abandoned is located in Washington, Fayette, and Lee Counties, TX, subject to the following conditions: (1) No earlier than June 1, 1979, SP convey to the Santa Fe that portion of the trackage on the line to be abandoned from milepost 21.89 to milepost 18.67 within the city limits of Brenham in order that continued and uninterrupted rail service may be provided to shippers at Brenham located on said line; (2) No earlier than June 1, 1979, SP redesignate or reclassify the trackage from Giddings to Carmine as an industrial spur to provide service thereunder to Jacob's Store until June 1, 1980. This would provide Jacob's Store with a reasonable amount of lead time to adjust its operations, relocate, if necessary, and adapt to new transportation services; (3) No earlier than June 1, 1980, applicant may accomplish the physical abandonment of the line; (4) Applicant shall sell the line or any portions thereof to any financially responsible person, firm, group, organization, association or corporation, including the State or any agency thereof, prior to June 1, 1980, for continued operation upon approval by this Commission. Applicant will be expect to report to the Commission prior to June 1, 1980, any progress made in genuine negotiations surrounding the sale of the line consistent herewith; and (5) protection of employees as set forth in *Oregon Short Line Railroad Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification of the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-499 Filed 1-7-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 44]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that 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 Frd. Reg. 60277.

Petitions not in reasonable complaince 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 56344 M1F, Notice of Filing of Petition to Modify a Certificate, filed June 21, 1979. Petitioner: ALERT MOTOR FREIGHT, INC., Bridgeboro Rd., P.O. Box 1045, Delran, NJ 08075. Representative: Robert B. Pepper, 168 Woodbridge. Ave., Highland Park, NJ 08904. Petitioner holds motor *common carrier* authority in MC–56344, served May 9, 1961, which authorizes the transportation of *heaters and parts, radiators, enamelware, plumbing supplies, sheet metal, and corrugated metal products,* over irregular routes, from Philadelphia, PA, to points in DE, MD, NJ, and DC. By the instant petition, petitioner seeks to modify the above-territorial description to read: "between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ,and DC."

MC 71536 (M1F), MC 71536 Sub-1 (M1F), MC 71536 Sub-3 (M1F), MC 71536 Sub-10G (M1F), (Notice of Petition to Modify Certificates), filed February 7, 1979. Petitioner: ARROW CARRIER CORPORATION, 2600 Penhorn Ave. & State Highway 3, North Bergen, NJ 07047. Petitioner's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Petitioner holds *motor common carrier* certificates in (1) MC 71536, issued December 16, 1942, authorizing transportation over regular and irregular routes, of (A) *general commodities* (except brick, coal and coke, coin, currency, valuable papers, gems or other articles of extraordinary value, conduits or pipe (caly or terra cotta), cut glass, dangerous explosives, fireworks, fish fresh or frozen, flowers, fruits, fresh vegetables, furs, compressed gases, gasoline or other inflammable liquids or articles, hides, skins or pelts, livestock and live poultry, motion picture films, sand, gravel or crushed stone for building material purposes, X-ray machines or tubes, commodities in bulk in tank trucks or dump trucks, commodities which are contaminating or injurious to other lading, commodities exceeding ordinary equipment and loading facilities, or unsuitable for transportation by truck) and household goods as defined in *Practices of Motor common Carriers of Household goods,* 17 M.C.C. 467, between New York, NY, and points in Pennsylvania, (a) from New York over irregular routes to Paterson, NJ, then over U.S. Highway 46 to Hackettstown, NJ, then over New Jersey Highway 24 to Phillipsburg, NJ, then over U.S. Highway 22 via Easton, PA, to Allentown, PA, then over U.S. Highway 309 to junction Pennsylvania Highway 29, then over Pennsylvania Highway 29 via Hazleton, PA, to junction Pennsylvania Highway 93, then over Pennsylvania Highway 93 to Berwick, PA, then over U.S. Highway 11 via Danville, PA, to Northumberland, PA, (b) from New York as specified above to Allentown, PA, then over U.S. Highway 22 to Hamburg, PA, then over U.S. Highway 122 to Sunbury, PA, then over Pennsylvania Highway 14 to Williamsport, PA, and then over U.S. Highway 220 to Lock Haven, PA, (c) from New York as specified above to Danville, PA, then over Pennsylvania Highway 54 to Elysburg, PA, and then over Pennsylvania Highway 242 to Paxinos, PA, (d) from New York as specified above to Hackettstown, NJ, then over U.S. Highway 46 to Portland, PA, then over U.S. Highway 611 to Scranton, PA, and then over U.S. Highway 11 to Berwich, PA, (e) from New York as specified above to Scranton, PA, then over U.S. Highway 6 to Carbondale, PA, and then over Pennsylvania Highway 70 to Forest City, PA, (f) from New York as specified above to Easton, PA, then over U.S. Highway 611 to Stroudsburg, PA, then over U.S. Highway 209 to junction Pennsylvania Highway 115, and then over Pennsylvania Highway 115 to Kingston, PA, (g) from New York as specified above to Allentown, PA, and then over U.S. Highway 309 to Wilkes Barre, PA, (h) from New York as specified above to Allentown, PA, then over U.S. Highway 309 to junction Pennsylvania Highway 563, then over Pennsylvania Highway 563 to junction unnumbered highway, then over nunumbered highway to Red Hill, PA, then over Pennsylvania Highway 29 to Hereford, PA, then over Pennsylvania Highway 100 via Pottstown, PA to junction Pennsylvania Highway 83, then over Pennsylvania Highway 83 to junction Pennsylvania Highway 683, and then over Pennsylvania Highway 683 to Spring City, PA, (i) from New York as specified above to Allentown, PA, and then over U.S. Highway 222 to Ephrata, PA, and (j) return over the above specified regular routes to Paterson , NJ, then over irregular routes to New York. Service is authorized to and from all intermediate points on the above-specified routes, and to and from the off-route points of Boonton, Belvidere, and Oxford, NJ, Nuremberg, Sheppton, Mifflinburg, Middleburg, Beavertown, White Haven, Perkasie, Stowe, Gilbertsville, Topton, Fleetwood, West Reading, Sinking Spring, Denver and Mohton, PA, those in New Jersey within 35 miles of Columbus Circle New York, NY and those within 10 miles of each of the following points: Phillipsburg, Allentown, Danville, Forty Fort, Hazleton, Scranton, Shamokin, Stroudsburg, Sunbury, and Williamsport, PA; and (B) *general commodities,* with exceptions as specified above, over irregular routes, between New York, NY, and points in New Jersey within 35 miles of Columbus Circle, New York, NY. By the instant petition, with respect to MC 71536 (M1F), petitioner seeks to modify the certificate as follows: (I) The commodity description in (A) and (B) so as to read *"general commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)"; (II) The "service" paragraph in (A) so as to read "Service is authorized to and from all intermediate points on the above-specified routes, points in New Jersey, and Nuremberg, Sheppton, Mifflinburg, Middleburg, Beavertown, White Haven, Perkasie, Stowe, Gilbertsville, Topton, Fleetwood, West Reading, Sinking Spring, Denver and Mohton, PA, and those within 10 miles of Phillipsburg, Allentown, Danville, Forty Fort, Hazleton, Scranton, Shamokin, Stroudsburg, Sunbury, and Williamsport, PA; and (II) The territorial description so as to read "between New York, NY, and points in New Hersey"; (2) MC 71536 Sub 1, issued January 21, 1952, authorizing transportation over specified regular routes, as pertinent, of *general commodities* (except explosives and other dangerous articles, acids, corrosive liquids, alcohol (other than denatures and wood), live animals, anthracite and bituminous coal, coke (a product of coal), fresh and frozen fish, fresh sea foods, natural flowers, frog's legs, game undried hides and skins, animal hoofs and horns, ice, jeweler's sweepings, fresh crean and milk, and articles of extraordinary value). By the instant petition, with respect to MC 71536 Sub 1 (M1F), petitioner seeks to modify the commodity description so as to read "general commodities (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)"; (3) MC 71536 Sub 3, issued May 22, 1957, authorizing transportation, as pertinent, over regular

routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, PA, and New York, NY, serving all intermediate points. By the instant petition, with respect to MC 71536 Sub 3 (M1F), petitioner seeks to modify the above portion of the territorial description so as to read, "between Philadelphia, PA, and New York, NY, serving all intermediate points, and points in New Jersey as off-route points"; and (4) MC 71536 Sub 10G, issued July 24, 1975, authorizing transportation, as pertinent, of (A) *general commodities* (except brick, coal and coke, coin, currency, valuable papers, gems or other articles of extraordinary value, conduits or pipe (clay or terra cotta), cut glass, classes A and B explosives, fireworks, fish, fresh or forzen, flowers, fruits, fresh vegetable, furs, compressed gases, gasoline or other inflammable liquids or articles, hides, skins or pelts, livestock, and live poultry, motion picture films, sand, gravel, or crushed stone for building material purposes, X-ray machines or tubes, commodities in bulk, in tank or dump vehicles, commodities which, because of size or weight require the use of special equipment), and household goods as defined by the Commission, over specified irregular routes, and (b) *general commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those which, because of size or weight, require the use of special equipment) (except with respect to the 35 mile non-radial radius of Columbus Circle, New York, NY), over specified irregular routes. By the instant petition, with respect to MC 71536 Sub 10G (M1F), petitioner seeks to modify the commodity descriptions in (A) so as to read, "general commodities (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)", and in (B) so as to read, "general commodities (except classes A and B explosive, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight, require the use of special equipment)".

MC 82965 (Sub-2 (M1F)), filed June 11, 1979, Notice of Filing of Petition to Modify a Certificate. Petitioner: AMADOR STAGE LINES, INC., 213 13th St., P.O. Box 15707, Sacramento, CA 95814. Representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, CA 94111. Petitioner holds *common carrier* authority in Certificate MC 82965 Sub 2, served May 1, 1973, authorizing the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Sacramento, San Joaquin, Yolo and Placer Counties, CA, and extending to points in the United States (including AK but excluding HI). By the instant petition, petitioner seeks to modify the certificate to read: "*passengers* and *their baggage*, in the same vehicle with passengers, in one way and round trip special operations, between Sacramento, San Joaquin, Yolo, and Placer Counties, CA, on the one hand, and, on the other, points in the United States (including AK but excluding HI)".

MC 130358 (M2F), petition to modify, filed May 29, 1979. Applicant: MARCON TOURS INC., 406 David Whitney Bldg., Detroit, MI 48226. Representative: S. Harrison Kahn, Suite 733, Investment Bldg., 1511 K Street NW., Washington, DC 20005. Petitioner holds *broker* carrier license in M 130358, issued July 14, 1977 authorizing, as a broker at Detroit, MI over irregular routes, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in MI (except Grand Rapids and Lansing, and points in Sanilac, Lake, Keweenaw, Ontonagon, Iron, Huron, Luce, Houghton, Baraga, and Dickerson Counties), and extending to points in the United States, (including AK and HI). By this petition, petitioner seeks to engage in broker operations at Detroit and Troy, MI, of *passengers and their baggage*, in special and charter operations, between points in the United States (including AK and HI).

MC 119567 (M1F), MC 119567 Sub-1 (M1F), MC 119567 Sub-5 (M1F), MC 119567 Sub-10 (M1F), and MC 119567 Sub-14 (M1F), (Notice of Filing of Petition to Modify Certificates), filed April 3, 1979. Petitioner: F. H. McCLURE and R. V. ESTELL, a partnership, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, ID 83705. Petitioner's representative: Kenneth G. Bergguist, P.O. Box 1775, Boise, ID 83701. Petitioner holds motor common carrier authority authorizing transportation over specified irregular routes, as pertinent, in Certificates Nos. (1) MC 119567, issued June 28, 1960, of (a) *cement*, from Lime, OR, to Boise, ID, and (b) *cement and cement products*, from Lime, OR, to points in Ada, Canyon, Gem, Idaho, and Owyhee Counties, ID; (2) MC 119567 Sub-1, issued January 28, 1963, of *cement and cement products*, in containers or in bulk, from Lime, OR, to points in Nevada on and north of U.S. Highway 40 (except points in Washoe County); (3) MC 119567 Sub-5, issued December 14, 1966, of *cement*, in bags, from Boise, ID, to Lime, OR; (4) MC 119567 Sub-10, issued August 5, 1971, of (a) *pozzolan*, from Lime, OR, to points in that part of Nevada on and north of U.S. Highway 40 (except points in Washoe County, NV), and points in that part of Idaho south of the northern boundary of Idaho County, ID, and (b) *cement*, from Lime, OR, to points in Bannock, Boise, Bonneville, and Elmore Counties, ID; and (5) MC 119567 Sub-14, issued March 7, 1974, of cement, from Lime, OR, to Custer, Lemhi, Camas, Butte, Power, Oneida, Franklin, Bear Lake, Carabou, Bingham, Jefferson, Madison, Teton, Fremont, and Clark Counties, ID. By the instant petition, petitioner seeks to modify the certificates in MC 119567 (M1F), MC 119567 Sub-1 (M1F), MC 119567 Sub-10 (M1F), and MC 119567 Sub-14 (M1F), by deleting the origin point of Lime, OR, and placing in lieu thereof "Baker County, OR"; and with respect to MC 119567 Sub-5 (M1F), by deleting the destination point of Lime, OR, and placing in lieu thereof "Baker County, OR".

MC 134286 (Sub-24 (M1F)), and MC 134286 Sub-35 (M1F), (Notice of Filing of Petition to Modify the Territorial Descriptions) filed February 15, 1979. Petitioner: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Petitioner holds motor *common carrier* authority in Certificates (1) No. MC 134286 Sub-24, issued August 27, 1979, authorizing transportation, over irregular routes, of *frozen, canned, and packaged foodstuffs*, from Archbold, OH, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to traffic originating at the facilities of La Choy Foods Products, Inc., a division of Beatrice Foods, at or near Archbold, OH, and destined to the above-named destination states. By the instant petition, with respect to MC 134286 Sub-24 (M1F), petitioner seeks to modify (a) the territorial description so as to read, "from the plantsites and/or storage facilities utilized by LaChoy Food Products and Beatrice Specialities Co., Divisions of Beatrice Foods Co., at or near Archbold, OH", and (b) modify the origin point so as to read, "restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations"; and (2) MC

134286 Sub-35, issued March 6, 1979, authorizing transportation, over irregular routes, of *foodstuffs* (except commodities in bulk), from the facilities of LaChoy Food Products, a division of Beatrice Foods Co., located at Archbold, OH, to points in Arkansas, Louisiana, Oklahoma and Texas, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. By the instant petition, with respect to MC 134286 Sub-35 (M1F), petitioner seeks to modify the origin point so as to read, "from the plantsites and/or storage facilities utilized by LaChoy Food Products and Beatrice Specialities Co., Divisions of Beatrice Foods Co., at or near Archbold, OH".

MC 144717 (Sub-1 (M1F)) (Notice of Filing of Petition to Modify a Permit) filed April 11, 1979. Petitioner: CARMICHAEL OF MAINE, INC., 18 Highland Avenue, Houlton, ME 04730. Petitioner's representative: Robert G. Parks, 20 Walnut Street—Suite 101, Wellesley Hills, MA 02181. Petitioner holds motor *contract carrier* authority in Permit No. MC 144717 Sub 1, issued February 13, 1979, authorizing transportation, over irregular routes, of *such commodities* as are dealt in or used by grocery and food business houses, from the facilities of First National Stores, Inc., at Windsor Locks, CT, to Rockland, Bangor, Waterville, and Old Town, ME, and to points in Aroostook County, ME, under continuing contract(s) with First National Stores, Inc., of Somerville, MA. By the instant petition, petitioner seeks to modify the territorial description so as to read, "between the facilities of First National Stores, Inc., at Windsor Locks, CT, on the one hand, and, on the other, points in Maine".

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 of 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 200 (Sub-303F) (Republication), filed April 6, 1978, previously noticed in the Federal Register issue of July 6, 1978. Applicant: RISS INTERNATIONAL CORP., 903 Grand Avenue, Kansas City, MO 64142. Representative: Rodger J. Walsh, 903 Grand Avenue, Kansas City, MO 64142. A Decision of the Commission, Review Board number 2, decided January 31, 1979, and served March 7, 1979, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, from Gas City, IN, to points in CT, IL, KS, MD, MI, NJ, and PA. Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose of this republication is to show applicant's authority over irregular routes and to add CT, IL, KS, MD, MI, NJ, and PA as destination states.

MC 128273 (Sub-304F) (Republication), filed May 26, 1978, previously published in the Federal Register issue of July 13, 1978, and republished this issue: Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same as above). A Decision of the Commission, *Review Board No. 3*, decided September 13, 1979, and served October 1, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *glass containers and closures for glass containers* from the facilities of Ball Corporation at or near Muncie, IN, and Mundelein, IL, and the facilities used by Ball Corporation in Cook and Lake Counties, IL, to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii), and those in New York, Pennsylvania, and New Jersey, restricted to the transportation of traffic originating at the named origin facilities; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to add the restriction of traffic originating at the named origin facilities.

MC 133221 (Sub-36F), (Republication), filed September 5, 1978, previously noticed in the Federal Register issue of November 28, 1978. Applicant: OVERLAND CO., INC., 1991 Buford Hwy., Lawrenceville, GA 30245. Representative: Alvin Button, 1644 Tullie Cir NE., Suite 102, Atlanta, GA 30329. A Decision of the Commission, Review Board Number 1, decided October 3, 1979, and served October 10, 1979, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum stampings, aluminum plate, and aluminum sheet* from Palestine, TX, to points in the United States (except AK, HI, and TX). Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate the addition of aluminum plate and aluminum sheet.

MC 135873 (Sub-7F) (Republication), filed October 9, 1978, published in the Federal Register issue of December 12, 1978, and republished this issue: Applicant: KSS TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08902. Representative: Daniel C. Sullivan, 10 So. La Salle Street, Chicago, IL 60603. A Decision of the Commission, *Review Board No. 3*, decided September 5, 1979, and served September 27, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *contract carrier*, by motor vehicle, transporting *such commodities* as are dealt in or used by manufacturers of metal tool and utility boxes, tool chests, medical cabinets, benches, and shelves (except commodities in bulk), between points in the United States (except Alaska and Hawaii), under continuing contract(s) with Waterloo Industries, Inc., of Waterloo, IA; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to change the commodity description.

MC 141911 (Sub-3F) (Republication), filed September 20, 1978, previously noticed in the Federal Register issue of December 19, 1978. Applicant: ARTHUR

DENNIS DEMONTIGNY d.b.a. DEMONTIGNY TRUCKING, P.O. Box 9047, Moscow, ID 83843. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele Street, Denver, CO 80209. A Decision of the Commission, Administrative Law Judge, decided October 16, 1979, and served October 24, 1979, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier,* by motor vehicle transporting: (1) *Steel building material* (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products, and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; and earth drilling machinery and equipment; (a) from Oklahoma City, OK, to points in AZ, ID, KS, MT, NE, ND, OR, SD, and WA; (b) from points in OR, and WA, to points in AZ, KS, MT, NE, ND, SD, and points in ID, north of Idaho County; and (c) from the facilities of Marathon Metallic Building Co., at Ft. Collins, CO, to points in AZ, ID, KS, NE, MT, ND, OR, SD, and WA; (2) *Lumber, lumber products, and fencing material* from points in ID, MT, OR, and WA, to (a) points in CO, KS, MT, and WY, (b) points in ID north of Idaho County, and (c) Oklahoma City and Lawton, OK. Restriction: The authority granted above is restricted to traffic originating at the named origins and destined to the named destinations. 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 regulations. The purpose of this republication is to indicate the addition of lumber in the commodity description in part (2).

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 on or before February 7, 1980. 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–F–13691 Transferee: JERRY SIMPSON d.b.a. THORTON TRANSFER—Purchase (Portion)—THE ROCK ISLAND MOTOR TRANSIT CO. By Initial Decision served May 24, 1979, an Administrative Law Judge approved and authorized the purchase subject to publication in the **Federal Register** because the operations authorized exceed the scope of the authority described in the prior **Federal Register** publication of August 24, 1978. This decision does not constitute authority to operate. To operate as a common carrier by motor vehicle, in interstate or foreign commerce, over regular routes transporting: (1) General Commodities (except those of unusual value, nitroglycerine, HHG as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Griswold, IA, and junction Iowa Highway 48 and U.S. Highway 6, over Iowa Highway 48, serving no intermediate points, but serving the off-route points of Lewis, IA, to be served from U.S. Highway 6; Between junction U.S. Highway 59 and Iowa Highway 92, and junction U.S. Highways 59 and 6, over U.S. Highway 59 serving no intermediate points: Between Atlantic, IA, and Audubon, IA, serving all intermediate points: From Atlantic, IA over U.S. Highway 6 to junction U.S. Highway 71, then over U.S. Highway 71 to Audubon, and return over the same route. Between Omaha, NE, and Griswold, IA serving the intermediate points of Council Bluffs, Treynor, and Carson, IA: From Omaha across the Missouri River to Council Bluffs, IA, then over Iowa Highway 92 to Griswold, and return over the same routes. (2) General Commodities (except those of unusual value, nitroglycerine, HHG as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaiminating to other lading), between Harlan, IA, and Omaha, NE, serving the intermediate points of Corley, Minden, Neola, Underwood, and Weston, IA, and the off-route point of Shelby, IA: From Harlan over U.S. Highway 59 to Avoca, IA, then over Iowa Highway 83 to junction Iowa Highway 64, southeast of Neola, then over Iowa Highway 64 to Council Bluffs, IA, and then across the Missouri River to Omaha, and return over the same route. Between Avoca, IA, and Atlantic, IA, over Iowa Highway 83, serving the intermediate points of Hancock, Walnut and Marne, IA: From Avoca over U.S. Highway 59 to Oakland, IA, then over U.S. Highway 6 to Atlantic, and return over the same route. (3) General commodities (except those of unusual value, nitroglycerine, livestock, commodities requiring special equipment, and those injurious of contaminating to other lading), between Avoca, IA, and Atlantic, IA, serving the intermediate and off-route points of Hancock, Oakland, Marne, and Walnut, IA; from Avoca over U.S. Highway 59 to junction U.S. Highway 6 to Atlantic, and return over Iowa Highway 83 to Avoca. (4) General Commodities (except those of unusual value, and except livestock, HHG as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), service is authorized to and from Corley, IA, as an off-route point in connection with said carrier's authorized regular route between Omaha, NE, and Harlan, IA.

MC–F–14149F filed August 30, 1979. Authority sought for purchase by CARGO AND TRANSPORTATION SERVICES, INC., 3008 East Fourth Street, Pueblo, Colorado 81001, of a portion of the operating rights of JACKSON'S TRANSFER AND STORAGE CO., Rocky Ford, Colorado 81067, and of control of such rights through the purchase. Applicant's representative: H. James Maxwell, Suite 600, 1221 Baltimore Avenue, Kansas City, Missouri 64105. Operating rights sought to be purchased: A portion of Certificate of Registration MC–57975 (Sub-No. 2) authorizing the conduct of a transfer, moving and general cartage business in the Counties of Bent, Otero, Pueblo, Crowley, Las Animas, Kiowa, Prowers, and Baca, and for occasional service through the State of Colorado and in each of the counties thereof. Application has been filed for temporary authority under section 11349. (Hearing sites: Pueblo, CO or Denver, CO.)

MCF–14157F filed September 12, 1979. Authority sought by Metro Hauling, Inc. of 20848 77th Avenue South, Kent, WA 98031 for merger of the operating rights of Hayes Truck Lines, Inc., 20848, 77th

Avenue South, Kent, WA 98031. Applicant's Representative: JACK R. DAVIS, 1100 IBM Building, Seattle, WA 98101. Authority sought to be merged: General commodities (with exceptions) over irregular routes from Tacoma, WA to points in Pierce, King, Snohomish, Lewis, Thurston, Mason and Grays Harbor Counties, WA and between points within 3 miles of Tacoma including Tacoma. General commodities (with exceptions) over regular routes between Winlock, WA and Portland, OR. Articles which because of size or weight require the use of special equipment, building materials and chlorine between points in Pierce, King, Snohomish, Lewis, Thurston, Mason and Grays Harbor Counties, WA and between such countries on the one hand, and, on the other, points in OR. Insulating materials from plant site of U.S. Gypsum at Tacoma, WA to points in WA and specified counties in MT and ID. Cellulose fiber mats from the facilities of Reichold Chemicals, at and near Tacoma, WA, to points in WA, OR and ID. Applicant is authorized to operate as a common carrier in WA and OR. Application has been filed for temporary authority under Section 11349. MC–138237 Sub 13F is a directly related matter. If a hearing is deemed necessary, the applicants request it be held at Seattle, WA.

MC–F–14171F, filed September 25, 1979. COLUMBUS RETAIL MERCHANTS DELIVERY, INC., 3275 Alum Creek Drive, P.O. Box 755, Columbus, OH 43216—Purchase (Portion)— REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's Representative: JOHN P. McMAHON, GEORGE, GREEK, KING, McMAHON & McCONNAUGHEY, 100 East Broad Street, Columbus, OH 43215. Authority sought to purchase by COLUMBUS RETAIL MERCHANTS DELIVERY, INC., 3275 Alum Creek Drive, P.O. Box 755, Columbus, OH 43216 of a portion of the operating rights of REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicants' attorney is John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be purchased are transferor's MC–119632 Sub 61 certificate which authorized transportation as a common carrier by motor vehicle over irregular routes transporting articles distributed or dealt in by food distributors or wholesale or retail grocers (except frozen foods and commodities in bulk), from the facilities of Retail Merchants Consolidation and Distribution Center, a Division of Columbus Retail Merchants Delivery, Inc. at or near Columbus, OH to points in IL, IN, KY, the lower peninsula of MI, NY, OH, PA, and WV. Transferee is authorized to transport general commodities (usual exceptions) over irregular routes between Columbus, OH, on the one hand, and, on the other, points in OH. Applications has been filed for temporary authority under § 49 U.S.C. § 11349 (formerly § 210a(b) of the Act). (Hearing site: Columbus, OH.)

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission on or before February 7, 1980. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention 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 intervent 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.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene 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 138904 (Sub-2F), filed August 30, 1979. Applicant: CARGO AND TRANSPORTATION SERVICES, INC., 3008 East Fourth Street, Pueblo, CO 81001. Representative: H. James Maxwell, Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting general commodities (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between all points in the State of Colorado. (Hearing Site: Pueblo, CO or Denver, CO.)

Note.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity, being acquired by applicant in the Finance proceeding entitled Cargo and Transportation Services, Inc.—Purchase (Portion)—Jackson's Transfer & Storage Co., docketed MC–F–14149, published in a previous section of this **Federal Register** issue.

MC 14251 (Sub-7F), filed September 25, 1979. Applicant: COLUMBUS RETAIL MERCHANTS DELIVERY, INC., 3275 Alum Creek Drive, P.O. Box 755, Columbus, OH 43215. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of *articles* distributed or dealt in by food distributors or wholesale or retail grocers (except frozen foods and commodities in bulk), from points in OH to points in IL, IN, KY, the Lower Peninsula of MI, NY, OH, PA, and WV. (Gateway to be eliminated: the facilities of Retail Merchants Consolidation & Distribution Center, a Division of Columbus Retail Merchants Delivery, Inc. at or near Columbus, OH). (Hearing Site: Columbus, OH.)

Note.—The purpose of this application is to eliminate the gateways as specified above. This matter is directly related to a finance proceeding, docketed MC–F–14171, published

in a previous section of this Federal Register issue.

MC 19311 (Sub-65F), filed October 19, 1979. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Michigan 48077. Representative: Jack Goodman, 39 South LaSalle Street, Chicago, Illinois 60603. Authority sought to operate as a common carrier by motor vehicle, 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, commodities requiring special equipment, and those injurious or contaminating to other lading, *I.*) (a) between Toledo, Cleveland, Akron, Mansfield, Columbus and Springfield, OH and Coal City, IL, on the one hand, and, on the other, points in KY; (b) between Honeoye, NY, points in Livingston County, NY (except Retsoff, NY) and points in Wyoming County, NY (except Silver Springs, NY) on the one hand, and, on the other, points in KY; (c) from points in KY to points in Allegheny County, PA and those in that part of WV on and west of U.S. Hwy 19, and on and north of U.S. Hwy 60; and *II. Iron and Steel Articles,* from the facilities of Jones & Laughlin Steel Corporation located in Putnam County, IL to points in KY. (Hearing site: Cincinnati, OH.)

Note.—The purpose of this application is to eliminate the gateways of (a) Cincinnati, OH, and (b) a point within 3 miles of Mt. Orab, OH which is also within 5 miles of Sardinia, OH. This gateway elimination application is directly related to MC–F–14176F, published in the October 22, 1979, issue of the Federal Register.

MC 30803 (Sub-6F), filed: October 4, 1979. Applicant: WALSH BROS., INC., 33 Brill Street, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a common carrier, by motor carrer, over irregular routes, transporting (1) Pipe and pipe fittings, from Phillipsburg, Burlington, and Florence, NJ to points in NJ, points in that part of CT west of U.S. Hwy 5, that part of PA east of a line beginning at the NY-PA State line and extending south along U.S. Hwy 11 to Harrisburg, PA, then along U.S. Hwy 111 to the PA-MD State line, and those in that part of NY east of a line beginning at the NY-VT State line and extending southwest along NY Hwy 7 to Binghamton, NY, then along U.S. Hwy 11 to the NY-PA State line, including points on the indicated portions of the highway specified: (2) Commodities, the transportation of which because of size or weight require the use of special equipment or special handling, and self-propelled articles, each weighing 15,000 pounds or more, and related machinery tools, parts, and suppies moving in connection therewith, (restricted to commodities which are transported on trailers), between New York, NY, and points in Philadelphia, Delaware, Mongomery, and Bucks Counties, PA, those in NJ, those in Dutchess, Nassau, Ornge, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, NY, on the one hand, and, on the other, points in NJ, points in that part of CT west of U.S. Hwy 5, that part of PA east of a line beginning at the NY-PA State line and extending south along U.S. Hwy 11 to Harrisburg, PA, then along U.S. Hwy 111 to the PA-MD State line, and those in that part of NY east of a line beginning at the NY-VT State line and extending southwest along NY Hwy 7 to Binghamton, NY, then along U.S., Hwy 11 to the NY-PA State line, including points on the indicated portions of the highways specified: (3) Storage tanks, capacity of 5,000 gallons or over, between New York, NY, and points in Fairfield County, CT, those in Philadelphia, Delaware, Mongomery, and Bucks Counties, PA, those in NJ, and those in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, NY, on the one hand, and, on the other, points in NJ, points in CT west of U.S. Hwy 5, that part of PA east of a line beginning at the NY-PA State line and extending south along U.S. Hwy 11 to Harrisburg, PA, then along U.S. Hwy 111 to the PA-MD State line, those in that part of New York east and south of a line beginning at the NY-VT State line and extending southwest along NY Hwy 7 to Binghamton, NY, then along U.S. Hwy 11 to the NY-PA State line, including points on the indicated portions of the highways specified. (Eliminating Newark, NJ as gateway points). (Hearing site: Newark, NJ.)

Note.—The purpose of this application is to eliminate the gateway as noted above, and is directly related application to a finance proceeding Docket MC–F–14175F, published in the October 22, 1979, issue of the Federal Register issue.

MC 110683 (Sub-167F), filed August 21, 1979. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought 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 Chicago, IL, and Paducah, KY, serving all intermediate points, and serving Paducah for joinder only, (2) between Rockford 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 in IL and serving Evansville, IN, for joinder only, (5) between Rock Island and Marshall, IL, serving all intermediate points, (6) between Chicago, IL, and Burlington, IA, serving all intermediate points, (7) between Rock Isalnd and E. St. Louis, IL, serving all intermediate points; serving in connection with the above regular routes all points in IL as off-route points.

(Hearing site: Washington, DC.)

Note.—The purpose of filing this application is to convert a certificate of registration to a certificate of public convenience and necessity and to convert the irregular route authority to regular route authority. This matter is directly related to a finance proceeding, docketed MC–F–14138F, published in the September 20, 1979, issue of thre Federal Register.

MC 138237 (Sub-13F), filed September 12, 1979. Applicant: METRO HAULING, INC., 20848 77th Avenue South, Kent, WA 98031. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery, contractors' equipment and construction material, wood poles, reinforcing steel and steel piling, when also an article which because of size or weight requires the use of special equipment, except cement and commodities in bulk. (2) Construction material, wood poles, reinforcing steel and steel piling when also building materials, except cement and commodities in bulk, between points in OR on the one hand, and, on the other, points in WA west of the Cascade Mountains.

Note.—The purpose of this application is to eliminate the gateway of Cascade Locks and Portland, OR. This application is directly related to MC–F–14157F, published in a previous section of this Federal Register issue.

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 T–1139, filed August 23, 1979. Applicant: J. M. McMAHON TRUCKING, INC., 360 Dingens Street, Buffalo, NY 14240. Representative: Magavern, Magavern, Lowe, Beilewech, Dopkins & Fadale, 20 Cathedral Park, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, between all points in Erie County on the one hand, and, on the other, all points in the Counties of Chautauqua, Erie, Niagara, Genesee, Monroe, Cattaraugus, Wayne, Orleans, Allegheny, Onondaga, Wyoming, Ontario, and Cayuga, and New York City. 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 Bldg. #4, Room G–21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Florida Docket 790914–CCT, filed November 1, 1979. Applicant: FORT LAUDERDALE TRANSFER AND RIGGING, INC., 4701 S.W. 36th Street, Fort Lauderdale, FL. Representative: David B. Erwin, 1030 E. Lafayette Street, Suite 112, Tallahassee, FL 32301. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Heavy articles* and commodities which, due to size, weight and/or bulk require specialized hauling and equipment between all points in Palm Beach, Broward, Dade and Monroe Counties and between said points on the one hand, and, on the other hand, all points and places in Florida over irregular routes and on irregular schedules. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to State of Florida Public Service Commission, Fletcher Bldg., 101 East Gaines Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket MC 46968, filed November 15, 1979. Applicant: SUN EXPRESS, INC., 3812 N.W. 58th Terrace, Oklahoma City, OK 73112. Representative: William E. Bauldrige, Sr. 3812 N.W. 58th Terrace, Oklahoma City, OK 73112. Certificate of Public Convenience and Necessity sought to operate a freight service over regular routes, as follows: transportation of general commodities, with usual exceptions, (1) Between Oklahoma City, OK and Chilocco, OK: From Oklahoma City over U.S. Hwy. 77 to Chilocco, and return over the same route, serving the intermediate points of Tonkawa, Ponca City, Kildare, and Newkirk. (2) Between Tonkawa, OK and Bramen, OK: From Tonkawa over U.S. Hwy. 177 to Bramen and return over the same route, serving all intermediate points. (3) Between the junction of U.S. Hwy. 77 of OK Hwy. 156 and the junction of U.S. Hwy. 177 and OK Hwy. 156: From the junction of U.S. Hwy. 77 and OK Hwy. 156 over OK Hwy. 156 to the junction of OK Hwy. 156 with U.S. Hwy. 177, and return over the same route, serving all intermediate points. (4) Between Blackwell, OK and the junction of U.S. Hwy. 77 with OK Hwy. 11: From Blackwell over OK Hwy. 11 to the junction of U.S. Hwy. 77 with OK Hwy. 11, and return over the same route, serving all intermediate points. (5) Between Oklahoma City, OK and the junction of U.S. Hwy. 60 with U.S. Hwy. 177: From Oklahoma City over Interstate Hwy. 35 to junction of U.S. Hwy. 60 with Interstate Hwy. 35, thence over U.S. Hwy. 60 to junction U.S. Hwy. 177 and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Proposed towns to be served: Oklahoma City, Ponca City, Blackwell, Tonkawa, Braman, Newkirk, Chilocco, Marland, Sumpter, and Kildare. Hearing: January 23, 1980, 9:00 A.M., Referee's Court Room, Second Floor, Jim Thorpe Office Building, Oklahoma City, OK. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, OK 73105 and should not be directed to the Interstate Commerce Commission.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 18, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

No. MC 95876 (Sub-E66), filed July 16, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Building materials* (except cement and commodities in bulk), when moving as contractors' and construction equipment and materials or as commodities which because of size or weight require the use of special equipment or handling, (1) between points in IL on, north and east of a line beginning at the WI-IL State line extending along U.S. Hwy. 51 to junction U.S. Hwy. 30, then along U.S. Hwy. 30 to the IL-IN State line, on the one hand, and, on the other, points in WI on and north of U.S. Hwy. 18, (2) between points in IL on, north and west of a line beginning at the WI-IL State line extending along U.S. Hwy. 51 to junction U.S. Hwy. 30, then along U.S. Hwy. 30 to the IL-IA State line, on the one hand, and, on the other, points in WI on and east of a line beginning at the IL-WI State line extending along WI Hwy. 83 to junction U.S. Hwy. 41, then along U.S. Hwy. 41 to junction U.S. Hwy. 45, then along U.S. Hwy. 45 to junction U.S. Hwy. 51, then along U.S. Hwy. 51 to the WI-MI State line. (Gateways eliminated: points in Jefferson, Waukesha or Walworth Counties, WI.)

No. MC 95876 (Sub-E72), filed July 16, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Building materials* (except cement and commodities in bulk), when moving as contractors' and construction

equipment and materials and as building and roofing slabs, tile and panels and related materials, parts, supplies and accessories, from points in IL on, north and east of a line beginning at the WI–IL State line extending along U.S. Hwy 51 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the IL–IN State line, to points in ND, MT, points in WY on and north of a line beginning at the WY–SD State line extending along U.S. Hwy 16 to junction WY Hwy 789, then along WY Hwy 789 to junction U.S. Hwy 26, then along U.S. Hwy 26 to the WY–ID State line; and points in SD on and north of a line beginning at the SD–MN State line extending along U.S. Hwy 14 to junction U.S. Hwy 16, then along U.S. Hwy 16 to the SD–WY State line. (Gateways eliminated: points in Jefferson and Cornell Counties, WI.)

No. MC 95876 (Sub-E78), filed July 16, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Building materials* (except cement and commodities in bulk), when moving as contractors' and construction equipment and materials and as plywood, veneer, wood paneling, hardboard, wallboard or wood particleboard and materials, supplies and accessories used in connection therewith, from points in IL, on north and east of a line beginning at the WI–IL State line extending along U.S. Hwy 51 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the IL–IN State line, to points in ND, MT; points in MN on and north of a line beginning at the MN–WI State line extending along U.S. Hwy 12 to junction MN Hwy 23, then along MN Hwy 23, to junction MN Hwy 7, then along MN Hwy 7 to junction U.S. Hwy 212, then along U.S. Hwy 212 to the MN–SD State line; points in SD on, north and west of a line beginning at the SD–MN State line extending along U.S. Hwy 212 to junction SD Hwy 79, then along SD Hwy 79 to junction U.S. Hwy 18, then along U.S. Hwy 18 to the MN–WY State line; points in WY on and north of a line beginning at the SD–WY State line extending along U.S. Hwy 18 to the junction U.S. Hwy 20, then along WY Hwy 220 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction I Hwy 80, then along I Hwy 80 to the WI–UT State line; points in CO on, south and west of a line beginning at the CO–UT State line extending along U.S. Hwy 20 to junction U.S. Hwy 550, then along U.S. Hwy 230 to the CO–NM State line; and points in NM on and west of line beginning at the CO–NM State line extending along U.S. Hwy 550 to junction NM Hwy 44, then along NM Hwy 44 to junction I Hwy 25, then along I Hwy 25 to the NM–TX State line. (Gateways eliminated: Oshkosh, WI, and points in Jefferson, Walworth or Waukesha Counties, WI.)

No. MC 95876 (Sub-E79), filed July 16, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Building materials* (except cement and commodities in bulk), when moving as contractors' and construction equipment and materials and as prefabricated metal buildings, knocked down, prefabricated metal building sections, knocked down, prefabricated prefinished metal panel sections, component parts thereof and equipment, materials and supplies used in the installation, construction, or erection thereof, except metal buildings designed to be drawn by passenger vehicles, from points in IL on and north of U.S. Hwy 30, to points in ME. Restriction: The operations are subject to the restriction that the transportation of shipments from Evansville to points in Connecticut, Maine, New Hampshire, Rhode Island and Vermont is limited to (a) the commodities described above, which because of size or weight require the use of special handling, and (b) of the commodities described above, which do not require the use of special equipment or special handling, when moving in mixed loads with the commodities described above, which because of size or weight require the use of special equipment or special handling. (Gateways eliminated: Evansville, WI, and points in Jefferson, Walworth or Waukesha Counties, WI.)

MC 95876 (Sub-E82), filed July 16, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Building materials* (except cement and commodities in bulk), when moving as contractors' and construction equipment and materials and as fiberglass and plastic products, from points in IL on, north and east of a line beginning at the WI-IL State line extending along U.S. Hwy 51 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the IL-IN State line, to point in ND, MT, IA, WA, OR, CA, NV, Upper Peninsula of MI, points in AZ on and west of a line beginning at the US-CD International Boundary line extending along U.S. Hwy 89 to junction I Hwy 10, then along I Hwy 10 to junction I Hwy 17, then along I Hwy 17 to junction U.S. Hwy 89, then along U.S. Hwy 89 to the AZ-UT State line, points in UT on and west of a line beginning at the AZ-UT State line extending along U.S. Hwy 89 to junction UT Hwy 28, then along UT Hwy 28 to junction U.S. Hwy 91, the along U.S. Hwy 91 to the UT-ID State line. (Gateway eliminated: New London, WI, and points in Jefferson, Walworth or Waukosha Counties, WI.)

MC 95876 (Sub-E83), filed July 16, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Contractors' and construction equipment and materials* when moving as hot water tanks, heaters and boilers and *parts and accessories* used therewith, from the facilities of Book Corporation at Madison, WI, to points in IL on, north and east of a line beginning at the IL-WI State line extending along IL Hwy 23 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the IL-IN State line. (Gateway eliminated: Madison WI, and points in Jefferson, Walworth or Waukesha Counties, WI.)

MC 107012 (Sub-E754), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncartoned* (1) From points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID to points in Clark and Lincoln Counties, NV. (2) From points in Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID to points in Clark, Lincoln, Esmeralda, Eureka, Lander, Nye, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe Counties, NV. (Gateway eliminated: Logan, UT.)

MC 107012 (Sub-E754), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New furniture uncartoned* (1) From points in Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravilli, Silver Bow, Stillwater and Sweet Grass Counties, MT to points in Clark, Lincoln, Esmeralda, Eureka, Lander, Nye, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe Counties, NV. (2) From points in Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Blaine,

Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, and Yellowstone Counties, MT to points in NV. (3) From points in Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell and Sanders Counties, MT to points in Clark, Lincoln, Esmeralda, Eureka, Lander, and Nye Counties, NV. (Gateway eliminated: Logan, UT.)

No. MC 107012 (Sub-E756), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncartoned* (1) From points in Clark and Lincoln Counties, NV to points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, and Power Counties, ID. (2) From points in Esmeralda, Eureka, Lander, Nye, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV to points in Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, and Power Counties, ID. (Gateway eliminated: Logan, UT.)

No. MC 107012 (Sub-E757), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncartoned* From points in NM to points in ID; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe Counties, NV. (Gateway eliminated: Salt Lake City, UT.)

No. MC 107012 (Sub-E758), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncartoned* (1) From points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson and Josephine Counties, OR to points in Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, and Power Counties, ID. (2) From points in Baker, Grant, Morrow, Umatilla, Union, and Wallowa Counties, OR to points in San Bernardino County, CA. (Gateway elimination: points in UT.)

MC 107012 (Sub-E759), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Uncartoned.* (1) From points in UT to points in AR, KS and OK (*points in CO.). (2) From points in UT to points in IA, MN and SD (*Laramie, WY.). (3) From points in Beaver, Iron and Washington Counties, UT to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*points in CO); points in ND (*Laramie, WY.). (4) From points in box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah Wasatch and Weber Counties, UT to points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette and Vermilion Parishes, LA (*points in CO); Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Barnes, Cass, Dickey, Kidder, LaMoure, Logan, McIntosh, Ranson, Richland, Sargent, Stutsman, Eddy, Foster, Grand Forks, Griggs, Nelson, Steele, Traill, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville and Ward Counties, ND (*Laramie, WY.). (5) From points in Carbon, Daggett, Duchesme, Emery, Grand, San Juan and Uimtah Counties, UT to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Bienville, Bossier, Caddo, Clairborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*points in CO); points in ND (*Laramie, WY). (6) From points in Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT to points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*points in CO); points in ND (*Laramie, WY.). (Gateway eliminated: asterisked.)

MC 107012 (Sub-E760), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Uncartoned.* (1) From points in Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, WA to points in San Bernardino County, CA. (2) From points in Clallam, Grays Harbor, Jefferson, Kitsap, Mason and San Juan Counties, WA to points in Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID. (Gateway eliminated: points in UT.)

MC 107012 (Sub-E761), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Uncartoned.* (1) From points in WY to points in NV. (2) From points in Albany, Carbon, Converse, Goshen, Laramie, Niobrara, Platte, Lincoln, Sublette, Sweetwater and Uinta Counties, WY to points in ID. (3) From points in Park, Teton, Yellowstone National Park, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie and Weston Counties, WY to points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley and Washington Counties, ID. (Gateway eliminated: points in UT.)

MC 107012 (Sub-E762), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Uncartoned.* From Benson, AZ to points in OR & WA (*points in UT) and Alaska (*Sedgewick County, KS.) (Gateways eliminated: asterisked.)

MC 107012 (Sub-E763), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Uncartoned.* From Phoenix, AZ to points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Harney, Klamath,

Lake, Malheur, Baker, Grant, Morrow, Umatilla, Union and Wallowa Counties, OR; points in WA. (Gateway eliminated: points in UT.)

MC 107012 (Sub-E764), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Uncartoned.* From points in Albuquerque and Clovis, NM to points in Alaska. (Gateway eliminated: Sedgewick County, KS.)

MC 107012 (Sub-E765), filed November 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated.* (1) From points in MI to points in AR and LA. (2) From points in Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne Counties, MI, to points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; points in AZ; Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Imperial, Riverside, San Diego, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA; Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancok, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Clark, Lincoln, Esmeralda, Eureka, Lander and Nye Counties, NV; points in NM; points in OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in TX: Beaver, Iron and Washington Counties, UT. (3) From points in Baraga, Gogebic, Houghton, Iron, Keweenaw and Ontonagon Counties, MI, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffey, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, and Yuma Counties, AZ; San Bernardino, Imperial, Riverside and San Diego Counties, CA; points in FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne and Wheeler Counties, GA; points in MS; Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra and Socorro Counties, NM; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (4) From points in Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traurse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon and Wexford Counties, MI, to points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile,

Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; points in AZ; San Bernardino, Imperial, Riverside, San Diego, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara and Ventura Counties, CA: Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan and San Miguel Counties, CO; Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL; points in MS; Clark and Lincoln Counties, NV; points in NM; points in OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in TX. (5) From points in Alger, Delta, Dickinson, Marquette, Menominee and Schoolcraft Counties, MI to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Talapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Rayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; points in AZ; Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Imperial, Riverside and San Diego Counties, CA; points in FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne and Wheeler Counties, GA; points in MS; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrancem, Valencia, Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra and Socorro Counties, NM; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg Pushmataha, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in TX. (6) From points in Allegan, Barry, Berrien, Branch, Calhoun, Cass, Eaton, Ionia, Kalamazoo, Kent, Montcalm, Muskegon, Ottawa, Saint Joseph and Van Buren Counties, MI, to points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington, and Wilco Counties, AL; points in AZ; San Bernardino, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, San Diego, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancok, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, and Walthall and Wilkinson Counties, MS; Clark and Lincoln Counties, NV; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra and Socorro Counties, NM; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, Pushmataha, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in TX. (7) From points in Chippewa, Luce and Mackinac Counties, MI, to points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, and Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; points in AZ; San Bernardino, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside and San Diego Counties, CA; Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL; points in MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Clark and Lincoln Counties, NV; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance Valencia, Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra and Socorro Counties, NM; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, Pushmataha, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK; Chester, Crockett, Dyer, Fayette, Gibson Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in TX. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E766), filed November 22, 1976. Applicant: NORTH

AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated. (1) From points in MA, to points in AZ, AR, CA, NJ, NM, OK, OR and TX. (2) From points in Essex, Middlesex, Norfolk and Suffolk Counties, MA, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimar, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in UT; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (3) From points in Barnstable, Bristol, Dukes and Plymouth Counties, MA, to points in CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in UT; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (4) From points in Berkshire, Franklin, Hampden and Hampshire Counties, MA, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; points in LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Beaver, Iron, Washington, Carbon, Daggett, Duchesme, Emery, Grand, San Juan, Uimtah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne

Counties, UT; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum and Yakima Counties, WA. (5) From points in Worcester County, MA, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine, and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in UT; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E 767), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated;* (1) From points in MA, to points in AZ, AR, CA, NJ, NM, OK, OR and TX. (2) From points in Essex, Middlesex, Norfolk, and Suffolk Counties, MA, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford Sumner and Washington Counties, KS; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in UT; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (3) From points in Barnstable, Bristol, Dukes and Plymouth Counties, MA, to points in CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell,

Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in UT; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (4) From points in Berkshire, Franklin, Hampden and Hampshire Counties, MA, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; points in LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Beaver, Iron, Washington, Carbon, Daggett, Duchesne, Emery, Grand, San Juan, Uimtah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum and Yakima Counties, WA. (5) From points in Worcester County, MA to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in UT; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E768), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated,* (1) From points in OR to points in AL, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NC, RI, SC, TN, VA, VT & WV. (2) From points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, OR to points in AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin,

Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edger, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; points in PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (3) From points in Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco and Wheeler Counties, OR, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, Wayne, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; points in PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (4) From points in Harney, Klamath, Lake and Malheur Counties, OR, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Synder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Sehlby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (5) From points in Coos, Curry, Douglas, Jackson and Josephine Counties, OR, to points in AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles,

Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Adams, Allen, Blackford, DeKalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, Wayne, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; points in PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (6) From points in Baker, Grant, Morrow, Umatilla, Union and Wallowa Counties, OR, to points in Clark, Hemsptead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster, Westchester, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton, and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (Gateway eliminated: Greene County, AR)

MC 10712 (Sub-E769), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated,* (1) From points in OR to points in AL, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NC, RI, SC, TN, VA, VT & WV. (2) From points in Benton, Clacksmas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, OR, to points in AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; points in PA;

Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (3) From points in Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco and Wheeler Counties, OR, to points in Clark Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, Wayne, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; points in PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (4) From points in Harney, Klamath, Lake and Malheur Counties, OR, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, St. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Combria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegeny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (5) From points in Coos, Curry, Douglas, Jackson and Josephine Counties, OR, to points in AR; Bond, Calhoum, Chrisitian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermillion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Adams, Allen, Blackford, DeKalb, Delaware, Elkart, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitey, Boone, Clinton, Hamilton, Hancock, Hendericks, Johnson, Madison, Marion, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Ashland, Ashatbula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, Wayne, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson,

Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington, Counties, OH; points in PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (6) From points in Baker, Grant, Morrow, Umatilla, Union, and Wallowa Counties, OR, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dalla, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monror, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendericks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Renselar, Richmond, Rockland, Sullivan, Ulster, Westchester, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (Gateway eliminated: Greene County, AR)

MC 107012 (Sub–E770), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated;* (1) From points in WA to points in AL, DE, DC, FL, GA, KY, LA, MS, NC, RI, SC, TN and VA. (2) From points in Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum and Yakima Counties, WA, to points in AR; points in CT; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; points in ME; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; points in NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntington, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westermoreland Counties, PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; points in VT; points in WV. (3) From points in Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, WA, to points in AR; Hartford, New London, Tolland, Windham, Fairfield, Middlesex and New Haven Counties, CT; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey,

Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington Counties, ME; Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys, Talbot, Baltimore, Baltimore City, Carrol, Cecil, Frederick, Hartford, Howard, Kent, Dorchester, Somerset, Wicomico and Worcester Counties, MD; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Atlantic, Burlington, Cape May, Monmouth, Ocean, Camden, Cumberland, Gloucester, Salem, Hunterdon, Mercer, Middlesex, Somerset, Union, Bergen, Essex, Hudson and Passaic Counties, NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster, Westchester, and Suffolk Counties, NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill and York Counties, PA; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (4) From points in Clallam, Grays Harbor, Jefferson, Kitsap, Mason and San Juan Counties, WA, to points in AR; points in CT; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, Il; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendericks, Johnson, Madison, Marion, Morgan, Shelby, and Tipton Counties, IN; points in ME; points in MD; Essex, Middlesex, Norfolk, Suffolk, Barnstable, Bristol, Dukes, Plymouth, and Worcester Counties, MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; Albany, Bronx, Columbia, Cutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster, Westchester, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington, and Suffolk Counties, NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; Chittenden, Franklin, Grand Isle, Lamoille, Addison, Orange, Washington, Caledonia, Essex and Orleans Counties, VT; points in VW. (5) From points in Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla WAlla and Whitman Counties, WA, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in ME; points in MD; Essex, Middlesex, Norfolk, Suffolk, Barnstable, Bristol, Dukes, Plymouth, and Worcester, Counties, MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscott, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Coos, Carroll, Grafton, Belknap, Merrimack, Rockingham and Strafford Counties, NH; points in NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster,

Westchester, and Suffolk Counties, NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill and York Counties, PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; Caledonia, Essex and Orleans Counties, VT; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (6) From points in Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish and Whatcom Counties, WA, to points in AR; points in CT; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo, Washington Counties, ME; Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys, Talbot, Baltimore, Baltimore City, Carroll, Cecil, Frederick, Hartford, Howard, Kent, Dorchester, Somerset, Wicomico and Worcester Counties, MD; Barnstable, Bristol, Dukes and Plymouth Counties, MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster, Westchester and Suffolk Counties, NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskinguam, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK; Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill and York Counties, PA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E771), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated,* (1) From points in WV, to points in AZ, AR, CA, NV, NM, OK, OR, TX, and UT. (2) From points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers and Wyoming Counties, WV, to points in CO; points in ID; points in KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon, Webster, Andrew, Atchison, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Livingston, Mercer, Morgan, Nodaway, Pettis, Platte, Ray, Saint Claire, Saline and Worth Counties, MO; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Choutea, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell and Sanders Counties, MT; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh and Ziebach Counties, SD; points in WA; points in WV. (3) From points in Braxton, Clay, Fayette, Kanawha, Nicholas and Webster Counties, WV, to points in CO; points in ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren,

Washington, Yazoo, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson, Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Beaverhead, Broadwater, Deerlodge, Galatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell and Sanders Counties, MT; points in WA; points in WY. (4) From points in Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur and Wetzel Counties, WV, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costila, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Beaverhead, Broadwater, Deerlodge, Galatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell and Sanders Counties, MT; points in WA; points in WY. (4) From points in Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur and Wetzel Counties, WV, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; points in LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (5) From points in Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt and Wood Counties, WV, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; points in LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (6) From points in Brooke, Hancock, Marshall and Ohio Counties, WV, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; points in LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor,

Jefferson, Kitsap, Mason and San Juan Counties, WA. (7) From points in Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV, to points in CO; points in ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell and Sanders Counties, MT; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh and Ziebach Counties, SD; points in WA; points in WY. (Gateway eliminated: Greene County, AR.)

MC 112304 (Sub-E188), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 E. Broad Street, Columbus, OH 43215. *Guard rail,* from points in NY to points in MN. (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E189), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 E. Broad Street, Columbus, OH 43215. *Guard rail,* from points in NY to points in WI. (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E190), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 E. Broad Street, Columbus, OH 43215. *Guard rail,* from Buffalo, NY to points in AL. (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E191), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 E. Broad Street, Columbus, OH 43215. *Guard rail,* from Buffalo, NY, to points in FL. (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E192), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 E. Broad Street, Columbus, OH 43215. *Guard rail,* from Buffalo, NY, to points in TN. (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E523), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 E. Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing tubing and wire in coils,* from points in MI to points in TN on and east of a line beginning at the KY–TN State line extending along U.S. Hwy 27 to junction TN Hwy 60, then along TN Hwy 60 to the TN–GA State line. (Gateway eliminated: points in Oakland and Wayne Counties, MI.)

MC 112304 (Sub-E526), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 E. Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing tubing and wire in coils,* from points in MI on, west and north of a line beginning at the Mackinac Bridge extending along I Hwy 75 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction I Hwy 96, then along I Hwy 96 to Lake Michigan, to points in TN on and east of U.S. Hwy 127. (Gateway eliminated: points in Oakland and Wayne Counties, MI.)

MC 112304 (Sub-E648), filed November 20, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, between points in TX, on the one hand, and, on the other, points in VT, NH, MA, CT and RI. (Gateway eliminated: Syracuse, NY, and points within NY 75 miles of Syracuse.)

MC 117574(Sub-E85), filed June 29, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as above). (1) *Sewage, water, and refuse treatment systems,* the transportation of which, because of size or weight, requires the use of special equipment, which are also industrial or processing machinery and (2) *tools, materials, and supplies* used in connection with the erection and construction of sewage, water, and refuse treatment systems (except commodities in bulk), which are also attachments, accessories, or parts of industrial or processing machinery: (a) between points in Licking County, OH, on the one hand, and, on the other, points in DE; CA on and west of a line commencing at the OR–CA State line over Interstate Hwy 5 to junction CA Hwy 113 then over CA Hwy 113 to junction Interstate Hwy 80, then over Interstate Hwy 80 to the Pacific Ocean; OR on and west of a line commencing at the WA–OR State line over Interstate Hwy 5 to the OR–CA State line; WA on and west of a line commencing at the WA–Canada international boundary line over Interstate Hwy 5 to the WA–OR State line; MD on and east of a line commencing at the WV–MD State line over Interstate Hwy 81 to the MD–PA State line; VA on and east of a line commencing at the NC–VA State line over U.S. Hwy 29 to junction U.S. Hwy 522, then over U.S. Hwy 522 to junction Interstate Hwy 81, then over Interstate Hwy 81 to the VA–WV State line; WV on and east of a line commencing at the VA–WV State line over Interstate Hwy 81 to the WV–MD State line; NC on and east of a line commencing at Wilmington, NC, over U.S. Hwy 421 to junction U.S. Hwy 29, then over U.S. Hwy 29 to the NC–VA State line; and FL on and south of a line commencing at Ft. Myers, FL, over FL Hwy 78 to junction FL Hwy 80, then over FL Hwy 80 to

junction U.S. Hwy 441, then over U.S. Hwy 441 to the Atlantic Ocean; (b) between points in Pickaway and Ross Counties, OH, on the one hand, and, on the other, points in DE; MD on and east of a line commencing at the WV–MD State line over Interstate Hwy 81 to the MD–PA State line; WV on and east of a line commencing at the VA–WV State line over Interstate Hwy 81 to the WV–MD State line; VA on and east of a line commencing at the NC–VA State line over U.S. Hwy 460 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction U.S. Hwy 33, then over U.S. Hwy 33 to junction Interstate Hwy 81, then over Interstate Hwy 81 to the VA–WV State line; and NC on and east of a line commencing at Elizabeth City, NC, over U.S. Hwy 158 to the VA–NC State line; (c) between points in Ashland and Loraine Counties, OH, on the one hand, and, on the other, points in WA on and west of a line commencing at Port Angeles, WA, over U.S. Hwy 101 to junction Interstate Hwy 5, then over Interstate Hwy 5 to the WA–OR State line; OR on and west of a line commencing at the WA–OR State line over Interstate Hwy 5 to junction OR Hwy 58, then over OR Hwy 58 to junction U.S. Hwy 97, then over U.S. Hwy 97 to the OR–CA State line; CA on and west of a line commencing at the OR–CA State line over U.S. Hwy 97 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction CA Hwy 99, then over CA Hwy 99 to junction CA Hwy 58, then over CA Hwy 58 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction CA Hwy 18, then over CA Hwy 18 to junction Ca Hwy 247, then over CA Hwy 247 to junction CA Hwy 62, then over CA Hwy 62 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction CA Hwy 86, then over CA Hwy 86 to junction Interstate Hwy 8, then over Interstate Hwy 8 to the CA–AZ State line; AZ on and south of a line commencing at the CA–AZ State line over Interstate Hwy 8 to Interstate Hwy 10, then over Interstate Hwy 10 to junction U.S. Hwy 89, then over U.S. Hwy 89 to the AZ–Mexico international boundary line; (d) between points in Carroll, Columbiana, and Stark Counties, OH, on the one hand, and, on the other, points in CA; DE; OR; WA; Washington, D.C.; ID on and west of a line commencing at the ID–Canada international boundary line over U.S. Hwy 95 to junction ID Hwy 55, then over ID Hwy 55 to junction Interstate Hwy 80 N, then over Interstate Hwy 80 N to junction U.S. Hwy 95, then over U.S. Hwy 95 to the ID–OR State line; NV on and west of a line commencing at the OR–NV State line over U.S. Hwy 95 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction NC Hwy 8 A, then over NV Hwy 8 A, to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction NV Hwy 25, then over NV Hwy 25 to junction U.S. Hwy 93, then over U.S. Hwy 93 to the NV–AZ State line; AZ on and west of a line commencing at the NV–AZ State line over U.S. Hwy 93 to junction U.S. Hwy 66, then over U.S. Hwy 66 to junction U.S. Hwy 89, then over U.S. Hwy 89 to junction AZ Hwy 69, then over AZ Hwy 69 to junction Interstate Hwy 17, then over Interstate Hwy 17 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 666, then over U.S. Hwy 666 to the AZ–Mexico international boundary line; TX on and south of a line commencing at the Gulf of Mexico over TX Hwy 100 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction TX Hwy 345, then over TX Hwy 345 to the TX–Mexico international boundary line; MD on and east of a line commencing at the PA–MD State line over Interstate Hwy 81 to the MD–WV State line; WV on and east of a line commencing at the MD–WV State line over Interstate Hwy 81 to the WV–VA State line; VA on and east of a line commencing at the WV–VA State line over Interstate Hwy 81 to junction U.S. Hwy 33, then over U.S. Hwy 33 to junction U.S. Hwy 29, then over U.S. Hwy 29 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction U.S. Hwy 460, then over U.S. Hwy 460 to junction VA Hwy 40, then over VA Hwy 40 to junction VA Hwy 138, then over VA Hwy 138 to junction Interstate Hwy 85, then over Interstate Hwy 85 to the VA–NC State line; NC on and east of a line commencing at the VA–NC State line over Interstate Hwy 85 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction U.S. Hwy 401, then over U.S. Hwy 401 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction NC Hwy 41, then over NC Hwy 41 to the NC–SC State line; SC on and east of a line commencing at the NC–SC State line over SC Hwy 41 to junction U.S. Hwy 378, then over U.S. Hwy 378 to junction U.S. Hwy 52, then over U.S. Hwy 52 to junction U.S. Hwy 78, then over U.S. Hwy 78 to junction U.S. Hwy 301, then over U.S. Hwy 301 to the SC–GA State line; GA on and east of a line commencing at the SC–GA State line over U.S. Hwy 301 to junction GA Hwy 21, then over GA Hwy 21 to junction GA Hwy 121, then over GA Hwy 121 to junction U.S. Hwy 280, then over U.S. Hwy 280 to junction U.S. Hwy 129, then over U.S. Hwy 129 to junction GA Hwy 35, then over GA Hwy 35 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 319, then over U.S. Hwy 319 to junction GA Hwy 111, then over GA Hwy 111 to junction U.S. Hwy 84, then over U.S. Hwy 84 to junction GA Hwy 302, then over GA Hwy 302 to the GA–FL State line; and FL on and east of a line commencing at the GA–FL State line over FL Hwy 65 to the Gulf of Mexico; (e) between points in Coshocton, Morgan, and Muskingum Counties, OH, on the one hand, and, on the other, points in DE; MD on and east of a line commencing at the PA–MD State Hwy over Interstate Hwy 81 to the MD–WV State line; WV on and east of a line commencing at the MD–WV State line over Interstate Hwy 81 to the WV–VA State line; VA on and east of a line commencing at the WV–VA State line over Interstate Hwy 81 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 85, then over Interstate Hwy 85 to the VA–NC State line; NC on and east of a line commencing at the VA–NC State line over Interstate Hwy 85 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 258, then over U.S. Hwy 258 to Jacksonville, NC; FL on and south of a line commencing at Clearwater, FL, over FL Hwy 60 to junction U.S. Hwy 92, then over U.S. Hwy 92 to junction U.S. Hwy 192, then over U.S. Hwy 192 to the Atlantic Ocean; WA on and west of a line commencing at the WA–Canada international boundary line over WA Hwy 21 to junction U.S. Hwy 395, then over U.S. Hwy 395 to the WA–OR State line; or on and west of a line commencing at the WA–OR State line over U.S. Hwy 395 to junction OR Hwy 78, then over OR Hwy 78 to junction U.S. Hwy 95, then over U.S. Hwy 95 to the OR–NV State line; NV on and west of a line commencing at the OR–NV State line over U.S. Hwy 95 to junction NV Hwy 58, then over NV Hwy 58 to the NV–CA State line; and CA on and west of a line commencing at the NV–CA State line over CA Hwy 190 to junction U.S. Hwy 395, then over U.S. Hwy 395 to junction CA Hwy 58, then over CA Hwy 58 to junction U.S. Hwy 66, then over U.S. Hwy 66 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction CA Hwy 111, then over CA Hwy 111 to the CA–Mexico international boundary line; (f) between points in Gallia and Lawrence Counties, OH, on the one hand, and, on the other, points in WA on and west of a line commencing at the WA–Canada international boundary line over U.S. Hwy 97 to junction U.S. Hwy 2, then

over U.S. Hwy 2 to junction U.S. Hwy 97 to junction WA Hwy 131, then over WA Hwy 131 to junction U.S. Hwy 97, then over U.S. Hwy 97 to junction U.S. Hwy 197, then over U.S. Hwy 197, to the WA–OR State line; OR on and west of a line commencing at the WA–OR State line over U.S. Hwy 197 to junction U.S. Hwy 97, then over U.S. Hwy 97 to the OR–CA State line; and CA on and west of a line commencing at the OR–CA State line over U.S. Hwy 97 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction CA Hwy 99, then over CA Hwy 99 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction CA Hwy 152, then over CA Hwy 152 to junction CA Hwy 25, then over CA Hwy 25 to junction CA Hwy G15, then over CA Hwy G15 to junction CA Hwy G14, then over CA Hwy G14 to the Pacific Ocean; (g) between points in Guernsey and Tuscarawas, OH, on the one hand, and, on the other, points in CA; OR; WA; MT on and west of a line commencing at the MT–Canada international boundary line over U.S. Hwy 93 to the MT–ID State line; ID on and west of a line commencing at the MT–ID State line over U.S. Hwy 93 to the ID–NV State line; NV on and west of a line commencing at the ID–NV State line over U.S. Hwy 93 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction U.S. Hwy 93, then over U.S. Hwy 93 to the NV–AZ State line; AZ on and west of a line commencing at the NV–AZ State line over U.S. Hwy 93 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Interstate Hwy 19, then over Interstate Hwy 19 to the AZ–Mexico international boundary line; and FL on and south of a line commencing at St. Petersburg, FL, over FL Hwy 699 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 4, then over Interstate Hwy 4 to junction FL Hwy 44, then over FL Hwy 44 to the Atlantic Ocean; (h) between points in Hocking, Jackson, and Vinton Counties, OH, on the one hand, and, on the other, points in WA on and west of a line commencing at Port Angeles, WA, over U.S. Hwy 1010 to junction Interstate Hwy 5, then over Interstate Hwy 5 to the WA–OR State line; OR on and west of a line commencing at the WA–OR State line over Interstate Hwy 80N to junction U.S. Hwy 197, then over U.S. Hwy 197 to junction U.S. Hwy 97, then over U.S. Hwy 97 to the OR–CA State line; and CA on and west of a line commencing at the OR–CA State line over U.S. Hwy 97 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction CA Hwy 99, then over CA Hwy 99 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction to CA Hwy 119, then over CA Hwy 119 to junction CA Hwy 33, then over CA Hwy 33 to junction CA Hwy 150, then over CA Hwy 150 to the Pacific Ocean; and (i) between points in Athens and Meigs Counties, OH, on the one hand, and, on the other, points in ID on and west of a line commencing at the ID–Canada international boundary line over U.S. Hwy 95 to the ID–WA State line; WA on and west of a line commencing at the ID–WA State line over WA Hwy 129 to the WA–OR State line; OR on and west of a line commencing at the WA–OR State line over OR Hwy 3 to junction OR Hwy 82, then over OR Hwy 82 to junction OR Hwy 7, then over OR Hwy 7 to junction U.S. Hwy 26, then over U.S. Hwy 26 to junction U.S. Hwy 395, then over U.S. Hwy 395 to junction OR Hwy 78, then over OR Hwy 78 to junction U.S. Hwy 95, then over U.S. Hwy 95 to the OR–NV State line; NV on and west of a line commencing at the OR–NV State line over U.S. Hwy 95 to junction NV Hwy 10, then over NV Hwy 10 to junction U.S. Hwy 6, then over U.S. Hwy 6 to the NV–CA State line; and CA on, north, and west of a line commencing at the NV–CA State line over U.S. Hwy 6 to junction U.S. Hwy 395, then over U.S. Hwy 395 to junction Interstate Hwy 15, then over Interstate Hwy 15 to the Pacific Ocean. (Gateways eliminated: Carlisle, Shadygrove and Waynesboro, PA.)

MC 117574 (Sub-E86), filed June 29, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisles, PA 17013. Representative: E. S. Moore, Jr. (same as above). (1) *sewage, water, and refuse treatment systems,* the transportation of which, because of size or weight, requires the use of special equipment, which are also industrial or processing machinery and (2) *tools, materials, and supplies* used in connection with the erection and construction of sewage, water, and refuse treatment systems (except commodities in bulk), which are also attachments, accessories, or parts of industrial or processing machinery: (A) between points in Brooke, Hancock, Marshall, and Ohio Counties, WV, on the one hand, and, on the other, points in AZ, CA, ID, NV, OR, UT, WA, TX on and west of a line commencing at the TX-Mexico international boundary line over U.S. Hwy 67 to junction U.S. Hwy, 90, then over U.S. Hwy 90 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction U.S. Hwy 54, then over U.S. Hwy 54 to the TX–NM State line; NM on and west of a line commencing at the TX–NM State line over U.S. Hwy 54 to junction U.S. Hwy 380, then over U.S. Hwy 380 to junction Interstate Hwy 25, then over Interstate Hwy 25 to junction NM Hwy 44, then over NM Hwy 44 to the NM–CO State line; CO on and west of a line commencing at the NM–CO State line over U.S. Hwy 550, then over U.S. Hwy 550 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction CO Hwy 13, then over CO Hwy 13 to the CO–WY State line; WY on and west of a line commencing at the CO–WY State line over WY Hwy 789 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction U.S. Hwy 16, then over U.S. Hwy 16 to junction Interstate Hwy 90, then over Interstate Hwy 90 to the WY–MT State line; MT on and west of a line commencing at the WY–MT State line over MT Hwy 338 to junction Emproned Rd, then over Emproned Rd to junction Interstate Hwy 94, then over Interstate 94 to junction MT Hwy 10, then over MT Hwy 10 to junction MT Hwy 16, then over MT Hwy 16 to the MT–Canada international boundary line; GA on and south of a line commencing at the Atlantic Ocean over U.S. Hwy 80 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction U.S. Hwy 82, then over U.S. Hwy 80 to junction GA Hwy 38, then over GA Hwy 38 to junction GA Hwy 23, then over GA Hwy 99, then over GA Hwy 99 to GA Hwy 32, then over GA Hwy 32 to junction GA Hwy 35, then over GA Hwy 35 to junction U.S. Hwy 319, then over U.S. Hwy 319 to junction GA Hwy 111, then over GA Hwy 111 to the GA–FL State line; and FL on and southeast of a line commencing at the GA–FL State line over FL Hwy 12 to junction FL Hwy 71, then over FL Hwy 71 to junction FL Hwy 22, and then over FL Hwy 22 to the Gulf of Mexico; (B) betwen points in Barbour, Randolph, Tucker, and Upshur Counties, WV, on the one hand, and, on the other, points in AZ, CA, NV, OR, WA, UT, ID, MT, WY, NM, TX on, north, and west of a line commencing at Corpus Christi over TX Hwy 44 to junction Interstate Hwy 37, then over Interstate Hwy 37 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction U.S. Hwy 287, then over U.S. Hwy 87 to the TX–OK State line; OK on and west of a line commencing at the TX–OK State line over U.S. Hwy 287 to the OK–CO State line; CO north and west of a line commencing at the OK–CO State line over U.S. Hwy 385 to the CO–NE State line; NE north and west of a line commencing at the CO–NE State line over U.S. Hwy 385 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 83, then over U.S.

Hwy 83 to the NE–SD State line; SD on, north, and west of a line commencing at the NE–SD State line over U.S. Hwy 83 to the SD–ND State line; ND north and west of a line commencing at the SD–ND State line over U.S. Hwy 83 to junction U.S. Hwy 10, then over U.S. Hwy 10 to the ND–MN State line; and MN north and west of a line commencing at the ND–MN State line over U.S. Hwy 10 to junction MN Hwy 210, then over MN Hwy 210 to junction U.S. Hwy 61, then over U.S. Hwy 61 to the MN–Canada international boundary line; (C) between points in Pleasants, Ritchie, Wirt, and Wood Counties, WV, on the one hand, and, on the other, points in CA, OR, WA, AZ on and west of a line commencing at Yuma, AZ, over U.S. Hwy 95 to the AZ–NV State line; VN on and west of a line commencing at the AZ–NV State line over U.S. Hwy 95 to junction U.S. Hwy 93, then over U.S. Hwy 93 to the NV–ID State line; ID on and west of a line commencing at the NV–ID State line over U.S. Hwy 93 to the ID–MT State line; and MT on and west of a line commencing at the ID–MT State line over U.S. Hwy 93 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction U.S. Hwy 89, then over U.S. Hwy 89 to the MT–Canada international boundary line; (D) between points in Marion, Monongalia, Preston, and Taylor Counties, WV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY, AL south of a line commencing at the Gulf of Mexico at Mobile over AL Hwy 17 to junction U.S. Hwy 45, then over U.S. Hwy 45 to the AL–MS State line; MS south of a line commencing at the AL–MS State line over U.S Hwy 45 to junction U.S. Hwy 84, then over U.S. Hwy 84 to the MS–LA State line; LA south of a line commencing at the MS–LA State line over U.S. Hwy 84 to junction LA Hwy 6, then over LA Hwy 6 to the LA–TX State line; TX (E) between points in Mineral and Hampshire Counties, WV, on the one hand, and, on the other, points in AL, AZ, CA, CO, FL, GA, ID, IA, KS, LA, MN, MS, MT, NE, NV, NM, ND, OK, OR, SC, SD, TX, UT, WA, WI, WY, TN on and south of a line commencing at the TN–NC State line over TN Hwy 123 to junction TN Hwy 68, then over TN Hwy 68 to junction TN Hwy 30, then over TN Hwy 30 to junction TN Hwy 55, then over TN Hwy 55 to junction TN Hwy 50, then over TN Hwy 50 to junction U.S. Hwy 64, then over U.S. Hwy 64 to the TN–AR State line; AR on, south, and west of a line commencing at the TN–AR State line over Interstate Hwy 55 to junction U.S. Hwy 63, then over U.S. Hwy 63 to the AR–MO State line; MO on, north, and west of a line commencing at the AR–MO State line over U.S. Hwy 63 to junction Interstate Hwy 44, then over Interstate Hwy 44 to the MO–IL State line; IL on, north, and west of a line commencing at the MO–IL State line over U.S. Hwy 67 to junction IL Hwy 78, then over IL Hwy 78 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IL Hhy 1, then over IL Hwy 1 to Chicago, IL, and Lake Michigan; and MI on and north of a line commencing at Lake Michigan over MI Hwy 120 to junction MI Hwy 20, then over MI Hwy 20 to junction U.S. Hwy 131, then over U.S. Hwy 131 to junction MI Hwy 55, then over MI Hwy 55 to Lake Huron; (F) between points in Berkeley, Jefferson, and Morgan Counties, WV, on the one hand, and on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, OK, OR, SC, SD, TN, TX, UT, WA, WI, WY, KY on and west of a line commencing at the KY–VA State line over U.S. Hwy 23 to the KY–OH State line at Trenton, OH; OH on, north, and west of a line commencing at the KY–OH State line over OH Hwy 93 to junction Interstate Hwy 70, then over Interstate Hwy 70 to the OH–WV State line; and WV on and north of a line commencing at the ON–WV State line over Interstate Hwy 70 to the WV–PA State line; (G) between points in Calhoun and Roane Counties, WV, on the one hand, and, on the other, points in WA; CA on, north, and west of a line commencing at the AZ–CA State line over U.S. Hwy 80 to junction CA Hwy 86, then over CA Hwy 86 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction CA Hwy 127, then over CA Hwy 127 to the CA–NV State line; NV on, north, and west of a line commencing at the CA–NV State line over NV Hwy 29 to junction U.S. Hwy 95, then over U.S. Hwy 95 to the NV–R State line; OR on and west of a line commencing at the NV–OR State line over U.S. Hwy 95 to the OR–ID State line; and ID on, north, and west of a line commencing at the OR–ID State line over U.S. Hwy 95 to the ID–Canada international boundary line; (H) between points in Boone, Lincoln, and Logan Counties, WV, on the one hand, and, on the other, points in CA north and west of a line commencing at Crescent City, CA, over U.S. Hwy 199 to the CA–OR State line; OR north and west of a line commencing at the CA–OR State line over U.S. Hwy 199 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction OR Hwy 230, then over OR Hwy 230 to junction U.S. Hwy 97, then over U.S. Hwy 97 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 395, then over U.S. Hwy 395 to junction OR Hwy 11, then over OR Hwy 11 to the OR–WA State line; WA on, north, and west of a line commencing at the OR–WA State line over U.S. Hwy 12 to the WA–ID State line; ID on and north of a line commencing at the WA–ID State line over U.S. Hwy 12 to the ID–MT State line; and MT on, north, and west of a line commencing at the ID–MT State line over U.S. Hwy 12 to junction U.S. Hwy 93, then over U.S. Hwy 93 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction U.S. Hwy 89, then over U.S. Hwy 89 to the MT–Canada international boundary line; (I) between points in McDowell, Mercer, Raleigh, and Wyoming Counties, WV, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT, WA, AZ, on and west of a line commencing at the AZ–Mexico international boundary line over AZ Hwy 85 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction AZ Hwy 87, then over AZ Hwy 87 to junction AZ Hwy 264, then over AZ Hwy 264 to junction AZ Hwy 63, then over AZ Hwy 63 to junction U.S. Hwy 160, then over U.S. Hwy 160 to the AZ–CO State line; CO on and west of a line commncing at the AZ–CO State line over U.S. Hwy 160 to junction U.S. Hwy 550, then over U.S. Hwy 550 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction CO Hwy 789, then over Co Hwy 789 to the CO–WY State line; WY on and west of a line commencing at the CO–WY State line over WY Hwy 789 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction WY Hwy 220, then over WY Hwy 220 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 18, then over U.S. Hwy 18 to the WY–SD State line; SD on and west of a line commencing at the SD–WY State line over U.S. Hwy 18 to junction SD Hwy 73, then over SD Hwy 73 to junction U.S. Hwy 12, then over U.S. Hwy 12 to the SD–ND State line; and ND on and west of a line commencing at the SD–ND State line over ND Hwy 49 to junction ND Hwy 200, then over ND Hwy 200 to junction U.S. Hwy 83, then over U.S. Hwy 83 to junction ND Hwy 256, then over ND Hwy 256 to the ND–Canada international boundary line; (J) between points in Cabell and Wayne Counties, WV, on the one hand, and, on the other, points in WA; CA on and west of a line commencing at the Pacific Ocean over CA Hwy 41 to junction CA Hwy 33, then over CA Hwy 33 to junction CA Hwy 152, then over CA Hwy 152 to junction

CA Hwy 99, then over CA Hwy 99 to junction U.S. Hwy 50, then over U.S. Hwy 50 to the CA–NV State line, then over the CA–NV State line to junction CA–OR State line, then over the CA–OR State line to junction U.S. Hwy 395; OR on and west of a line commencing at the CA–OR State line over U.S. Hwy 395 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction OR Hwy 126, then over OR Hwy 126 to junction U.S. Hwy 26, then over U.S. Hwy 26 to junction OR Hwy 19, then over OR Hwy 19 to junction OR Hwy 207, then over OR Hwy 207 to junction OR–WA State line, then over the OR–WA State line to junction ID–WA State line, then over the ID–WA State line to junction U.S. Hwy 12, ID on and north of a line commencing at the ID–WA State line over U.S. Hwy 12 to the ID–MT State line; and MT on and north of a line commencing at the ID–MT State line over U.S. Hwy 12 to junction U.S. Hwy 93, then over U.S. Hwy 93 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction U.S. Hwy 89, then over U.S. Hwy 89 to the Mt–Canada international boundary line; (K) between points in Pocahontas County, WV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, WY, TX on and west of a line commencing at the Gulf of Mexico at Brownsville, TX, over TX Hwy 4 to junction U.S. Hwy 83, then over U.S. Hwy 83 to junction U.S. Hwy 277, then over U.S. Hwy 277 to junction U.S. Hwy 90, then over U.S. Hwy 90 to junction U.S. Hwy 285, then over U.S. Hwy 285 to junction U.S. Hwy 385, then over U.S. Hwy 354 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction TX Hwy 283, then over TX Hwy 283 to the TX–OK State line; OK on and west of a line commencing at the TX–OK State line over OK Hwy 34 to junction U.S. Hwy 283, then over U.S. Hwy 283 to the OK–KS State line; KS on and west of a line commencing at the OK–KS State line; KS on and west of a line commencing at the OK–KS State line over U.S. Hwy 283 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction U.S. Hwy 383, then over U.S. Hwy 383 to the KS–NE State line; NE on and west of a line commencing at the KS–NE State line over U.S. Hwy 183 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 77, then over U.S. Hwy 77 to the NE–IA State line; IA on and west of a line commencing at the NE–IA State line over U.S. Hwy 75 to junction IA Hwy 60, then over IA Hwy 60 to the IA–MN State line; MN on, north and west of a line commencing at the IA–MN State line over MN Hwy 60 to junction MN Hwy 58, then over MN Hwy 58 to the MN–WI State line; and WI on and west of a line commencing at the MN–WI State line over U.S. Hwy 63 to Lake Superior; (L) between points in Pendleton County, WV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, TX, UT, WA, WY, LA on and west of a line commencing at the Gulf of Mexico at New Orleans over U.S Hwy 61 to the LA–MS State line; MS on and west of a line commencing at the LA–MS State line over U.S. Hwy 61 to the MS–LA State line; LA on, south and west of a line commencing at the MS–LA State line over U.S. Hwy 65 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction U.S. Hwy 167, then over U.S. Hwy 167 to the LA–AR State line; AR on and west of a line commencing at the LA–AR State line over AR Hwy 24 to junction AR Hwy 53, then over AR Hwy 53 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction AR Hwy 7, then over AR Hwy 7 to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction U.S. Hwy 71, then over U.S. Hwy 71 to the AR–OK State line; OK on, south, and west of a line commencing at the AR–OK State line over U.S. Hwy 64 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Muskogee Tpk, then over Muskogee Tpk to junction U.S. Hwy 75, then over U.S. Hwy 75 to the OK–KS State line; KS on and west of a line commencing at the OK–KS State line over U.S. Hwy 75 to the KS–NE State line; NE on, north, and west of a line commencing at the NE–KS State line over U.S. Hwy 75 to junction Interstate Hwy 80, then over Interstate Hwy 80 to the NE–IA State line; IA on, north, and west of a line commencing at the NE–IA State line over Interstate 80 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction U.S. Hwy 18, then over U.S. Hwy 18 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction IA Hwy 105, then over IA Hwy 105 to junction U.S. Hwy 218, then over U.S. Hwy 218 to the IA–MN State line; MN on and northwest of a line commencing at the IA–MN State line over U.S. Hwy 218 to junction U.S. Hwy 16, then over U.S. Hwy 16 to the MN–WI State line; WI on and north of a line commencing at the MN–WI State line over U.S. Hwy 16 to junction WI Hwy 33, then over WI Hwy 33 to junction WI Hwy 68, then over WI Hwy 68 to junction U.S. Hwy 41, then over U.S. Hwy 41 to the WI–MI State line; and MI on and west of a line commencing at the WI–MI State line over MI Hwy 35 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Lake Superior at Marquette, MI; (M) between points in Greenbrier, Monroe, and Summers Counties, WV, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, OR, UT, WA, WY, NM on and west of a line commencing at the NM–AZ State line over Interstate Hwy 40 to junction U.S. Hwy 666, then over U.S. Hwy 666 to the NM–CO State line; CO on and west of a line commencing at the NM–CO State line over U.S. Hwy 666 to junction U.S. Hwy 160, then over U.S. Hwy 160 to junction U.S. Hwy 550, then over U.S. Hwy 50 to junction U.S. Hwy 285 then over U.S. Hwy 285 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction CO Hwy 119, then over CO Hwy 119 to junction CO Hwy 72, then over CO Hwy 72 to junction CO Hwy 7, then over CO Hwy 7 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction U.S. Hwy 87, then over U.S. Hwy 87 to the CO–WY State line; NE on, north, and west of a line commencing at the WY–NE State line over U.S. Hwy 26 to junction U.S. Hwy 385, then over U.S. Hwy 385 to the NE–SD State line; SD on and west of a line commencing at the NE–SD State line over SD Hwy 73 to junction U.S. Hwy 16, then over U.S. Hwy 16 to junction U.S. Hwy 83, then over U.S. Hwy 83 to the SD–ND State line; and ND on and west of a line commencing at the SD–ND State line over ND Hwy 3 to junction ND Hwy 200, then over ND Hwy 200 to junction ND Hwy 1, then over ND Hwy 1 to the ND–Canada international boundary line; and (N) between points in Jackson, Mason, and Putnam Counties, WV, on the one hand, and on the other, points in WA; CA on and west of a line commencing at the Pacific Ocean over CA Hwy 33 to junction CA Hwy 58, then over CA Hwy 58 to junction CA Hwy 178, then over CA Hwy 178 to junction U.S. Hwy 395, then over U.S. Hwy 395 to the CA–NV State line; NV on and west of a line commencing at the CA–NV State line over U.S. Hwy 395 to the NV–CA State line; CA on and west of a line commencing at the NV–CA State line over U.S. Hwy 395 to the CA–OR State line; OR on and west of a line commencing at the CA–OR State line over U.S. Hwy 395 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction OR Hwy 27, then over OR Hwy 27 to junction U.S. Hwy 26, then over U.S. Hwy 26 to junction U.S. Hwy 395, then over U.S. Hwy 395 to junction OR Hwy 244, then over OR Hwy 244 to junction Interstate Hwy 80 N, then over Interstate Hwy 80 N to junction OR Hwy 82, then over OR Hwy 82 to junction OR Hwy 3, then over OR Hwy 3 to the OK–WA State line; and ID on and west of a line commencing at the WA–ID State

line over U.S. Hwy 12 to junction ID Hwy 3, then over ID Hwy 3 to junction Alt. U.S. Hwy 95, then over Alt. U.S. Hwy 95 to junction U.S. Hwy 95, then over U.S. Hwy 95 to the ID–Canada international boundary line. (Gateway eliminated: Carlisle, Shadygrove and Waynesboro, PA.)

MC 117574 (Sub-E87), filed June 29, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as above). (1) *sewage, water, and refuse treatment systems,* the transportation of which, because of size or weight, requires the use of special equipment, which are also industrial or processing machinery and (2) *tools, materials, and supplies* used in connection with the erection and construction of sewage, water, and refuse treatment systems (except commodities in bulk), which are also attachments, accessories, or parts of industrial or processing machinery: (A) between points in Braxton, Clay, Nicholas, and Webster Counties, WV, on the one hand, and, on the other, points in CA, NV, OR, WA, AZ on the west of a line commencing at the AZ–Mexico international boundary line over U.S. Hwy 89 to junction AZ Hwy 64, then over U.S. Hwy 89 to the AZ–UT State line; ID on and west of a line commencing at the UT–ID State line over U.S. Hwy 89 to the ID–WY State line, then over ID–WY State line to junction U.S. Hwy 26; MT on and west of a line commencing at the WY–MT State line over U.S. Hwy 310 to junction U.S. Hwy 212, then over U.S. Hwy 212 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction MT Hwy 19, then over MT Hwy 19 to junction U.S. Hwy 191, then over U.S. Hwy 191 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction MT Hwy 247, then over MT Hwy 247 to the MT–Canada international boundary line; UT on and west of a line commencing at the AZ–UT State line over U.S. Hwy 89 to the UT–ID State line; WY on and west of a line commencing at the ID–WY State line over U.S. Hwy 26 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 310, then over U.S. Hwy 310 to the WY–MT State line; (C) between points in Grant and Hardy Counties, WV, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WY, AR on and west of a line commencing at the LA–AR State line over U.S. Hwy 167 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction AR Hwy 19, then over AT Hwy 19 to junction Ar Hwy 4, then over AR Hwy 4 to junction AR Hwy 27, then over AR Hwy 27 to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction U.S. Hwy 71; then over U.S. Hwy 71 to junction AR Hwy 23, then over AR Hwy 23 to the AT–MO State line; FL on and south of a line commencing at Sarasota over U.S. Hwy 41 to junction FL Hwy 70, then over FL 70 to the Atlantic Ocean; IL on and west of a line commencing at the IA–IL State line over IL Hwy 2 to junction U.S. Hwy 51, then over U.S. Hwy 51 to the IL–WI State line; IA on and west of a line commencing at the MO–IA State line over IA Hwy 15 to junction IA Hwy 2, then over IA Hwy 2 to junction IA Hwy 1, then over IA 1 to junction IA Hwy 92, then over IA Hwy 92 to juction U.S. Hwy 61, then over U.S. Hwy 61 to the IA–IL State line; LA on and west of a line commencing at the Grand Isle over LA Hwy 1 to junction U.S. Hwy 167, then over U.S. Hwy 167 to the LA–AR State line; MI on and north of a line commencing at Muskegon over MI Hwy 46 to junction U.S. Hwy 131, then over U.S. Hwy 131 to junction MI Hwy 55, then over MI Hwy 55 to Lake Huron; MO on and west of a line commencing at the AR–MO State line over MO Hwy 86 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction MO Hwy 14, then over MO Hwy 14 to junction MO Hwy 5, then over MO Hwy 5 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction MO Hwy 15, then over MO Hwy 15 to the MO–IA State line; WI on and north of a line commencing at the IL–WI State line over U.S. Hwy 51 to junction WI Hwy 15, then over WI Hwy 15 to junction WI Hwy 50, then over WI Hwy 50 to Lake Michigan. (Gateway eliminated: Carlisle, Shadygrove and Waynesboro, PA.)

MC 117574 (Sub–E–104), filed July 16, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as above). (1) *Heating and steam generating equipment,* and *related accessories and equipment* used in connection with heating and steam generating equipment when such is industrial and processing machinery and attachments, accessories and parts of all of the above described commodities the transportation of which, because of size or weight, requires the use of special equipment, (2) Heating and steam generating equipment, and related accessories and equipment when such is industrial processing machinery and attachments, accessories, and parts of all of the above described commodities, the transportation of which does not require the use of special equipment, when moving in the same which or as part of the same equipment, when moving in the same which or as part of the same shipment with commodities specified in (1), the transportation of which, because of size or weight, does not require the use of special equipment, between the facilities of Cleaver-Brooks Company at Manheim, PA, on the one hand, and, on the other, points in the CA, ID, MT, NV, ND, OR, SD, UT, WA, and WY. (Gateway eliminated: Carlisle, PA.)

MC 117574 (Sub-E–143), filed January 20, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: William A. Chesnutt, P.O. Box 1166, Harrisburg, PA 17108. (1) *Commodities,* the transportation of which because of size or weight, require the use of special equipment, and *related materials, supplies and parts* of such commodities when their transportation is incidental thereto, and, (2) *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to the transportation of self-propelled articles on trailers, (A) between points in Gogelic and Ontonagon Counties, MI, on the one hand, and, on the other, points in PA and WV, and points in IN on and east of a line beginning at the IN-KY State line extending along IN Hwy 66 to junction US Hwy 150, then along US Hwy 150 to junction IN Hwy 135, then along IN Hwy 135 to junction IN Hwy 58, then along IN Hwy 58 to junction I Hwy 65, then along I Hwy 65 to junction I Hwy 46 then along I Hwy 46 to junction IN Hwy 9, then along IN Hwy 9 to junction IN Hwy 28, then along IN Hwy 28 to junction IN Hwy 3, then along IN Hwy 3 to junction US Hwy 30, then along US Hwy 30 to the IN-OH State line; and points in KY on and east of a line beginning at the KY-TN State line extending along US Hwy 431 to junction KY Hwy 85, then along KY Hwy 85 to junction KY Hwy 69, then along KY Hwy 69 to the KY-IN State line; (B) between points in Ogenaw and Oscoda Counties, MI, on the one hand, and, on the other, points in KY; PA; WV: points in IN on, south and east of a line beginning at the IL-IN extending along IN Hwy 26, then along IN Hwy 26 to junction IN Hwy 25, then along IN Hwy 25 to junction US Hwy 24, then along US Hwy 24 to junction IN Hwy 124, then along IN Hwy 124 to junction IN Hwy 9, then along IN Hwy 9 to junction US Hwy 224, then along US Hwy 224 to the IN-OH State line; (c) between points in Alger County, MI, on the one hand, and, on the other, points in KY, PA, WV, and points in IN on, south and east of a line beginning at the IL-IN State line extending along IN Hwy 26 to junction IN Hwy 25, then along IN

Hwy 25 to junction US Hwy 24, then along US Hwy 24 to the IN-OH State line; (D) between points in Delta County, MI, on the one hand, and, on the other, points in KY, PA, WV and points in IN on, south and east of a line beginning at the IL-IN State line extending along IN Hwy 26 to junction IN Hwy 25, then along IN Hwy 25 to junction US Hwy 24, then along US Hwy 24 to the IN-OH State line; (E) between points in Schoolcraft County, MI, on the one hand, and, on the other, points in KY, PA, WV and points in IN on, south and east of a line beginning at the IL-IN State line extending along IN Hwy 26 to junction IN Hwy 25, then along IN Hwy 25 to junction US Hwy 24, then along US Hwy 24 to the IN-OH State line; and (F) between points in Luce County, MT, on the one hand and, on the other, points in KY, PA, WV, and points in IN on, south and east of a line beginning at the IL-IN State line extending along IN Hwy 28 to junction IN Hwy 29, then along IN Hwy 29 to junction IN Hwy 18, then along IN Hwy 18 to junction IN Hwy 13, then along IN Hwy 13 to junction IN Hwy 124, then along IN Hwy 124 to junction IN Hwy 37, then along IN Hwy 37 to junction US Hwy 24, then along US Hwy 24 to the IN-OH State line. (Gateway eliminated: Columbus, OH, and points within 80 miles thereof.)

MC 119777 (Sub-E254), filed August 24, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). (1) *Fibreboard* from points in OR and WA to points in IL on and east of U.S. Hwy 51 and on and north of U.S. Hwy 50. (Elkhart, IN*) (2) *Fibreboard* from points in OR and WA to points in MI on and south of MI Hwy 55. (Elkhart, IN and Chicago, IL*) (3) *Fibreboard* from points in OR and WA to points in IL on and south of U.S. Hwy 40 and points in MO on and east of U.S. Hwy 67. (Henderson, KY*) (Gateways eliminated: asterisked.)

MC 119777 (Sub-E255), filed August 24, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). (1) *Lumber,* from points in CA in an area bounded on the north by CA Hwy 20, bounded on the east by CA Hwy 99, bounded on the south by CA Hwy 46, and bounded on the west by the Pacific Ocean to points in MT. (Lodi (San Joaquin County) CA*) (2) *Particleboard,* from Martell and Ukiah, CA to points in DE, GA, IL (except those in the St. Louis, MO-East St. Louis, IL commercial zone), IN, MS, NC, SC, VT, VA, WV, and the District of Columbia. (facilities of Permaneer Corporation Wright City, MO*) (3) *Flakeboard,* From Chester, CA, to points in AL, CT, DE, GA, KY, ME, MD, MA, MS, NH, NY, NC, RI, SC, TN, VT, VA, WV, and the District of Columbia. (Little Rock (Pulaski County) AR*) (4) *Composition board,* from points in Lake, Marin, Mendocino and Sonoma Counties, CA, to points in CO, NM, WY, and points in MT, on and east of U.S. Hwy 89. (Ukiah, CA*) (Gateways eliminated: asterisked.)

MC 124211 (Sub-E-92), filed August 8, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *Processed 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) (a) between points in NE on and north of U.S. Hwy 6, on and west of U.S. Hwy 77, on the one hand, and, on the other, points in MO (except Carrollton and Carthage). (Lincoln, NE commercial zone*); (b) between points in NE on and north of I Hwy 80, on the one hand, and, on the other, points in MO on and south of U.S. Hwy 24 (except Carrollton and Carthage) (Lincoln, NE Commercial Zone*) (c) between points in NE on and west of U.S. Hwy 77 (except points in Jefferson and Gage Counties south of U.S. Hwy 136), on the one hand, and, on the other, points in MO on, east and south of a line beginning at the IA–MO State line extending over U.S. Hwy 63 to Columbia, then along U.S. Hwy 40 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction MO Hwy 52, then along MO Hwy 52 to junction MO Hwy 13, then along MO Hwy 13 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 160, then over U.S. Hwy 160 to the KS–MO State line (except Carrollton and Carthage). (Lincoln, NE Commercial Zone*) (d) from points in MO (except Carrollton and Carthage), to points in ND, SD, and WY. (Lincoln, NE Commercial Zone and points in Saunders County, NE*) (e) from points in MO (except Carthage) on and south of a line beginning at the MO–KY State line and extending along U.S. Hwy 60 to Springfield, MO, then along U.S. Hwy 66 to the MO–KS State line, to points in IA on, north and west of a line beginning at the NE–IA State line and extending along U.S. Hwy 30 to Denison, then along U.S. Hwy 59 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 71, then over U.S. Hwy 71 to the MN–IA State line. (Lincoln, NE, Commercial Zone and points in Saunders County, NE*) (f) from points in MO on and south of U.S. Hwy 66 and on and west of U.S. Hwy 65 (except Carthage and points in Greene County, MO), to points in MN on, north and west of a line beginning at the MN–WI State line and extending west along U.S. HWY 12 to junction U.S. Hwy 169, then along U.S. Hwy 169 to junction MN Hwy 60, then over MN Hwy 60 to the MN–IA State line.* (Lincoln, NE Commercial Zone and points in Saunders County, NE) (g) from points in MO on and north of U.S. Hwy 36, to points in IA on and west of a line beginning at the IA–NE State line, extending along U.S. Hwy 77 to Sioux City, then over IA Hwy 60 to the MN–IA State, and to those points in MN on and west of a line beginning at the MN–IA State line and extending over U.S. Hwy 59 to junction MN Hwy 23, thence over MN Hwy 23 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction MN Hwy 89, then over MN Hwy 89 to the US–CD International Boundary near Pine Creek, MN. (Lincoln, NE Commercial Zone and points in Saunders County, NE*) (h) from St. Joseph, MO, to points in MI on and west of U.S. Hwy 45, and to those points in WI on, west and north of a line beginning at the MI–WI State line and extending along U.S. Hwy 45 to junction U.S. Hwy 8, then over U.S. Hwy 8 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 12, then over U.S. Hwy 12 to the MN–WI State line. (Lincoln, NE, Commercial Zone and points in Saunders County, NE*) (i) from Kansas City, MO, to points in WI on, west and north of a line beginning at Ashland, WI and extending along U.S. Hwy 63 to junction WI Hwy 77, then along WI Hwy 77 to the MN–WI State line. (Lincoln, NE, Commercial Zone and points in Saunders County, NE*) (j) between points in MO on and north of U.S. Hwy 36 and west of U.S. Hwy 169, on the one hand, and, on the other, points in TX on and west of a line beginning at Del Rio extending along U.S. Hwy 90 to junction TX Hwy 163, then along TX Hwy 163, to junction U.S. Hwy 87, then along U.S. Hwy 87 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the TX–NM State line. (Lincoln, NE Commercial Zone) (Gateways eliminated: asterisked.)

MC 124211(Sub-E–93), filed August 14, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *Meats, Meat Products, Meat Byproducts,* and *Articles Distributed by Meat Packinghouses,* as described in Section

A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (a) between points in NE (except points in Johnson, Nemaha, Pawnee, and Richardson Counties), on the one hand, and, on the other, points in AR. (Lincoln, NE, Commercial Zone*) (b) between points in Johnson, Nemaha, and Pawnee Counties, NE, on the one hand, and, on the other, points in AR on and west of U.S. Hwy 67. (Lincoln, NE, Commercial Zone) (c) from points in AR to points in ND, SD, and WY. *(Lincoln, NE Commercial Zone and points in Saunders County, NE*) (d) from points in AR on and south of a line beginning at the AR–OK State line, then over U.S. Hwy 64 to junction U.S. Hwy 65, then over U.S. Hwy 65 to the AR–LA State line, to those points in IA on, north and west of a line beginning at the IA–NE State line then over U.S. Hwy 75 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 71, then over U.S. Hwy 71 to the IA–MN State line. (Lincoln, NE, Commercial Zone and points in Saunders County, NE*) (e) from points in AR on and south of a line beginning at the AR–OK State line, then over U.S. Hwy 64 to junction U.S. Hwy 65, then over U.S. Hwy 65 to the AR–LA State line, to those points in MN on and north of a line beginning at the IA–MN State line, then over U.S. Hwy 71 to junction MN Hwy 60, then over MN Hwy 60 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction U.S. Hwy 12, then over U.S. Hwy 12 to the MN–WI State line. (Lincoln, NE, Commercial Zone and points in Saunders County, NE*) (f) from points in AR on and south of a line beginning at the AR–OK State line, then over U.S. Hwy 64 to junction U.S. Hwy 65, then over U.S. Hwy 65 to the AR–LA State line, to those points in WI on, north and west of a line beginning at Ashland, extending along U.S. Hwy 2 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 8, then over U.S. Hwy 8 to the MN–WI State line. (Lincoln, NE Commercial Zone and points in Saunders County, NE*). (Gateway eliminated: asterisked.)

MC 124211 (Sub-E–96), filed August 18, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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) (a) between points in NE (except points in Nemaha, Pawnee and Richardson Counties), on the one hand, and, on the other, points in MS. (Lincoln, NE*) (b) between points in Nemaha and Pawnee Counties, NE on the one hand, and, on the other, points in MS on and south of U.S. Hwy 82. (Lincoln, NE*) (c) between points in Richardson County, NE, on the one hand, and, on the other, points in MS on and south of U.S. Hwy 84 and on and east of U.S. Hwy 11. (Lincoln, NE Commercial Zone*) (d) from points in MS, to points in ND, SD, and WY. (Lincoln, NE, and points in Saunders County, NE*) (e) from points in MS, to points in IA on, west and north of a line beginning at the IA–NE State line and extending along U.S. Hwy 34 to Red Oak, then over IA Hwy 48 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 71, then over U.S. Hwy 71 to the IA–MN State line, and to those points in MN on and west of U.S. Hwy 71. (Lincoln, NE Commercial Zone and points in Saunders County, NE*) (f) between points in MS on and north of U.S. Hwy 82, on the one hand, and, on the other, points in KS on, north and west of a line beginning at the KS–NE State line, then over U.S. Hwy 81 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction U.S. Hwy 283, then over U.S. Hwy 283 to junction U.S. Hwy 40, then over U.S. Hwy 40 to the KS–CO State line. (Lincoln, NE, Commercial Zone*) (g) from points in MS on and south of U.S. Hwy 80, to points in IA and north of U.S. Hwy 30, and on and west of U.S. Hwy 169, and to points in MN on, north and west of a line beginning at the IA–MN State line, then over U.S. Hwy 169 to junction U.S. Hwy 12, then over U.S. Hwy 12 to the MN–WI, State line. (Lincoln, NE, Commercial Zone and points in Saunders County, NE*) (h) from points in MS on and south of U.S. Hwy 80 and on and west of U.S. Hwy 49 to points in WI on and north of U.S. Hwy 8 and on and west of U.S. Hwy 63. (Lincoln, NE Commercial Zone and points in Saunders County, NE*.) (Gateway eliminated: asterisked.)

Note.—The purpose of this application is to eliminate those gateway points designated by the asterisk "*".

MC 124211 (Sub-E–97), filed August 18, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *Processed 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). Between Chicago, IL, on the one hand, and, on the other, points in NE on, west and south of a line beginning at the NE–SD State line, thence over U.S. Hwy 81, to junction U.S. Hwy 275, then over U.S. Hwy 275 to junction U.S. Hwy 30, then over U.S. Hwy 30 to the NE–IA State line. (Waverly, NE*). *Processed 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 frozen foods, commodities in bulk, and hides), (a) from Chicago, IL to points in ND on and west of a line beginning at the ND–SD State line, then over U.S. Hwy 12 to junction U.S. Hwy 85, then over U.S. Hwy 85 to junction U.S. Hwy 10, then over U.S. Hwy 10 to the ND–MT State line, and to points in SD on and west of a line beginning at Yankton, SD extending over SD Hwy 50 to junction SD Hwy 37, then over SD Hwy 37 to junction SD Hwy 34, then over SD Hwy 34 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction U.S. Hwy 83, then over U.S. Hwy 83 to junction U.S. Hwy 12, then over U.S. Hwy 12 to the ND–SD State line, and to points in WY. (Waverly, NE, and points in Saunders County, NE*) (b) between Chicago, IL, on the one hand, and, on the other, points in KS on and west of a line beginning at the NE–KS State line, then over U.S. Hwy 75 to junction I Hwy 35, then over I Hwy 35 to junction KS Hwy 99, then over KS Hwy 99 to the KS–OK State line, and points in OK on and west of a line beginning at the KS–OK State line, then over OK Hwy 99 to junction U.S. Hwy 377, then over U.S. Hwy 377 to the OK–TX State line, and points in TX on and west of a line beginning at the OK–TX State line, then over U.S. Hwy 77 to Dallas, then over U.S. Hwy 75, to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction U.S. Hwy 181, then over U.S. Hwy 181 to Ingleside, TX. (Waverly, NE, and Lincoln, NE, Commercial Zone.) (Gateway eliminated: asterisked.)

Note.—The purpose of this application is to eliminate those gateway points indicated by the asterisk "*".

MC 124211 (Sub-E–101), filed August 22, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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 frozen foods, hides, and commodities in bulk), which are fresh meats, (1) from the facilities of Banner Beef Company at Hospers, IA, to points in AR, LA, MS, OK, and TX (South Sioux City, and Lincoln, NE*) (2) from the facilities of Banner Beef Company at Hospers, IA, to points in WY on, west and south of a line beginning at the MT–WY State line, thence over U.S. Hwy 87 to junction U.S. Hwy 20, thence over U.S. Hwy 20 to the NE–WY State line. (South Sioux City and points in Saunders County, NE*) (3) from the facilities of Missouri Beef Packers, Inc., at Phelps City, MO to points in WY and points in IA on, west and north of a line beginning at the NE–IA State line, thence over Hwy IA 175 to junction IA Hwy 31, thence over IA Hwy 31 to junction U.S. Hwy 59, thence over U.S. Hwy 59 to junction U.S. Hwy 18, thence over U.S. Hwy 18 to junction IA Hwy 4, thence over IA Hwy 4 to the IA–MN State line. (Nebraska City, NE, and points in Saunders County, NE*). (Gateways eliminated: asterisked.)

MC 124211 (Sub-E102), filed August 22, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *Meats, Meat Products, Meat Byproducts, and Articles Distributed by Meat Packinghouses,* as described in Sections A and C of Apendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (a) from points in NE on, south and east of a line beginning at the IA–NE State line, thence over U.S. Hwy 30 to junction NE Hwy 15, thence over NE Hwy 15 to the KS–NE State line (except from points in Douglas and Washington Counties, NE), to points in Clay and Union Counties, SD (points in Saunders County, NE*), (b) from points in NE on and south of U.S. Hwy 6, to points in SD on, east and north of a line beginning at the MN–SD State line, thence over U.S. Hwy 16 to junction U.S. Hwy 81, thence over U.S. Hwy 81 to junction U.S. Hwy 14, thence over U.S. Hwy 14 to junction U.S. Hwy 281, thence over U.S. Hwy 281 to the ND-SD State line (points in Saunders County, NE*), (c) from points in NE on and south of U.S. Hwy 30, to points in SD on and east of U.S. Hwy 77 and on and north of U.S. Hwy 18 (points in Saunders County, NE*). (Gateway eliminated: asterisked.)

MC 124211 (Sub-E104), filed August 23, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). (1) *Processed 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), between St. Paul, MN, on the one hand, and, on the other, points in NE on, south and west of a line beginning at the IA–NE State line, thence over U.S. Hwy 275 to junction U.S. Hwy 30, thence over U.S. Hwy 30 to junction U.S. Hwy 81, thence over U.S. Hwy 81 to junction NE Hwy 22, thence over NE Hwy 22 to junction NE Hwy 2, thence over NE Hwy 2 to junction U.S. Hwy 385, thence over U.S. Hwy 385 to junction U.S. Hwy 26, thence over U.S. Hwy 26 to the NE–WY State line (Waverly, NE*), (2) *Processed 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 frozen foods, hides, and commodities in bulk), between St. Paul, MN, on the one hand, and, on the other, points in LA, OK, and TX, and points in AR on and south of a line beginning at the AR–OK State line, thence over U.S. Hwy 64 to junction U.S. Hwy 65, thence over U.S. Hwy 65 to the AR–LA State line, to points in KS (except points in Doniphan, Wyandotte, Johnson, Miami, Linn, Bourbon, Crawford, and Cherokee Counties) and to points in MS on and south of U.S. Hwy 80, and to Clarksdale, Greenville, and Greenwood, MS. (Waverly, NE, and Lincoln, NE, Commercial Zone*). (Gateway eliminated: asterisked.)

MC 124211 (Sub-E106), filed August 23, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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) (a) between points in NE on, east and north of a line beginning at the NE–SD State line, thence over U.S. Hwy 81 to junction U.S. Hwy 275, thence over U.S. Hwy 275 to the IA–NE State line, on the one hand, and, on the other, points in AZ, CA, NV, NM, and UT (points in NE in the Sioux City, IA, Commercial Zone—South Sioux City, NE*), (b) between points in Butler, Colfax, Lancaster, and Saunders County, NE, on the one hand, and, on the other, points in CA and NV, and those points in AZ and UT on and west of U.S. Hwy 89 (points in NE on the Sioux City, IA Commercial Zone—South Sioux City, NE*), (c) between points in NE on and east of U.S. Hwy 281 and on and north of U.S. Hwy 34, on the one hand, and, on the other, points in CA on and west of a line beginning at the CA–OR State line, thence over U.S. Hwy 395 to Alturas, CA, thence over CA Hwy 299 to junction I Hwy 5, thence over I Hwy 5 to junction CA Hwy 99, thence over CA Hwy 99 to Stockton, CA, thence over I Hwy 5 to the US–CD International Boundary (points in NE in the Sioux City, IA Commercial Zone—South Sioux City, NE*). (Gateway eliminated: asterisked.)

MC 124211 (Sub-E108), filed August 25, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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), (a) between points in Dallam, Hartley, Moore, and Sherman Counties, TX, on the one hand, and, on the other, points in NE on and east of U.S. Hwy 81 (except points in Jefferson and Thayer Counties) (Lincoln, NE, Commercial Zone*), (b) from points in Dallam, Hartley, Moore, and Sherman Counties, TX, to points in KY on and north of I Hwy 64 (Lincoln, NE, Commercial Zone), (c) from points in Dallam, Hartley, Moore, and Sherman Counties, TX, to points in IL on and north of U.S. Hwy 36; IN on and north of U.S. Hwy 150; IA; MI; MN; MO on, north and east of a line beginning at the NE–MO State line, thence over U.S. Hwy 136 to junction U.S. Hwy 65, thence over U.S. Hwy 65 to junction MO Hwy 6, thence over MO Hwy 6 to the IL–MO State line; ND on, east and north of a line beginning at the ND–SD State line, thence over ND Hwy 3 to junction U.S. Hwy 52, thence over U.S. Hwy 52 to junction U.S. Hwy 83, thence over U.S. Hwy 83 to the US–CD International Boundary; OH, SD on and west of U.S. Hwy 281; and WI. (Lincoln, NE Commercial Zone, and points in Saunders County, NE*) Restriction: The authority in (c) above is restricted to the transportation of traffic destined to IL, IN and MI. (Gateway eliminated: asterisked.)

MC 124211 (Sub-E–109), filed August 25, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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) (a) between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in NE on and north of a line beginning at the IA–NE State line, thence over NE Hwy 2 to Lincoln, NE, thence over I Hwy 80 to the NE–WY State line. (points in the Lincoln, NE Commercial Zone) (b) from points in Dallas and Tarrant Counties, TX, to points in IL on and north of U.S. Hwy 30; IA on and north of a line beginning at the IA–NE State line, thence over U.S. Hwy 34 to junction U.S. Hwy 69, thence over U.S. Hwy 6 to the IA–IL State line; MI; MN; ND; SD; WI; and WY. (Points in the Lincoln, NE, Commercial Zone and points in Saunders County, NE *). (Gateways eliminated: asterisked.)

MC 124211 (Sub-E–110), filed August 25, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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 *Discriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (a) between points in OK on and west of OK Hwy 136, on the one hand, and, on the other, points in NE on, north and east of a line beginning at the IA–NE State line, thence over U.S. Hwy 136 to junction U.S. Hwy 77, thence over U.S. Hwy 77 to junction NE Hwy 41, thence over NE Hwy 41 to junction U.S. Hwy 81 thence over U.S. Hwy 81 to the State line. (Lincoln, NE Commercial Zone *) (b) from points in OK on and west of OK Hwy 136, to points in IL on and north of U.S. Hwy 136; IN on and north of U.S. Hwy 150; IA; KY on and north of I Hwy 64; MI; MN, ND on and north of U.S. Hwy 136; ND on and east of a line beginning at the ND–SD State line, thence over ND Hwy 3 to junction U.S. Hwy 52, thence over U.S. Hwy 52 to junction U.S. Hwy 83, thence over U.S. Hwy 83 to the US–CD International boundary; OH; SD on and east of U.S. Hwy 281; and WI. (Lincoln, NE, Commercial Zone and points in Saunders County, NE *). (Gateway eliminated: asterisked.) Restriction: The authority in (b) above is restricted to traffic destined to IL, IN, MI and OH.

MC 124211 (Sub-E–116), filed August 26, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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) which are included within the descriptions food products and fresh meats, (a) between points in OK on and west of a line beginning at the KS–OK State line extending along US Hwy 281 to junction US Hwy 183, then along US Hwy 183 to the OK–TX State line (except points west of OK Hwy 136), on the one hand, and, on the other, points in NE on, east and north of a line beginning at the IA–NE State line extending along NE Hwy 2 to junction US Hwy 77, then along US Hwy 77 to junction I Hwy 80, then along I Hwy 80 to junction US Hwy 81, then along US Hwy 81 to the NE–SD State line; and York, NE (Lincoln, NE, Commercial Zone*) (b) from points in OK on and west of a line beginning at the KS–OK State line extending along US Hwy 281 to junction US Hwy 183, then along US Hwy 183 to the OK–TX State line (except points west of OK Hwy 136), to points in IL on and north of IL Hwy 9; IN on and north of US Hwy 24; IA; MI; MN: ND on and east of ND Hwy 3; OH on and north of US Hwy 30; SD on and east of US Hwy 281; and WI. (Lincoln, NE, Commercial Zone, and points in Saunders County, NE*). Restriction: The authority in (b) above is restricted to the transportation of traffic destined to points in IL, IN, MI, and OH. (Gateways eliminated: asterisked.)

MC 124211 (Sub-E–119), filed September 5, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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), (a) from Columbus, Fremont and Schuyler, NE, and points in NE in and west of Scottsbluff, Box Butte, Garden, Grant, Hooker, Thomas, Custer, Valley, Greeley, Nance, Polk, Butler, Saunders, Seward, York, Clay, Adams, and Franklin Counties, NE, to points in IA (b) from points in Otoe, Gage, Lancaster, Johnson, Saline, Fillmore, Jefferson, Thayer, Webster, and Nuckolls Counties, NE, to points in IA on, east and north of a line beginning at the IA–NE State line extending along US Hwy 20 to junction US Hwy 169, then along US Hwy 169 to junction US Hwy 30, then along US Hwy 30 to junction IA Hwy 146, then along IA Hwy 146 to junction I Hwy 80, then along I Hwy 80 to junction US Hwy 218, then along US Hwy 218 to junction IA Hwy 22, then along IA Hwy 22 to Muscatine, IA. (c) from points in NE on and north of I Hwy 80 and on and west of a line beginning at the NE–SD State line extending along US Hwy 281 to junction US Hwy 275, then along US Hwy 275 to the NE–IA State line, to points in IA on, east and south of a line beginning at the MN–IA State line extending along US Hwy 52 to junction IA Hwy 150, then along IA Hwy 150 to junction US Hwy 20, then along IA Hwy 20 junction US Hwy 63, then along US Hwy 63 to junction US Hwy 6, then along US Hwy 6 to junction US Hwy 69, then along US Hwy 69 to the IA–MO State line. (Gateway eliminated: Saunders County, NE.)

MC 124211 (Sub-E–120), Filed September 5, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *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), which are fresh meats (a) between points in TX within an area bounded by a line beginning at Port Lavaca, TX, thence over U.S. Hwy 87 to San Antonio, TX, thence over U.S. Hwy 90 to Houston, TX, thence over U.S. Hwy 75 to Galveston, TX, including points on the above-specified highways, on the one hand, and, on the other, points in NE on and north of a line beginning at the NE-MO State line, thence over U.S. Hwy 136 to junction NE Hwy 15, thence over NE Hwy 15 to junction U.S. Hwy 6, thence over U.S. Hwy 6 to junction U.S. Hwy 281, thence over U.S. Hwy 281 to junction U.S. Hwy 30, thence over U.S. Hwy 30 to junction NE Hwy 61 to junction U.S. Hwy 26, thence over U.S. Hwy 26 to the NE–WY State line. (Lincoln, NE, commercial zone*) (b) from points in TX as described in "(a)" above, to points in IL in and north of Winnebago, Ogle, Lee, Whiteside, Henry, and Mercer Counties; IL, IA on and north of U.S. Hwy 34; the Upper peninsula of MI; MN; ND; SD; WI, (except points in Racine and Walworth Counties) and WY on and north of U.S. Hwy 26. (Lincoln, NE, commercial zone and points in Saunders County, NE*). Restriction: The authority granted in (b) above is restricted to the transportation of traffic destined to points in IL (Gateway elimited: asterisked.)

MC 124211 (Sub-E-121), Filed September 5, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *Meats, Meat Products, Meat Byproducts, and Articles Distributed by Meat Packinghouses,* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), which are fresh meats (a) between points in OK within an area bounded on the west by U.S. Hwy 183, on the north by U.S. Hwy 66, on the east by U.S. Hwy 77, and on the south by the OK–TX state line, including points on the above-specified highways, on the one hand, and, on the other, points in NE on and north of U.S. Highway 6 and on and east of U.S. Hwy 81. (Lincoln, NE commercial zone) (b) from points in OK described in :(a): above, to points in IL on and north of I Hwy 80, IN on and north of U.S. Hwy 20, IA on and north of I Hwy 80, MI, MN; ND; on and east of U.S. Hwy 83, SD on and east of U.S. Hwy 281; and WI. (Lincoln, NE commercial zone and points in Saunders County, NE*) (c) from OK, to Rapid City, SD. (Lincoln, NE commercial zone and points in Sauders County, NE*.) Restriction: The authority in (b) above is restricted to traffic destined to IL, IN, and MI. (Gateways eliminated: asterisked.)

MC 124211 (Sub–E122), filed September 6, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *Canned meat, 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, (a) from points in IL on and south of U.S. Hwy 36, to points in NE on, west and north of a line beginning at the NE-SD State line, thence over U.S. Hwy 281 to junction NE Hwy 91, thence over NE Hwy 91 to junction NE Hwy 14, thence over NE Hwy 14 to junction U.S. Hwy 34, thence over U.S. Hwy 34 to the NE-CO State line (points in the Grand Island, NE *), (b) from points in IL, to points in NE in and west of Webster, Clay, Hamilton, Merrick, Howard, Greeley, Garfield, Loup, Blaine, Thomas, Hooker, Grant, Sheridan, and Dawes Counties (Grand Island, NE *), (c) from points in IA on and east of I Hwy 35, and south of U.S. Hwy 20, to points in NE described in "(b)" above (Grand Island, NE *), (d) from points in IA on and north of I Hwy 80, to points in NE on and west of U.S. Hwy 281 and in and south of Howard, Sherman, Custer, Lincoln, Keith, Garden, Morrill, and Scottsbluff Counties (Grand Island, NE *), (e) from points in IA on and south of I Hwy 80, to points in NE on and west of U.S. Hwy 281 and in and north of Hall, Buffalo, Dawson, Lincoln, and Chase Counties (Grand Island, NE *), (f) from points in IA to points in Hall, Buffalo, Dawson, Custer, Frontier, Lincoln, Perkins, Logan, McPherson, Arthur, Keith, Deuel, Cheyenne, Kimball, Garden, Morrill, Scottsbluff, and Banner Counties, NE (Grand Island, NE *), (g) from points in KS on and west of U.S. Hwy 281 (except points in Smith, Osborne, and Russell Counties) to points in NE on and east of U.S. Hwy 281 and on and north of I Hwy 80 (Grand Island, NE *), (h) from points in Smith, Osborne, and Russell Counties, KS which are on and west of U.S. Hwy 281 to points in NE on and east of U.S. Hwy 281 and north of I Hwy 80, except points in Seward, Cass, Lancaster, and Sarpy Counties (Grand Island, NE *), (i) from points in KS on and east of U.S. Hwy 281, to points in NE on and north of I Hwy 80 (except points in Buffalo, Dawson, Lincoln, Keith, Deuel, Cheyenne, and Kimball Counties, and points in NE east of U.S. Hwy 281) (Grand Island, NE *), (j) from points in KS on and east of U.S. Hwy 281 (except points in Smith, Jewell, Osborne, Mitchell, Russell, Lincoln, Barton, Ellsworth, Stafford, Pratt and Barber Counties), to points in NE on and north of I Hwy 80 and west of U.S. Hwy 281 (Grand Island, NE *), (k) from points in KS on and west of U.S. Hwy 183, to points in IL on and north of U.S. Hwy 30, IA on and north of U.S. Hwy 20, MN, ND on and east of U.S. Hwy 81, SD on and east of U.S. Hwy 77, and WI (Grand Island, NE, and points in Saunders County, NE *), (l) from points in KS on and west of U.S. Hwy 183 and north of U.S. Hwy 24, to points in IN on and north of U.S. Hwy 30 and points in MI (Grand Island, NE, and points in Saunders County, NE *). (Gateways eliminated: asterisked.)

MC 124211 (Sub–E125), filed September 9, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *Processed 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 frozen foods, hides, and commodities in bulk), (a) between Arkansas City, KS, on the one hand, and, on the other, points in NE on and north of I Hwy 80 (Lincoln, NE*), (b) from Arkansas City, KS, to points in IL on and north of a line beginning at the IL–IA State line extending along U.S. Hwy 34 to Galesburg, then along U.S. Hwy 150 to Peoria, then along U.S. Hwy 24 to the IL–IN State line; points in IN on and north of U.S. Hwy 24; IA on and north of IA Hwy 92; MI, MN, ND, OH on and north of U.S. Hwy 30; SD, WI, and WY. (Lincoln, NE, and points in Saunders County, NE*), (c) between points in Barton County, KS, on the one hand, and, on the other, points in NE on and north of U.S. Hwy 34 and on and east of U.S. Hwy 77 (Lincoln, NE*) (d) from points in Barton County, KS, to points in IL on and north of a line beginning at the IL–IA State line extending along U.S. Hwy 136 to junction U.S. Hwy 51, then along U.S. Hwy 51 to junction U.S. Hwy 36, then along U.S. Hwy 36 to the IL–IN State line; IN on and north of U.S. Hwy 36; IA; MI; MN; ND on and east of U.S. Hwy 83; OH on and north of U.S. Hwy 50; SD on and east of U.S. Hwy 281; and WI. (Lincoln, NE, and points in Saunders County, NE*), (e) between points in Ford and Gray Counties, KS, on the one hand, and, on the other, points in NE on, east and north of a line beginning at the IA–NE State line extending along NE Hwy 2 to Lincoln, then along I Hwy 80 to junction U.S. Hwy 81, then along U.S. Hwy 81 to the NE–SD State line (Lincoln, NE*), (f) from points in Ford and Gray Counties, KS, to points in KY on and north of U.S. Hwy 460 (Lincoln, NE*), (g) from points in Ford and Gray Counties, KS, to points in IL on and north of a line beginning at the IL–MO State line extending along U.S. Hwy 24 to junction U.S. Hwy 67, then along U.S. Hwy 67 to Beardstown, then along IL Hwy 125 to Springfield, then along U.S. Hwy 36 to the IL–IN State line; points in IN on and north of IN Hwy 46; IA; MI; MN; ND on and east of U.S. Hwy 83; OH; SD on and east of U.S. Hwy 281; and WI. (Lincoln, NE, and points in Saunders County, NE*), (h) from Garden City, KS, and points in Greeley, Hamilton, and Kearny Counties, KS, to points in KY on and north of U.S. Hwy 460 (Lincoln, NE*), (i) between points in Lyon County, KS, on and south of U.S. Hwy 50, on the one hand, and, on the other, points in NE on and north of U.S. Hwy 34 (Lincoln, NE*), (j) from points in Lyon County, KS, on and south of U.S. Hwy 50, to points in IL on and north of U.S. Hwy 30; IN on and north of U.S. Hwy 30; IA on and north of U.S. Hwy 30; MI; MN; ND; OH on and north of U.S. Hwy 30; SD; WI; and WY. (Lincoln, NE, and points in Saunders County, NE*), (k) between Mankato, KS, and points in

Jewell and Smith Counties, KS, on and west of KS Hwy 14, on the one hand, and, on the other, points in NE on, east and north of a line beginning at the IA–NE State line extending along NE Hwy 2 to junction U.S. Hwy 77, then along U.S. Hwy 77 to the IA–NE State line (Lincoln, NE*), (l) from Mankato, KS, and points in Smith County, KS, to points in KY on and east of U.S. Hwy 45 (Lincoln, NE*), (m) from Mankato, KS, and points in Jewell and Smith Counties, KS, on and west of KS Hwy 14, to points in IL on and north of U.S. Hwy 460; IN; IA; MI; MN; ND on and east of U.S. Hwy 281; OH; SD on, east and north of a line beginning at the NE–SD State line extending along U.S. Hwy 81 to junction U.S. Hwy 212, then along U.S. Hwy 212 to junction U.S. Hwy 281, then along U.S. Hwy 281 to the SD–ND State line; WI; and St. Louis, MO. (Lincoln, NE and points in Saunders County, NE*), (n) between points in Montgomery County, KS, on the one hand, and, on the other, points in NE on and north of U.S. Hwy 34 (Lincoln, NE*), (o) from points in Montgomery and Chautauqua Counties, KS, to points in IA on and north of U.S. Hwy 20; MI on and north of MI Hwy 21; MN; ND; SD; WI; WY (Lincoln, NE, and points in Saunders County, NE*), (p) between Oakley, KS, and points in Logan and Wallace Counties, KS, on the one hand, and, on the other, points in NE on and east of U.S. Hwy 77 (Lincoln, NE*), (q) from Oakley, KS, and points in Logan and Wallace Counties, KS, to points in KY on and east of U.S. Hwy 231, and St. Louis, MO (Lincoln, NE*), (r) from Oakley, KS, and points in Logan and Wallace Counties, KS, to points in IL on and north of U.S. Hwy 50; IN; IA; MI; MN; ND, on and east of U.S. Hwy 81; OH; SD, on and east of U.S. Hwy 81; and WI (Lincoln, NE*), (s) between points in Pratt County, KS, on the one hand, and, on the other, points in NE on, east and north of a line beginning at the IA–NE State line extending along NE Hwy 2 to junction U.S. Hwy 77, then along U.S. Hwy 77 to junction U.S. Hwy 275, then along U.S. Hwy 275 to junction U.S. Hwy 81, then along U.S. Hwy 81 to the NE–SD State line (Lincoln, NE*), (t) from points in Pratt County, KS, to points in IL on and north of U.S. Hwy 136; IN on and north of U.S. Hwy 36; IA on and north of IA Hwy 2; MI; MN; ND on and east of U.S. Hwy 83; OH; SD on and west of U.S. Hwy 281; and WI (Lincoln, NE, and points in Saunders County, NE*), (u) between points in Shawnee County, KS, on the one hand, and, on the other, points in NE on and north of U.S. Hwy 34 and on and east of U.S. Hwy 281 (Lincoln, NE*), (v) from points in Shawnee County, KS, to points in IL on and north of U.S. Hwy 20; IN on and north of U.S. Hwy 6; IA on and north of U.S. Hwy 18; MI; MN; ND; OH on and north of I Hwy 80; SD; WI; and WY (Lincoln, NE, and points in Saunders County, NE*), (w) between points in Sedgewick County, KS, on the one hand, and, on the other, points in NE in and north of Otoe, Lancaster, Seward, York, Merrick, Howard, Sherman, Custer, Logan McPherson, Keith, Deuel, Cheyenne and Kimball Counties (Lincoln, NE*), (x) from points in Sedgewick County, KS, to points in IL on and north of a line beginning at the IA–IL State line extending along U.S. Hwy 34 to Galesburg, then along U.S. Hwy 150 to Peoria, then along U.S. Hwy 24 to the IL–IN State line; IN on and north of U.S. Hwy 24; IA on and north of U.S. Hwy 34; MI; MN; ND; OH on and north of U.S. Hwy 36; SD; WI; and WY. (Lincoln, NE and points in Saunders County, NE*), Restriction: The authority involving the States of IL, IN, OH and MI is restricted to traffic destined to those States. (Gateway eliminated: asterisked.)

MC 124211 (Sub-E126), filed September 14, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in NE on, west and south of a line beginning at the NE–KS State line, thence over U.S. Hwy 281 to junction U.S. Hwy 30, thence over U.S. Hwy 30 to junction NE Hwy 61, thence over NE Hwy 61 to junction U.S. Hwy 26, thence over U.S. Hwy 26 to the NE–WY State line, to points in IA and MN (except from points in Adams, Hall, and Webster Counties, NE, to points in IA west of U.S. Hwy 169, and except from points in Hall County, NE, to points in MN west of U.S. Hwy 71 and south of U.S. Hwy 212). (Gateway eliminated: facilities of Cornland Dressed Beef Company at Lexington and Minden, NE.)

MC 124211 (Sub-E128), filed September 15, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Canned meats,* (a) from points in NE on and south of U.S. Hwy 20, to Norway, MI, and points in WI on, east and south of a line beginning at the IL–WI State line extending along WI Hwy 69 to junction U.S. Hwy 151, then along U.S. Hwy 151 to junction U.S. Hwy 41, then along U.S. Hwy 41 to the WI—MI State line. (b) from points in NE on, south and east of a line beginning at the NE–IA State line extending along NE Hwy 92 to junction U.S. Hwy 77, then along U.S. Hwy 77 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 81, then along U.S. Hwy 81 to the NE–KS State line, to points in ND. (c) from points in NE on, south and east of a line beginning at the NE–IA State line extending along U.S. Hwy 30 to junction NE Hwy 61, then along NE Hwy 61 to junction U.S. Hwy 26, then along U.S. Hwy 26 to the NE–WY State line, to points in WI. (d) from points in NE on, south and east of a line beginning at the NE–IA State line extending along U.S. Hwy 30 to junction U.S. Hwy 77, then along U.S. Hwy 77 to junction NE Hwy 92, then along NE Hwy 92 to junction NE Hwy 15, then along NE Hwy 15 to U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 81, then along U.S. Hwy 81 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the NE–CO State line, points in MN. (Gateway eliminated: Omaha, NE, commercial zone.)

MC 124211 (Sun-E130), filed September 15, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt, (same address as applicant). *Frozen beef livers,* (a) from points in NE on and south of U.S. Hwy 20, to points in the Lower Peninsula of MI and OH. (b) from points in NE on and south of a line beginning at the IA–NE State line, thence over U.S. Hwy 30 to junction NE Hwy 61, thence over NE Hwy 61 to junction U.S. Hwy 26, thence over U.S. Hwy 26 to the NE–WY State line, and West Point, NE, to points in WI. (c) from points in Douglas, Sarpy, Saunders, Lancaster, York, Dodge, Colfax, and Platte Counties, NE, and points in NE on and west of U.S. Hwy 281 (except points north of U.S. Hwy 20), to points in IL. (d) from points in NE on and north of U.S. Hwy 30, to points in IL on and south of U.S. Hwy 6. (e) from points in NE on, east and south of a line beginning at the NE–IA State line, thence over U.S. Hwy 30 to junction NE Hwy 15, thence over NE Hwy 15 to the NE–KS State line, to points in MN. (f) from points in Washington, Dodge, Saunders, Sarpy, Douglas, Cass, and Otoe Counties, NE, to points in WY. (g) from points in NE on, east and north of a line beginning at the NE–IA State line, thence over U.S. Hwy 275 to junction U.S. Hwy 20, thence over U.S. Hwy 20 to junction U.S. Hwy 281, thence over U.S. Hwy 281 to the NE–SD State line, to

points in MO. (h) from points in NE on and north of U.S. Hwy 34, to points in MO on and east of U.S. Hwy 63 and on and north of U.S. Hwy 50. (i) from points in NE on, east and north of a line beginning at the NE–IA State line, thence over U.S. Hwy 77 to junction NE Hwy 92, thence over NE Hwy 92 to the IA–NE State line, to points in KS. (j) from points in NE on, east and north of a line beginning at the NE–IA State line, thence over U.S. Hwy 30 to junction U.S. Hwy 77, thence over U.S. Hwy 77 to junction NE Hwy 92, thence over NE Hwy 92 to junction NE Hwy 15, thence over NE Hwy 15 to the NE–KS State line, to points in the Upper Peninsula of MI. Restriction: The authority granted herein is restricted to the transportation of traffic destined to the named destination areas. (Gateway eliminated: Omaha, NE.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-507 Filed 1-7-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) 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 rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significatly 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 February 7, 1980 (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 following decision-notices within 30 days after publication, or the application 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. 223

Decided: Nov. 16, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 26396 (Sub-259F), filed May 25, 1979. Applicant: POPELKA TRUCKING CO., d.b.a., THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *lumber,* from points in WV

and PA, to points in CO and UT. (Hearing site: Billings, MT.)

MC 42487 (Sub-907F), filed April 2, 1979, previously published in the Federal Register issue of September 11, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. 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, those requiring special equipment, and green hides), (1) between Chattanooga, TN, and Nashville, TN, over Interstate Hwy 24, (2) between Nashville, TN, and Memphis, TN, over Interstate Hwy 40, (3) between Memphis, TN, and Dallas, TX; from Memphis over Interstate Hwy 40 to Little Rock, AR, then over Interstate Hwy 30 to Dallas, and return over the same route, and (4) between Dallas, TX, and junction Interstate Hwy 20 and U.S. Hwy 290, over Interstate Hwy 20, serving no intermediate points in (1) through (4) above, as alternate routes for operating convenience only in connection with carrier's presently authorized regular-route operations. (Hearing site: Washington, D.C.)

Notes.—(1) Applicant indicates intention to tack the sought rights with its existing authorities. (2) This republication is to identify the routes as *regular* and to show in part (4) serving *no* intermediate points.

MC 42487 (Sub-917F), filed May 21, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Dana Corporation at Hagerstown, IN, as an off-route point in connection with carrier's presently authorized regular-route operations. (Hearing site: Indianapolis, IN.)

MC 69397 (Sub-58F), filed May 10, 1979. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank, 666 Eleventh St., Washington, DC 20001. Transporting (1) building materials and insulating materials and (2) *accessories and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk), between the facilities of Masonite Corp., at or near Towanda, PA, on the one hand, and on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, RI, SC, VT, VA, WV, and DC.

MC 79687 (Sub-30F), filed May 25, 1979. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) *containers and container accessories*, and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and sale of containers, between the facilities of Glenshaw Glass Company, Inc., at (a) Glenshaw, PA, and (b) Orangeburg, NY, on the one hand, and, on the other, those 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 north along the western boundaries of Itasca and Koochiching Counties, MN to the international boundary line between the United States and Canada. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 95876 (Sub-288F), filed May 24, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel articles*, between Carlinville, Centralia, Flora, Irvington and Sparta, IL, and Louisiana, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 103926 (Sub-96F), filed May 29, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O Box 947, Atlanta, GA 30059. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *construction equipment*, the transportation of which by reason of size or weight requires the use of special equipment, and (2) *accessories* for the commodities in (1) above, between the facilities of Klein Products of Texas, Inc., at or near Jacksonville, TX, on the one hand, and, on the other, points in AL, DE, FL, GA, IA, IL, IN, KY, MD, MO, MS, NC, NJ, OH, PA, SC, TN, VA, WV, and WI. (Hearing site: Dallas or Houston, TX.)

MC 105007 (Sub-57F), filed May 21, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *foodstuffs* (except commodities in bulk), from Carrollton, Macon, and Marshall, MO, to points in IL, IA, MN, and WI. (Hearing site: Minneapolis, MN, or St. Louis, MO.)

MC 115826 (Sub-475F), filed May 23, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). 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), between the facilities of Armour & Co., at or near Mason City, IA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Armour & Co. (Hearing site: Denver, CO.)

MC 117686 (Sub-248F), filed March 2, 1979, and previously published in the Federal Register issue of July 2, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: Robert A. Wichser (same address as applicant). 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 the facilities of Farmland Foods, Inc., at or near (a) Denison, Iowa-Falls, Carroll, and Sioux City, IA, and (b) Omaha, NE, to points in FL, NC, and SC, (2) from the facilities of Farmland Foods, Inc., at or near (a) Des Moines, IA, and (b) Lincoln, NE, to points in AL, FL, GA, LA, MS, NC, SC, and TN, and (3) from the facilities of Farmland Foods, Inc., at or near Fort Dodge, IA, to points in FL, GA, NC, and SC, restricted in (1), (2) and (3) above to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Omaha, NE, or Chicago, IL.)

Notes.—(1) This republication is to correct the territorial description by including SC in (1)(a), and showing Lincoln, NE, in (2)(b) and to show the proper restriction. (2) Dual operations may be involved.

MC 119226 (Sub-118F), filed May 4, 1979. Applicant: LIQUID TRANSPORT CORPORATION, 3901 Madison,

Indianapolis, IN 46227. Representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. 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: Indianapolis, IN, or Washington, DC.)

MC 121006 (Sub-5F), filed May 11, 1979. Applicant: GADSBEN TRUCK LINE, INC., 1708 Mt. Zion Ave., Gadsden, AL 35901. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *such commodities as are dealt in or used by manufacturers of (a) rubber and (b) rubber products,* between the facilities of Goodyear Tire and Rubber Company, at or near Union City, TN, on the one hand, and, on the other, Gadsden, AL, and the facilities of Goodyear Tire and Rubber Company, at or near (a) Decatur and Scottsboro, AL, and (b) Rockmart, Cedartown, and Cartersville, GA. Conditions: (1) If applicant is issued a certificate in MC 121006 (Sub-4), and its Certificate of Registration MC 121006 (Sub-1) is cancelled, applicant may tack this authority at Gadsden, Decatur, and Scottsboro, AL, with the authority in Sub 4 in order to provide a through service. (2) The issuance of the certificate in this proceeding is conditioned upon the prior or coincidental cancellation of Certificate of Registration MC 121006 (Sub-1). (Hearing site: Birmingham or Gadsden, AL.)

Note.—If issued as currently approved, MC 121006 (Sub-4) authorizes, as pertinent, general commodities, over irregular routes, (1) between points in a portion of AL approximately 75 miles around Gadsden, and (2) between Gadsden, on the one hand, and, on the other, Decatur, Mobile, and Montgomery, AL, and (3) over a regular-route between Gadsden and Birmingham, AL.

MC 121236 (Sub-7F), filed May 25, 1979. Applicant: SERVICE TRANSPORTATION LINES, INC., 729—34th Ave., Rock Island, IL 61201. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *iron and steel articles,* from the facilities of Inland Steel Company at East Chicago, IN, to points in IL, Clinton and Scott Counties, IA, and St. Louis County, MO. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 124887 (Sub-85F), filed May 21, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *chemicals, fertilizer, and materials* used in the manufacture of fertilizer, (except commodities in bulk), from those points in the United States in and east of ND, SD, NE, KS, OK, and TX, to Ozark, AL, and Walnut Ridge, AR. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 125777 (Sub-245F), filed May 29, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *commodities in bulk,* in dump vehicles, between the facilities of Henderson County Riverport Authority, in Henderson County, KY, 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. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 127337 (Sub-22F), filed May 8, 1979, and previously noticed in the **Federal Register** issue of October 16, 1979. Applicant: CHET'S TRANSPORT, INC., Charlotte, ME 04666. Representative: Lawrence E. Lindeman, 425 13th St., NW., Suite 1032, Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in the United States (except AK and HI) to the ports of entry on the international boundary line between the United States and Canada located in ME, and (2) from points in the United States (except AK and HI) to points in MA, restricted in (2) to the transportation of traffic having a subsequent movement by water.

Note.—This republication is to correctly reflect the territorial description.

MC 128246 (Sub-41F), filed April 23, 1979, and previously noticed in the **Federal Register** issue of October 16, 1979. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box AD, Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. 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), from the facilities of MBPXL Corporation at or near Dodge City, KS, to points in AZ, AR, CA, CO, ID, IL, IA, MN, MO, MT, NE, NV, NM, OK, OR, TX, UT, WA, WI, and WY, under continuing contract(s) with MBPXL Corporation of Wichita, KS. (Hearing site: Wichita, KS, or San Francisco, CA.)

Note.—This republication is to correctly reflect the territorial description.

MC 128746 (Sub-51F), filed May 24, 1979. Applicant: D'AGATHA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, PA 19335. Representative: Edward J. Kiley, 1730 M Street NW., Suite 501, Washington, DC 20036. Transporting *glassware,* from Salem, Lawnside and Bridgeton, NJ to points in CT, NY, DE, PA, MD, VA, and NC. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 134477 (Sub-353F), filed April 25, 1979, and previously noticed in the **Federal Register** issue of October 16, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *ammunition* and (2) *materials, supplies and equipment* used in the manufacture and distribution of ammunition, from Anoka, MN, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC. Condition: The certificate to be issued, to the extent it authorizes classes A and B explosives, shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: St. Paul, MN.)

Note.—This republication is to correctly reflect the territorial description, and to show the term limitation necessary for authorizations to transport hazardous materials, including danagerous explosives.

MC 135797 (Sub-217F), filed May 23, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *new furniture and furniture parts,* and (2) *materials* used in the manufacture of furniture, from Samsonite Corp. Furniture Div., at (a) Ft. Smith, AR, and (b) Murfreesboro, TN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 135797 (Sub-218F), filed May 23, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household good as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of

Visual Graphics Corporation at Tamarac, FL, to Chicago, IL, Clifton, NJ, Los Angeles, CA, and Dallas, TX. (Hearing site: Maimi, FL, or Washington, DC.)

MC 136246 (Sub-24F), filed May 17, 1979. Applicant: GEORGE BROS, INC., P.O. Box 492, Sutton, NE 68979. Representatives: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *anhydrous ammonia and liquid fertilizer,* from Aurora, Beatrice, and Hoag, NE, to points in KS. (Hearing site: Kansas City, MO, or Omaha, NE).

Note.—Dual operations may be involved.

MC 143127 (Sub-27F), filed March 19, 1979, and previously published in the **Federal Register** issue of July 27, 1979. Applicant: K. J. TRANSPORTATION, 6070 Collett Road, Victor, NY 14546. Representative: Linda A. Calvo (same address as applicant). Transporting (1) (a) *dry animal feed,* and (b) *animal feed, in cans,* from the facilities of Carnation Company at Jefferson, WI, to Mechanicsburg, PA, and (2) *foodstuffs* (except in bulk and except frozen) from the facilities of Carnation Company at Kokomo, IN, to Mechanicsburg, PA. (Hearing site: Los Angeles, CA, or Buffalo, NY.)

Notes.—(1) Dual operations may be involved; (2) This republication is to show the correct commodity description in part (1).

MC 143267 (Sub-67F), filed April 30, 1979, and previously noticed in the **Federal Register** issue of October 16, 1979. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St. NW., Washington, DC 20005. Transporting (1) *pipe, pipe fittings, and couplings,* (2) *building materials,* and (3) *materials and supplies* used in the installation of the commodities in (1) and (2) above (except commodities in bulk), between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the facilities of CertainTeed Corporation. (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—This republication is to correctly reflect the commodity and territorial descriptions.

MC 143267 (Sub-74F), filed May 24, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St. NW., Washington, DC 20005. Transporting (1) *pipe, pipe fittings, valves, and hydrants,* and (2) *materials and supplies* used in the installation of the commodities named in (1) above (except commodities in bulk), from the facilities of Clow Corporation at or near (a) Birmingham, AL, and (b) in Talladega County, AL, to those points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 146636 (Sub-3F), filed May 29, 1979. Applicant: J. K. SMITH, AND M. R. SMITH d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. 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, (1) from Huron, SD, and Worthington, MN, to points in AL, FL, GA, MS, NC, SC, and TN, and (2) from Huron, SD, to points in CO. (Hearing site: Minneapolis, MN.)

MC 143696 (Sub-12F), filed May 21, 1979. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Henderson, TX 75652. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas TX 75201. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, transporting (1) *power equipment,* and (2) *parts, accessories, and attachments* for the commodities in (1) above, between East Hartford, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with National Marine Service, Inc., of East Hartford, IL. (Hearing site: Dallas, TX.)

MC 143696 (Sub-13F), filed May 23, 1979. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Henderson, TX 75652. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *power equipment,* and (2) *parts, accessories, and attachments* for the commodities in (1) above, between Houston, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Diesel Engine & Fabricating Co., Inc., of Houston, TX. (Hearing site: Dallas, TX.)

MC 145726 (Sub-3F), filed May 21, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 S. Lawrence St., Montgomery, AL 36104. Transporting (1) *bananas,* and (2) *agricultural commodities,* the transportation of which is otherwise exempt from economic regulation under the provisions of 49 U.S.C. § 10526(a)(6), in mixed loads with bananas, from Norfolk, VA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Norfolk or Richmond, VA.)

Note.—Dual operations may be involved.

MC 145997 (Sub-4F), filed May 25, 1979. Applicant: J. E. M. EQUIPMENT, P.O. Box 396, Alma, AR 72921. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting *lubricating oil and grease,* in packages, from Buffalo, NY, Congo and St. Mary's, WV, and North Warren, Emlenton, and Farmer's Valley, PA, to points in AL, AR, AZ, CA, CO, FL, LA, KS, MO, NM, TN, TX, and UT. (Hearing site: Little Rock, AR.)

MC 147177, filed May 14, 1979. Applicant: MINER'S ENTERPRISES, INC., 1001 Pokegama Ave. South, Grand Rapids, MN 55744. Representative: Michael K. Donovan, 700 Lonsdale Bldg., Duluth, MN 55802. 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 supermarkets,* from Superior, WI, to points in St. Louis, Itasca, and Otter Tail Counties, MN, and Richland County, ND, under a continuing contract(s) with Miner's Inc., of Duluth, MN. (Hearing site: Minneapolis, MN.)

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Decided: Dec. 3, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 66746 (Sub-23F), filed May 10, 1979, and previously noticed in the FR issue of October 25, 1979. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Dr., P.O. Box 8308, Jackson, MS 39204. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier,* by motor vehicle, in interstate of foreign commerce, over regular routes, transporting *general* commodities, (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (1) between Memphis, TN and the MS–LA State Line over U.S. Hwy 61, (2) between Jackson, MS, and Memphis, TN, over U.S. Hwy 51 (also Interstate Hwy 55), (3) between TN–MS State Line and the MS–AL State Line, over U.S. Hwy 45, (also Alt. U.S. 45), (4) between Memphis, TN, and the MS–AL State Line, over U.S. Hwy 72, (5) between the MS–AR State Line and the MS–AL State

Line, over U.S. Hwy 82, (6) between Tupelo, MS, and Memphis, TN, over U.S. Hwy 78, (7) between Clarksdale, MS, and Tupelo, MS, over MS Hwy 6, (8) between the MS–LA State Line and the MS-AL State Line, over U.S. Hwy 80 (also Interstate Hwy 20), (9) between Clarksdale, MS, and Gulfport, MS, over U.S. Hwy 49 (also U.S. 49E and U.S. 49W), (10) between Tchula, MS, and Okolona, MS, from Tchula over MS Hwy 12, to Ackerman, MS, then over MS Hwy 15 to junction with MS Hwy 32, then over MS Hwy 32 to Okolona, and return over the same route, (11) between Lexington, MS, and the junction of MS Hwy 17 and U.S. Hwy 51, over MS Hwy 17, (12) between Canton, MS, and Philadelphia, MS, over MS Hwy 16, (13) between the MS–AL State Line and New Orleans, LA, over U.S. Hwy 11 (also Interstate Hwys 59 and 10), (14) between Magee, MS, and Laurel, MS, over MS Hwy 28, (15) between Fayette, MS, and Hazelhurst, MS, over MS Hwy 28, (16) between Washington MS, and Summit, MS, over U.S. Hwys 84 and 98 to Bude, MS, then over U.S. Hwy 98 to Summit, MS, (17) between New Orleans, LA and the MS–AL State Line, over U.S. Hwy 90 (also Interstate Hwy 10), (18) between Clarksdale, MS, and Greenville, MS, over MS Hwy 1, (19) between Cleveland, MS, and Rosedale, MS, over MS Hwy 8, (20) between Clarksdale, MS, and Dundee, MS, from Clarksdale over MS Hwy 6 to Friars Point, MS, then over unnumbered county road through Powell, MS, to Dundee, and return over the same route, (21) between junction U.S. Hwy 61 and MS Hwy 6 and West Helena, AR, from junction U.S. Hwy 61 and MS Hwy 6 to the MS–AR State Line, then over AR Hwy 6 to West Helena, and return over the same route, (22) between Greenville, MS, and El Dorado, AR, over U.S. Hwy 82, (23) between El Dorado, AR, and Smackover, AR, over AR Hwy 7, (24) between Fordyce, AR, and junction U.S. Hwy 65 and U.S. Hwy 165 near Dermott, AR, from Fordyce over AR Hwy 8 to Warren, AR, then over AR Hwy 4 to Monticello, AR, then over U.S. Hwy 165 to junction U.S. 65, and return over the same route, (25) between Hamburg, AR, and Lake Village, AR, from Hamburg over AR Hwy 81 to Star City, AR, then over AR Hwy 114 to Gould, AR, then over U.S. Hwy 65 to Lake Village, and return over the same route, (26) between West Helena, AR, and Dumas, AR, from West Helena over U.S. Hwy 49 to junction AR Hwy 1, then over AR Hwy 1 to the Arkansas River, then over AR Hwy 54 to Dumas, and return over the same route, and (27) between Memphis, TN, and Helena, AR, from Memphis over U.S. Hwy 79 to Marianna, AR, then over AR Hwy 1 to Barton, AR, then over U.S. Hwy 49 to Helena, and return over the same route, serving all intermediate points in MS on routes (1) through (21) above, and all other points in MS as off-route points, serving all intermediate points in AR on routes (22) through (27) above, and the off-route points of Marvelle, Shuler, Eudora, and Hampton, AR, and the facilities of Michigan Chemical Company near El Dorado, AR. NOTE: (1) Applicant intends to join the requested routes with existing regular routes at Jackson, Hazelhurst, Summit, Gulfport, Fayette and Roxie, MS, to conduct operations to and from points in MS and New Orleans, LA. (2) This republication is to correctly reflect the territorial description. (Hearing site: Memphis, TN, or Jackson, MS.)

MC 69116 (Sub-239F), filed May 29, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR REIGHT SYSTEM, 1050 Kingery Hwy, Bensenville, IL 60603. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *construction materials,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of The Celotex Corporation, at (a) Texarkana, AR; (b) Charleston, Chicago, Peoria, Quincy and Wilmington, IL, (c) Dubuque and Ft. Dodge, IA, (d) Largo, IN; (e) Elizabethtown, KY, (f) Marrero, LA; (g) Linden, Pennsauken and Perth Amboy, NJ; (h) Deposit, NY; (i) Lockland, OH; (j) Pittston and Sunbury, PA; (k) Marion, SC; (l) Memphis and Paris, TN; and (m) Chester, WV, on the one hand, and, on the other, those points in the United States in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Chicago, IL.)

MC 79687 (Sub-31F), filed May 29, 1979. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Road, Zelienople, PA 16063. Transporting (1) *containers* and (2) *materials, equipment and supplies* used in the manufacture and distribution of containers (except commodities in bulk), between Carteret and Jersey City, NJ, on the one hand, and, on the other, points in IN, KY, MI, NY, OH, PA and WV. (Hearing site: Pittsburgh, PA, or Washington, D.C.)

MC 102616 (Sub-994F), filed April 17, 1979, and previously noticed in the FR issue of October 4, 1979. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *lubricating oil,* (except petroleum oil), in bulk, in tank vehicles, from Port Huron, MI, to East Peoria, IL. NOTE: This republication is to correctly reflect the territorial description. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 114896 (Sub-73F), filed May 29, 1979. Applicant: PUROLATOR SECURITY, INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coin, currency, bonds and securities,* between El Paso, TX, on the one hand, and, on the other, points, in Otero, Eddy, Grant, Lincoln, Curry, Luna, Lea, De Baca, Chaves, Dona Ana, Quay, Hidalgo, Roosevelt, Guadalupe, Socorro, Torrance and Catron Counties, NM, under continuing contract(s) with Federal Reserve Bank of Dallas-El Paso Branch, El Paso, TX. (Hearing site: Washington, D.C.)

Note.—Dual operations may be involved.

MC 13827 (Sub-68F), filed May 29, 1979. Applicant: SMITHWAY MOTOR EXPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *lumber and lumber mill products,* from Big Falls, MN, to points in IL, IN, IA, NE, ND, SD, and WI. (Hearing site: St. Paul, MN, or Omaha, NE.)

MC 143127 (Sub-39F), filed May 29, 1979. Applicant: K.J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *corn products* (except in bulk), from the facilities of J. R. Short Milling Co., at or near (a) Kankakee, IL and (b) Mt. Vernon, IN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL, or Louisville, KY)

Note.—Dual operations may be involved.

MC 143276 (Sub-17F), filed May 29, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, a Corp., 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, Jr., 3355 Lenox Road No. 795, Atlanta, GA 30326. Transporting (1) *pipe, fittings, valves, hydrants and accessories* used in the installation of the commodities described in (1) above, from the facilities of Clow Corporation at Birmingham, AL, to points in AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Atlanta, GA, or Birmingham, AL.)

MC 144596 (Sub-3F), filed May 25, 1979. Applicant: BEN FRAZIER, INC., 120 East Junius St., Fergus Falls, MN 56537. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. To operate as *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber mill products, wood products, roofing materials, metal products, composition board and millwork*, between points in MN, ND, SD, IA, IL, NE and WI, under continuing contract(s) with Georgia Pacific Corporation, of Portland, OR. (Hearing site: Fargo, ND, or St. Paul, MN.)

MC 146466 (Sub-2F), filed May 29, 1979. Applicant: SUMMIT TRUCK LINES, LTD., Route 3, Pella, IA 50219. Representative: Robert R. Rydell, 1020 Savings and Loan Bldg., Des Moines, IA 50309. Transporting *foundry sand*, in bags, from Hammond, IN, to Waterloo, IA. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 147356 (Sub-1F), filed May 29, 1979. Applicant: DOUG BROWN, d.b.a., BROWN CONSTRUCTION CO., P.O. Box 26 Artemus, KY 40903. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *coal*, in bulk, in dump vehicles, from points in Bell, Clay, Harlan, Knox, Laurel, and Whitley Counties, KY, and Anderson Campbell, Claiborne, Grainger, Scott and Union Counties, TN, to points in NC, SC, and points in Butler and Hamilton counties, OH, and Lawrence County, AL. (Hearing site: Washington, DC.)

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Decided: Dec. 3, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 35807 (Sub-99F), filed May 29, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORP., P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coin, currency, securities and food stamps*, between Philadelphia, PA, on the one hand, and, on the other, points in NJ and DE, under continuing contract(s) with banks and banking institutions. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 67646 (Sub-84F), filed May 29, 1979. Applicant: HALL'S MOTOR TRANSIT CO., 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. Transporting (1) *paper, paper products, cellulose products*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Procter & Gamble Paper Products Company in Wyoming, Lackawanna, and Luzerne Counties, PA, on the one hand, and, on the other, the facilities of The Procter & Gamble Paper Products Company at or near Green Bay, WI, restricted to the transportation of traffic originating at the named origins and destinated to the named destination.

MC 95876 (Sub-286F), filed May 29, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *road machinery and self-propelled articles*, (2) *parts, attachments and accessories* for the commodities named in (1) above, from Pocatello, ID, to points in the United States (except HI), and (3) *equipment, materials and supplies* used in the manufacture of commodities named in (1) above, from points in the United States including AL, but excluding HI, to Pocatello, ID, restricted to the transportation of traffic originating at or destined to the facilities of W. H. Manufacturing Co. (hearing site: Boise, ID.)

MC 108207 (Sub-508F), filed May 10, 1979, and previously noticed in the **Federal Register** issue of October 23, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas,TX 75265. Representative: M. W. Smith (same address as applicant). Transporting (a) *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk), and (b) *meats, meat products and meat byproducts, and articles distributed by meat-packaing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), between points in AZ, AR, CA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, OH, OK, TN, TX, and WI. (Hearing site: Dallas, TX, or Chicago, IL.)

Note.—This republication is to correctly reflect the territorial description.

MC 110817 (Sub-29F), filed May 29, 1979. Applicant: E. L. FARMER & CO., P.O. Box 3512, Odessa, TX 79760. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Transporting (1) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes and wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes and wells, between those points in the United States in and west of MN, IA, MO, AR and LA (except AK and HI). (Hearing site: Houston, TX.)

MC 115067 (Sub-4F), filed May 29, 1979. Applicant: INDEPENDENT MOTOR TRANSPORT, INC., 32455 Highway 34, Tangent, OR 97389. Representative: Jerry R. Woods, Suite 1440–200 Market Bldg., Portland, OR 97201. Transporting *lumber, lumber mill products and particleboard*, between points in Clark, Cowlitz, King, Kittitas, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum and Yakima Counties, WA, and points in Benton, Clackamas, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, OR. (Hearing site: Portland, OR.)

MC 115826 (Sub-448F), filed April 24, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers of household products and toilet preparations (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of S. C. Johnson and Son, Inc., at or near Waxdale and Racine, WI, to points in FL, GA, NC, SC, MD, NJ, PA, NY, and to those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Denver, CO.)

MC 115826 (Sub-463F), filed May 8, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *general commodities* (except foodstuffs and commodities in bulk), from The Gates Rubber Company, at Denver, CO, to Atlanta, GA, and Florence, KY, restricted to the transportation of traffic originating at the named origin. (Hearing site: Denver, CO.)

MC 118776 (Sub-33F), filed May 11, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting (1) *air compressors, air compressor parts, and rough castings,* from Quincy, IL, to points in CO, KS, OK, TX, MN, MO, LA, IA, WI, TN, MI, IN, KY, AL, GA, SC, NC, VA, WV, OH, PA, NY, NJ and MD, and (2) *materials* used in the manufacture of air compressors and air compressors parts, in the reverse direction. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 125777 (Sub-244F), filed April 25, 1979, and previously noticed in the **Federal Register** issue of October 4, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *lime and limestone products,* in bulk, from points in Delaware, Crawford, Erie, Seneca and Wyandot Counties, OH, to points in IN, KY, MI, NY, PA, WV, and Chicago, IL.

Note.—This republication is to correctly reflect the territorial description. (Hearing site: Chicago, IL.)

MC 125777 (Sub–247F), filed May 22, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *commodities,* in bulk, in dump vehicles, (1) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) between points in the States named in (1) above, on the one hand, and, on the other, those points in the United States west of ND, SD, NE, KS, OK, and TX, restricted in (1) and (2) (to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Chicago, IL.)

MC 138627 (Sub–74F), filed May 29, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy RD., Omaha, NE 68106. Transporting *wallboard, fiberboard, pulpboard, and strawboard,* from International Falls, MN, to points in AR, IL, IN, IA, KS, KY, MI, MO, NE, OH, OK, and TN. (Hearing site: Portland, OR, or Omaha, NE.)

MC 139587 (Sub–20F), filed May 29, 1979. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, 21st and Sidney, Fort Scott, KS 66701. Representative: Wilburn L. Willimson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such merchandise* as is death in by chain grocery and food grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, AZ, FL, GA, IA, ID, IL, IN, KS, KY, MI, MN, MO, MS, MT, NC, ND, NE, OH, SC, SD, TN, TX, UT, VA, and WI, restricted to the transportation of traffic originating at and/or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 141966 (Sub–3F), filed May 29, 1979. Applicant: GINA MARIE EXPRESS CO., INC., 3740 Shoshone St., Denver, CO 80211. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in, or used by, manufacturers and distributors of cheese, cheese products, pizza topping and related commodities, between points in the United States (except AK and HI), under continuing contract(s) with Leprino Cheese Co., Inc., of Denver, CO. (Hearing site: Chicago, IL, or Washington, DC.)

MC 143127 (Sub–26F), filed February 22, 1979, and previously notice in the **Federal Register** issue of June 6, 1979. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Rd., Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages,* from St. Louis, MO and Merrimack, NH to Rochester, NY. NOTE: This republication is to correctly reflect the territorial description. (Hearing site: Rochester or Buffalo, NY.)

MC 144927 (Sub-16F), filed April 20, 1979. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Medidan St., Indianapolis, IN 46204. Transporting (1) *musical instruments, phonograph records, phonographs, tape recorders, tapes, carrying cases, show and display cases, pallets, speakers, television,* (2) *such commodities* as are dealt in by retail music stores (except those commodities in (1) above, and (3)(a) *paper, printed matter, and paper products,* and (b) *materials, equipment and supplies* used in the manufacture, and distribution of the commodities in (a), between points in CA, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA, and (2) between points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 146336 (Sub-5F), filed April 13, 1979. Applicant: WESTERN TRANSPORTATION SYSTEM, INC., 902 Avenue N, Grand Prairie, TX 75050. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hospital and medical supplies,* from Arlington and Grand Prairie, TX, to points in AZ and CA, under contintuing contract(s) with Arbrook, Inc., of Arlington, TX. Condition: (1) The person or persons it appears may be engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why no such approval is unnecessary within 20 days after publication. (Hearing site: Dallas, TX.)

MC 147307F, filed May 8, 1979. Applicant: TOWNSEND TRANSPORT LTD., 680 Gartshore St., Fergus, Ontario, Canada N1M 2W7. Representative: R. G. Knechtel (same address as applicant) To operate as a *contract carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transportating *insulation materials,* between ports of entry on the international boundary line between the United States and Canada in NY and MI, on the hand, and, on the other, points in MI, NY, OH, and PA, under continuing contract(s) with Graham Fiber Glass Limited, of Erin, Ontario, Canada. (Hearing site: Buffalo, NY.)

MC 147436F, filed May 24, 1979. Applicant: BELTMANN NORTH AMERICAN CO., INC., 3400 N.E. Spring, Minneapolis, MN 55413. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *household goods,* as defined by the Commission, between points in Milwaukee, Waukesha, Washington, and Ozaukee Counties, WI, on the hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, ND, NE,

OH, and SD. (Hearing site: Milwaukee, WI.)

MC 147436F, filed May 24, 1979. Applicant: BELTMANN NORTH AMERICAN CO., INC., 3400 N.E. Spring, Minneapolis, MN 55413. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *household goods,* as defined by the Commission, between points in Clarke, Dallas, Jasper, Madison, Marion, Polk, Story and Warren Counties, IA, on the one hand, and, on the other, points in IL, IN, KS, KY, MI, MN, MO, NE, ND, SD, and WI. (Hearing site: Des Moines, IA.)

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Decided: Dec. 5, 1979.
By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 1334 (Sub-25F), filed May 18, 1979, published in the **Federal Register** issue of October 25, 1979. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt, Phoenix, AZ 85005. Representative: William H. Shawn, Suite 501, 1730 M St., 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, household goods as defined by the Commission, and commodities in bulk), (1) between Moenkopi, AZ, and the AZ–NM State line, over AZ Hwy 264, serving all intermediate points, and serving Ft. Defiance, Bermuda City, Chinle, and Many Farms, AZ, as off-route points; and (2) serving Ft. Defiance, Bermuda City, Chinle, and Many Farms, AZ, as off-route points in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Phoenix or Window Rock, AZ.)

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 4405 (Sub-610F), filed June 18, 1979. Applicant: DEALERS TRANSIT, INC., a Corporation, P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) (a metal buildings, knocked down and (b) *parts* and *accessories* for *metal buildings,* (2) (a) *off-highway vehicles,* and (b) *parts* and *accessories* for off-highway vehicles, (3) *power plant components* and *accessories* for power plant components, (4) *fabricated steel structures;* and (5) *materials, equipment,* and *supplies* used in the manufacture, distribution, installation, and maintenance of commodities named in (1), (2), (3), and (4) above (except commodities in bulk), between the facilities of Braden Steel Corporation, at or near Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the named facilities. (Hearing site: Tulsa, OK.)

MC 8535 (Sub-88F), filed June 26, 1979. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW, Washington, DC 20036. Transporting *iron and steel articles,* from the facilities of Phoenix Steel Corporation, at Claymont, DE and Phoenixville, PA, to points in IL and IN. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 52614 (Sub-10F), filed June 18, 1979. Applicant: R. S. POWELL, INC., P.O. Box 338, Madison Heights, VA 24572. Representative: Morton E. Kiel, Suite 1832, 2 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 (1) *gypsum and gypsum products,* and (2) *materials and supplies* used in the installation and distribution of the commodities in (1) above, (except commodities in bulk), from the facilities of Georgia-Pacific Corporation, at or near Wilmington, DE, to points in (a) GA and SC; and (b) KY and TN, on and east of Interstate Hwy 75, under continuing contract(s) with Georgia-Pacific Corporation, at or near Rosemont, PA. (Hearing site: Washington, DC.)

MC 52704 (Sub-232F), filed June 17, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H" LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting: (1) *paper* and *paper products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Champion International Corporation. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-126F), filed June 18, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *lumber,* from Fitzgerald, GA, to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC,TN, VT, VA, WV, WI, and DC. (Hearing site: Atlanta, GA or Washington, DC.)

MC 85934 (Sub-106F), filed June 18, 1979. Applicant: MICHIGAN TRANSPORTATION CO., a Corporation, 3601 Wyoming, P.O. Box 248, Dearborn, MI 48121. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, ME 48167. Transporting *liquid chemicals,* in bulk, in tank vehicles, from Detroit, MI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL or Washington, DC.)

MC 94265 (Sub-305F), filed June 20, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA. 30328. Transporting *frozen food stuffs,* from the facilities of Southern Frozen Foods, Division of Seabrook Foods, Inc., at or near Montezuma, GA, to points in AL, AR, CT, DE, FL, IL, IN, KS, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC. (Hearing site: Atlanta, GA or Washington, DC.)

MC 105045 (Sub-111F), filed June 18, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3977, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting *iron and steel articles,* between the facilities of Rockcastle Steel Corp., at Mt. Vernon, KY, on the one hand, and, on the other, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 106674 (Sub-400F), filed June 18, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *containers and container ends,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of containers and container ends, from the facilities of Diamond International Corporation, at Cincinnati, OH, to points in AL, AR, GA, KY, LA, MS, and TN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 110325 (Sub-106F), filed June 18, 1979. Applicant: TRANSCON LINES, a Corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg. 1221 Baltimore Ave., Kansas City, MO 64105. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes

A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Salt Lake City and Ogden, UT, (a) over U.S. Hwy 89, (b) over Interstate Hwy 15, as an alternate route for operating convenience only, serving no intermediate points and serving the termini for purposes of joinder only. (Hearing site: Washington, D.C. or Los Angeles, CA.)

MC 114284 (Sub-81F), filed June 18, 1979. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., 1700 S. Portland, P.O. Box 82307, Oklahoma City, OK 73108. Representative: John E. Jandera, 641 Harrison St., Topeka, KS 66603. Transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), and (2) *foodstuffs* (except the commodities in (1) above), from the facilities of Golden States Food Corporation, at Oklahoma City, OK, to points in IL, IA, NE, MN, MO, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Oklahoma City, OK.)

MC 114734 (Sub-30F), filed June 18, 1979. Applicant: D AND J TRANSFER CO., a Corporation, Highway 4 North, Sherburn, MN 56171. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting. *Meats, meat products, meat byproducts and articles distributed by meat packing houses* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from LeMars, IA, to points in KS, KY, MO, and SD, under continuing contract(s) with Dubuque Packing Co., of LeMars, IA. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 117165 (Sub-56F), filed June 20, 1979. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *building materials,* and (2) *supplies* used in the installation of the commodities of building materials (except commodities in bulk), from the facilities of Bird & Son, Inc., at (a) Chicago, IL, to points in IA, MO, MN, OH, and WI, and (b) Franklin, OH, to points in the Upper Peninsula of MI and those points in the Lower Peninsula of MI on and south of Interstate Hwy 96. (Hearing Site: Chicago. IL.)

MC 123744 (Sub-59F), filed June 18, 1979. Applicant: BUTLER TRUCKING COMPANY, a Corporation, P.O. Box 88, Woodland, PA. 16881. Representative: E. Steward Butler (same address as applicant). Transporting *clay,* in bags, from McIntyre and Gardner, GA, to points in PA. (Hearing site: Pittsburgh, PA or Washington, D.C.)

MC 126045 (Sub-28F), filed June 18, 1979. Applicant: ALTER TRUCKING AND TERMINAL CORP., P.O. Box 3122, Davenport, IA 52808. Representative: Kenneth F. Dudley, 1501 East Main, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *tractors* (except truck tractors), (2) *agricultural machinery and implements,* and (3) *attachments, parts, and accessories* for the commodities in (1) and (2) above, from the facilities of Duetz Corp., at or near Davenport, IA, to points in IL, IA, KS, MN, MO, NE, SD, and WI. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 125894 (Sub-13F), filed June 20, 1979. Applicant: J&R SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting *crushed limestone,* from the facilities of Iowa Limestone Company, at Alden, IA; to points in MN, ND, and SD. (Hearing site: Minneapolis, MN, or Des Moines, IA.)

Note.—Dual operations may be involved.

MC 127705 (Sub-85F), filed June 18, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *such commodities* as are dealt in or used by glass container manufacturers (except commodities in bulk, in tank vehicles), between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Glass Container Corporation. (Hearing site: Indianapolis, IN, or Pittsburgh, PA.)

MC 128745 (Sub-4F), filed June 19, 1979. Applicant: MIEDZINSKI'S TRANSFER, INC., P.O. Box 294, Leonardtown, MD 20650. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *telephone equipment, telephone material,* and *telephone supplies,* between the facilities of the Western Electric Co., in Arlington County, VA, on the one hand, and, on the other, the facilities of the Chesapeake and Potomac Telephone Company of Maryland, in Anne Arundel, Calvert, Charles, Prince Georges and St. Marys Counties, MD, under continuing contract(s) with Western Electric Company, Incorporated, of New York, NY. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 129645 (Sub-76F), filed June 20, 1979. Applicants: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, d.b.a. SMEESTER BROTHERS TRUCKING, P.O. Box 707, Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of D & B Distributors, at or near Iron Mountain, MI, and Iron Mountain Freight Sales, at or near Kingsford, MI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to transportation of traffic originating at or destined to the named facilities. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Certificate MC 129645 Sub 52F at applicant's written request. (Hearing site: Chicago, IL.)

MC 133035 (Sub-27F), filed June 18, 1979. Applicant: DILTS TRUCKING, INC., Route No. 1, P.O. Box 156, Crescent, IA 51526. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *nitrogen fertilizer solution,* in bulk, from the facilities of Agrico Chemical Co., at Blair, NE, to points in IA, MN, and SD. (Hearing site: Omaha, NE.)

MC 134134 (Sub-47F), filed June 20, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., P.O. Box 7439, Omaha, NE 68107. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. 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 used by Wilson Foods Corporation at Omaha, NE, to points in IN, MI, and OH,

restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Omaha, NE, or Oklahoma City, OK.)

MC 139395 (Sub-5F), filed June 20, 1979. Applicant: BULK TRANSIT CORP., 7177 Industrial Parkway, Plain City, OH 43064. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Transporting *lime, limestone,* and *lime products,* in bulk, from points in Mason County, KY, to points in IL, IN, OH, PA, and WV. (Hearing site: Columbus, OH.)

MC 139495 (Sub-463F), filed June 20, 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 *audio products, clocks, personal care appliances, and portable household appliances,* from Lenexa, KS, to points in CO, IA, MN, MO, and NE. (Hearing site: Washington, DC.)

MC 139504 (Sub-3F), filed June 19, 1979. Applicant: SHEA/RUSTIN TRANSPORT CO., a Corporation, P.O. Box 935667, Martech Station, Atlanta, GA 30318. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *magazines, magazine parts, paper,* and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk), (a) between points in IL and GA; and (b) between points in IL and GA, on the one hand, and, on the other, points in TN, TX and AR, under continuing contract(s) with Time Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 144454 (Sub-3F), filed June 19, 1979. Applicant: FRANK STOLLER CONSTRUCTION, INC., 1516 Washington St., Algoma, WI 54201. Representative: Frank Stoller (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *material, equipment, and supplies* used in the building, repair, and outfitting of marine vessels, (except commodities in bulk), between Algoma, WI, and Sturgeon Bay, WI, restricted to the transportation of traffic having a prior or subsequent movement, under a continuing contract with Bay Shipbuilding Corp., of Sturgeon Bay, WI. (Hearing site: Chicago, IL.)

MC 144484 (Sub-5F), filed June 20, 1979. Applicant: FREIGHTWAYS, INC., 438 East 2nd St., Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *electric motors* and *blowers,* (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, and (3) *iron and steel articles,* between Eldon, MO, on the one hand, and, on the other, points in AL, AR, GA, IL, IA, IN, KS, MI, MS, NE, NY, OH, OK, PA, TN, TX, and WI. (Hearing site: Kansas City, or St. Louis, MO.)

MC 146964F, filed May 3, 1979, previously published in the FR issues of September 20 and December 11, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Avenue, York, PA 17403. 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, D.C., or Harrisburg, PA.)

Note.—This republication shows the correct docket number as MC–146964F, instead of MC–147175F, to show the correct address of Reliable Truck Lines, Inc., as 1451 Spahn Avenue, York, PA 17403.

Passengers

MC 1515 (Sub-269F), filed June 13, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage,* and express and newspapers, in the same vehicle with passengers, (1) between Bay Shore, NY, and Riverhead, NY, from Bay Shore over Fifth Ave. to junction NY Hwy 27, then over NY Hwy 27 to junction NY Hwy 51, then over NY Hwy 51 to Riverhead, and return over the same route, (2) between junction NY Hwy 454 and NY Hwy 111, and Riverhead, NY, from junction NY Hwy 454 and NY Hwy 111 over NY Hwy 454 to junction NY Hwy 495, then over NY Hwy 495 to junction NY Hwy 24, then over NY Hwy 24 to Riverhead, and return over the same route, (3) between junction NY Hwy 101 and NY Hwy 27, and junction NY Hwy 101 and NY Hwy 495, over NY Hwy 101, and (4) between junction NY Hwy 347 and NY Hwy 111, and Riverhead, NY, from junction NY Hwy 347 and NY Hwy 111 over NY Hwy 347 to junction NY Hwy 25, then over NY Hwy 25 to Riverhead, and return over the same route, in (1) through (4) above, serving all intermediate points. (Hearing site: Riverhead, NY.)

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Decided: Nov. 30, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2229 (Sub-207F), filed April 20, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75347. Representative: Jackie Hill (Same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Winslow and Nogales, AZ, from Winslow over Interstate Hwy 40 to junction Interstate Hwy 17, then over Interstate Hwy 17 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction Interstate Hwy 19, then over Interstate Hwy 19 to Nogales, and return over the same route, serving the intermediate points of Phoenix and Tucson, AZ, restricted against the transportation of traffic moving between Phoenix, Tucson, and Nogales, AZ. NOTE: Applicant intends to tack this authority to presently authorized regular-route operations. (Hearing site: Phoenix, AZ, or Albuquerque, NM.)

MC 5618 (Sub-2F), filed June 6, 1979. Applicant: GEM CITY TRANSFER LINE, INC., 1811 North 30th Street, Quincy, IL 62301. Representative: Douglas G. Brown, The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *auto body parts* (1) from Adrian, MI, to Keokuk, IA and Quincy, IL, (2) from Keokuk, IA to Quincy, IL, Belvidere, IL and points in MI, and (3) from Quincy, IL to points in MI. (Hearing site: St. Louis, MO.)

MC 25798 (Sub-382F), filed June 13, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (Same address as applicant). Transporting *frozen foodstuffs,* between Indianapolis, IN, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, OK, TN, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Monument Distribution Warehouse, Inc., at Indianapolis, IN. (Hearing site: Tampa, FL.)

MC 25869 (Sub-155F), filed June 6, 1979. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *such commodities* as are dealt in, or used by, distributors of petroleum products, from Buffalo and North Tonawanda, NY, Farmers Valley, Emlenton, New Kensington, and North Warren, PA, Congo and St. Marys, WV, to points in IA, MO, NE, KS, and CO. (Hearing site: Chicago, IL, or Denver, CO.)

MC 25869 (Sub-156F), filed June 5, 1979. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *tin plate, and container ends,* between Omaha, NE, and, Denver, CO, restricted to the transportation of traffic originating at or destined to the facilities fo Continental Can Company. (Hearing site: Omaha, NE, or Denver, CO.)

MC 29079 (Sub-116F), filed June 6, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, N.W., Washington, DC 20006. Transporting (1) *iron and steel articles,* from Canton, OH, to points in IL, IN, KY, MD, MA, MI, MO, NJ, NY, NC, PA, SC, VT, VA, WV, WI, and DC, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC).

MC 35628 (Sub-413F), filed June 6, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S.W., Grand Rapids, MI 49503. Representative: Michael P. Zell (Same address as applicant). Transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Central Foundry Division of General Motors Corporation, at or near Rooseveltown, NY, as an off-route point in connection with applicant's presently authorized regular-route operations. (Hearing site: Saginaw or Detroit, MI.)

MC 35628 (Sub-415F), filed June 4, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S.W., Grand Rapids, MI 49503. Representative: Michael P. Zell (Same address as applicant). Transporting *meat, meat products, meat by products, and articles distributed by meat-packing houses,* as described in sections A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Britt and Mason City, IA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Lauridsen Foods, Inc., at or near Britt, IA, and Armour & Company, at Mason City, IA. (Hearing site: Phoenix, AZ, or Washington, DC.)

MC 40978 (Sub-59F), filed April 27, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO, a corporation, 3321 Business 141 South, Sheboygan, WI 53081. Representative: William C. Dineen, 710 N. Plankinton Ave. Milwaukee, WI 53203. Transporting (1) *new office furniture, office fixtures, and office equipment,* and (2) *parts* of commodities named in (1) above, from the facilities of Steel Case, Inc., at Grand Rapids and Wyoming, MI, to points in WI, IL, MN, IA, IN, MO, and those in the Upper Peninsula of MI. (Hearing site: Milwaukee, WI, or Grand Rapids, MI.)

MC 83539 (Sub-522F), filed June 4, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (Same address as applicant). Transporting *material handling equipment,* from Crystal Lake, IL to points in the United States (including AK, but excluding IL and HI), restricted to the transportation of traffic originating at the facilities of Foxcroft Development Associates. (Hearing site: Chicago, IL, or Dallas, TX.)

MC 83539 (Sub-523F), filed June 4, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (Same address as applicant). Transporting (1) *pre-cut log buildings,* and (2) *materials and supplies* used in the erection of pre-cut log buildings, from points in Albany County, WY, to points in the United States (except AK, CO, HI, NM, OK, and TX), restricted to the transportation of traffic originating at the facilities of Authentic Homes, Inc. (Hearing site: Denver, CO, or Dallas, TX.)

MC 83539 (Sub-524F), filed June 5, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (Same address as applicant). Transporting *transmissions,* from Coffeyville, KS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Funk Mfg. Co. (Hearing site: Kansas City, KS, or Dallas, TX.)

MC 83539 (Sub-525F), filed June 5, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (Same address as applicant). Transporting *building materials,* from the facilities of Temple Division of Temple-Eastex, Inc., at points in (a) Angelina and Sabine Counties, TX, and (b) Monroe County, AL, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 83539 (Sub-526F), filed June 5, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (Same address as applicant). Transporting *construction equipment and parts, attachments, and accessories for construction equipment,* from the facilities of The General, Inc., at Wichita, KS, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Dallas, TX.)

MC 106398 (Sub-920F), filed June 11, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (Same address as applicant). Transporting *buildings, complete, knocked down or in sections* from the facilities of American Buildings Company at Eufaula, AL, to points in CO, ID, MT, ND, OK, OR, TX, UT, WA, and WY. (Hearing site: Dallas, TX.)

MC 107478 (Sub-49F), filed May 30, 1979. Applicant: OLD DOMINION FREIGHT LINE, INC., 1791 Westchester Drive, P.O. Box 2006, High Point, NC 27261. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. Transporting *copper rods* from Abingdon, VA, to Eden and Tarboro, NC, and Watkinsville, GA. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 109818 (Sub-53F), filed June 6, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *stone and stone aggregate,* from the facilities of Basins Engineering Co. Inc., at or near Wheatland, WY, to points in IA, IL, KS, MN, MO, and NE. (Hearing site: Denver, CO.)

MC 110988 (Sub-392F), filed June 6, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. Transporting *such commodities* as are dealt in, or used by, manufacturers and distributors of chemicals, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hydrite Chemical Co., Wayne Chemical Corp., United States Chemical Corporation of Wisconsin, Inc., Overton Chemical Sales, Inc.; Chem-Sol, Inc., and San-Det Corporation. (Hearing site: Chicago, IL.)

MC 113459 (Sub-132F), filed June 4, 1979. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, First Continental Bank Bldg., Suite 301, Dallas, TX 75237. Transporting *electric cable on reels* from the facilities of Superior Cable Corporation, at Brownwood, TX, to points in AZ, CA, NV, OR, ID, and WA. (Hearing site: Dallas, TX.)

MC 114028 (Sub-34F), filed June 8, 1979. Applicant: ROWLEY INTERSTATE TRANSPORTATION CO., INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *water treatment chemicals,* in drums, from Frisco, PA, to points in IL, IN, and OH. (Hearing site: Chicago, IL.)

MC 117439 (Sub-67F), filed June 14, 1979. Applicant: BULK TRANSPORT, INC., 5500 Florida Boulevard, P.O. Box 1429, Baton Rouge, LA 70821. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. Transporting *sand,* from points in LA, to points in AL, MS, and TX. (Hearing site: Baton Rouge or New Orleans, LA.)

MC 118959 (Sub-226F), filed June 4, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *wood fiberboard,* and (2) *materials, and supplies* used in the manufacture, installation, and distribution of fiberboard, and wood fiberboard products, from points in the United States (except AK and HI) to the facilities of Masonite Corporation, at or near Laurel, MS, restricted to the transportation of traffic destined to the indicated destination. (Hearing site: Chicago, IL.)

MC 118959 (Sub-227F), filed June 6, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *foodstuffs, and materials, equipment, and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk),* between the facilities used by The Procter & Gamble Company, at or near Lexington, KY, on the one hand, and, on the other, points in CA and those in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL.)

MC 118959 (Sub-229F), filed June 4, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *corn products and soybean products* (except in bulk) from Musatine, IA to points in the U.S. (except AK and HI) and (2) *dessert preparations,* from Mitchellville, IA, to points in the U.S. (except AK and HI). (Hearing site: Chicago, IL.)

MC 118959 (Sub-230F), filed June 13, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *iron and steel articles,* from the facilities of Northwestern Steel and Wire Company, at or near Sterling and Rock Falls, IL, to points in AL, AR, DE, GA, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NC, NE, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WV, WI, and DC. (Hearing site: Chicago, IL.)

MC 119349 (Sub-18F), filed June 4, 1979. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *petroleum and petroleum products, vehicle body sealer, and sound deadener compound* (except commodities in bulk), from Congo and St. Marys, WV to points in AL, LA, OK, TX, CA, MN, CO, IL, NM, AR, SC, MI, and UT. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 119689 (Sub-23F), filed June 5, 1979. Applicant: PEERLESS TRANSPORT CORP., 2701 Railroad Street, Pittsburgh, PA 15222. Representative: Robert T. Hefferin (Same address as applicant). Transporting *maleic anhydride,* in bulk, in tank vehicles, from Joliet, IL, to Calvert City and Covington, KY, Kansas City, MO, Ashtabula, Circleville, and Toledo, OH, Philadelphia and Springdale, PA, and Collierville and Knoxville, TN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 120978 (Sub-25F), filed June 4, 1979. Applicant: REINHART MAYER d.b.a. MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *agricultural implements, and parts and accessories for agricultural implements,* from points in ND to points in IL, IN, IA, KS, MI, MN, MO, NE, OH, and WI, restricted to the transportation of traffic originating at the named origins. (Hearing site: Fargo, ND.)

MC 123048 (Sub-447F), filed June 4, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *such commodities* as are dealt in or used by agricultural implement manufacturers and dealers (except commodities in bulk), between Haven, KS, on the one hand, and, on the other, points, in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Washington, DC.)

MC 123048 (Sub-448F, filed June 7, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *such commodities* as are dealt in or used by agricultural implement manufacturers and dealers (except commodities in bulk), between Watertown, SD, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 123048 (Sub-449F), filed June 11, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *such commodities* as are dealth in or used by agricultural implement manufacturers and dealers (except commodities in bulk), between Chesapeake, VA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Norfolk, VA, or Washington, DC.)

MC 123048 (Sub-450F), filed June 11, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *such commodities* as are dealt in or used by agricultural implement manufacturers and dealers (except commodities in bulk) between Sioux Falls, SD, on the one hand, and,

on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 123048 (Sub-451F), filed June 11, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *such commodities* as are dealt in or used by agricultural implement manufacturers and dealers (except commodities in bulk), between points in McCook County, SD, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 124839 (Sub-43F), filed June 5, 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. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, and equipment, materials, and supplies used in the manufacture of building materials* (except commodities in bulk), between points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MO, MS, NJ, NC, OH, PA, SC, TN, TX, VA, WV, and DC, under continuing contract(s) with The Continental Group, Inc., of Savannah, GA. (Hearing site: Atlanta, GA, or Washington, DC.)

Note—Dual operations may be involved.

MC 127539 (Sub-78F), filed June 6, 1979. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108—54th Avenue East, Tacoma, WA 98424. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. Transporting *frozen foods, and materials and supplies used in the manufacturing and distribution of frozen foods*, between points in WA, OR, CA, and MN, restricted to the transportation of traffic originating at or destined to the facilities used by Stokely-Van Camp, Inc. (Hearing site: Seattle, WA, or Indianapolis, IN).

MC 129188 (Sub-4F), filed June 7, 1979. Applicant: COLORADO AIR CARGO, INC., P.O. Box 7416, Colorado Springs, CO 80933. Representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles), between Stapleton International Airport, at Denver, CO, on the one hand, and on the other, Black Forest, Canon City, Florence, Fountain, Palmer Lake, and Pueblo West, CO. (Hearing site: Denver, CO.)

MC 133189 (Sub-24F), filed June 7, 1979. Applicant: VANT TRANSFER, INC., 5075 Northeast Mulcare Drive, Minneapolis, MN 55421. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. Transporting *iron and steel articles*, from St. Louis, MO, and Cahokia, IL, to the facilities of F.M.C. Corporation, at Cedar Rapids, IA. (Hearing site: Minneapolis, MN, or Cedar Rapids, IA.)

MC 133708 (Sub-38F), filed June 11, 1979. Applicant: FIKSE BROS., INC., 12467 E. South St., Artesia, CA 90701. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *cement*, in bulk, from San Diego, CA, to points in NV and UT. (Hearing site: Los Angeles, CA.)

MC 134319 (Sub-10F), filed June 11, 1979. Applicant: BRAAFLADT TRANSPORT CO., a corporation, 501 North Broadway, Dimmitt, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *anhydrous ammonia and ammonia nitrates*, from the facilities of N-Ren Corporation, at or near Carlsbad, NM, to points in AZ, CO, TX, and NM. (Hearing site: Lubbock, TX, or Dallas, TX.)

MC 135009 (Sub-7F), filed June 5, 1979. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway Street, Wallington, NJ 07866. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. 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 sound recordings (except commodities in bulk), (1) from Danbury, CT, New York, NY, and points in NJ, to Terre Haute, IN, Carrollton, GA, and points in CA, (2) from Terre Haute, IN, to Danbury, CT., New York, NY, Carrollton, GA, and points in CA and NJ, (3) from points in CA to Terre Haute, IN, New York, NY, Carrollton, GA, and points in NJ, and (4) from Carrollton, GA, to Danbury, CT, Terre Haute, IN, and points in CA and NJ, under continuing contract(s) with CBS Records, a Division of CBS, Inc., of New York, NY. (Hearing site: New York, NY.)

MC 136168 (Sub-38F), filed June 4, 1979. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *meats, meat products, meat byproducts and articles distributed by meat-packing houses*, as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by Wilson Foods Corporation (1) at (a) Albert Lea, MN, (b) Cedar Rapids, Cherokee, and Des Moines, IA, and (c) Monmouth, IL, to points in KY, and (2) at Oklahoma City, OK, to points in IN, KY, MI, OH, and WV, under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK. (Hearing site: Omaha, NE, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 136168 (Sub-39F), filed June 4, 1979. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat products, meat byproducts and articles distributed by meatpacking 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 used by Wilson Foods Corporation, at (a) Albert Lea, MN, and (b) Cedar Rapids, Cherokee, and Des Moines, IA, to points in AR, OK, and TX, under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK. (Hearing site: Omaha, NE, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 136268 (Sub-24F), filed June 4, 1979. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *building materials* between (a) Monticello, WI, and (b) the facilities of Seaborn Structurals, Inc., at or near Chicago, IL, 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 and destined to the above named points. (Hearing site: Madison WI, or Monticello, WI.)

MC 139839 (Sub-1F), filed June 4, 1979. Applicant: BERKELEY WAREHOUSE & DRAYAGE, INC., 1920 Second Street, Berkeley, CA 94710. Representative: Eldon M. Johnson, 650 California Street,

Suite 2808, San Francisco, CA 94108. 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 retail grocery and retail drug stores*, from Berkeley, CA, to points in Napa, Sacramento, Solano and Yolo Counties, CA, under continuing contracts with American Cyanamid Company, Jacqueline Cochran, Inc., John H. Breck, Inc., and Shulton, Inc., all of Sparks, NV. (Hearing site: San Francisco, CA, or Berkeley, CA.)

MC 140389 (Sub-65F), filed June 4, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Transporting *frozen foodstuffs*, between Indianapolis, IN, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at or destined to the facilities of Monument Distribution Warehouse, Inc., at Indianapolis , IN. (Hearing site: Indianapolis, IN.)

MC 140829 (Sub-277F), filed June 4, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *adhesives*, (except in bulk, in tank vehicles) *and fabrics*, from Bainbridge and Glen Cove, NY to points in IL and MO, restricted to the transportation of traffic originating at the named origins and destined to the indicated destination. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140898 (Sub-8F), filed June 4, 1979. Applicant: KENDRICK TRUCKING CORP., 728 Upsliner Road, Louisville, KY 40229. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Transporting *surface-mounted hydraulic automobile lifts*, from the facilities of VBM Corporation at Louisville, KY, to points in the United States (except AK and HI). (Hearing site: Louisville, KY.)

Note.—Dual operations may be involved.

MC 143499 (Sub-5F), filed June 4, 1979. Applicant: DOUBLE NICKEL TRANSPORT LTD., 50 South Main Street, Pearl River, NY 10965. Representative: John L. Alfano, 550 Manaroneck Avenue, Harrison, NY 10528. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *business and office machines*, (2) *parts* for the commodities in (1) above and (3) *materials and supplies* used in the operation of business and office machines (except commodities in bulk), (a) from Cortland, NY, to New York, NY, and (b) from Englewood and Totowa, NJ and Phoenixville, PA, to points in CA, GA, IL, ME, MD, MI, NY, OH, PA, TX, and DC, under continuing contract(s) with SCM Corporation, of Englewood, NJ. (Hearing site: White Plains, NY.)

Note.—Dual operations may be involved.

MC 144219 (Sub-5F), filed June 4, 1979. Applicant: B.I.T., INC., P.O. Box 268, Reedley, CA 93654. Representative: Greg P. Stefflre, 1724 Broadway Plaza, 700 S. Flower St., Los Angeles, CA 90017. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum articles* from the facilities of Intalco Aluminum Corporation, at or near Ferndale, WA, to points in AZ, CA, ID, OR, NV, and UT, under continuing contract(s) with Intalco Aluminum Corporation, of Ferndale WA. (Hearing site: San Francisco, CA, or Seattle, WA.)

MC 144508 (Sub-1F), filed June 11, 1979. Applicant: OMNI CARRIERS, INC., P.O. Box 153, Plainfield, IL 60544. Representative: Robert J. Beaver (same address as applicant). Transporting *such merchandise* as is 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, KS, MO, NE, TX, 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 144828 (Sub-4F), filed June 5, 1979. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Avenue, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. 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 chemical manufacturers and distributors (except commodities in bulk), between the facilities of Oxford Chemicals, Inc., at or near Chamblee, GA, on the one hand, and, on the other, the facilities of Oxford Chemicals, Inc., at or near (a) Brisbane and Fresno, CA, (b) Denver, CO, (c) Houston, TX, (d) Keene, NH, (e) New Orleans, LA, and (f) Miami, FL, under continuing contract(s) with Oxford Chemicals, Inc., of Atlanta, GA. (Hearing site: Atlanta, GA.)

MC 144858 (Sub-9F), filed June 11, 1979. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Transporting *foodstuffs* (except in bulk), from points in FL to points in AZ, CA, CO, CT, DE, ID, ME, MD, MT, NV, NH, NJ, NM, NY, OR, PA, RI, UT, VT, VA, WA, WY, and DC, restricted to the transportation of traffic originating at facilities used by Thy Coca-Cola Company Foods Division. (Hearing site: Miami, Fl, or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 145359 (Sub-5F), filed June 7, 1979. Applicant: THERMO TRANSPORT, INC., 156 East Market Street, Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *non-ferrous metal and metal articles*, from Clinton, IL, to points in CA, AZ, UT, NV, OR, WA, and ID. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 145468 (Sub-13F), filed June 7, 1979. Applicant: KSS TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08402. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting *marshmallows*, from Chicago, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146199 (Sub-1F), filed June 5, 1979. Applicant: S.A.M. TRUCKING CO., INC., 1210 North Ave., Plainfield, NJ 07060. Representative: Harlod L. Reckon, 33–28 Halsey Road, Fair Lawn, NJ 07410. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum chlorylhydrate*, (except in bulk), between Berkeley Heights, NJ, and Conshohocken, PA, under continuing contract(s) with Reheis Chemical Company, Div. of Armour Pharamceutical Company, of Berkeley Heights, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 146578 (Sub-2F), filed June 8, 1979. Applicant: PALMETTO MOTOR LINES, INC., P.O. Box 6445, Spartanburg, SC 29304. Representative: Donald E. Cross, 918 16th Street, N.W., Washington, D.C. 20006. 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 Spartanburg, Greenville, Chesterfield, Cherokee, and Saluda Counties, SC, on the one hand, and, on the other, points in GA, NC, SC,

and TN. (Hearing site: Spartanburg or Greenville, SC.)

MC 147378 (Sub-1F), filed June 4, 1979. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 525 South Main, Tulsa, OK 74103. Transporting (1) *packaged oil,* (2) *oil filters,* and (3) *antifreeze, and windshield washer solvent* (except commodities in bulk, in tank vehicles), from points in AR, KS, MO, OH, RI, TN, TX, and WV to points in OK. (Hearing site: Tulsa, or Oklahoma City, OK.)

Note.—Dual operations may be involved.

MC 147578F, filed June 7, 1979. Applicant: G & L TRUCKING, INC., 113 West Sixth Street, New Castle, DE 19720. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crushed stone, sand, gravel, and hot paving mix,* in bulk, between points in DE, those in Harford, Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, MD, Accomack County, VA, and Lancaster, Delaware, Chester, Philadelphia, Montgomery, and York Counties, PA, under continuing contract(s) with George & Lynch, Inc., of New Castle, DE. (Hearing site: Wilmington, DE.)

MC 147588F, filed June 4, 1979. Applicant: THE CARPET GALLERY CORP., 900 N. Belt Line, Irving, TX 75061. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. Transporting (1) *foodstuffs* (except in bulk) in vehicles requiring mechanical refrigeration, and (2) *restaurant fixtures and supplies* when moving in mixed loads with foodstuffs, from Dallas, TX, to Doraville, GA. (Hearing site: Dallas, TX.)

Volume No. 250

Decided: December 13, 1979.
By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 13087 (Sub-52F), filed May 29, 1979. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second St., SW, Mason City, IA 50401. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *canned and preserved foodstuffs,* from the facilities of Heinz U.S.A. at or near Muscatine and Iowa City, IA, to points in WI, restricted to the transportation of traffic originating at the named origins and destined to points in the named destination States. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 21866 (Sub-113F), filed April 2, 1979, and previously noticed in the **Federal Register** issue of September 11, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting (1) *automotive accessories, automotive parts,* and *automotive supplies,* and (2) *materials, equipment, and supplies* used in the installation and manufacture of the commodities named in (1) above (except commodities in bulk), between the facilities of Wagner Electric Corporation, at (a) Boaz, AL, (b) Chicago, IL, (c) Florence, KY, (d) Berkeley and Wellston, MO, (e) Black Mountain, NC, and (f) Hillard, OH, on the hand, and, on the other, points in the United States (except AK and HI).

Note:—This republication is to correctly reflect the territorial description.

MC 42487 (Sub-911F), filed April 29, 1979, and previously noticed in the **Federal Register** issue of November 16, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lake Charles and Leesville, LA, over U.S. Hwy 171, serving the intermediate point of De Ridder, LA, and the off-route point of Fort Polk, LA, in connection with applicants authorized regular-route operations. (Hearing site: De Ridder or Lake Charles, LA.)

Note.—This republication is to correctly reflect the territorial description. Applicant indicates intention to tack with existing authority.

MC 44447 (Sub-33F), filed May 29, 1979. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Ave., Columbus, OH 43212. Representative: Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbus, OH 43220. Transporting *expanded plastic products,* from the facilities of Dow Chemical U.S.A., at or near Hanging Rock, OH, to points in IN, KY, and WV, points in MI, south and west of a line beginning at Lake Michigan and extending along U.S. Hwy 10, to junction MI Hwy 25, then along MI Hwy 25, to Port Huron, MI, then along Interstate Hwy 94 to Detroit, MI, then along the Detroit River to Lake Erie and then along Lake Erie to the Michigan-Ohio state line, and points in PA on and west of Interstate Hwy 79. (Hearing site: Columbus, OH.)

MC 78687 (Sub-64F), filed April 17, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting (1) *foods, food products, and food ingredients,* and (2) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities in (1) above, between Johnson City, NY, on the hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 109847 (Sub-29F), filed April 4, 1979, and previously noticed in the **Federal Register** issue of September 11, 1979. Applicant: BOSS-LINCO LINES, INC., 3909 Genesee St., Cheektowaga, NY 14225. Representative: Harold G. Hernly, Jr., 110 South Columbus St., Alexandria, VA 22314. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Binghamton and Albany, NY, over NY Hwy 7, serving all intermediate points, and the off-route point of Amsterdam, NY. (Hearing site: Albany or New York, NY.)

Notes. (1) This republication is to correctly reflect the territorial description. (2) Applicant indicates intention to tack this authority with its existing rights at Binghamton, Amsterdam, and Albany, NY, to serve points in WV, VA, PA, NJ, MD, OH, VA, NY, and New England.

MC 118776 (Sub-32F), filed May 11, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *empty containers,* from the facilities of Hercules Incorporated at or near Terre Haute, IN, to Kansas City, MO. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 119767 (Sub-358F), filed May 10, 1979, and previously noticed in the **Federal Register** issue of November 15, 1979. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, WI

53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., NW, Washington, DC 20004. 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 AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, PA, SC, SD, TN, TX, VT, VA, 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.)

Note.—This republication is to correctly reflect the territorial description.

MC 119917 (Sub–54F), filed March 29, 1979, and previously noticed in the **Federal Register** issue of October 4, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: Barry L. Dudley (same address as applicant). Transporting *charcoal, hickory chips, charcoal lighter fluid, fireplace logs, and barbeque equipment,* from the facilities of Husky Industries, Inc., at (a) Branson, MO, (b) Pachuta, MS, and Deala, FL, to points in AL, AR, FL, GA, LA, MS, NC, SC, OK, TN, TX, and VA. (Hearing site: Atlanta, GA, or Richmond, VA.)

Note.—This republication is to correctly reflect the territorial description.

MC 135797 (Sub–219F), filed May 29, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72201. Representative: Paul R. Bergant (same address as applicant). Transporting *food products, citrus products, and citrus by-products,* from the facilities of Tropicana Products, Inc., in Manatee and St. Lucie Counties, FL, to points in AL, AR, KS, LA, MS, MO, NE, ND, OK, SD, TN and TX. (Hearing site: Miami, FL, or Washington, DC.)

MC 138157 (Sub-150F), filed May 10, 1979, and previously noticed in the **Federal Register** issue of November 15, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *fruit juice and juice concentrate* (except commodities in bulk), from points in Yakima County, WA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins. (Hearing site: Portland, OR.)

Notes.—(1) This republication is to correctly reflect the territorial description. (2) Dual operations may be involved.

MC 138627 (Sub-67F), filed May 29, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *lumber and lumber mill products,* from points in MN, to points in AR, IL, IN, IA, KS, KY, MI, MO, NE, ND, OH, OK, SD, TN, TX and WI. (Hearing site: St. Paul, MN, or Omaha, NE.)

MC 139587 (Sub-19F), filed May 29, 1979. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, 21st and Sidney, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *steel storage and display racks,* from the facilities of Old Brazos Forge, Inc., at or near Brenham, TX, to points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, and MD. (Hearing site: Kansas City, MO.)

MC 139906 (Sub-44F), filed March 21, 1979, and previously noticed in the **Federal Register** issue of July 27, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sulfur,* in bags, from the facilities of Stauffer Chemical Company, Inc. at Freeport, TX, to points in AL, AR, AZ, CO, CT, FL, GA, IA, IL, IN, KS, KY, LA, MA, MI, MN, MO, MS, NC, NE, NM, NY, OH, OK, SC, TN, VA, and WI. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Notes.—This republication is to correctly reflect the territorial description. Dual operations may be involved.

MC 146907F, filed May 29, 1979. Applicant: PEBBLE HAULERS, INC., 2630 Delta Drive, Colorado Springs, CO 80910. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Transporting *iron and steel grinding balls,* from the facilities of CF&I Steel Corporation at or near Pueblo, CO, to points in UT. (Hearing site: Denver, CO.)

Volume No. 251

Decided: Dec. 13, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 42487 (Sub-910F), filed April 30, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. 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 commodities requiring special equipment,* (1) between Lansing, MI and Muskegon, MI, serving the intermediate point of Grand Rapids, MI: From Lansing over Business Interstate Hwy 96 to junction Interstate Hwy 96, then over Interstate Hwy 96 to junction Business Interstate Hwy 96 near Muskegon Heights, MI, then over Business Interstate Hwy 96 to Muskegon, and return over the same route, (2) between Battle Creek, MI and Muskegon, MI, serving the intermediate points of Holland and Grand Haven, MI: From Battle Creek over MI Hwy 89 to Allegan, MI, then over MI Hwy 40 to Holland, MI, then over U.S. Hwy 31 to Muskegon, and return over the same route, (3) between Kalamazoo, MI and Grand Rapids, MI: From Kalamazoo over U.S. Hwy 131 to Grand Rapids, and return over the same route, (4) between Grand Rapids MI and Holland, MI: From Grand Rapids over Interstate Hwy 196 to junction Business Interstate Hwy 196, then over Business Interstate Hwy 196 to Holland, and return over the same route, (5) between junction U.S. Hwy 20 and Interstate Hwy 94 (near Michigan City, IN) and Holland, MI: From junction U.S. Hwy 20 and Interstate Hwy 94 (near Michigan City, IN) over Interstate Hwy 94 to junction Interstate Hwy 196 then over Interstate Hwy 196 to junction Business Interstate Hwy 196, then over Business Interstate Hwy 196 to Holland, MI, and return over the same route, (6) between Battle Creek, MI and Grand Rapids, MI: From Battle Creek over MI Hwy 37 to Grand Rapids, and return over the same route. Serving all intermediate and off-route points in Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, Newaygo, Oceana, and Ottawa Counties, MI in connection with Routes (1) through (6) described above. (Hearing site: Grand Rapids, MI or Lansing, MI.)

Note.—Application indicates intention to tack this authority with existing regular-route authority.

MC 63417 (Sub-205F), filed May 7, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), between the facilities of Kimberly-Clark Corporation at or near Corinth, MS, 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 Kimberly Clark Corporation. (Hearing site: Washington, DC.)

MC 78687 (Sub-66F), filed May 21, 1979, and previously noticed in the **Federal Register** issue of December 4, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: E. STEPHEN HEISLEY, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *foodstuffs* (except in bulk), and *empty containers*, and *materials, equipment and supplies* used in the production thereof, between the facilities of Seneca Foods, Inc., in Cayuga, Ontario, Seneca, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

Note.—This republication is to correctly reflect the territorial description.

MC 110656 (Sub-11F), filed May 22, 1979. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Ave. SW., Grand Rapids, MI 49507. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226. 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) from Traverse City, MI over MI Hwy 37 to its terminus on Old Mission Peninsula, and return over the same route, (2) from Traverse City over MI Hwy 22 to Northport, MI, and return over the same route, (3) between Northport, MI, and the terminus of County Road 629 at or near the Lake Michigan shoreline, from Northport, MI, over MI Hwy 201 to junction with County Road 640, then over County Road 640 to junction with County Road 629, then over County Road 629 to its terminus at or near the shoreline of Lake Michigan, and return over the same route, (4) from Traverse City, MI, over MI Hwy 72 to junction with County Road 651, then over County Road 651 to junction with MI Hwy 22, then over MI Hwy 22 to Northport, MI, and return over the same route, (5) from Northport, MI over MI Hwy 201 to Catheah Point, MI, and return over the same route, (6) between junction of MI Hwy 22 and County Road 651 and the terminus of Sugar Loaf Mountain Road, from the junction of MI 22 and County Road 651 over MI 22 to junction with Sugar Loaf Mountain, then over Sugan Loaf Mountain Road to its terminus, and return over the same route, (7)(a) from Traverse City, MI, over US Hwy 31 to Grawn MA, and return over the same route, and (b) from Traverse City, MI, over County Road 633 to Grawn, MI, and return over the same route, and (8) service is authorized at all intermediate points along the above-described routes as well as all off-route points within three (3) miles of the described routes and all off-route points in the Leelanau Peninsula north of MI Hwy 72 and east of County Road 651. (Hearing site: Traverse City, MI.)

MC 123407 (Sub-571F), filed April 18, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *general commodities* (except commodities in bulk, in tank vehicles), between the facilities of Henderson County Riverport Authority at points in Henderson County, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, KS, OK, and TX. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 136786 (Sub-157F), filed May 14, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. Transporting *meats, meat products and meat byproducts,* and *articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation at Marshall, MO, and Cold Storage facilities at or near Peoria, IL, to points in CA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destination. (Hearing site: Dallas, TX, or Kansas City, MO.)

Volume No. 255

Decided: December 20, 1979

By the Commission, Review Board Number 2, Members Boyle, Eeaton, and Liberman.

MC 29886 (Sub-367F), filed May 30, 1979. Applicant: DALLAS MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *pipe,* from East Troy, WI, to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Chicago, IL.)

MC 31367 (Sub-35F), filed May 31, 1979. Applicant: H. F. CAMPBELL & SON, INC., P.O. Box 260, Millerstown, PA 17062. Representative: John M. Musselman, 410 North Third St., Harrisburg, PA 17108. Transporting *foodstuffs* (except in bulk), (1) from the facilities of Campbell Soup Company at Napoleon, OH, to points in CT, NH, NJ, NY, MA, MD, ME, PA, RI, and VT, and Washington, DC, and (2) between the facilities of Campbell Soup Company at (a) Camden, NJ, (b) Chicago, IL and (c) Napoleon, OH. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 42487 (Sub-922F), filed May 30, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Johnson City, TN and Erwin, TN over U.S. Hwy 23, serving no intermediate points. (Hearing site: Cincinnati, OH, or Washington, DC.)

Note:—Applicant intends to tack this authority with its present regular and irregular-route authority.

MC 114097 (Sub-11F), filed May 31, 1979. Applicant: NIEDFELDT TRUCKING SERVICE, INC., 821 S. Front St., La Crosse, WI 54601. Representative: Edward H. Instenes, P.O. Box 676, Wonona, MN 55987. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages, empty beverage containers and pallets,* between St. Paul, MN and La Crosse, WI, under continuing contract(s) with G. Heileman Brewing Co., of La Crosse, WI. (Hearing site: La Crosse, WI.)

MC 117686 (Sub-239F), filed February 5, 1979, and previously noticed in the **Federal Register** issue of May 7, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chain saws, snow-throwers,*

garden equipment, lawn equipment, turf equipment, and golf course care equipment, from the facilities of the Toro Company at or near (a) Windom, and Minneapolis, MN, and (b) Tomah, WI, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at and destined to the named points. (Hearing site: Minneapolis, MN, or Chicago, IL.)

Note.—(1) This republication is to correctly reflect the territorial description; (2) Dual operations may be involved.

MC 118016 (Sub-5F), filed May 31, 1979. Applicant: BURKETT TRUCKING, INC., 2508 East Roosevelt, Little Rock, AR 72202. Representative: Thomas J. Presson, I–30 South Service Rd., Indian Springs Mall, P.O. Box 117, Bryant, AR 72022. Transporting (1) *bananas,* and (2) *agricultural commodities,* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526 (6) (B) and (C), in mixed loads with bananas, from Gulfport, MS and Galveston, TX, to points in CO, KS, MO, OK, AR, and TX. (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 123476 (Sub-45F), filed June 5, 1979. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Transporting *expanded plastic products* (except in bulk, in tank vehicles), between Hamilton, OH, on the one hand, and, on the other, those points in the United States on and east of U.S. Hwy 85. (Hearing site: St. Louis, MO, or Cleveland, OH.)

MC 126736 (Sub-122F), filed May 31, 1979. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 East 21st St., Jacksonville, FL 32206.Representative: L. H. Blow, P.O. Box 1559, Jacksonville, FL 32201. Transporting *silica sand,* in bulk, from the facilities of Wedron Silica Company, at or near Lugoff, SC, to Warner Robbins, GA. (Hearing site: Columbia, SC.)

MC 128607(Sub-11F), filed May 29, 1979. Applicant: BOYD TRUCKING CO., Gas Point Rd., P.O. Drawer T, Cottonwood, CA 96022. Representative: Marvin Handler, 100 Pine St. Suite 2550, San Francisco, CA 94111. Transporting *wood residuals,* in bulk, from points in Shasta, Glenn, Tehama, Butte, and Plumas Counties, CA to points in Jackson and Klamath Counties, OR. (Hearing site: San Francisco, CA.)

MC 138157 (Sub-153F), filed June 1, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting (1) *canned and packaged foodstuffs and canned pet food* (except commodities in bulk), (a) from Astoria and Salem, OR, to those points in the United States in and west of WI, IL, MO, AR, and LA, and (b) from Gulfport, MS, to points in AL, GA, FL, LA, KY and TN, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except AK and HI) to Gulfport, MS; Jessup, MD; Oakland, CA; Portland, OR; and Secaucus, NJ, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Castle & Cooke, Inc. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 144337 (Sub-3F), filed May 30, 1979. Applicant: KENNETH HENDERSON TRUCKING CO., INC., Route 66, Cullowhee, NC 28723. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *molded plastic articles,* from Evansville, IN, to points in the United States (except AK and HI), under continuing contract(s) with Cashiers Plastic Corporation of Cashiers, NC. (Hearing site: Charlotte, NC.)

MC 144897 (Sub-4F), filed May 31, 1979. Applicant: SUN FREIGHTWAYS, INC., Flint and Clovis Rd., P.O. Box 5386, Lubbock, TX 79417. Representative: John C. Sims, P.O. Box 10236, Lubbock, TX 79408. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Amarillo, TX and Clovis, NM, from Amarillo, over U.S. Hwy 87 to Canyon, TX, then over U.S. Hwy 60 to Clovis, and return over the same route. (Hearing site: Amarillo, TX or Clovis, NM.)

MC 147567F, filed June 5, 1979. Applicant: LANGE MOTOR EXPRESS, INC., 14510 Washington Street, Woodstock, IL 60098. Representative: Margie Market, 305 Van Buren Street, Marengo, IL 60152. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel articles* used in the manufacture of rail car parts, between the facilities of Evans Products Company/ Creco Division, at or near Woodstock, IL, on the one hand, and, on the other, points in IN and WI, under continuing contract(s) with Evans Products Company/Creco Division, of Woodstock, IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80–506 Filed 1–7–80; 8:45 am]
BILLING CODE 7035–01

[Directed Service Order No. 1398; Supplemental Order No. 12]

Kansas City Terminal Railway Co. Directed To Operate Over Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: December 20, 1979.

On September 26, 1979, we directed Kansas City Terminal Railway Company (KCT) to provide service as a "directed rail carrier" (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") until December 3, 1979. *See* Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.,* 360 I.C.C. 289 (1979), 44 FR 56343 (October 1, 1979). In DSO No. 1398 (Sub-No. 1), we extended the directed service period through March 2, 1980, subject to certain modifications. *See* DSO No. 1398 (Sub-No. 1), — I.C.C. — (decided November 30, 1979; served December 3, 1979) and 44 FR 70733 (December 10, 1979).

This supplemental order is being issued to modify that portion of DSO No. 1398 (Sub-No. 1) describing the RI lines over which KCT's directed service is to be continued through March 2, 1980.

In DSO No. 1398 (Sub-No. 1), we ordered an 11 percent reduction in the size of KCT's directed service system. *See* Appendix B to DSO No. 1398 (Sub-No. 1) (44 FR 70739) reflecting the so-called "Option 1" cutback. This reduction in the directed service system was warranted by the evidence on essentiality then before us. However, by telegram dated November 29, 1979, KCT urges us to add certain other RI lines to the reduction contemplated by DSO No. 1398 (sub-No. 1). In addition, KCT requests that one line segment over which operations were ended by DSO No. 1398 (Sub-No. 1) be returned to KCT's directed service system in the interest of operational simplification and cost savings. We believe that both of KCT's requests are well taken and should be granted.

In its November 29 telegram, KCT requests that the Commission "include in the list of lines not to be operated the additional lines of railroad turned back

to the Rock Island Trustee by DRC Report No. 15 [dated November 16, 1979]." These lines have been incorporated in the appendix to this decision. Since they have been turned back to the RI Trustee pursuant to the authority we previously granted KCT in Supplemental Order No. 2 (decided and served October 3. 1979), [44 FR 58581, Oct. 10, 1979] we shall grant KCT's request that they be officially removed from the directed service system described in DSO No. 1398 (Sub-No. 1).

One of the lines over which directed service was discontinued by DSO No. 1398 (Sub-No. 1) was the RI line segment between Tucumcari, NM, to Adrian, TX, a distance of 67.2 miles.[1] *See* Appendix B to DSO No. 1398 (Sub-No. 1) [44 FR 70739] KCT contends that this curtailment has made its remaining directed service operations both more difficult and more costly.

The Tucumcari/Adrian line segment constitutes a small portion of RI's so-called "Sunbelt Route" between Tucumcari, NM, and Memphis, TN. By curtailing operations over the Tucumcari/Adrian portion of the Sunbelt Route, KCT must route Sunbelt traffic over alternative lines, which hinders efficient operations and increases the cost of directed service. Further, resumption of directed service over the Tucumcari/Adrian line segment will not add additional employee or rehabilitation expenses to the cost of directed service. In light of these considerations, we believe KCT should be authorized to operate the Tucumcari/Adrian line segment as part of the present directed service system.

We find:

(1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered:

(1) DSO No. 1398 (Sub-No. 1) is modified as described above.

(2) This decision shall be effective on its service date.

By the Commission. Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis, Commissioner Gresham concurring. Commissioner Trantum dissented from the resumption of directed service over the Tucumcari-Adrian portion of the Sunbelt Route. Commissioner Christian not participating.

Agatha L. Mergenovich,

Secretary.

[1] On ther map appended to DSO No. 1398 (Sub-No. 1) Adrian, TX, does not appear. However, Adrian is located just east of Glenrio, TX.

Appendix.—Revised Option 1—*Lines Not Operated Under Directed Service*

Line	Mileposts	Miles
Hancock Jct.-Avoca, IA	6.8-0.0	6.8
Mesa-Des Arc, AR	0.0-14.98	14.98
Agusta-Alva, OK	72.07-103.66	31.59
Iowa City-Hills, IA	3.0-7.2	4.2
#Evans Jct.-Oskaloosa, IA	304.6-301.3	3.3
#Pella-Keokuk, IA	114.2-3.21	110.9
Thompson-Buffalo Center, IA	168.1-177.1	9.0
Hayfield Jct.-Titonka, IA	148.1-172.8	24.7
Jansen-Beatrice, NB	128.43-142.2	19.77
North Enid-Warren, OK	0.0-24.1	21.78
#Lake Park, IA-Lisemore, MN	235.41-275.73	40.32
Okeene-Homestead, OK	37.8-42.8	5.0
Malvern-Sparkman, AR	5.6-40.1	34.5
Burlington-Columbus, Jct., IA	1.5-40.0	38.5
#Limon-Colorado Springs, CO	530.8-602.5	71.7
#Albert Lea, MN-Rake, IA	82.2-50.6	31.6
#Washington-Keota, IA	248.52-263.65	15.13
#Bucklin-Dodge City, KS	347.9-374.7	26.8
#Anadarko-Mangum, OK	18.4-98.25	79.85
Lawton-Waurika, OK	496.2-537.6	41.4
#Greenwood-Chilhowee, MO	235.4-268.7	33.3
#Centerville-Ainsworth, IA	240.9-334.7	85.12
Winnear-Winterset, IA	386.56-399.75	13.19
Ocheyedan-Little Rock, IA	246.86-265.54	18.68
#Camden, AR (Yard and connecting track)		1.48
Total		763.68

#—Included in lines excluded under Option I.
Additional lines excluded under Option I.

Kansas City-Owensville, MO	288.3-91.5	196.8
Columbus Jct.-Centerville, IA	231.44-333.78	102.38
Total excluded miles—adjusted		949.31

[FR Doc. 80-504 Filed 1-7-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF EDUCATION [1]

Office of the Secretary

Request for Nomination of Members

The Department of Education Organization Act, Pub. L. 96-88, authorizes the establishment of the Intergovernmental Advisory Council on Education. Announcement is hereby made that the Secretary of Education will accept nominations for the Intergovernmental Advisory Council on Education, as defined below, in order to make recommendations of individuals to the President of the United States for membership on the Council. The Intergovernmental Advisory Council on Education will be composed of twenty (20) members appointed by the President in the following categories:

(A) Six elected State and local officials with general government responsibilities;

(B) Five representatives of public and private elementary and secondary education, from among board members, chief education officials, administrators, and teachers;

(C) Five representatives of public and private postsecondary education, from among board members, chief education officials, administrators, and professors; and

(D) Four members of the public, including parents of students and students.

In making these appointments the President shall:

(A) Consult with representatives of the groups specified in (A) through (D) above; and

(B) Select individuals who represent a diversity of geographic areas and demographic characteristics.

Functions of the Council. The Council shall provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations relating to education.

In carrying out its functions the Council shall:

(A) Provide a forum for representatives of Federal, State, and local governments and public and private educational entities to discuss educational issues;

(B) Make recommendations for the improvement of the administration and operation of Federal education and education related programs;

(C) Promote better intergovernmental relations;

(D) Submit, biennially or more frequently (if determined necessary by the Council), a report to the Secretary, the President, and the Congress (i) reviewing the impact of Federal education activities upon State and local governments and public and private educational institutions, including an assessment of compliance with section 103 of this Act and of any change in the Federal role in education, and (ii) assessing both the extent to which Federal objectives are achieved and any adverse consequences of Federal actions.

In carrying out its functions the Council may review existing and proposed rules or regulations of the Department concerning Federal education programs in order to determine the impact or potential impact of such rules or regulations on State and local governments and public and private educational institutions. The Council may submit to the Secretary a

[1] This request for nomination of members is authorized by the Department of Education Organization Act, Pub. L. 96-88, sec. 601(a). Although the Department of Education has not yet been established, this document is being printed under the Department of Education heading for the reader's convenience and so that it can be located in future indexes with Department of Education material.

report containing the results of its review of any existing or proposed rule or regulation. If a report by the Council concerns a proposed rule or regulation, it shall be submitted to the Secretary within the time established for public comment on the proposed rule or regulation, and shall be placed in the file of the proceeding concerning the proposed rule or regulation.

Nominations should be made specifying nomination category A, B, C, or D and resumes should accompany each nomination.

Nominations submitted to the Secretary must be received no later than January 21, 1980 and be sent to: IACE—Category A, B, C, or D, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

This notice is in addition to the Secretary's letter of December 26, 1979, inviting public and private groups to submit nominations.

For further information, call Evelyn J. White, (202) 426–6573.

Dated: December 28, 1979.

Shirley M. Hufstedler,

Secretary of Education.

[FR Doc. 80-763 Filed 1-7-80; 11:48 am]

BILLING CODE 4110-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 79-30-NG]

Columbia Gas Transmission Corp.; Application To Import Natural Gas Into the United States From Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of receipt of application and opportunity for public participation.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application of Columbia Gas Transmission Corporation (Columbia), in ERA Docket No. 79–30–NG, for authorization under Section 3 of the Natural Gas Act to import quantities of natural gas not to exceed 41 million cubic feet (MMcf) per day or 13.6 billion cubic feet (Bcf) per annum. Columbia is to purchase the natural gas from Columbia Gas Development of Canada, Ltd. (Columbia Development) at the applicable Canadian border price at the existing interconnection of facilities of Westcoast Transmission Company Limited (Westcoast) and Northwest Pipeline Corporation (Northwest) near Sumas, Washington. Petitions to intervene are invited.

DATES: Petitions to intervene are due on or before January 16, 1980

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street, N.W. Room 4126, Washington, D.C. 20461, telephone (202) 254–8202.

Mr. Martin S. Kaufman, Deputy Assistant General Counsel for International Trade and Emergency Preparedness, 1000 Independence Avenue, S.W., Forrestal Building, Room 5E064, Washington, D.C. 20585, telephone (202) 252–2918.

SUPPLEMENTARY INFORMATION: On October 24, 1979, Columbia Gas Transmission Corporation filed an application in ERA Docket No. 79–30–NG for authorization under Section 3 of the Natural Gas Act to import natural gas from Canada. The natural gas which Columbia proposes to import is to be purchased from Columbia Development in quantities not to exceed 41 MMcf per day or 13.5 Bcf per annum for a period of fifteen years. It is stated that the contract sales price will be the applicable border price set by the Canadian National Energy Board (NEB), which at the time of filing of the application was $2.80 (U.S.) per MMBtu. Subsequently the NEB has increased the export border price to $3.45 (U.S.) per MMBtu.

It is stated that the natural gas to be purchased by Columbia will be produced from the Kotaneelee gas field in the Yukon Territory and transported through Westcoast's facilities to the Canadian-United States border. The exportation of the gas from Canada is subject to approval of the NEB.

The gas will be imported into the United States by Columbia for transportation via the pipeline of Northwest commencing at an existing delivery point on the international border near Sumas, Washington. Columbia will arrange for the transportation of the gas inside the United States. The imported gas will be displaced through Northwest's facilities to El Paso Natural Gas Company (El Paso) in LaPlata County, Colorado. El Paso will deliver a similar quantity of gas from its supply in southern Louisiana to Columbia Gulf Transmission Company (Columbia Gulf), an affiliate of Columbia, and Columbia Gulf will deliver such gas to Columbia at existing points of delivery in Kentucky. Separate applications will be filed with the Federal Energy Regulatory Commission (FERC) under Section 7(c) of the Natural Gas Act for authorization of such transportation arrangements of this gas.

OTHER INFORMATION: The ERA invites petitions for intervention in this proceeding. Such petitions are to be filed with the Economic Regulatory Administration, Room 4126, 2000 M Street, NW., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8). Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., January 16, 1980.

Any person wishing to become a party to these proceedings or to participate as a party in any hearing which may be convened therein must file a petition to intervene. Any person desiring to make any protest with reference to the application should file a protest with the ERA in accordance with the requirements of the rules of practice and procedure (18 CFR 1.10). All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required. If such hearing is required, due notice will be given.

Copies of petitions to intervene or protests are available for public inspection and copying in Room B–120, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., January 3, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-737 Filed 1-7-80; 11:39 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration Safety, Bumper, and Consumer Information Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on January 23, 1980, to answer questions from the public and industry regarding the Agency's safety, bumper, and consumer information programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in Conference Room 2230 of the Department of Transportation Headquarters Building, 400 Seventh Street, SW., Washington, D.C.

At the January meeting, representatives of DOT will answer

questions received in writing from the industry and the public relating to NHTSA's vehicle safety, bumper, or consumer information programs which are technical, interpretative or procedural in nature. The questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the January 23 meeting must be submitted in writing by January 18 to Michael M. Finkelstein, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, D.C. 20590. Every effort will be made to answer appropriate questions received. Questions received after the January 18 date may be answered at the meeting if sufficient time is available. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of questions submitted by January 18 will be available at the meeting and this list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will be available in four or five weeks at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on: January 7, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-762 Filed 1-7-80; 11:42 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 5
Tuesday, January 8, 1980

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

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, January 9,1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

Matters to be considered:

Agenda, Item No., and Subject

General—1—Formal Response to GAO Report on USOA.

Common Carrier—1—Title: Second Report in Docket No. 20003. Summary: The Commission will consider a Second Report in Docket No. 20003, its inquiry into the economic implications and interrelationship which arise from regulatory policies and current pricing practices for telecommunications services and facilities, particularly those subject to competition.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: January 3, 1980.

[S-32-80 Filed 1-4-80; 2:06 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., January 9, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Results of the 1979 General World Administrative Radio Conference.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: January 3, 1980.

[S-33-80 Filed 1-4-80; 2:06 pm]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:00 a.m. on Thursday, January 3, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider 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. 44,201-L—The Drovers' National Bank of Chicago, Chicago, Illinois.

Memorandum re: Republic National Bank, New Orleans, Louisiana.

Request from a State banking authority that the Corporation, pursuant to section 10(b) of the Federal Deposit Insurance Act, assist in an examination of a national bank in connection with the bank's application for a State charter.

In calling the meeting, the Board of Directors determined on motion of Chairman Irvine H. Sprague, seconded by Director William M. Issac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(B), and (c)(10)).

Dated: January 3, 1980.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-28-80 Filed 1-4-80; 11:17 am]

BILLING CODE 6714-01-M

4

December 26, 1980.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: January 2, 1980, 10 a.m.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

STATUTE: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:
Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

[S-29-80 Filed 1-4-80; 2:06 pm]

BILLING CODE 6450-01-M

5

January 3, 1980.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: Approximately 2 p.m., January 3, 1980.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Deliberations concerning strategy in a pending litigated matter.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

The following members of the Commission voted that agency business requires the holding of a closed meeting on less than the one week's notice

required by the Government in the Sunshine Act:

Chairman Curtis
Commissioner Sheldon
Commissioner Holden
Commissioner Hall

Kenneth F. Plumb,

Secretary.

[S-30-80 Filed 1-4-80; 2:06 am]

BILLING CODE 6450-01-M

6

January 2, 1980.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: January 9, 1980, 10 a.m.

PLACE: 825 North Capitol Street, NW., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

[S-31-80 Filed 1-4-80; 2:06 pm]

BILLING CODE 6450-01-M

7

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 10 a.m., Friday, January 11, 1980.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed suspension of a Board interpretation of Regulation B (Equal Credit Opportunity) determining that a New Jersey statute governing what may be asked in connection with credit applications was consistent with the Equal Credit Opportunity Act. (Docket No. R-0248)
2. Proposed policy on disclosure of statutory enforcement actions.

Discussion Agenda

1. Proposals regarding Federal Reserve float.
2. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 25551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204

Dated: January 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-28-80 Filed 1-7-80; 10:58 am]

BILLING CODE 6210-01-M

8

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: Approximately 11:30 a.m., Friday, January 11, 1980 (following a recess at the conclusion of the open meeting).

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: January 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-27-80 Filed 1-4-80; 10:58 am]

BILLING CODE 6210-01-M

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 and 11:15 a.m., Thursday, January 10, 1980.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Closed/Open.

MATTERS TO BE CONSIDERED:

Closed Session 10:00 a.m.

Monthly Policy Review Session: Media—Closed Portion (Commission Policy and Enforcement Matters).

Open Session 11:15 a.m.

Monthly Policy Review Session: Media—Open Portion (Presentation by QUBE, a division of the Warner Broadcasting Company, concerning its "interactive" television concept which allows viewers to communicate responses back to the programming station and has been used in polling and consumer purchasing experiments).

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-36-80 Filed 1-4-80; 3:37 pm]

BILLING CODE 6750-01-M

10

[USITC SE-80-2A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 77298 (12/31/79).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, January 8, 1980.

CHANGES IN THE MEETING: Additional item added to the agenda.

In deliberation held Thursday, January 3, 1980, a majority of the Commission determined by unanimous consent that Commission business requires the change in subject matter by addition of the following agenda item and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

8. Rotary scraping tools (Inv. 337-TA-62)—vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-25-80 Filed 1-4-80; 10:03 am]

BILLING CODE 7020-02-M

11

NATIONAL SCIENCE BOARD.

DATE AND TIME: January 17, 1980, 1 p.m. Open Session. January 18, 1980, 8 a.m. Closed Session.

PLACE: National Science Foundation, Rm. 540, 1800 G St. N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION:

1. Minutes—Open Session—211th Meeting
2. Chairman's Report
3. Director's Report—
   a. Report on Grant & Contract Activity—11/15/79—1/16/80
   b. Organizational and Staff Changes
   c. Congressional and Legislative Matters
   d. NSF Budget
   e. Second Annual Report on Science and Technology and Five-Year Outlook Report on Science and Technology
   f. Master Grants
   g. Postdoctoral Fellowship Program
   h. Proposal Evaluation
4. Role of Science Education in NSF—Presentation by Chairman of NSF Advisory Committee for Science Education

5. Board Committees—Reports on Meetings
a. Executive Committee
b. Planning and Policy Committee
c. Programs Committee
d. Committee on Budget
e. Committee on Minorities and Women in Science
f. Committee on Role of NSF in Basic Research
g. Committee on Twelfth NSB Report
h. Committee on Audit and Oversight
i. Ad Hoc Committee on Big and Little Science
j. Ad Hoc Committee on Deep Sea and Ocean Margin Drilling Programs
k. Ad Hoc Committee on NSF Act Review
6. NSF Advisory Groups and Other Events—
a. Reports on Meetings
b. Representation at Future Events
7. Proposed Vannevar Bush Award
8. Grants, Contracts, and Programs
9. Policy Concerning NSB Committee Meetings
10. Program Review—Electrical, Computer, and Systems Engineering
11. Next Meetings: National Science Board, 213th Meeting, February 21–22, 1980.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

A. Minutes—Closed Session—211th Meeting
B. NSF Budgets for Fiscal Year 1981 and Subsequent Years
C. Grants, Contracts, and Programs
D. NSB and NSF Staff Nominees
E. NSB Annual Reports
F. NSB Position on Review of National Science Foundation Act

CONTACT PERSON FOR MORE INFORMATION:
Miss Vernice Anderson, Executive Secretary, (202) 632–5840.

[S–34–80 Filed 1–4–80; 2:06 pm]
BILLING CODE 7555–01–M

12

PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining Offices at Washington, D.C. Headquarters).

TIME AND DATE: Friday, January 11, 1980, at 9:30 a.m.

PLACE: Room 826A, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED:
Referrals from Regional Commissioners of approximately 15 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSONS FOR MORE INFORMATION:
A. Ronald Peterson, Analyst: (202) 724–3094.

[S–35–80 Filed 1–4–80; 3:07 pm]
BILLING CODE 4410–01–M

federal register

Tuesday
January 8, 1980

Part II

Council on Wage and Price Stability

Anti-Inflation Price Standards; Financial Institutions and Providers of Insurance

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflation Price Standards; Standards for Financial Institutions and for Providers of Insurance

AGENCY: Council on Wage and Price Stability.

ACTION: Interim final standard for providers of insurance and financial institutions for the second program year, with comments requested.

SUMMARY: On November 1, 1979, (44 FR 64276, November 6, 1979) the Council issued final price standards for the second program year, with sections reserved for providers of medical and dental insurance, insurance other than medical and dental, and for financial institutions. The Council is now publishing second-year standards for these sectors. For providers of medical and dental insurance, the allowable inflation trend factors used in calculating premiums have been increased slightly to reflect the recent acceleration of claims costs. The standard for other insurance providers is unchanged from that of the first year. Finally, the standard for financial institutions has been extended to cover sales-finance and consumer-finance companies; the primary standard continues to be the profit standard, while the alternative standard is revised to provide for a 3.5-percent limit on increases in service charges.

In a companion notice, also published today, the Council is asking companies covered by these standards (705.48–705.50) to submit Form CO–1 (Price) by February 15, 1980 or 15 days after publication of final rules, whichever occurs later.

DATES: The effective date for these standards is January 1, 1980; comments are due on or before February 7, 1980.

ADDRESS: Written comments should be addressed to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W. Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Arthur Corazzini (202) 456–7730.

SUPPLEMENTARY INFORMATION: The standards relating to providers of insurance are basically the same as in the first program year. The Council has made two revisions in the standard for financial institutions, based on its experience with the first-year standard. First, the financial-institution standard has been extended to include sales-finance and consumer-finance companies, which were subject to the profit-margin limitation during the first year. The change reflects the Council's determination that finance companies are similar to banks and savings institutions, and should therefore be subject to the standard for such institutions. The primary standard, which limits the rate of return on equity or assets to a rate not to exceed the average rate for the best three out of the last five calendar years, is retained for the second program year.

Financial institutions that are unable to comply with the primary standard are provided an alternative standard. During the first program year, institutions complying with the alternative standard were requested to limit dividend payments during the period March 15, 1979, to March 15, 1980, to 107 percent of the amount paid during the prior 12-month period, and not to increase service charges (other than interest charges) during the period March 15, 1979, to March 15, 1980. During the second program year, the alternative standard limits dividend payments during calendar 1980 to 107 percent of the amount paid during calendar 1979. However, compliance units complying with the alternative standard during the one-year period ending March 15, 1980, are asked to observe an overall limit on dividend increases during the period March 15, 1979, through December 31, 1980, of 112.5 percent of the amount paid during the prior 12-month period. This provision allows a rate of increase of 7 percent per annum for the 21-month period. In addition, the second part of the alternative standard, which did not permit any increase in average noninterest service charges through the period ending March 15, 1980, has been revised to permit service charges to be increased on average by 3.5-percent during calendar 1980. Public comments have convinced us that the previous restriction was unnecessarily severe.

Issued in Washington, D.C., January 3, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, §§ 705.48, 705.49 and 705.50 are added to Part 705 of Title 6 to read as follows:

PART 705—NONINFLATIONARY PAY AND PRICE BEHAVIOR

§ 705.48 Price standard for medical and dental insurance providers.

(a)(1) *Standard.* Premiums for medical and dental insurance quoted or announced after January 1, 1980, should be determined in accordance with the standard for deceleration of inflation trend factors specified in this section.

(2) The revenue-weighted average of the inflation trend factors (or each of the inflation trend factors) should be no more than

(i) 100 percent of the base-period inflation trend factor, if the base-period factor is less than 8 percent, or

(ii) 8 percent plus 80 percent of the amount by which the base-period inflation trend factor exceeds 8 percent, if the base-period factor is 8 percent or more.

(3) For purposes of this paragraph:

(i) The inflation trend factors are the numerical factors, used in determining medical and dental insurance premiums, that reflect expected increases in claim costs due to increases in the prices of health services and in utilization of such services, net of the effect of benefit changes;

(ii) Base-period inflation trend factors may be computed in one of two ways: (A) as the average value of inflation trend factors in use on April 1, July 1 and October 1, 1978; or (B) the percentage increase (net of the effect of benefit changes) of per capita (insured unit) claims cost for the most recent 12-month period for which data were available as of January 1, 1980, relative to costs for the corresponding period one year earlier;

(iii) If a company can separate the price and utilization components of the base-period inflation factors and the utilization component is negative, the base-period inflation trend factors may be computed under the assumption that the utilization component is zero;

(iv) Notwithstanding the definition of "compliance unit" in 705.64, a firm should treat the following types of business operations as separate units (each of which may be disaggregated further in accordance with the definition of "compliance unit" in 705.64): (A) medical and dental insurance; (B) insurance other than medical and dental insurance; (C) life insurance, including pensions, annuities, and disability insurance; and (D) all other lines of business.

(b) If a company's loss ratio (i.e. the ratio of claims to premiums) based on at least three months medical and dental claims experience during 1980 exceeds that of the same period during 1979 by 3 percentage points or more, or the company can show that it will have negative profits for the program year, it may comply with the profit limitation in 705.6, commencing 30 days after filing supporting documentation with the Council. Alternatively, the company may request relief (in the form of

adjustments to their allowable trend factors) under the provisions of 705.6(b) and may use such adjusted trend factors commencing 30 days after filing supporting documentation with the Council, unless within that period the Council requests in writing that the company forestall use of such adjusted factors pending further review by the Council.

Those companies complying with the profit limitation in 705.6 should use the following definitions:

(1) A program year of calendar 1980, and a base year of calendar 1978;

(2) The relevant years for 705.6(a)(1) are calendar 1976, 1977, and 1978;

(3) Investment income is included in the definition of profit; and

(4) The physical volume adjustment is the ratio of program-year premiums at 1978 rate levels to 1978 premiums.

§ 705.49 Price standard for providers of insurance other than medical and dental insurance.

(a) *Coverage.* (1) Compliance units providing insurance other than medical and dental insurance should comply with the price standards in Subpart A of 6 CFR Part 705, subject to the provisions of this standard.

(2) Notwithstanding the definition of "compliance unit" in Subpart D of 6 CFR Part 705, firms should treat the following types of business operations as separate segments (each of which may be disaggregated further in accordance with the definition of "compliance unit"): (i) medical and dental insurance; (ii) life insurance, including pensions, annuities, and disability insurance; (iii) insurance other than medical and dental or life insurance; and (iv) all other lines of business.

(3) The life-insurance segment, including pensions, annuities, and disability insurance, is excluded from coverage under the price standards.

(4) Revenues from the following lines of insurance are excluded from calculations of average price changes as custom products in accordance with 6 CFR 705.4(a)(10):

(i) Negotiated commercial insurance coverages with annual premiums per contract of $1,000,000 or more;

(ii) Reinsurance;

(iii) Ocean marine insurance.

(5) 6 CFR 705.5(a) (Insufficient Product Coverage) does not apply to lines of insurance subject to this standard.

(b) *Definitions.* (1) For compliance units providing insurance subject to this standard:

(i) The first program year is calendar 1979;

(ii) The second program year is calendar 1980, and

(iii) The base quarter is the last calendar quarter of 1978.

(2) For purposes of applying the profit limitation in 6 CFR 705.6(a), a compliance unit providing lines of insurance subject to this standard should use the following definitions:

(i) The base year is calendar 1978;

(ii) The relevant years for calculating the allowable second-program-year profit margin 6 CFR 705.6(a)(1) are calendar 1976, 1977, and 1978;

(iii)(A) For compliance units providing property and casualty insurance, the profit margin is the ratio of "net income after dividends to policy holders," as reported at line 18B of the property and casualty annual report required for such firms by State insurance departments, to net "premiums earned;"

(B) Compliance units providing lines of insurance not covered by (A) but subject to this standard and filing comparable annual statements with the State commissions should use entries analogous to those specified in (iii)(A);

(iv) Investment income is included in the definition of profits;

(v) The physical volume adjustment is the ratio of second program-year premiums at 1978 rate levels to 1978 premiums.

(c) *Administration of the price standard for providers of insurance other than medical and dental insurance.* State insurance commissions will assist the Council in monitoring insurance companies' compliance with the price standards under a plan adopted by the National Association of Insurance Commissioners (NAIC).

(d) *Insurance brokerage.* An insurance brokerage company complies with the price standards if the average commission rate on which its revenues are based does not increase in calendar 1979 or 1980.

§ 705.50 Standard for financial institutions.

(a)(1) *Profit Standard.* A financial institution complies with the profit standard if either its rate of return on assets or its rate of return on equity for the program year does not exceed the average rate of return for the best three out of the preceding five calendar years.

(2) *Alternative Standard.* If the financial institution cannot comply with the standard in paragraph (1), it should satisfy both the following conditions:

(i) It should limit cash dividends during the 12-month period beginning January 1, 1980, to no more than 107 percent of the dividends during the preceding 12-month period, or if subject to the alternative standard applicable during the first program year, it should limit cash dividends during the period March 15, 1979, through December 31, 1980, to no more than 112.5 percent of cash dividends paid during the 12-month period prior to March 15, 1979;

(ii) Its average price increase for services (other than interest charges) during the second program year should be no more than 3.5 percent.

(b) *Eligibility.* Companies for which revenues from financial-institution operations account for at least 75 percent of total revenues are subject to the standard in paragraph (a) on a fully consolidated basis, including foreign operations. Other companies should apply the standard in paragraph (a) to the consolidation of their financial subsidiaries. The nonfinancial subsidiaries should comply with the price standard in Subpart A of Part 705 or with the appropriate modified standard in Subpart C of Part 705.

(c) *Definitions.* (1) The *program year* is calendar year 1980.

(2) "Financial institution" means a bank holding company, commerical bank, savings and loan holding company, savings and loan association, mutual savings bank, credit union, consumer-finance or sales-finance company, or substantially similar institution.

(3) "Dividends" does not apply to interest dividends to shareholders/depositors of mutually owned financial associations.

(4) In calculating rates of return, commerical banks and bank holding companies should use the following definitions:

(i) Numerator. The numerator is operating income before provision for income taxes and security gains and losses with the following adjustments:

(A) Unrealized gains and losses resulting from the translation of assets and liabilities denominated in foreign currencies into their dollar equivalents, net of related hedging transactions, are excluded;

(B) The provision for loan losses is added back to income;

(C) Interest lost on nonperforming and renegotiated loans is added back to income;

(D) The difference between tax-exempt income and its pre-tax equivalent is added back to income.

(ii) *Denominator.* At the option of the bank or bank holding company, the denominator may be either the daily average of (i) equity or net worth, including preferred stock, common stock, surplus, and undivided profits, or (ii) total assets minus the lesser of (A) or (B), where (A) is the sum of the daily averages of due from banks (including balances at Federal Reserve banks and total balances at other banks), Federal

funds sold and securities purchasesd under agreements to resell, and where (B) is the sum of the daily averages of due to banks (including interest-bearing balances due to other banks), Federal funds purchased and securities sold under agreements to purchase. If the daily averages are not available, averages may be based on month-end balances or balances taken from the four quarterly Reports of Condition for the years in question and the previous year-end Report of Condition.

(5) In calculating rates of return, savings and loan associations, savings and loan holding companies, and equivalent institutions should use the following definitions.

(i) *Numerator.* The numerator is income before provision for income taxes with the following adjustments:

(A) The provision for losses and losses on sale of investment securities, loans, and other assets is added back to income;

(B) The profit on sale of investment securities is eliminated from income.

(ii) *Denominator.* At the option of the institution, the denominator may be either the daily average of total assets or net worth. If daily averages are not available, averages may be based on month-end balances, or balances taken from the two Semiannual Financial Reports for the year in question and the previous year-end report.

(6) In calculating rates of return, mutual savings banks should use the following definitions.

(i) *Numerator.* The numerator is operating income before provision for income taxes and security gains and losses with the following adjustments:

(A) The provision for loan losses is added back to income;

(B) Interest loss on nonperforming and renegotiated loans is added back to income;

(C) The difference between tax-exempt income and its pre-tax equivalent is added back to income.

(ii) *Denominator.* At the option of the bank, the denominator may be either the daily average of total assets or other surplus accounts. If daily averages are not available, averages may be based on month-end balances or balances taken from the four quarterly Reports of Condition for the year in question and the previous year-end Report of Condition.

(7) In calculating rates of return, credit unions should use the following definitions.

(i) *Numerator.* The numerator is total operating income minus operating expenses and dividends plus the provision for loan losses.

(ii) *Denominator.* At the option of the credit union, the denominator may be either the daily average of total assets or the sum of total reserves and retained earnings. If daily averages are not available, the averages may be based on month-end balances.

(8) In calculating rates of return, consumer-finance and sales-finance companies should use the following definitions:

(i) *Numerator.* The numerator is income before provision for income taxes, plus provision for loan losses.

(ii) *Denominator.* At the company's option, the denominator may be either the average of total assets or net worth based on quarterly reports of the year in question and the previous year-end report.

[FR Doc. 80-495 Filed 1-7-80; 8:45 am]

BILLING CODE 3175-01-M

COUNCIL ON WAGE AND PRICE STABILITY

Anti-Inflation Price Standards; Request to Companies Covered by Financial Institutions and Insurance Standards to File Form CO–1 (Price)

AGENCY: Council on Wage and Price Stability.

ACTION: Request to File Form CO–1 (Price).

SUMMARY: In another document issued today, the Council is issuing interim price standards for financial institutions and for providers of insurance. Companies covered by these standards are being asked to file Form CO–1 (Price) by February 15, 1980, or fifteen (15) days after publication of the final standards, whichever is later.

FOR FURTHER INFORMATION CONTACT: Arthur Corazzini, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506, (202) 456–7730.

SUPPLEMENTARY INFORMATION: Companies now subject to the interim standards for financial institutions and for providers of insurance, 6 CFR 705.48, 705.49, and 705.50, were exempted from filing Form CO–1 (Price), specifying company organization for the second program year, since the standards had not yet been issued by the form's due date, December 17, 1979. In accordance with paragraph E(2) of the instructions to that form, the Council is hereby requesting any such company, having at least $250 million in net sales or revenues (from domestic operations) in its last complete fiscal year before October 2, 1979, to file Form CO–1 (Price) by February 15, 1980, or fifteen (15) days after publication of the final standards, whichever is later.

Issued in Washington, D.C., January 3, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

[FR Doc. 80–494 Filed 1–7–80; 8:45 am]

BILLING CODE 3175–01–M

federal register

Tuesday
January 8, 1980

Part III

Department of Health, Education, and Welfare

Public Health Service

National Research Service Awards; Technical Amendments

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 66

National Research Service Awards; Technical Amendments

AGENCY: Public Health Service, HEW.

ACTION: Final rule.

SUMMARY: This notice amends the regulations for the National Research Service Awards program. The amendments are intended to comply with statutory changes mandated by the Community Mental Health Centers Extension Act of 1978 (Pub. L. 95–622) and the Health Services Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95–623). The amendments expand the scope of the regulations to cover additional programs, liberalize service payback and financial payback requirements, and make minor, technical changes in the regulations.

DATES: Changes required by Pub. L. 95–622 and 95–623 are effective as provided in these laws. Other changes become effective on January 8, 1980.

FOR FURTHER INFORMATION CONTACT: William Raub, Ph.D., Associate Director for Extramural Research and Training, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–1096.

SUPPLEMENTARY INFORMATION: On May 2, 1975, final regulations were published in the **Federal Register** (40 FR 19314) implementing section 472 of the Public Health Service Act (42 U.S.C. 289*l*–1) regarding National Research Service Awards. These regulations are codified in 42 CFR Part 66. Except in a few particulars, the regulations have remained unchanged since their original publication.

On November 9, 1978, Pub. L. 95–623 expanded the scope of section 472 to include the National Center for Health Services Research, the National Center for Health Statistics, and the National Center for Health Care Technology. In order to simplify the regulations, and reduce the need for future amendments, the applicability clauses in the regulations (§§ 66.101 and 66.201) are being amended to refer simply to appropriate provisions in section 472. That is, there will be no attempt to reiterate the provisions in the regulations. In addition, other sections of the regulations are being amended so they will be more general, to cover organization components already authorized to use section 472, those added by Pub. L. 95–623, and those which may be added in the future.

Pub. L. 95–622, also enacted on November 9, 1978, made a number of modifications in section 472, which require conforming changes in the regulations, as follows:

1. Several sections are being qualified to take account of the provision that Awards made for periods not in excess of three months are no longer subject to any payback requirement.

2. Section 66.106(a)(1), which formerly required individual Awards to be reviewed and approved by national advisory councils, is being deleted.

3. Sections 66.106 and 66.205 are being amended to permit awards for periods not exceeding five years in the aggregate for predoctoral training and three years in the aggregate for postdoctoral training.

4. Section 66.107 is being amended to place greater emphasis on the importance of increases in the cost of living in determining stipend levels.

5. Section 66.110 is being amended in several particulars:

(i) By changing the financial payback formula to give full credit for partial service payback.

(ii) To make the required period of service payback equal to the period of support, whether the service payback is in health research or teaching, or acceptable alternate service payback.

(iii) Current § 66.110(a)(2)(ii), which formerly allowed service payback for private practice in certain geographical areas, is being deleted.

(iv) The words "of stipends" are being deleted from current § 66.110(c) to conform the formula for financial payback to the statutory language.

6. The suspension and waiver requirements in § 66.111 are being modified to refer to "substantial," rather than "extreme" hardship.

In addition to the foregoing, Subpart B of the regulations is being modified to take account of the fact that 45 CFR Part 74, the Department's regulations on administration of grants, now apply fully to all grants authorized by Subpart B, not just those to State and local governments.

Also, provisions have been added to the regulations reminding applicants of their obligation to comply with the NIH Guidelines for Research Involving Recombinant DNA Molecules.

Finally, the provision in § 66.102(h), which permits awards for prebaccalaureate training under the Minority Access to Research Careers program of the National Institute of General Medical Sciences, has been extended to cover a similar program of the Alcohol, Drug Abuse, and Mental Health Administration.

The amendments outlined above are intended solely to conform Part 66 with section 472, as amended, and to make a few minor, technical changes. Hence, no purpose would be served by publishing these changes as a notice of proposed rulemaking, and the Department finds that good cause exists for dispensing with this step.

Dated: September 25, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: December 31, 1979.

Patricia Roberts Harris,

Secretary.

Accordingly, Part 66 of 42 CFR is amended to read as follows:

PART 66—NATIONAL RESEARCH SERVICE AWARDS

Subpart A—Direct Awards

Sec.
66.101 Applicability.
66.102 Definitions.
66.103 Eligibility.
66.104 Application.
66.105 Requirements.
66.106 Awards.
66.107 Payments to awardees.
66.108 Payments to institutions.
66.109 Termination.
66.110 Service, payback, and recovery requirements.
66.111 Suspension, waiver, and cancellation.
66.112 Other HEW regulations and policies that apply.
66.113 Publications.
66.114 Copyright.
66.115 Inventions and discoveries.
66.116 Additional conditions.

Subpart B—Institutional Grants

Sec.
66.201 Applicability.
66.202 Definitions.
66.203 Eligibility.
66.204 Application.
66.205 Requirements.
66.206 Grant awards.
66.207 Other HEW regulations and policies that apply.
66.208 Additional conditions.

Authority: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 472, 88 Stat. 342 (42 U.S.C. 289*l*–1).

Subpart A—Direct Awards

§ 66.101 Applicability.

The regulations in this subpart apply to National Research Service Awards made by the Secretary to individuals for research, and training to undertake research, under section 472(a)(1)(A) of the Public Health Service Act, as amended (42 U.S.C. 289*l*–1(a)(1)(A)).

§ 66.102 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Nonprofit" institution means a corporation or association in which no part of the net earnings inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Award" means a National Research Service Award under section 472 of the Act (42 U.S.C. 289*l*–1).

(e) "Residency" means post-graduate training for doctors of medicine, osteopathy, dentistry, optometry, and podiatry, nurses, and other individuals providing health care directly to patients, in which the majority of the time is spent in non-research clinical training.

(f) "National Health Service Corps" means the Corps referred to in section 331 of the Act (42 U.S.C. 254d).

(g) "Noncitizen national of the United States" means a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(h) "Predoctoral training" means training at the post-baccalaureate level in a program leading to the award of a doctor of philosophy or science, or equivalent degree. For purposes of Awards under the minority access to research careers programs of the National Institute of General Medical Sciences and the Alcohol, Drug Abuse, and Mental Health Administration, "predoctoral training" also means training in a program leading to the award of a baccalaureate degree in science or equivalent degree.

(i) "Postdoctoral training" means training of individuals holding a doctor of philosophy, science, medicine, dentistry, osteopathy, optometry, podiatry, veterinary medicine, engineering, nursing sciences, public health, or equivalent degree.

§ 66.103 Eligibility.

To be eligible for a National Research Service Award an individual must:

(a) Be a citizen, noncitizen national of the United States, or lawfully admitted to the United States for permanent residence at the time of application; and

(b) Propose to engage on a full-time basis in research, or training to undertake research, in a program specified in section 472(a)(1)(A) of the Act.

§ 66.104 Application.

(a) Application for an Award under this subpart shall be made on a form approved for that purpose by the Secretary. Applicants shall submit completed forms on or before the dates the Secretary may prescribe.

(b) In addition to any other pertinent information that the Secretary may require, each application shall set forth in detail:

(1) The applicant's educational background and other qualifications and experience, including previous academic and professional degrees;

(2) The subject area of the proposed research or training;

(3) The proposed period of Award;

(4) If the proposed period of Award would provide the individual with aggregate support in excess of five years at the predoctoral level or three years at the postdoctoral level, the justification for this request; and

(5) The availability of necessary resources facilities at the institution where the research or training would be conducted.

§ 66.105 Requirements.

The Secretary shall make an award to an individual under this subpart only if:

(a) For any Award made for a period in excess of three months, the individual has submitted to the Secretary a written assurance (in the form the Secretary may prescribe) that he or she will satisfy the requirements of § 66.110;

(b) If the proposed research or training would take place at an institution other than one operated by the Public Health Service agencies listed in section 472(a)(1)(A) of the Act, the institution has submitted a written assurance (in the form the Secretary may prescribe). The assurance shall indicate that:

(1) The applicant has been accepted to the institution for the purpose of engaging in the research or training for which an Award is being sought;

(2) The Award will not be used to support a residency; and

(3) In the event an Award is made, the institution will make available to the applicant any resources and facilities described in the application as necessary to carry out the research or training.

(c) Effective July 1, 1975, the proposed research or training is in a subject area for which there is a need for personnel, as determined under section 473 of the Act (42 U.S.C. 289*l*–2); and

(d) The individual has submitted a written assurance (in the form the Secretary may prescribe) that the Award will not be used to support a residency.

§ 66.106 Award.

(a) Within the limits of funds available, the Secretary shall make Awards to those applicants:

(1) Who have satisfied the requirements of § 66.105; and

(2) Whose proposed research or training would, in the judgment of the Secretary, best promote the purposes of section 472(a)(1)(A) of the Act, taking into consideration among other pertinent factors:

(i) The scientific, technical, or educational merit of the particular proposal;

(ii) The availability of resources and facilities to carry it out;

(iii) The qualifications and experience of the applicant; and

(iv) The need for personnel in the subject area of the proposed research or training.

(b) All Awards shall be in writing. Each shall specify:

(1) The period of the Award;

(2) The total recommended stipends and allowances provided for the entire Award period;

(3) The amount awarded for the initial year of that period (see § 66.107); and

(4) The amount of the payments to the institution for the cost of services provided the awardee by the institution during the initial year of that period (see § 66.108).

(c) Neither the approval of any application nor any Award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other Award with respect to any approved application or portion thereof.

(d) No individual may receive an aggregate of more than five years of support at the predoctoral level and three years at the postdoctoral level unless the Secretary waives, for good cause shown, this limitation for the individual. In determining what constitutes "good cause," the Secretary shall take into account such factors as whether the applicant proposes to pursue a combined program leading to the degrees of doctor of medicine and doctor of philosophy.

§ 66.107 Payments to awardees.

(a) Individuals receiving Awards shall be entitled to the stipends and allowances the Secretary may designate, taking into account the cost of living, and such other factors as the needs of the program and the availability of funds.

(b) Payments of stipends and allowances shall, at the discretion of the Secretary, be made to the awardee or the sponsoring institution for payment to the awardee.

§ 66.108 Payments to institutions.

The institution shall be entitled to an allowance to help defray the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided to the individual by the institution. The Secretary shall determine the amount of payments based upon reasonable costs to the institution of establishing and maintaining the quality of research and training programs for which it receives support under this subpart. The Secretary may make payments to the institution either in advance or by way of reimbursement.

§ 66.109 Termination.

(a) The Secretary may terminate an Award prior to its normal expiration date:

(1) At the written request of the awardee; or

(2) If the Secretary finds that the awardee has materially failed to comply with the terms and conditions of the Award or to carry out the purpose for which it was made.

(b) In the event an Award is terminated, the Secretary shall notify the awardee in writing of this determination, the reasons for termination, the effective date, and any procedural rights available.

§ 66.110 Service, payback, and recovery requirements.

(a) Each individual who receives an Award made for a period in excess of three months shall upon completion of the Award engage for a period equal to the period of support in health research or teaching or, when in academic employment, any combination of research or teaching which is in accordance with the usual patterns of such employment.

(b) If the individual is a physician, dentist, nurse, or other individual trained to provide health care directly to individual patients, and if the Secretary determines that there are no suitable research or teaching positions available to the individual, and so authorizes the individual, the individual may:

(1) Serve as a member of the National Health Service Corps for a period equal to the period of support; or

(2) Provide services in his or her specialty for a health maintenance organization to which payments may be made under section 1876 of Title XVIII of the Social Security Act and which serves an underserved population (as defined in section 1302(7) of the Act) for a period equal to the period of support.

(c) If the individual is not trained to provide health care directly to individual patients, and if the Secretary determines that there are no suitable research or teaching positions available to the individual, and so authorizes the individual, the individual may engage in a health activity appropriate to his or her education and training for a period equal to the period of support.

(d) Except as provided in § 66.111, an individual subject to the requirements for service in paragraphs (a) through (c) of this section must begin to undertake the service on a continuous basis within two years after the termination of his or her Award.

(e) If the individual fails to undertake or perform the service in accordance with the requirements of paragraphs (a) through (d) of this section, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula:

$$A = \phi \frac{t-s}{t}$$

in which "A" is the amount the United States is entitled to recover; "ϕ" is the sum of the total amount paid under one or more Awards to the individual; "t" is total number of months in the individual's service obligation; and "s" is the number of months of the obligation served by him or her in accordance with paragraphs (a) through (c) of this section.

(f) Except as provided in § 66.111, the individual shall pay to the United States any amount which the United States is entitled to recover under paragraph (e) within a three-year period beginning on the date the United States becomes entitled to recover that amount. Interest shall accrue to the United States until any amount due the United States under paragraph (e) of this section is paid. The rate of interest will be fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to recovery.

§ 66.111 Suspension, waiver, and cancellation.

(a) The Secretary may extend the period for undertaking service prescribed in § 66.110(d), permit breaks in service under § 66.110(d), or extend the period for repayment under § 66.110(f) if the Secretary determines that:

(1) An extension or break in service is necessary so the individual may complete his or her research training;

(2) Completion during the period would be impossible because the individual is temporarily disabled; or

(3) Completion during the period would involve a substantial hardship to the individual and failure to extend the period would be against equity and good conscience.

(b) The Secretary may waive, in whole or in part, the obligation of the individual to repay pursuant to § 66.110(e) if the Secretary determines that:

(1) Fulfillment would be impossible because the individual is permanently and totally disabled; or

(2) Fulfillment would involve a substantial hardship to the individual and enforcement of the obligation would be against equity and good conscience.

(c) In making determinations under §§ 66.111(a)(3) and (b)(2), the Secretary will take into consideration such factors as:

(1) The individual's present financial resources and obligations;

(2) The individual's estimated future finanical resources and obligations;

(3) The reasons for the individual's failure to complete the requirements within the prescribed period, such as problems of a personnal nature;

(4) The extent to which the individual has been engaged in activities encompassed by §§ 66.110(a) through 66.110(c);

(5) Whether the individual has received sufficient training to be qualified to perform any such activities;

(6) The unavailability of employment opportunities appropriate to the individual's education and training; and

(7) Any other extenuating circumstances.

(d) Any obligation of any individual under this subpart will be cancelled upon the death of that individual.

§ 66.112 Other HEW regulations and policies that apply.

Several other regulations and policies may apply to individuals and institutions receiving payments under this subpart. These include, but are not limited to:

45 CFR Part 46—Protection of human subjects.

45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81—Practice and procedure for hearings under Part 80.

45 CFR Part 84—Nondiscrimination on the basis of handicap in federally assisted programs.

45 CFR Part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.

45 CFR Part 91—Nondiscrimination on the basis of age in programs or activities receiving federal financial assistance.

43 FR 60108—Guidelines for Research Involving Recombinant DNA Molecules,

published by the National Institutes of Health.

§ 66.113 Publications.

Publication, distribution, and disposition of all manuscripts and other materials resulting from an Award shall be subject to the conditions that all such materials shall bear appropriate acknowledgement of Department of Health, Education, and Welfare support and that the awardee shall furnish copies of these manuscripts or other materials as the Secretary may reasonably request.

§ 66.114 Copyright.

Where the work accomplished under an Award results in a book or other copyrightable material, the author is free to copyright the work, but the United States reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the Award.

§ 66.115 Inventions and discoveries.

(a) Any Award is subject to the regulations of the Department of Health, Education, and Welfare set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which Award funds are in fact used, whether within the scope of the Award as approved or otherwise. Each such invention or discovery shall be promptly and fully reported to the Assistant Secretary for Health, Department of Health, Education, and Welfare.

(b) Determination as to ownership and disposition of rights to such invention or discovery, including whether a patent application shall be filed, and, if so, the manner of obtaining, administering, and disposing of rights under any patent application or patent which may issue shall be made either:

(1) By the Assistant Secretary for Health, whose decision shall be final, or

(2) Where an Award is made to an individual for research or training at a non-Federal public or nonprofit private institution having a separate formal institutional patent agreement with the Department of Health, Education, and Welfare, by the institution in accordance with that agreement.

§ 66.116 Additional conditions.

The Secretary may with respect to any Award or class of Awards impose additional conditions prior to or at the time of any Award when in the Secretary's judgment such conditions are necessary to assure the carrying out of the purposes of the Award, the interests of the public health, or the conservation of funds awarded.

Subpart B—Institutional Grants

§ 66.201 Applicability.

The regulations in this subpart apply to grants under section 472 (a)(1)(B) of the Public Health Service Act, as amended (42 U.S.C. 289/–1(a)(1)(B)), to public insititutions and to nonprofit private institutions to enable these institutions to make National Research Service Awards to individuals for research, and training to undertake research, in programs specified in section 472(a)(1)(B) of the Act.

§ 66.202 Definitions.

The definitions in § 66.102 of Subpart A of this part apply to this subpart.

§ 66.203 Eligibility.

To be eligible for a grant under this subpart, an applicant must be:

(a) A public or nonprofit private institution; and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 66.204 Application.

(a) Application for a grant under this subpart shall be made on a form approved for that purpose by the Secretary. Applicants shall submit completed forms on or before the dates the Secretary may prescribe.

(b) In addition to any other pertinent information that the Secretary may require, each application shall set forth in detail:

(1) The subject area or areas in which the proposed research or training will be conducted;

(2) The resources and facilities available for use by recipients of Awards in carrying out this research or training;

(3) The names, qualifications, and experience of the program director and principal staff members who will be responsible for the proposed program;

(4) The criteria to be employed in selecting recipients of Awards;

(5) The estimated number of recipients of Awards under the grant;

(6) The proposed period of support and a detailed budget and justification for the amount of grant funds requested; and

(7) Proposed methods for monitoring and evaluating the performance of individual recipients of Awards, as well as the overall program.

§ 66.205 Requirements.

(a) No Award shall be made to an individual from a grant under this subpart unless:

(1) For any Award made for a period in excess of three months, the individual has submitted to the Secretary a written assurance (in the form the Secretary may prescribe) that he or she will satisfy the requirements of § 66.110 of Subpart A of this part;

(2) Effective July 1, 1975, any Award is for research or training in a subject area for which there is a need for personnel, as determined under section 473 of the Act (42 U.S.C. 289/–2);

(3) The individual is a citizen or noncitizen national of the United States or has been lawfully admitted to the United States for permanent residence at the time of application;

(4) The Award includes a provision for termination in the event the recipient is found by the institution to have materially failed to comply with the terms and conditions of the Award or to carry out the purpose for which it was made; and

(5) The Award is not to be used to support a residency.

(b) No Award shall be made to an individual under such grant which would provide that individual with aggregate support in excess of five years for predoctoral training and three years for postdoctoral training, unless the Secretary for good cause shown as provided in § 66.106(c) of Subpart A of this part, waives the application of the limitation with respect to that individual.

(c) The provisions of §§ 66.110 and 66.111 of Subpart A of this part constitute terms and conditions of any Award made from a grant under this subpart.

§ 66.206 Grant awards.

(a) Within the limits of funds available, the Secretary shall award grants to those applicants:

(1) Whose applications have been reviewed and recommended for approval by the appropriate national advisory council or board;

(2) Who have satisfied the requirements of § 66.205; and

(3) Whose proposed programs would, in the judgment of the Secretary, best promote the purposes of section 472(a)(1)(B) of the Act, taking into consideration among other pertinent factors:

(i) The scientific, technical, or educational merit of the proposed program;

(ii) The adequacy of the resources and facilities available to the applicant;

(iii) The qualifications and experience of the program director and principal staff members;

(iv) The degree of the need for personnel in the subject area or areas of the proposed research or training;

(v) The administrative and managerial capability of the applicant;

(vi) The reasonableness of the proposed budget in relation to the proposed program; and

(vii) The adequacy of the methods for monitoring and evaluating the performance of individual recipients and the overall program.

(b) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 3–5 years.

(c) Generally the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of such awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by HEW that continued funding is in the best interest of the government.

(d) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

§ 66.207 Other HEW regulations and policies that apply.

Several other regulations and policies apply to grants under this subpart. These include, but are not limited to:

45 CFR Part 16—Department grant appeal process.
45 CFR Part 46—Protection of human subjects.
45 CFR Part 50—PHS grant appeals process.
45 CFR Part 74—Administration of grants.
45 CFR Part 75—Informal grant appeals procedures (indirect cost rates, and other cost allocations).
45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81—Practice and procedure for hearings under Part 80.
45 CFR Part 84—Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.
45 CFR Part 91—Nondiscrimination on the basis of age in programs or activities receiving federal financial assistance.
43 FR 60108 —Guidelines for Research Involving Recombinant DNA Molecules, published by the National Institutes of Health.

§ 66.208 Additional conditions.

The Secretary, may with respect to any grant award impose additional conditions prior to or at the time of any award when in the Secretary's judgment those conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

[FR Doc. 80-537 Filed 1-7-80; 8:45 am]
BILLING CODE 4110-08-M

Federal Register

Tuesday
January 8, 1980

Part IV

Department of the Treasury

Office the Secretary

Final Procedures for Implementation of the National Environmental Policy Act (NEPA) Regulations

DEPARTMENT OF THE TREASURY

Office of the Secretary

Final Procedures for Implementation of the NEPA Regulations

AGENCY: Department of the Treasury.

ACTION: Notice of final Treasury procedures to supplement the Council on Environmental Quality's (CEQ) Regulations (40 CFR Parts 1500–1508) for implementing the procedural provisions of the National Environmental Policy Act (NEPA).

SUMMARY: These final procedures, in the form of a Treasury directive effective July 30, 1979, are published as required by Section 1507.3(a) of the CEQ Regulations. Draft procedures were published in the Federal Register of July 6, 1979 (44 FR 39692), for public review and comment. No comments or questions were received from the public, but several Treasury components, as a result of an internal review, submitted editorial and technical comments on the draft procedures. Upon consideration, some of the internal Treasury comments were incorporated in the final procedures which are presented below. Since these procedures will be issued as an internal directive in the Department of the Treasury Directives Manual, the criteria and procedures established by Treasury to implement Executive Order 12044, "Improving Government Regulations," are not applicable.

AUTHORITY: 40 CFR Part 1507.3.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony V. DiSilvestre or Ms. Andrea Casement, Office of Administrative Programs (AAE), Department of the Treasury, Washington, DC 20220 (202–376–0289).

The text of the Treasury Directive is as follows:

Subject: Department of the Treasury Environmental Quality Program

1. *Purpose.* This directive establishes policy, standards, and procedures for supplementing and implementing the Council on Environmental Quality Regulations (hereinafter the CEQ Regulations) on the National Environmental Policy Act (NEPA).

2. *Scope.* This directive applies to the Office of the Secretary and all bureaus.

3. *Cancellation.* "Department of the Treasury Procedures for Preparation and Coordination of Environmental Impact Statements," (39 FR 14796), May 1, 1974.

4. *Effective Date.* The provisions of this directive are effective as of July 30, 1979.

5. *Authority and References.* a. National Environmental Policy Act of 1969, as amended (42 U.S.C. 4221 et seq.).

b. Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970, as amended by Executive Order 11991, May 24, 1977.

c. Council on Environmental Quality, "National Environmental Policy Act Regulations," 40 CFR Parts 1500–1508 (43 FR 55978), November 29, 1978.

d. Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609).

e. Executive Order 11988, "Floodplain Management," May 24, 1977.

f. Executive Order 11990, "Protection of Wetlands," May 24, 1977.

g. Water Resources Council, "Floodplain Management Guidelines" (43 FR 6030), February 10, 1978.

6. *Policy.* It is recognized that some major actions of the Department may have a significant impact on the human environment, and it is the policy of the Department to fully evaluate its actions, as necessary, in accordance with the requirements of the CEQ Regulations and NEPA. It is further recognized, however,. that certain actions may result from statutory requirements involving little or no discretion on the part of the Department, and that in the case of such actions, NEPA and the CEQ Regulations may not be applicable.

7. *Responsibilities.* a. *Assistant Secretary (Administration),* is hereby designated as the Departmental Environmental Quality Officer (EQO), and the liaison official for the Department with the Council on Environmental Quality (CEQ), the Environmental Protection Agency (EPA), and other departments and agencies concerning environmental matters, and is responsible for:

(1) Insuring that the actions of Treasury offices and bureaus (hereafter referred to as "bureaus"), with respect to the fulfillment of NEPA and the CEQ Regulations, are duly coordinated;

(2) Providing guidance to bureaus on environmental policy and requirements;

(3) Assisting bureaus in reviewing and assessing the environmental impact of proposed Treasury actions;

(4) Providing guidance in the preparation, scoping, processing, and distribution of environmental assessments and environmental impact statements (EISs);

(5) Receiving for clearance action all environmental assessments and impact statements, draft and final, originating in the Department;

(6) Receiving all environmental assessments and impact statements submitted by other agencies to the Department and coordinating the appropriate review and reply; and

(7) Performing such other functions as are specified in this directive or are appropriate under the CEQ Regulations or other instructions or recommendations of CEQ, the Water Resources Council, and EPA concerning environmental matters.

b. *Assistant Director (Environmental Programs), Office of Administrative Programs, (AAE),* under the general supervision of the Director of Administrative Programs, serves as the Departmental Working Level NEPA Liaison and provides staff support to the Assistant Secretary (Administration) in carrying out all the above mentioned duties.

c. *Assistant Secretaries and Heads of Bureaus* are responsible for:

(1) The preparation, consideration, and appropriate circulation of environmental assessments and impact statements when an action or policy area in question falls under their jurisdiction;

(2) The issuance of any supplementary procedures consistent with this directive for the implementation of NEPA which the bureau deems necessary. Any such procedures issued after July 30, 1979 shall be submitted for review and concurrence by the Departmental EQO, and any procedures in existence at such date shall, with similar review and concurrence, be revised in accordance with the CEQ Regulations and this directive. Such procedures shall be published in the bureau directive system.

(3) Assuring that communications with CEQ, EPA, and other governmental agencies or individuals, on matters concerning Treasury compliance with NEPA and the relevant CEQ Regulations, are signed by, or coordinated with, the Departmental EQO. Examples of such communications are letters transmitting EISs, and reports and all Departmental contacts relevant to Treasury Department compliance with NEPA and the CEQ Regulations. Unless special circumstances indicate that a different officer should act, communications announcing decisions to prepare EISs or assessments, requesting comments on draft statements, or transmitting final statements for the information of agencies or persons commenting on draft statements, shall also be signed by the Departmental EQO and, in the case of a Federal agency, shall be addressed to its Departmental EQO or equivalent official;

(4) Designating a Bureau Environmental Quality Officer (BEQO), and alternate; and

(5) Performing such other functions as specified in this directive.

d. *Bureau Environmental Quality Officers (BEQOs)* are responsible for:

(1) Identifying bureau actions requiring an environmental assessment or impact statement;

(2) Making sure that each required assessment or statement is prepared timely and with the prescribed content by appropriate bureau staff;

(3) Ensuring the bureau's compliance with the requirements of NEPA, the CEQ Regulations, and this directive, in particular, by coordinating the review within the bureau of such statements and assessments, and by maintaining compliance with all applicable scheduling, scoping, consultation, circulation, public hearing, and publicity requirements; and

(4) Maintaining effective communication and consultation with the Departmental EQO and keeping key bureau officials informed of current developments in environmental policy and programs.

e. The Departmental EQO, and, at the EQO's request, the respective bureaus, shall be responsive to requests from the CEQ and EPA for reports or other information in connection with the implementation of NEPA, and for the preparation and circulation of EISs as required by Section 1506.9 of the CEQ Regulations.

f. The assessment of the environmental impact of actions concerning various areas of Treasury policy and operations as specified below, and the preparation of environmental impact statements relating thereto, shall be coordinated in consultation with the Departmental EQO and the officer having primary responsibility as follows:

Action Area	Officer With Coordinating Responsibility
Administration of facilities, physical operations, procurement, contracts, leases, etc.	Assistant Secretary (Administration).
Tax policy recommendation and legislation.	Assistant Secretary (Tax Policy).
Nontax legislative recommendations and reports.	General Counsel.
International environmental matters.	Assistant Secretary (International Affairs).
Energy and natural resource matters.	Assistant Secretary (Economic Policy).

8. *Background.* The National Environmental Policy Act of 1969 (NEPA) establishes national policies and goals for the protection of the environment. Section 102(2) of NEPA contains requirements directed toward the attainment of such goals. On November 29, 1978, CEQ issued new regulations implementing the procedural provisions of NEPA. The regulations are binding on all Federal agencies and require that, effective July 30, 1979, each agency adopt implementing procedures to supplement the CEQ Regulations.

9. *Terminology.* Part 1508 of the CEQ Regulations requires that the terminology contained therein shall be uniform throughout the Federal Government. Therefore the terminology in Part 1508 shall be employed for purposes of this directive.

10. *The NEPA Process.* a. *Ensure the NEPA Process is Integrated with Bureau Planning and Decisionmaking.*

(1) The ultimate purpose of NEPA is to ensure that public officials make decisions based on an understanding of the environmental consequences of proposed Federal actions. The means provided by NEPA to achieve its goals is called the "NEPA process" and is outlined in Section 102(2) of NEPA.

(2) To comply with NEPA, bureaus must ensure that the NEPA process is integrated with bureau planning and decisionmaking as early as possible (Section 1505.1 CEQ Regulations). Accordingly, bureaus shall:

(a) Make sure that final environmental impact statements or assessments and related documents accompany proposals through the entire review process.

(b) Consider and balance pertinent non-environmental factors with those relating to the environment, and consider all practicable alternatives and mitigation measures identified in the environmental documents.

(c) Make no decision on the proposed action until the timing requirements outlined in paragraph 12d(1) of this directive have been met.

(d) Prepare a concise public record of the decision at the time it is made, or, for a legislative EIS, at the time of its recommendation to Congress. This record will be prepared in accordance with Section 1505.2 of the CEQ Regulations.

b. *Early Involvement of the Bureaus in Actions Initiated by Non-Federal Entities.*

(1) Section 1501.2(d) of the CEQ Regulations requires agencies to provide for early involvement in actions which, while planned by private applicants or other non-Federal entities, require some form of Federal approval.

(2) To implement the requirements of Section 1501.2(d) with respect to these kinds of actions (for example, permits or approvals in connection with national banks or wineries) each bureau shall:

(a) Prepare where practicable, generic guidelines describing the scope and level of environmental information required from applicants as a basis for evaluating their proposed actions and make these guidelines available;

(b) Provide such guidance on a project-by-project basis to applicants seeking assistance from the bureau; and

(c) Upon receipt of an application for bureau approval, or notification that an application will be filed, consult as required with other appropriate parties to initiate and coordinate the necessary environmental analyses.

(3) The bureau shall independently evaluate the information submitted by the applicant and shall be responsible for its accuracy. If the bureau chooses to use the information submitted by the applicant in the environmental assessment or impact statement, it must include the names of the persons responsible for the independent evaluation in a list of preparers (Section 1506.5(a), CEQ Regulations).

(4) To facilitate compliance with the requirements above, private applicants and other non-Federal entities should be advised to:

(a) Contact the bureau as early as possible in the planning process for guidance on the scope and level of environmental information required to be submitted in support of their application;

(b) Conduct any studies which are deemed necessary and appropriate by the bureau to determine the impact of the proposed action on the human environment;

(c) Consult with appropriate Federal, regional State and local agencies and other potentially interested parties during preliminary planning stages to ensure that all environmental factors are identified;

(d) Submit applications for all Federal, regional, State and local approvals as early as possible in the planning process;

(e) Notify the bureau as early as possible of all other Federal, regional State, local and Indian tribe actions required for project completion so that the bureau may coordinate all Federal environmental reviews; and

(f) Notify the bureau of all known parties potentially affected by or interested in the proposed action.

c. *Identification of Typical Classes of Action requiring Similar Treatment Under NEPA.*

(1) Actions undetaken by the Department may be broken down into three main classes of action:

(a) Those actions normally requiring environmental impact statements;

(b) Those actions normally requiring environmental assessments but not necessarily environmental impact statement; and

(c) Those actions which require neither an environmental impact statement nor an environmental assessment (i.e., "categorical exclusion").

(2) The Department of the Treasury does not, in general, have responsibility for actions which will normally have significant effect on the quality of the human environment and, therefore, it is difficult to establish detailed criteria for determining what proposed actions within the Department may require an environmental assessment or impact statement. Decisions as to whether environmental documentation is required shall be made on a case-by-case basis by the head of the bureau involved in conjunction with the BEQO and the Departmental EQO. The following are exampes of bureau actions which fall within one of the classes of actions listed in subparagraph (1) above, and which might be used as an indication of the treatment which may be given to similar actions in the future.

(a) Bureau actions which would normally require environmental impact statements include proposals for approval of plastic liquor bottles by the Bureau of Alcohol, Tobacco and Firearms; proposals for major Treasury building projects involving land acquisition and construction of new facilities; or proposed major tax expenditure legislation by the Office of Tax Policy which may have a significant effect on the environment.

(b) Bureau actions which would normally require environmental assessments, but not necessarily environmental impact statements, include proposals to build new border stations by the Customs Service, or certain significant changes in the Federal Law Enforcement Training Center's training program.

(c) Bureau actions which are categorically excluded include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.), with no Federal control over the subsequent use of such funds; and Internal Revenue Service functions in the administration of the Internal Revenue Code, such as regulations interpreting, implementing, or clarifying code provisions, revenue and letter rulings and memorandums, revenue procedures, and forms and publications to assure proper record retention, reporting, and payment of tax as due.

(3) In the event a proposed bureau action falls within either category (a) or (b) of subparagraph (1) above, the bureau should take the appropriate actions outlined in this directive in paragraphs 11 and 12 following. If the proposed action is "categorically excluded" then the bureau need not address the environmental effects of the action before implementing the action.

11. *Environmental Assessments.* a. NEPA requires that for all proposals for legislation or other major Federal actions significantly affecting the quality of the human environment, the environmental implications of the proposal are to be explored.

b. Whenever it appears that a bureau matter, including the continuance of any action or program already initiated, could constitute a major action significantly affecting the quality of the human environment, whether beneficially or adversely, an environmental assessment shall be prepared as soon as possible, and at all times prior to the decision to take or to continue the action. Consistent with the views of the Departmental EQO, the head of the bureau, or an officer specifically designated by the bureau head for the purpose, shall prepare the assessment. The bureau EQO shall participate as appropriate in this preparation. The assessment shall be submitted to the Departmental EQO for review and approval.

c. To the extent practicable, other agencies, applicants, and the public should be involved in preparing the assessment (see also Section 1501.7, CEQ Regulations). Bureau responsibility for information provided by applicants for use in preparing an environmental assessment, or for assessments prepared by an applicant for a bureau, is outlined in Section 1506.5(b) of the CEQ Regulations.

d. In accordance with Section 1508.9 of the CEQ Regulations the environmental assessment shall:

(1) Describe the proposed action and the need for it;

(2) Briefly describe the environmental impacts of, and alternatives to, the proposed action, including mitigation measures;

(3) List the agencies and persons consulted; and

(4) Provide a brief analysis, based upon the above evidence, for determining whether to prepare an environmental impact statement or a finding of no significant impact.

e. The bureau shall make environmental assessments and findings of no significant impact available to the public in keeping with paragraph 14 of this directive.

f. An environmental assessment need not be prepared if a bureau has decided to prepare an environmental impact statement on a proposed action.

12. *Environmental Impact Statements.* a. Once it is determined that a bureau shall be responsible for preparing an environmntal impact statement, a notice of intent to prepare the EIS shall be promptly published in the Federal Register. The Departmental EQO will provide the BEQO with a sample of such notice and information on the procedures to be followed.

b. The scoping process, outlined in Section 1501.7 of the CEQ Regulations, shall be used for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action. The bureau involved and the Departmental EQO shall be responsible for carrying out the scoping process in accordance with the CEQ Regulations.

c. Section 1501.5(a) of the CEQ Regulations provides that a lead agency shall supervise the preparation of an environmental impact statement if more than one Federal agency either proposes or is involved in the same action, or is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity (see also Section 1506.2, CEQ Regulations). In the event the preparation of an EIS for a proposed bureau action requires the designation of a lead agency for either of these reasons, the head of the bureau shall contact the Departmental EQO for guidance. Any communications with other agencies which deal with lead agency designation shall be coordinated with the Departmental EQO. The criteria for, and responsibilities of, lead agencies and cooperating agencies are outlined in Sections 1501.5 and 1501.6 of the CEQ Regulations, respectively.

d. Impact statements shall first be issued in draft, for comment by government agencies and the public as appropriate. Final impact statements responsive to substantive comments received shall then be issued. The requirements for the preparation and circulation of draft and final statements (Part 1502 of the CEQ Regulations) are as follows:

(1) *Timing:* (a) The timing of the preparation, circulation, submission, and public availability of environmental impact statements is of great importance. Impact statements are not intended to be justification documents for proposed actions, but are to be objective evaluations of proposed actions and their alternatives in light of all reasonably pertinent environmental considerations (Section 1502.2(g), CEQ Regulations). Therefore, the preparation of an EIS shall be undertaken as early as possible in the bureau's process of considering the proposed action.

(b) Environmental impact statements are then filed with EPA. The Environmental Protection Agency, in turn, publishes a weekly notice in the Federal Register of the EISs filed during the preceding week. No decisions on the proposed action may be made by the bureau until the following time periods, calculated from the publication date of the EPA notice, have been observed:

1 Not less than 45 days for comment on draft statements (Section 1506.10(c), CEQ Regulations).

2 Not less than 90 days and 30 days, respectively, for public availability of draft and final statements prior to administrative actions. These periods may run concurrently (Section 1506.10(b) and (c), CEQ Regulations).

3 Not less than 15 days for public availability of draft statements prior to any relevant hearing on proposed administrative actions (Section 1506.6(c)(2), CEQ Regulations).

4 The time periods prescribed in *1* through *3* above may be extended or reduced, in specific instances, in accordance with Sections 1506.10(b)(2) and 1506.10(d) of the CEQ Regulations.

(2) *Securing Information:* (a) The full resources of the Department should be utilized in developing the factual and analytic information and reference sources required in the preparation of an environmental impact statement. In the great majority of instances, the assistance of other agencies, Federal, State, or local, with jurisdiction by law or special expertise concerning the environmental impacts involved should be sought. Further, in accordance with Section 1506.3 of the CEQ Regulations, bureaus may adopt, in whole or in part, a draft or final environmental impact statement prepared elsewhere in the Department or by another Federal agency.

(b) If BEQOs have difficulties in securing requisite information or need guidance in making necessary analyses, they should consult the Departmental EQO, who will assist in locating needed information through appropriate staff members of the CEQ, EPA, or other pertinent sources.

(3) *Writing and Content:* (a) Environmental impact statements are to be written in plain language, and may include appropriate graphics, so that bureau decisionmakers and the public can readily understand them (Section 1502.8, CEQ Regulations).

(b) The "scoping" process as discussed in paragraph 12b of this directive shall be utilized so that only the significant issues related to the proposed action are analyzed in depth.

(c) Environmental impact statements should be kept as concise as possible while still providing adequate, meaningful, and factual information and analysis to permit an evaluation of the proposed action from the environmental standpoint. Their length shall normally be less than 150 pages, and for proposals of unusual scope or complexity, less than 300 pages (Section 1502.7, CEQ Regulations). "Tiering" (Section 1502.20, CEQ Regulations) and "incorporation by reference" (Section 1502.21, CEQ Regulations) should be used, where appropriate, to insure that statements are kept concise.

(d) Quantitative information about the proposed action, including actual or estimated data on its probable effects, should be included to the greatest extent practicable. If a cost-benefit analysis of the proposed action has been prepared, it should be incorporated by reference or appended to the EIS as an aid in evaluating the environmental consequences (Section 1502.23, CEQ Regulations).

(e) All reasonable alternatives and their environmental impacts shall be addressed, regardless or whether or not they are within the authority of the Department (Section 1502.14(c), CEQ Regulations). Appropriate mitigation measures shall also be discussed (Section 1502.14(f), CEQ regulations). See also paragraph 16 below.

(f) The basic content requirements for EISs are set forth in Section 1502.10–25 of the CEQ Regulations. Bureaus shall follow the prescribed outline and content requirements described therein as closely as is feasible in each particular case.

(g) Each draft and final statement should refer to the underlying studies, reports, and other documents considered by the preparing bureau, and should indicate how such documents may be obtained. In general, with the exception of standard reference documents, such as Congressional materials, the bureau should maintain a file of the respective documents which may be consulted by interested persons. Even if especially significant documents are attached to the EIS, care should be taken to insure that the statement remains an essentially self-contained instrument easily understood by the reader without the need for undue cross reference.

(4) *Utilizing Contractors:* A contractor may be selected to prepare the EIS. Bureau responsibility, in the event a contractor is employed, is outlined in Section 1506.5(c) of the CEQ Regulations.

(5) *Circulation:* The entire draft and final EIS shall be circulated in accordance with Section 1502.19 of the CEQ Regulations. Appendices and unchanged statements may be treated in accordance with Sections 1502.18(d) and 1503.4(c) of the CEQ Regulations. If the statement is unusually long the bureau may circulate the summary instead (Section 1502.12, CEQ Regulations), except that the entire statement shall be furnished as specified in Section 1502.19 of the CEQ Regulations.

(6) *Commenting:* (a) With respect to draft EISs, it is essential that the bureaus consult with, and take account of the comments of, appropriate Federal, State and local agencies. This shall involve the formal solicitation of review and comments on the draft statement (Section 1503.1, CEQ Regulations). When appropriate, the procedures set forth in OMB Circular No. A–95, for obtaining State and local comments through clearing houses, shall be utilized (Section 1503.1(a)(2), CEQ Regulations).

(b) Comments should also be requested from individuals or organizations which appear to have a special interest in some significant environmental aspect of the proposed action (Section 1503.1(a)(4), CEQ Regulations).

(c) As to final statements, all substantive comments received on the draft (or summaries thereof where the comments are exceptionally long) should be attached to each copy, whether or not each such comment is thought to merit individual discussion in the text of the statement (Section 1503.4(b), CEQ Regulations).

(d) Section 102(2)(C) of NEPA requires that the final EIS shall accompany the proposal to which it relates through the agency review process. See paragraph 10a above for the proper utilization of final statements.

13. *Proposals for Legislation.* a. Legislative environmental impact statements are required to be included in recommendations or reports on legislative proposals to Congress which significantly affect the quality of the human environment. A legislative EIS shall be considered part of the formal transmittal of a legislative proposal to Congress; although it may be sent to Congress up to 30 days later in order to allow time for completion and accuracy. In all instances, the legislative statement must be available in time for Congressional hearings and deliberations in order that it may serve as a basis for public and Congressional debate (Section 1506.8(a), CEQ Regulations).

b. Bureaus with primary responsibility for legislative proposals originating in the Department, which will significantly affect the quality of the human environment, shall be responsible for preparing legislative EISs.

c. Preparation of a legislative impact statement shall conform to the requirements for EISs as provided in paragraph 12 of this directive except as follows:

(1) There need not be a "scoping" process.

(2) The legislative impact statement, although prepared in the same manner as a draft EIS, shall be considered the "detailed statement" required by statute. *Provided,* That, when any of the following conditions exist, both a draft and final legislative environmental impact statement shall be prepared and circulated as provided in Sections 1503.1 and 1506.10 of the CEQ Regulations:

(a) A Congressional Committee with jurisdiction over the proposal has a rule requiring both draft and final EISs.

(b) The proposal results from a study process required by statute.

(c) Legislative approval is sought for Federal or federally assisted construction or other projects which the bureau recommends be located at specific geographic locations. For proposals requiring an EIS for the acquisition of space by the General Services Administration, a draft statement shall accompany the Prospectus or the 11(b) Report of Building Project Surveys to the Congress, and a final statement shall be completed before site acquisition.

(d) The bureau decides to prepare draft and final statements.

d. Close coordination shall be maintained between the Office of the Departmental EQO and Office of General Counsel in relation to the latter's normal responsibility concerning Departmental legislative proposals.

14. *Public Involvement.* Section 1506.6 of the CEQ Regulations requires public involvement in the NEPA process. To comply with this requirement bureaus shall:

a. Provide for public hearings whenever appropriate. Whenever, under the normal policies or procedures of a bureau, a hearing would be held on a matter requiring the preparation of an environmental impact statement, the environmental aspects should be included in the hearing. In other cases the question of whether a hearing should be held with respect to an environmental matter shall be determined in accordance with the criteria set forth in Section 1506.6(c) of the CEQ Regulations. Normally, all hearings contemplated in this paragraph should be based on a draft EIS which should be made available to the public at least 15 days before the hearing.

b. Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents. The notice should be provided by the means most likely to inform those persons and agencies who may be interested or affected.

(1) Section 1506.6(b) of the CEQ Regulations provides notification methods that may be used, including publication in local newspapers of general circulation; notice to state and areawide clearinghouses pursuant to OMB Circular A–95; and notice by mail.

(2) A notice of the filing and availability of each EIS, draft, and final, shall be inserted in the **Federal Register** by the responsible bureau. The Departmental EQO will supply a sample outline of such notices and information on the procedures to be followed.

c. Make environmental impact statements and assessments, along with any comments and underlying documents, available to the public pursuant to the Freedom of Information act (5 U.S.C. 552), the Department's regulations thereunder (31 CFR Part 1), and the disclosure regulations of the bureau (Section 1506.6(f), CEQ Regulations).

(1) These documents are to be placed in the public reading room of the Treasury Library in the Main Treasury Building, Washington, D.C., and the public reading rooms of the bureaus if any are maintained. The documents may be read or copied during working hours.

(2) Copies to be made available to the public shall normally be provided without charge. However, when such costs are significant, the bureau may, with the approval of the Departmental EQO, establish a fee which shall not exceed the actual cost per copy of reproducing the copies.

d. Provide for public involvement as specified elsewhere in this directive.

15. *Filing and Distribution of Environmental Impact Statements and Supplemental Statements.* a. Five (5) copies of draft and final environmental impact statements, comments, and responses shall be filed with EPA, Attention: Office of Environmental Review (A–104), 401 M Street S.W., Washington, D.C. 20460.

b. At the same time as they are filed with EPA, EISs shall also be sent to commenting agencies and made available to the public (Section 1506.9, CEQ Regulations).

c. Any supplement made to an EIS shall be made a part of the formal record, if such a record exists, before a final decision on the proposal is made (Section 1502.9(c)(3), CEQ Regulations).

16. *Mitigation.* Bureaus shall ensure that mitigation measures that have been identified in environmental assessments and impact statements are carried out. Bureaus shall institute procedures, in coordination with the Departmental EQO, providing for "follow up" actions to ensure that the mitigation measures are carried out (Sections 1505.2(c) and 1505.3, CEQ Regulations).

17. *Commenting on Other Agencies Impact Statements.* a. As set forth in paragraph 7a(6) of this directive, the Departmental EQO shall receive all environmental impact statements submitted by other agencies for comment and coordinate the appropriate review and reply.

b. If any bureau receives a request for comment direct from another agency, the request, together with the respective EIS, shall be referred to the Departmental EQO for appropriate action.

c. Comments should be confined to matters within the jurisdiction or expertise of the Department. However, comments need not be limited to environmental aspects, but may relate to fiscal, economic, and other non-environmental matters of concern to the Department.

18. *Emergencies.* In the event of emergencies which prevent bureau observance of the provisions of this directive or the CEQ Regulations, the CEQ may be consulted, through the Departmental EQO, about alternative arrangements (Section 1506.11 CEQ Regulations).

19. *Other Requirements.* a. *Integrating Departmental Procedures With Other Environmental Review And Consultation Requirements.*

(1) Section 1501.7(a)(6) of the CEQ Regulations requires that, as part of the scoping process, agencies identify other environmental review and consultation requirements so that other required analyses and studies may be prepared concurrently with, and integrated with, environmental impact statements.

(2) The attention of the bureaus is directed particularly to the analyses and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.); the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 et seq.); the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); Executive Order 11988, "Floodplain Management," May 24, 1977; Executive Order 11990, "Protection of Wetlands," May 24, 1977; and similar requirements of other Acts and regulations such as these.

b. *EPA Review.* (1) *Section 309 of the Clean Air Act (42 U.S.C. 7609)* provides that the Administrator of EPA shall comment in writing on the environmental impact of any matter within the areas of EPA responsibility. Those areas include air and water quality, noise abatement and control,

pesticide regulation, solid waste disposal, and generally applicable environmental radiation criteria and standards. Whenever an applicable bureau action is involved in one of these areas, the bureau is required to submit five (5) copies of the respective environmental impact statement to EPA for review and comment, in addition to the five (5) copies required in paragraph 15a of this directive.

(2) If the Administrator of EPA determines that the matter "is unsatisfactory from the standpoint of public health or welfare or environmental quality," the matter is to be referred to the CEQ in accordance with the criteria and procedures outlined in Sections 1504.2 and 1504.3 of the CEQ Regulations.

(3) Under Section 102(2)(C) of NEPA other Federal agencies are authorized to make similar reviews and referrals in accordance with the criteria and procedures in Section 1504.2 and 1504.3 of the CEQ Regulations.

20. *Requirements for Floodplain Management and Protection of Wetlands.* a. Executive Orders 11988, "Floodplain Management," and 11990, "Protection of Wetlands," direct Federal agencies to ensure that the potential effects of any proposed actions they may take in a floodplain or wetland are considered and evaluated in their decisionmaking.

b. In a Federal Register notice of May 24, 1978 (43 FR 22311), the Department advised that, as a general rule, it does not engage in activities which would impact on floodplains or wetlands. It was further stated that no separate Treasury procedures implementing these Executive Orders would be issued, but rather than such procedures would be incorporated in this directive.

c. Procedures for floodplain management and protection of wetlands are as follows:

(1) To the extent possible, bureaus are to avoid actions which would result in modification or destruction of floodplains and wetlands and, wherever there is a practicable alternative, are to avoid direct or indirect support of new development or construction in floodplains or wetlands.

(2) In the case of any proposed Department action which may involve floodplains or wetlands, and which may require the preparation of an environmental assessment or impact statement, the assessment or statement shall include necessary data on the floodplain or wetlands in keeping with these procedures. In the event the proposed action does not require an assessment or impact statement, these procedures shall still be followed as concerns the floodplain or wetlands.

(3) In the event of floodplain or wetlands involvement, the following procedural steps are to be followed. Although these steps specifically mention floodplains, they are also applicable to wetlands involvement as appropriate:

(a) Determine if the proposed action is in a floodplain.

(b) Provide for public involvement in a floodplain management decisionmaking process by informing the public of the intent to locate in the floodplain, and by encouraging public comments thereon.

(c) Identify and evaluate practicable alternatives to locating in a floodplain, including alternative sites, alternative actions, or no action.

(d) If determined that the only practicable alternative is to locate in a floodplain, identify the impacts of the proposed action using the NEPA process identification and environmental assessment or impact statement procedures in this directive. Focus especially on the adverse impacts of the proposed action on lives and property in the area, and on natural and beneficial floodplain values.

(e) If harm to, or within, a floodplain may result from the proposed action, determine ways to minimize the harm and to restore and preserve the floodplain values.

(f) Reevaluate the proposed alternatives, based on the information obtained from steps (d) and (e) above, and consider whether the proposed action is still feasible at the site, or the proposed action may be limited. If neither is acceptable, reevaluate the no action alternative.

(g) A statement of findings and public explanation, including a brief comment period, must be provided for the proposed action if reevaluation determines that the proposed action is the only practicable alternative.

(h) These procedural steps are set forth in the Water Resources Council's (WRC) "Floodplain Management Guidelines." The WRC Guidelines should be utilized by the bureaus whenever there is any floodplain or wetlands involvement.

21. *Office of Primary Interest.* Assistant Director (Environmental Programs), Office of Administrative Programs, Office of the Assistant Secretary (Administration).

Robert Carswell,

Deputy Secretary of the Treasury.

January 3, 1980.

[FR Doc. 80-560 Filed 1-7-80; 8:45 am]

BILLING CODE 4810-25-M

federal register

Tuesday
January 8, 1980

Part V

Department of Labor

Office of the Secretary

Procedures for the Handling of Discrimination Complaints Under Federal Employee Protection Statutes

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 24

Procedures for the Handling of Discrimination Complaints Under Federal Employee Protection Statutes

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: This rule establishes procedures for the handling of employee complaints of discrimination under the employee protection provisions of the following Federal statutes: Safe Drinking Water Act, Water Pollution Control Act, Toxic Substances Control Act, Solid Waste Disposal Act, Clean Air Act, Energy Reorganization Act of 1974.

EFFECTIVE DATE: January 8, 1980.

FOR FURTHER INFORMATION CONTACT: George M. Lilly, Counsel, Employee Benefits Division, Office of the Solicitor, U.S. Department of Labor, Suite N2716, NDOL Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 357–0437.

SUPPLEMENTARY INFORMATION: Recent Congressional concern for the protection of "whistle-blower" employees from discriminatory actions by their employers has led to the enactment of special employee protection provisions in several federal statutes. Responsibility for the handling of these protections has been lodged with the Secretary of Labor. The Secretary of Labor has determined that uniform procedures are required for the orderly resolution of the complaints now being filed with the Secretary pursuant to these several statutory provisions.

The Department of Labor has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and Department of Labor Guidelines (44 FR 5570). This document was prepared under the supervision of Laurie M. Streeter, Associate Solicitor, Division of Employee Benefits.

Accordingly, since this rule relates only to procedural matters required by statute for which no proposed rulemaking is required, Subtitle A of Title 29 of the Code of Federal Regulations is hereby amended by the addition of the following new Part 24, which provides as follows:

PART 24—PROCEDURES FOR THE HANDLING OF DISCRIMINATION COMPLAINTS UNDER FEDERAL EMPLOYEE PROTECTION STATUTES

Sec.

24.1 Purpose and scope.
24.2 Obligations and prohibited acts.
24.3 Complaint.
24.4 Investigations.
24.5 Hearings.
24.6 Decisions and orders.
24.7 Judicial review.
24.8 Enforcement proceedings.
24.9 Exception.

Authority: 42 U.S.C. 300j–9(i); 33 U.S.C. 1367; 15 U.S.C. 2622; 42 U.S.C. 6971; 42 U.S.C. 7622; 42 U.S.C. 5851.

§ 24.1 Purpose and scope.

(a) This part implements the several Federal employee protection provisions for which the Secretary of Labor has been given responsibility pursuant to the following statutes: Safe Drinking Water Act, 42 U.S.C. 300j–9(i); Water Pollution Control Act, 33 U.S.C. 1367; Toxic Substances Control Act, 15 U.S.C. 2622; Solid Waste Disposal Act, 42 U.S.C. 6971; Clean Air Act, 42 U.S.C. 7622; Energy Reorganization Act of 1974, 42 U.S.C. 5851.

(b) Procedures are established by this part pursuant to the federal statutory provisions listed above, for the expeditious handling of complaints by employees, or persons acting on their behalf, of discriminatory action by employers.

§ 24.2 Obligations and prohibited acts.

(a) The several statutory employee protection provisions listed in § 24.1, above, provide that no employer subject to the provisions of the Federal statute of which these protective provisions are a part may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee, or any person acting pursuant to the employee's request, engaged in any of the activities specified in subsection (b) below.

(b) Any person is deemed to have violated the particular federal law and these regulations if such person intimidates, threatens, restrains, coerces, blacklists, discharges, or in any other manner discriminates against any employee who has

(1) commenced, or caused to be commenced, or is about to commence or cause to be commenced a proceeding under one of the Federal statutes listed in § 24.1 or a proceeding for the administration or enforcement of any requirement imposed under such Federal statute;

(2) testified or is about to testify in any such proceeding; or

(3) assisted or participated, or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of such Federal statute.

§ 24.3 Complaint.

(a) *Who may file.* An employee who believes that he or she has been discriminated against by an employer in violation of any of the statutes listed in § 24.1(a) may file, or have another person file on his or her behalf, a complaint alleging such discrimination.

(b) *Time of filing.* Any complaint shall be filed within 30 days after the occurrence of the alleged violation. For the purpose of determining timeliness of filing, a complaint filed by mail shall be deemed filed as of the date of mailing.

(c) *Form of complaint.* No particular form of complaint is required, except that a complaint must be in writing and should include a full statement of the acts and omissions, with pertinent dates, which are believed to constitute the violation.

(d) *Place of filing.* A complaint may be filed in person or by mail with the Office of the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. The address of the Administrator's office is Room S3502, 200 Constitution Avenue NW., Washington, D.C. 20210. A complaint may also be filed at any local office of the Wage and Hour Division. The address of such local offices may be found in local telephone directories.

§ 24.4 Investigations

(a) Upon receipt of a complaint under this part, the Administrator shall notify the person named in the complaint, and the appropriate office of the Federal agency charged with the administration of the affected program of its filing.

(b) The Administrator shall, on a priority basis, investigate and gather data concerning such case, and as part of the investigation may enter and inspect such places and records (and make copies thereof), may question persons being proceeded against and other employees of the charged employer, and may require the production of any documentary or other evidence deemed necessary to determine whether a violation of the law involved has been committed.

(c) Investigations under this part shall be conducted in a manner which protects the confidentiality of any person other than the complainant who provides information on a confidential

basis, in accordance with Part 70 of this title.

(d)(1) Within 30 days of the receipt of a complaint, the Administrator shall complete the investigation, determine whether the alleged violation has occurred, and give notice of the determination which shall contain a statement of reasons for the findings and conclusions therein. Notice of the determination shall be given by certified mail to the complainant, the respondent, and to their representatives. At the same time the Administrator shall file with the Chief Administrative Law Judge, U.S. Department of Labor, the original complaint and a copy of the notice of determination.

(2)(i) If on the basis of the investigation the Administrator determines that the complaint is without merit, the notice of determination shall include, or be accompanied by notice to the complainant that the notice of determination shall become the final order of the Secretary denying the complaint unless within five calendar days of its receipt the complainant files with the Chief Administrative Law Judge a request by telegram for a hearing on the complaint. The notice shall give the address of the Chief Administrative Law Judge.

(ii) Copies of any request for a hearing shall be sent by the complainant to the respondent (employer) and to the Administrator.

(3)(i) If on the basis of the investigation the Administrator determines that the alleged violation has occurred, the notice of determination shall include an appropriate order to abate the violation, and notice to the respondent that the order shall become the final order of the Secretary unless within five calendar days of its receipt the respondent files with the Chief Administrative Law Judge a request by telegram for a hearing. An order issued pursuant to this subsection shall be in accordance with the relevant provisions of the statute violated. The notice shall give the address of the Chief Administrative Law Judge.

(ii) Copies of any request for a hearing shall be sent by the respondent (employer) to the complainant and to the Administrator.

§ 24.5 Hearings.

(a) *Notice of Hearing.* The administrative law judge to whom the case is assigned shall within seven calendar days following receipt of the request for hearing, notify the parties by certified mail, directed to the last known address of the parties, of a day, time and place for hearing. All parties shall be given at least five days notice of such hearing. However, because of the time constraints imposed upon the Secretary by the above statutes, no requests for postponement shall be granted except for compelling reasons.

(b) *Consolidated Hearings.* When two or more hearings are to be held, and the same or substantially similar evidence is relevant and material to the matters at issue at each such hearing, the Chief Administrative Law Judge may, upon motion by any party or on his own or her own motion, order that a consolidated hearing be conducted. Where consolidated hearings are held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, and a separate or joint decision shall be made, as appropriate.

(c) *Place of Hearing.* The hearing shall, where possible, be held at a place within 75 miles of the complainant's residence.

(d) *Right to Counsel.* In all proceedings under this part, the parties shall have the right to be represented by counsel.

(e) *Procedures, evidence and record.* (1) *Evidence.* Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative evidence available shall be applied. The administrative law judge may exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(2) *Record of Hearing.* All hearings shall be open to the public and shall be mechanically or stenographically reported. All evidence upon which the administrative law judge relies for decision shall be contained in the transcript of testimony, either directly or by appropriate reference. All exhibits and other pertinent documents or records, either in whole or in material part, introduced as evidence, shall be marked for identification and incorporated into the record.

(3) *Oral argument; briefs.* Any party, upon request, may be allowed a reasonable time for presentation of oral argument and to file a prehearing brief or other written statement of fact or law. A copy of any such prehearing brief or other written statement shall be filed with the Chief Administrative Law Judge or the administrative law judge assigned to the case before or during the proceeding at which evidence is submitted to the administrative law judge and shall be served upon each other party. Post-hearing briefs will not be permitted except at the request of the administrative law judge. When permitted, any such brief shall be limited to the issue or issues specified by the administrative law judge and shall be due within the time prescribed by the administrative law judge.

(4) *Dismissal for Cause.* (i) The administrative law judge may, at the request of any party, or on his or her own motion, dismiss a claim

(A) Upon the failure of the complainant or his or her representative to attend a hearing without good cause;

(B) Upon the failure of the complainant to comply with a lawful order of the administrative law judge.

(ii) In any case where a dismissal of a claims, defense, or party is sought, the administrative law judge shall issue an order to show cause why the dismissal should not be granted and afford all parties a reasonable time to respond to such order. After the time for response has expired, the administrative law judge shall take such action as is appropriate to rule on the dismissal, which may include an order dismissing the claim, defense or party.

§ 24.6 Decisions and orders.

(a) *Recommended Decision.* The administrative law judge shall issue a recommended decision within 20 days after the termination of the proceeding at which evidence was submitted. The recommended decision shall contain appropriate findings, conclusions and a recommended order and be forwarded, together with the record, to the Secretary of Labor for a final order. The recommended decision shall be served upon all parties to the proceeding.

(b) *Final Order.* (1) Within 90 days after receipt of a complaint, the Secretary of Labor shall issue a final order, based on the record and the recommended decision of the administrative law judge, which shall be served upon all of the parties.

(2) If the Secretary concludes that the party charged has violated the law, the final order shall order the party charged to take appropriate affirmative action to abate the violation, including reinstatement of the complainant to that person's former or substantially equivalent position, if desired, together with the compensation (including back pay), terms, conditions, and privileges of that employment. The Secretary may, where deemed appropriate, order the party charged to provide compensatory damages to the complainant.

(3) *Costs.* If such a final order is issued, the Secretary, at the request of the complainant, shall assess against the respondent a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant, as determined by the Secretary, for, or in connection with, the

bringing of the complaint upon which the final order was issued.

(4) *Dismissals.* If the Secretary determines that the party charged has not violated the law, an order shall be issued denying the complaint.

§ 24.7 Judicial review.

(a) Within 60 days after the issuance of a final order under § 24.6, above, any person adversely affected or aggrieved by such order may file a petition for review of the order in the United States court of appeals for the circuit in which the violation with respect to which the order was issued allegedly occurred. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the Secretary's order.

(b) An order of the Secretary with respect to which review could have been obtained under subsection (a) shall not be subject to judicial review in any criminal or other civil proceeding.

(c) *Certification of Record for Judicial Review.* The record of a case, including the record of proceedings before the administrative law judge, shall be transmitted by the Secretary to the appropriate court pursuant to the rules of such court.

§ 24.8 Enforcement proceedings.

(a) Whenever a person has failed to comply with a final order issued by the Secretary of Labor under § 24.6, above, the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this section, the district courts shall have jurisdiction to grant to all appropriate relief including, but not limited to, injunctive relief, compensatory and exemplary damages.

(b)(1) Any person on whose behalf a final order was issued by the Secretary of Labor under § 24.6, above, may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(2) The court, in issuing any final order under this section may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of Title 28 of the United States Code.

§ 24.9 Exception.

This part shall have no application to any employee alleging activity prohibited by this part who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of a Federal statute listed in § 24.1, above.

Signed this 2nd day of January, 1980, at Washington, D.C.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-587 Filed 1-7-80; 8:45 am]

BILLING CODE 4510-27-M

federal register

Tuesday
January 8, 1980

Part VI

Interagency Committee on Metric Policy

Notification of "Metric Conversion Policy for Federal Agencies" and "Federal Agency Guidelines for Implementation of Metric Conversion Policy"

INTERAGENCY COMMITTEE ON METRIC POLICY

Federal Metric Policy and Guidelines; Notification of "Metric Conversion Policy for Federal Agencies" and "Federal Agency Guidelines for Implementation of Metric Conversion Policy"

The Federal Interagency Committee on Metric Policy (ICMP) is publishing This Notice to alert interested parties to the existence of the Metric Conversion Policy for Federal Agencies and the accompanying Federal Agency Guidelines for Implementation of Metric Conversion Policy. These two documents were developed by the ICMP to provide guidance to Federal agencies in their metrication activities.

Comments on these domcments are welcomed and should be addressed to Howard B. Ellsworth, Chairman, Metrication Operating Committee of the ICMP.

Howard B. Ellsworth, DUSD (R&E) AP, Department of Defense, Room 2A318, Pentagon, Washington, D.C. 20310 (202) 695–7915.

The text of the two documents follows:

Metric Conversion Policy For Federal Agencies

June 11, 1979.

Purpose

The purpose is to state for Federal agencies a policy for the increasing use of the metric system within the Federal government. The metric system, for the purpose of this document, means the International System of Units as established by the General Conference on Weights and Measures in 1960 and as interpreted or modified for the United States by the Secretary of Commerce.

Background

On July 28, 1866, the United States adopted the *Use of the Metric System of Weights and Measures Act of 1866* (14 Stat. 339), which legalized the use of the metric system throughout the United States. On May 20, 1875, the United States signed the *Treaty of the Meter* (20 Stat. 709), which provided for an International Bureau of Weights and Measures, an International Committee of Weights and Measures, and for a General Conference on Weights and Measures. In recognition of the fact that the International System (SI), as defined by the General Conferences on Weights and Measures since 1960, has not become the uniform internationally accepted system for weights and measures, many sectors of the United States have already started metrication. On December 23, 1975, the President signed the *Metric Conversion Act of 1975* (Public Law 94–168; 15 USC 205a), which (1) declared that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States, and (2) established the U.S. Metric Board to coordinate the voluntary conversion to the metric system.

Policy Statement

Federal agencies shall conduct their metrication activities in a coordinated manner consistent with the objectives of the Metric Conversion Act and compatible with metric conversion trends in the nation. (Section 3 of the Act declares that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States.) Federal agencies shall encourage and support an environment which facilities metrication. Each Federal agency shall develop plans, allocate sufficient resources, and take actions to:

1. Actively undertake coordination and planning for metric conversion, taking into account the interests, views and conversion plans of other Federal agencies, states and affected parties in the private sector.

2. Identify the areas where metrication is dependent upon the agency's initiative and take appropriate action.

3. Identify the areas where metrication is dependent upon initiatives outside the agency which impact the agency and take appropriate action.

4. Maximize benefits and minimize costs in areas impacted by the agency's program.

5. Facilitate public understanding of, and participation in, metrication activities in agency programs.

6. Identify problems associated with metrication activities in areas impacted by the agency's programs, and appropriately assist in the resolution of these problems.

Each agency shall: 1. Establish the necessary guidelines and structure to adequately carry out the policy.

2. Designate a key executive with the authority to establish intra-agency policies for metrication and to represent and speak for the agency in interagency forums.

3. Identify on a continuing basis measurement-sensitive policies and procedures for which it is responsible, and prepare new or revised regulations, standards, specifications, procurement policies, and, if appropriate, legislative proposals, to remove barriers to metric conversion.

Federal Agency Guidelines for Implementation of Metric Conversion Policy

October 25, 1979.

Purpose

These guidelines are to be used to support and implement the metric conversion policy for agencies of the Federal Government. The intent is to clarify the basic Federal policy and assist in the development and coordination of cost-effective metrication activities and programs. The metric system, for the purpose of this document, means the International System of Units as established by the General Conference of Weights and Measures in 1960 and as interpreted or modified for the United States by the Secretary of Commerce.

1. Each agency shall develop a capability to identify and to implement metric conversion initiatives including the associated time frames for their initiation and completion. This shall include the capability for coordination with other agencies.

2. The allocation of agency resources for metric implementation should be accepted as part of the ongoing activities of the agency.

3. Each agency shall immediately establish practices that raise its employees' awareness and understanding of the change to the metric system.

4. Each agency shall develop education and training plans, as applicable, in metric usage.

5. Each agency shall adopt metric units and practices unless there are substantial reasons against such actions. Justification for not adopting such metric usage shall be reviewed periodically.

6. When the private sector has a capability to provide metric products or services at reasonable cost, the agency will, at the earliest possible time, give priority to the acquisition and use of such metric products or services to the maximum extent permitted by existing law and policy. Small business capability will be considered in development of agency policies and procedures as required by Federal law.

7. Each agency's use of the metric system in its activities and products shall be consistent with statutory, operational, economic, technical, and safety considerations. Each agency shall include such considerations as an integral part of its metrication activities.

8. Each agency, recognizing the long term nature of the public acceptance process, shall immediately begin to develop and implement plans for involving, informing and educating the various publics affected by the specific metication activities under way in the agency's programs. Included shall be:

a. Infomation on upcoming metrication.
b. The schedule of such conversions.
c. The justification of the conversions.
d. Provision for a mechanism to assure public participation and comment.
e. Explanation of the applicable metric units and practices.
f. The progress of conversion.

9. Each agency shall provide representatives, advisors, and/or participants to metrication groups in the private sector as appropriate in order to monitor and/or coordinate agency activities with private sector planning.

10. Each agency shall recognize the Interagency Committee on Metric Policy (ICMP) as the policy-coordinating group for the Federal Government, and that the ICMP representatives are expected to be able to speak for their respective agencies on metric policy matters.

11. Each agency shall designate an Agency Metric Coordinator, who shall serve as a member of the Metrication Operating Committee (MOC). The agency shall also appoint, as appropriate, agency individuals to actively participate in the activities of the various MOC subcommittees.

Dated: December 28, 1979.

Howard B. Ellsworth,

Chairman, Metrication Operating Committee of the ICMP.

[FR Doc. 80–597 Filed 1–7–80; 8:45 am]

BILLING CODE 6820–94–M

federal register

Tuesday
January 8, 1980

Part VII

Department of Agriculture

Food and Nutrition Service

Summer Food Service Program for Children

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 225

Summer Food Service Program for Children

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is issuing final amendments to the regulations for the Summer Food Service Program as required by section 13 of the National School Lunch Act, as amended. This rule amends the regulations by giving State agencies the discretionary authority (with FNS concurrence) to determine "rural" pockets in Standard Metropolitan Statistical Areas. This enables State agencies to deal with problems encountered with the current definition of "rural". The rule adopts the optional use of statistical monitoring of feeding sites and changes the Regional Office management evaluation requirements. These changes provide both the State agencies and regional offices with greater flexibility in their management of the Program.

The regulations also provide for implementation of the provisions of Public Law 96–108, enacted on November 9, 1979, and make other changes directed at reducing mismanagement, waste, and abuse in the Program. As required by Pub. L. 96–108, these regulations redefine what types of institutions are eligible to sponsor the Program. This change will have the effect of limiting the eligibility of some private nonprofit institutions which sponsor large programs and which purchase meals from food service management companies. The regulations also emphasize the responsibility of State agencies to attempt to locate high priority sponsors to administer the Program for sites in areas where poor economic conditions exist. It is intended that these changes will reduce mismanagement, waste, and abuse in the Program by more thoroughly screening applicant sponsors of the type described above, and by intensifying the effort to locate the most capable sponsors to administer sites.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Jordan Benderly, Director, or Ms. Beverly Walstrom, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6509.

SUPPLEMENTARY INFORMATION: Authorization for the Summer Food Service Program (SFSP) is given in Section 13 of the National School Lunch Act. Pub. L. 95–166, enacted November 10, 1977, contains the comprehensive Program authorization which is currently in effect and which expires after September 30, 1980. The November 9, 1979, enactment of Pub. L. 96–108, the appropriations act for the Department for fiscal year 1980, modified the provisions for institution eligibility included in the authorizing statute.

Proposed regulations for the Program were published on October 30, 1979 (44 FR 211) in keeping with the statutory requirement. The comment period on this proposal ended on November 26, 1979. Enactment of Pub. L. 96–108, after that date, made issuance of an additional proposed rule necessary on November 20, 1979 (44 FR 66605). The comment period on the second proposal ended on December 11, 1979.

A total of 53 comments were received on the first proposed rule, and 26 comments were received on the second proposal. The following summarizes the public comments and the changes made in the Program's regulations.

I. Definitions

1. *Income accruing to the Program.* Comments generally supported the definition included in the proposed rule, which allowed income to the program to be deducted from combined administrative and operating costs. Three commenters indicated some confusion about the way deduction of income to the program would be handled and requested clarification of the procedure. The Department intends that the process work as follows: State agencies will compare reported administrative costs to maximum potential reimbursement (meals x administrative rates), and the lesser of the two will be the maximum allowable reimbursement for administrative costs. (Provided that, beginning with the first claim, State agencies determine that administrative reimbursement does not exceed the approved administrative budget.) The same procedure, comparing reported operating costs to maximum potential reimbursement (meals x operating rates), will be carried out to determine maximum allowable reimbursement for operating costs. The results of these calculations for administrative and operating reimbursement will then be added together to get a total maximum allowable reimbursement. This figure (1) will then be compared to (2) the total of reported administrative costs plus operating costs, minus income to the program. The lesser of these will be the actual reimbursement which the sponsor may receive.

2. *Operating costs.* In order to clarify the definition of operating costs included in the regulations for 1979, the definition in these regulations clearly states that the costs of transporting children in rural areas to rural sites are allowable operating costs. Comments on the proposed definition showed nearly unanimous approval. Although five commenters argued that this assistance will not cover the entire cost of transporting children in rural areas, the Department does not have sufficient data at this time to justify increasing assistance to rural sponsors for this purpose. The cost of transporting food to food service sites continues to be an allowable operating cost.

3. *Rural.* The definition of rural included in the proposed rule was endorsed by almost all respondents. Two commenters expressed a concern that determining the rurality of sites purported to be located in rural "pockets" may prove to be a considerable burden for administering agencies. However, because it is only at the option of the administering agency that sites within Standard Metropolitan Statistical Areas would be considered as eligible for rural status, the Department believes that the additional administrative responsibility entailed by the provision will not be over-burdensome.

II. Eligibility

Consistent with the provisions of Public Law 96–108, the proposed regulations redefined institution eligibility. Six types of eligible institutions were identified (§ 225.9(a)(7)), and several criteria by which State agencies should evaluate type 6 applicant sponsors were spelled out.

Comments on the proposed eligibility provisions focused on the limitations imposed on type 6 applicant sponsors (defined in § 225.9(a)(7)(vi)). The proposed rule specified that type 6 applicants would be eligible to sponsor the Program only where no sponsors of the other five types are available, and that these applicants would have to document that they have a consistent record of reliable and honest management and administration of publicly funded community food service programs. The proposed rule exempted type 6 applicants which sponsored the Summer Food Service Program during the prior fiscal year from the requirement to submit this documentation.

Two commenters argued that the proposed rule unfairly prohibits sponsorship by many capable institutions simply because they have

not previously administered community food service programs and therefore cannot document such a record. However, the statute explicitly states that type 6 institutions must have "a record of reliable and honest community service in feeding programs," which can be evaluated. The Department emphasizes that under the other five categories, this documentation is not required. Potential sponsors which have not previously administered a food service program are urged to design their proposed summer programs to fit into one of the other categories.

Three commenters objected to the stipulation that the documented record be in *publicly* funded food service programs. These respondents argued that experience in privately funded food service programs should be acceptable for the purposes of the Program. The Department concurs with this objection and has removed the stipulation that the documented record be in publicly funded food service programs. However, it is still convinced that a record in administration of food service programs is necessary to provide State agencies with the information necessary to evaluate the capabilities of applicants seeking eligibility under category 6. Experience in the management of funds is considered to be of critical importance for these sponsors if the Department is to comply with the intent of Pub. L. 96–108 that mismanagement, waste, and abuse in the Program be reduced.

As in the proposed rule, each type 6 applicant is required to document its record in management and administration of programs which provide meals on a regular schedule, and which have the stated objective of providing nutritionally balanced meals to participants. Under this provision for category 6, applicants which only have a record in informal programs (such as club or church suppers, pot-luck meals, meals served in connection with a special event or holiday, or banquets), or in programs which do not provide actual meal service (such as foodbanks or holiday food drives), will not be considered eligible. State agencies will evaluate the documented record to determine if the applicant has appropriate experience and if the documentation is sufficient.

The proposed rule exempted type 6 applicants which sponsored the Program during the prior fiscal year from the requirement to submit documentation of their records in food service programs. One commenter contended that the exemption should be extended to applicants which have administered the Program during the prior three fiscal years. This recommendation has been incorporated into the final rule. State agency records should contain sufficient information to enable thorough evaluation of applicants with which they have signed agreements during the prior three years.

III. State Agency Responsibilities

The proposed rule outlined some changes in the State plan requirements intended to help reduce mismanagement, waste, and abuse in the Program Two commenters indicated disapproval of the change made in § 225.6(a)(19) which requires States to include a corrective action plan for problems and deficiencies noted during the prior summer's Program. These commenters argued that the provision should stipulate that this corrective action plan should address only major problems, such as those noted in the prior year's management evaluation. The Department recognizing the validity of the comments has modified the provision by requiring the corrective action plan only for "serious recurring problems or deficiencies."

Two commenters recomended that the regulations contain timeframes which would require State agencies to act on applications from high priority sponsors (types 1 through 5) early, so applications of type 6 sponsors could be evaluated and approved or disapproved in a timely manner. The Department has decided that the provisions already included in the regulations (§ 225.5(i)), which require States to establish a deadline date for submission of applications, are sufficient, and that states should retain some flexibility for approving applications under the new eligibility provisions. The Department does, however, encourage administering agencies to deal with the applications of high priority sponsors early enough to determine what areas are not yet adequately served and to allow prompt response to applications of type 6 sponsors.

IV. Statistical Monitoring

Comments regarding the proposed rule on statistical monitoring were generally favorable (13 in favor, 6 opposed). Three commenters expressed disapproval of the use of statistical sampling techniques, but agreed that as an option to State agencies, it is acceptable. Four commenters opposed any use of the technique whatsoever. The Department continues to believe, however, that each State agency should be given the option of using statistical monitoring for some or all of its sponsors in lieu of satisfying review requirements for sites with regular monitoring techniques. In some situations, statistical monitoring can be an effective and efficient way to evaluate performance.

The preamble to the proposed regulations indicated that findings resulting from statistical monitoring will be used for management purposes and that they may be used, at the State agency's discretion, in the review of claims for reimbursement. Eight commenters expressed opposition to any provision allowing State agencies to use the findings of statistical monitoring efforts in determining reimbursement. However, the Department has decided that States which choose to utilize statistical monitoring must be allowed to make use of the findings in the review of claims. Where the technique has produced significant findings, it would be inconsistent to prohibit their use in evaluating claims.

V. Payment and Use of State Administrative Funds

Comments from the public unanimously support the proposed change in the managment evaluation process. Commenters concurred that the Program assessment under previous years' regulations were not timed to allow effective evaluations. Several respondents expressed particular concern that the procedure used in the past did not permit accurate funding assessments. The Department anticipates that the new assessment procedure will help to provide more useful projections of the funding needs of States.

Four commenters proposed that a deadline be specified in the final rule for the final payment of State administrative funds. The regulations do not include such a deadline because the Department believes that the provision in § 225.7(g) requiring that final payments be made immediately following the data collection efforts (which constitute the second funding assessment) provides sufficient guarantee of timely payments.

VI. Meal Patterns

Of the 21 comments on the proposed changes in the meal patterns, 20 were supportive. Reasons cited were that the greater meal pattern variations will help reduce plate waste, increase exposure to a wide variety of foods, and will help satisfy the food preferences of cultural or ethnic groups in many parts of the country.

Some respondents made recommendations for additional changes in the meal patterns, including allowing peanuts and roasted soybeans as meat

alternates. While these recommendations have not been incorporated in the final rule, the Department is evaluating the consistency of the meal pattern requirements in all child nutrition programs, and the comments will be considered during that evaluation.

VII. Use of Sponsor Administrative Budgets

Ten commenters approved the reinsertion of the administrative budget as a criterion in determining reimbursement for administrative costs. Two commenters disapproved the reinsertion, arguing that budgets are frequently based on uncertain cost projections, and that they often need to be revised to account for unexpected costs. Such revisions are allowed by the regulations, and administering agencies are exercising their responsibility to do so when budget amendments are justified.

The Department maintains its position that the administrative budget is a vital part of Program management of value to sponsors and administrators alike. Retaining the provision which makes the "approved administrative budget and any amendments thereto" a factor in determining reimbursement encourages sponsors to develop their budgets carefully, thus improving their preparedness for program administration.

VIII. Additional Amendments

A slight revision of the General Purposes and Scope section (§ 225.1) has been made to avoid a misconception of the purpose of the Program. The wording included in the previous year's regulations could have been construed to indicate that children who do not attend a school and, therefore, are not "on a school vacation" are ineligible to participate in the Program. However, the Program is designed to serve children from needy areas, whether or not they are enrolled in school. The regulations do not limit participation to school children.

The final rule changes the due date for State agency submission of information on the scope of Program operations from September 30 to December 15. Under the earlier date much of the information submitted in these reports was based on approved levels or projections of Program participation. By changing the due date the Department expects that the reports can be based upon actual participation levels during the summer, as almost all final claims for reimbursement will have been submitted. Therefore, the information reported on the scope of the Program operations in each State will be of greater validity than it has been in the past.

The regulations are also changed by emphasizing the Department's commitment to expanding availability of the Program to children in Indian tribal territories and children of migrant farmworkers. The requirements for the State plan are revised by mandating that a State's outreach plan specifically address Program expansion in Indian tribal territories and in areas with a concentration of migrant farmworkers (§ 225.6(a)(1)). States are also required to direct outreach efforts to such areas in the amended § 225.5(c).

Accordingly, the Department is issuing amendments to Part 225 as follows:

§ 225.1 [Amended]

1. In § 225.1, the last sentence is amended, to read as follows: * * * The food service to be provided under the Program is similar to that provided under the National School Lunch and School Breakfast Programs, and intended to serve primarily as a substitute for those programs for children during periods when schools are closed for vacation, except that it is directed toward children from needy areas.

* * * * *

2. In § 225.2 a new sentence is added to paragraph (n) and paragraphs (s) and (x) are amended to read as follows:

§ 225.2 Definitions.

* * * * *

(n) * * * Income accruing to the Program will be duducted from combined operating and administrative costs.

* * * * *

(s) "Operating costs" means the cost of operating a food service under the Program, including (1) cost of obtaining food, (2) labor directly involved in the preparation and service of food, (3) cost of nonfood supplies, (4) rental and use allowances of equipment and space and (5) costs for transporting children in rural areas to feeding sites in rural areas, but excluding (i) the cost of the purchase of land, acquisition or construction of buildings, (ii) alteration of existing buildings, (iii) interest cost, (iv) the value of in-kind donations, and (v) administrative costs.

* * * * *

(x) "Rural" means (1) any area in a county which is not a part of a Standards Metropolitan Statistical Area or (2) any "pocket" within a Standard Metropolitan Statistical Area which, at the option of the State agency and with FNSRO concurrence, is determined to be geographically isolated from urban areas.

* * * * *

3. In § 225.4 the first sentence in paragraph (h) is amended and a new paragraph (k) is aded, to read as follows:

§ 225.4 Procedures for approval of sponsors and sites.

* * * * *

(h) The State agency shall use the following order of priority in approving sponsors eligible under § 225.9(a)(7)(i) through (v) to operate sites which propose to serve the same area or the same enrolled children. * * *

* * * * *

(k) The State agency shall not approve the application of any applicant sponsor which seeks eligibility under § 225.9(a)(7)(vi) unless the applicant fully documents that it has a consistent record of reliable and honest management and administration of community food service programs. For the purpose of determining eligibility under § 225.9(a)(7)(vi), community food service program means a program that provides meals on a regular schedule, and which has the stated objective of providing nutritionally balanced meals to participants. The State agency shall approve these applicant sponsors only if sponsors identified in § 225.9(a)(7)(i) through (v) are not available to administer the Program in the same geographic area or if a significant number of needy children will not otherwise have reasonable access to the Program. Upon receiving an application from a potential sponsor seeking eligibility under § 225.9(a)(7)(vi), the State agency shall make every reasonable effort to locate a sponsor eligible under § 225.9(a)(7)(i) through (v) to serve sites in that same area. The State agency may also assist applicants seeking eligibility under § 225.9(a)(7)(vi) in making changes in their proposed programs that would make the applicants eligible under one of the other categories (§ 225.9(a)(7)(i) through (v)).

* * * * *

4. In § 225.5, paragraph (q)(6) is deleted, a new paragraph, (b)(11), is added, paragraph (c) is amended following the second sentence, and (k) and the last sentence of paragraph (q)(2) are amened, and a new paragraph (aa), is added, to read as follows:

§ 225.5 Responsibilities of State agencies.

* * * * *

(b) * * *

(11) State agencies may use statistical monitoring procedures in lieu of the site

monitoring requirements prescribed in paragraphs (b) (4), (5) and (6) of this section to accomplish the monitoring and technical assistance aspects of the Program. State agencies which use statistical monitoring procedures may use the findings in evaluating claims for reimbursement. FNS will develop guidance outlining statistical monitoring procedures. States should use the statistical monitoring procedures provided by FNS, or develop alternate procedures and obtain FNS approval prior to implementation. Statistical monitoring may be used for some or all of a State's sponsors. Use of statistical monitoring does not eliminate the sponsor administrative review requirements in paragraphs (b) (4) and (6).

* * * * *

(c) * * * State agencies shall identify rural areas, Indian tribal territories, and areas with a concentration of migrant farmworkers which qualify for the Program and actively seek eligible applicant sponsor to serve such areas. States shall identify priority outreach areas in accordance with FNS guidance, for targeting outreach efforts in such areas. Outreach efforts shall be directed toward potential sponsors which would be eligible under § 225.9(a)(7) (i) through (v). State agencies shall make every reasonable effort to locate high priority sponsors for sites in areas where poor economic conditions exist.

* * * * *

(k) * * * (2) no later than December 15 of each year, * * *

* * * * *

(q) * * *

(2) * * * Audits shall be conducted by: State agency internal auditors; State Auditors General; State Comptroller's Office; other comparable State or local audit groups; Certified Public Accountants; or public accountants licensed on or before December 31, 1970, and currently certified or licensed by the regulatory authority of the State or other political subdivision of the United States.

* * * * *

(aa) *Management records.* The State agency shall review information included in applications submitted by potential sponsors seeking eligibility under § 225.9(a)(7)(vi) to determine whether the applicants have adequately documented a consistent record of reliable and honest management and administration of community food service programs. State agencies shall not require this documentation of applicants which sponsored the Program in the prior three consecutive fiscal years.

5. In § 225.6, paragraphs (a)(1), (a)(10), (12), and (19) are amended, to read as follows:

§ 225.6 Program management and administration plan.

(a)* * *

(1) How the State plans to use Program funds and funds from within the State to the maximum extent practicable to reach needy children in rural areas, in Indian tribal territories, and in areas with a concentration of migrant farmworkers. The State should clearly define its methods for assessing need, the total number of children reached by the Program last year, its priority areas for program expansion, and its plans and schedule for informing potential sponsors of the availability of the Program. The outreach activities identified shall be directed primarily at potential sponsors eligible under § 225.9(a)(7)(i) through (v). States shall describe their procedures for locating high priority sponsors for food service sites;

* * * * *

(10) The State's plan for monitoring and inspecting sponsors, sites, and food service management companies and for ensuring that such companies do not enter into contracts for more meals than they can provide effectively and efficiently. The plan shall also explain the State's procedures for controlling mismanagement and waste for all sponsors, as well as additional procedures for sponsors approved under § 225.9(a)(7)(vi), and for sites administered by these sponsors;

* * * * *

(12) The State's plan and schedule for submission and approval of sponsor applications. The plan shall include the State's criteria for evaluating information submitted by applicant sponsors seeking eligibility under § 225.9(a)(7)(vi) in order to ascertain whether the applicants have a consistent history of reliable and honest management and administration of community food service programs. Any additional procedures for approval of these sponsors and for sites administered by these sponsors shall also be included.

* * * * *

(19) An explanation of significant deviations from last year's actual Program operations and administration from that proposed in the plan for last year. This explanation shall include the State's corrective action plan for resolving any serious recurring problems or deficiencies which occurred during the prior fiscal year.

* * * * *

6. In § 225.7 paragraphs (e) and (g) are revised to read as follows:

§ 225.7 Payment and use of State administrative funds.

* * * * *

(e) The balance of State administrative funds shall be paid to each State agency as soon as practicable after the conduct of the funding evaluation provided for in paragraph (g) of this section, and shall be in an amount equal to that obtained during the funding evaluation, less the amounts paid under paragraphs (c) and (d) of this section. As provided for in paragraph (g) of this section, further adjustments in the levels of State administrative funding paid or payable to a State may be made.

* * * * *

(g) FNSRO shall conduct an annual evaluation of Program operations within each State agency, for management purposes, to determine Program needs and identify potential problem areas. Based on information obtained during this assessment, FNSRO may provide training or technical assistance to the State agency. This management evaluation shall be conducted prior to the initiation of Program operations. In addition, FNSRO shall collect data on the need for Program and State administrative funding within each State agency. Based on this data FNS may make adjustments in the level of State administrative funding paid or payable to the State agency to reflect changes in the size of the State's Program as compared to that contained in its Management and Administration Plan. The data shall be based on approved Program participation levels and collected during the period of Program operations, but no later than August 1. Immediately following this data collection, payment of State administrative funds shall be made to the State agency. The payment may reflect adjustments in the level of State administrative funding, based on the information collected. FNS shall not decrease the amount of a State's administrative funds unless the State did not make reasonable efforts to administer the Program as it proposed in its Management and Administration Plan, or unless the State incurred expenses that were not necessary.

* * * * *

7. In § 225.9, paragraphs (a)(1) and (a)(7) are revised, and the first sentence of paragraph (k) is amended, to read as follows:

§ 225.9 Requirements for participation.

(a) * * *

(1) Demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites at which it proposes to conduct a food service. Applicants under (a)(7)(vi) of this paragraph which have not sponsored the Program during the prior three fiscal years shall submit sufficient documentation with the application to demonstrate that they have been consistently reliable and honest in the management and administration of community food service programs. The following types of documentation shall be submitted for food service programs administered during the prior three years, and may be submitted for any program administered prior to that time:

(i) A description of all food service programs which the applicant has managed or administered, including lists of names of corporate officers, addresses of food service sites, and sources of funding;

(ii) Independent audit reports stemming from any audits which may have been conducted of the applicant's food service programs;

(iii) An assurance that the applicant has not been terminated or determined to have been seriously deficient in its operation of community food service programs; and

(iv) Any other relevant information which is available to the applicant concerning its record in management and administration of food service programs.

An applicant sponsor shall not be required to submit this documentation if during the prior three fiscal years it sponsored the Program.

* * * * *

(7) Applicants eligible to sponsor the Program include:

(i) Public sponsors;

(ii) Private nonprofit sponsors, including residential summer camps, which prepare their own meals or obtain meals from a public facility, such as a school district, public hospital, or State university;

(iii) Private nonprofit schools, including colleges and universities;

(iv) Private nonprofit migrant farmworker organizations, including those that purchase meals from a food service management company that developed programs for children of migrant families;

(v) Private nonprofit sponsors which serve not more than a total of 500 children daily at nor more than three sites and which purchase meals from a food service management company; and

(vi) In areas where no sponsors described in paragraph (a)(7) (i) through (v) of this section are available to operate the Program, or where a significant number of needy children will not otherwise have access to the Program, private nonprofit service institutions which purchase meals from a food service management company, and which are determined to have a consistent record of reliable and honest management and administration of community food service programs.

* * * * *

(k) * * * by an independent State or local government accountant, an independent Certified Public Accountant, or an independent public accountant licensed on or before December 31, 1970, and currently certified or licensed by the regulatory authority of the State or other political subdivision of the United States * * *

* * * * *

8. In § 225.10 paragraphs (a)(1)(iii), (a)(2)(iv) and (a)(3)(iv) are amended to read as follows:

§ 225.10 Food service requirements.

(a) * * *

(1) * * *

(iii) One slice of whole-grain or enriched bread; or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour, or ¾ cup (volume) or 1 ounce (weight), whichever is less, of whole-grain or enriched or fortified cold dry cereal; or ½ cup of cooked whole-grain or enriched rice, macaroni, noodles, other whole-grain or enriched pasta products, or other cereals or cereal grains such as cooked rolled oats, bulgur, or corn grits.

(2) * * *

(iv) One slice of whole-grain or enriched bread; or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour, or ½ cup of cooked whole-grain or enriched rice, macaroni, noodles, other whole-grain or enriched pasta products, or other cereal grains such as bulgur or corn grits.

(3) * * *

(iv) One slice of whole-grain enriched bread; or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour, or ¾ cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cold dry cereal; or ½ cup of cooked enriched or whole-grain rice, macaroni, noodles; other enriched or whole-grain pasta products, or other cereals or cereal grains such as cooked rolled oats, bulgur, or corn grits.

* * * * *

9. In § 225.13 the last sentence of paragraph (f) is amended to read as follows:

§ 225.13 Program payment procedures.

* * * * *

(f) * * * The total Program payment paid to a sponsor for administrative costs shall not exceed the lesser of: (1) The approved administrative budget and any amendments thereto or, (2) actual expenditures incurred for administrative costs or, (3) the per-meal administrative rates obtained in § 225.8(c) times meals by type actually served to eligible children.

* * * * *

(Title III, Pub. L. 96-108, 93 Stat. 837 (42 U.S.C. 1772); Sec. 2, 6, 10, Pub. L. 95-627, 95 Stat. 3603; Sec. 2, Pub. L. 95-166, 91 Stat. 1325 (42 U.S.C. 1761); Sec. 7, Pub. L. 91-248, 84 Stat. 211 (42 U.S.C. 1759a)). (Catalog of Federal Domestic Assistance Programs No. 10.559).

Note.—This regulation 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. An Impact Analysis has been prepared and is available from Jordan Benderly. There are no new reporting and/or recordkeeping requirements contained in this regulation.

Dated: January 4, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-728 Filed 1-7-80; 11:06 am]

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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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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

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Last Listing January 7, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 467 / Pub. L. 96–183 Making an urgent appropriation for administrative expenses of the Chrysler Corporation loan guarantee program, and to provide financial assistance to the Chrysler Corporation for the fiscal year ending September 30, 1980. (Jan. 2, 1980; 93 Stat. 1319) Price $.75.

H.R. 3951 / Pub. L. 96–184 "National Capital Transportation Amendments of 1979." (Jan. 3, 1980; 93 Stat. 1320) Price $.75.