AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

3-17-80
Vol. 45 No. 53
Pages 16995-17122

federal register

Monday
March 17, 1980

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16995 **Sales of Defense Articles and Services to Somalia** Presidential determination

16997 **National Maritime Day** Presidential proclamation

17073 **Research Grants on Knowledge Use and School Improvement** HEW/NIE announces applications are being accepted for fiscal year 1980; apply by 5-13-80

17096 **Jail Pretrial Release Recommendation/Decision Systems** Justice/NIJ announces competitive research cooperative agreement program; date extended to apply to 4-15-80

16999 **Equal Credit Opportunity** FRS publishes official staff interpretation regarding Home Improvement and Energy Loan Application; effective 4-16-80

17006 **Mortgage Insurance and Home Improvement Loans** HUD/FHC issues regulations increasing maximum allowable interest rates; effective 3-13-80

17019 **Medical Prepayment Plans** FTC issues a proposal regarding control of Blue Shield and certain other open-panel medical prepayment plans; comments by 5-16-80

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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

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17120 **Privacy Act** DOE publishes a document affecting systems of records

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Presidential Documents

Title 3—

The President

Presidential Determination No. 80–12 of March 3, 1980

Eligibility of Somalia to Purchase Defense Articles and Defense Services Under the Arms Export Control Act

Memorandum for the Secretary of State.

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the sale of defense articles and defense services to the Government of Somalia will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73–10 of January 2, 1973 (38 F.R. 7211), as amended by Presidential Determinations No. 73–12 of April 26, 1973 (38 F.R. 12799), No. 74–9 of December 13, 1973 (39 F.R. 3537), No. 75–2 of October 29, 1974 (39 F.R. 39863), No. 75–21 of May 20, 1975 (40 F.R. 24889), No. 76–1 of August 5, 1975 (40 F.R. 37205), No. 76–11 of March 25, 1976 (41 F.R. 14163), No. 76–12 of April 14, 1976 (41 F.R. 18281). No. 77–5 of November 5, 1976 (41 F.R. 50625), No. 77–17 of August 1, 1977 (42 F.R. 40169), No. 77–20 of September 1, 1977 (42 F.R. 48867), No. 79–5 of February 6, 1979 (44 F.R. 12153), and No. 79–11 of June 21, 1979 (44 F.R. 38437), shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, March 3, 1980.

[FR Doc. 80–8257
Filed 3–13–80; 4:36 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 4736 of March 13, 1980

National Maritime Day, 1980

By the President of the United States of America

A Proclamation

Throughout the history of the United States, trade and shipping have made a vital contribution to the Nation's growth and economic vitality. Today, the American Merchant Marine continues to aid the development of American enterprise and to foster the well-being of all American citizens by linking U.S. industries, farms and markets with our overseas trading partners.

In addition, our Merchant Marine has shown valor and dedication in providing logistic support to United States military forces in times of national emergency.

In recognition of the importance of the American Merchant Marine, and in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of the S.S. Savannah on the first transatlantic voyage by any steamship, the Congress of the United States, by joint resolution of May 20, 1933 (48 Stat. 73, 36 U.S.C. 145), designated May 22 of each year as National Maritime Day and requested the President to issue annually a proclamation calling for appropriate observances.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do urge the people of the United States to honor our American Merchant Marine on May 22, 1980, by displaying the flag of the United States at their homes and other suitable places, and I call upon all ships under the American flag to dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, 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

[FR Doc. 80-8270
Filed 3-14-80; 10:37 am]
Billing code 3195-01-M

Rules and Regulations

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

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Reg B; EC-0015]

Equal Credit Opportunity; Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation.

SUMMARY: The Board is publishing the following official staff interpretation of Regulation B, Equal Credit Opportunity, regarding the Home Improvement and Energy Loan Application (FHLMC Form 703/FNMA Form 1012, 2/80). The agency is taking this action in response to a request for interpretation of this regulation.

EFFECTIVE DATE: On or after April 16, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Plows, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3667).

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) An opportunity for public comment on an official staff interpretation may be provided upon request of interested parties and in accordance with 12 CFR 202.1(d)(2)(ii). As provided by 12 CFR 202.1(d)(3) every request for public comment must be in writing, should clearly identify the number of the official staff interpretation in question, should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and must be post marked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) Authority: 15 U.S.C. 1691(b).

EC-0015, Section 202.5(e), FHLMC-FNMA home improvement and energy loan application complies with Regulation B.

February 27, 1980.

You ask in your . . . letter whether the Home Improvement and Energy Loan Application (FHLMC Form 703/FNMA Form 1012, 2/80) prepared jointly by the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association complies with the Equal Credit Opportunity Act as implemented by Federal Reserve Regulation B.

We have examined the application; in our opinion, it fully complies with §§ 202.5(c) and (d) of Regulation B. We therefore believe that a creditor that properly uses the application also would comply with those provisions of the regulation.

As you have requested, this is an official staff interpretation of Regulation B, issued pursuant to § 202.1(d)(2)(i). It will become effective 30 days after publication in the **Federal Register** unless a request for public comment, made in accordance with the Board's procedures, is received and granted. We will notify you if the effective date of the interpretation is suspended.

Very truly yours,

Nathaniel E. Butler,

Associate Director.

Board of Governors of the Federal Reserve System, March 10, 1980.

Theodore E. Allison,

Secretary of the Board.

BILLING CODE 6210-01-M

HOME IMPROVEMENT AND ENERGY LOAN APPLICATION

TYPE LOAN APPLIED FOR	☐ Conventional ☐ FHA ☐ VA ☐ Secured ☐ Unsecured	Amount $	Interest rate ☐ Simple Int. ☐ Add-on ____ %	No. of mos.	Monthly payment Principal & Interest	Property type ☐ Single Family Dwelling ☐ 2-4 Family Dwelling ☐ Condo ☐ PUD ☐ Other ____

Address of property to be improved	Date purchased	Cash down payment	Purchase price $	Present value of home $

Title in name of:	Address of title holder	Mortgage Type: Is your present first mortgage a conventional graduated payment mortgage or an FHA 245 mortgage loan? ☐ No ☐ Yes If yes, attach payment schedule

Yr. house built	No. of rooms	No of bedrooms	No. of baths	Family room or den	Gross living area	Garage/Carport (Specify type & no.)	Central air
				☐ Yes ☐ No	sq. ft.		☐ Yes ☐ No

If this is a new residential structure, has it been completed and occupied for 90 days or longer? ☐ Yes ☐ No

Improvements Planned (Copies of estimate or itemized cost breakdown must be attached)	Type of Improvement
	☐ Property Improvement ☐ Rehabilitation/Modernization ☐ Additions ☐ Energy Conservation ☐ Solar Installation

The Co-Borrower Section and all other Co-Borrower questions must be completed and the appropriate box(es) checked if [ ] another person will be jointly obligated with the Borrower on the loan, or [ ] the Borrower is relying on income from alimony, child support or separate maintenance or on the income or assets of another person as a basis for repayment of the loan, or [ ] the Borrower is married and resides, or the property is located, in a community property state.

Borrower	Co-Borrower
Name / Age	Name / Age
Present Address (if different from above) No. Years ____ ☐ Own ☐ Rent	Present Address No Years ____ ☐ Own ☐ Rent
Street	Street
City/State/Zip	City/State/Zip
Former address if less than 2 years at present address	Former address if less than 2 years at present address
Street	Street
City/State/Zip	Citt/State/Zip
Years at former address ☐ Own ☐ Rent	Years at former address ☐ Own ☐ Rent
Complete for Secured Loans Only ☐ Married ☐ Separated (incl. single, divorced, widowed) ☐ Unmarried	Complete for Secured Loans Only ☐ Married ☐ Separated (incl. single, divorced, widowed) ☐ Unmarried
Dep. other than listed by Co-Borrower No. / Ages	Dep. other than listed by Borrower No. / Ages
Name and Address of Employer	Name and Address of Employer
Years employed in this line or work or profession? ____ Years Years on this job ____ ☐ Self Employed*	Years employed in this line of work or profession? ____ Years Years on this job ____ ☐ Self Employed*
Position/Title / Type of Business	Position/Title / Type of Business
Social Security Number ** / Home Phone / Business Phone	Social Security Number ** / Home Phone / Business Phone
Name & Address of nearest relative not living with you / Relationship / Home phone	Name & Address of nearest relative not living with you / Relationship / Home phone

Gross Monthly Income

Item	Borrower	Co-Borrower	Total
Empl. Income	$	$	$
Other † (Before completing, see notice under Describe Other Income below.)			
Total	$	$	$

Bank:	Account No.	Name & Address of Depository
Checking ☐ Yes ☐ No		
Savings ☐ Yes ☐ No		

Describe Other Income

B-Borrower C-Co-Borrower

NOTICE: †Alimony, child support, or separate maintenance income need not be revealed if the Borrower or Co-Borrower does not choose to have it considered as a basis for repaying this loan.

		Monthly Amount
		$

If Employed In Current Position For Less Than Two Years, Complete The Following

B/C	Previous Employer/School	City/State	Type of Business	Position/Title	Dates From/To	Monthly Income

These Questions Apply To Both Borrower And Co-Borrower

If a "yes" answer is given to a question in this column, explain on an attached sheet.	Borrower Yes or No	Co-Borrower Yes or No
Have you any outstanding judgments?		
In the last 7 years, have you been declared bankrupt?		
Have you had property foreclosed upon or given title or deed in lieu thereof, in the last 7 years?		
Are you a party in a law suit?		

	Borrower Yes or No	Co-Borrower Yes or No
Are you other than a U.S. Citizen or permanent resident alien?		
Are you obligated to pay alimony, child support, or separate maintenance?		
Do you have any past due obligations owed to or insured by any agency of the federal government? ***		

* FNMA/FHLMC requires business credit report, signed Federal Income Tax returns for last two years, and, if available, audited Profit and Loss Statements plus balance sheet for same period.

** FNMA/FHLMC does not require this information *** Required only if FHA or VA home improvement loan.

FHLMC Form 703 FNMA Form 1012
Feb. 80

DEBTS: List all fixed obligations and installment accounts. (If more space is needed list on attached sheets.)*

If no outstanding debt, list three previous credit references.

B—Borrower C—Co-Borrower	Creditor's Name and Address	Account No.	Date Incurred	Original Amount	Present Balance	Monthly Payment	Amount Past Due
				$	$	$	$
Auto	Lien Holder: Year and Make:						
Auto	Lien Holder: Year and Make:						
Real Estate	Name & Address of First Lien Holder of Security Property						
Real Estate	Name & Address of Subordinate Lien Holder(s) of Security Property						
Real Estate							
Real Estate	List Debts On Other Real Estate Owned						
Real Estate							

List any additional names under which credit has previously been received:

If not included in monthly mortgage payment enter the following:

Monthly payment for Tax and Insurance ►

Monthly payment for Home Owner Association dues ►

Total Monthly Obligations ►

IMPORTANT - APPLICANT READ BEFORE SIGNING

I/We apply for the loan indicated in this application which may be secured by a mortgage or deed of trust on the property described herein and represent that the property will not be used for any illegal or restricted purpose, and that all statements made in this application are true and are made for the purpose of obtaining the loan. Verification may be obtained from any source named in this application. The original or a copy of this application will be retained by the lender, even if the loan is not granted. I/We hereby consent to and authorize the lender, HUD-FHA, FNMA or FHLMC, after the giving of reasonable notice, to enter the improved property for the sole purpose of determining that the improvements specified in this application have been completed.

I/WE UNDERSTAND THAT THE SELECTION OF A CONTRACTOR OR DEALER, ACCEPTANCE OF MATERIAL USED AND WORK PERFORMED IS MY/OUR RESPONSIBILITY. NEITHER THE LENDER, HUD-FHA, FNMA NOR FHLMC GUARANTEES THE MATERIAL OR WORKMANSHIP.

I/We [ ] do or [ ] do not intend to occupy the property as my/our primary residence.

I/We understand that it may be a federal crime punishable by fine or imprisonment, or both, to knowingly make any false statements concerning any of the above facts as applicable under the provisions of the United States Criminal Code.

_____ Date_____ _____ Date _____

Borrower's Signature Co-Borrower's Signature

Information For Government Monitoring Purposes

Instructions: Lenders subject to regulation by the FHLBB and the FDIC may insert in this space, or on an attached addendum, a provision for furnishing the monitoring information required or requested under present Federal and state law or regulation. The inserts provided in FHLMC Form 65-B/FNMA Form 1003-B or FHA Title I, Form 1 can be used.

For Lender's Use Only

(FNMA REQUIREMENT ONLY) This application was taken by [ ] face to face interview [ ] mail [ ] telephone

_____ _____

(interviewer) Name of Employer of Interviewer

*Indicate by asterisk all FHA and Government Agency Loans.

FHLMC Form 703 FNMA Form 1012 Feb.80

[FR Doc. 80-7914 Filed 3-14-80; 8:45 am]
BILLING CODE 6210-01-C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-CE-7-AD; Amendment 39-3715]

Gates Learjet Models 35, 35A, 36, and 36A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to all Gates Learjet Models 35, 35A, 36 and 36A airplanes. The AD adds Airplane Flight Manual (AFM) procedure checks that provide a means to verify the integrity of the 275 ampere current limiters and the starter motor relays after the completion of an engine start using electric starter assist. These procedure checks are necessary to assure that the airplane crew members will detect any occurence of a failed current limiter or starter relay. Failure of both current limiters or a starter relay in the closed position could result in the loss of the DC essential electrical busses which in turn would result in loss of essential flight instruments and equipment with ensuing serious safety hazards to the airplane occupants.

EFFECTIVE DATE: March 24, 1980.

COMPLIANCE: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Hal Foland, Wichita Engineering and Manufacturing District Office, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION: There have been two reported cases of Gates Learjet 35/36 Series airplanes taking off without the current limiter checks being performed as prescribed in the normal operating procedures section of the Airplane Flight Manual. In both cases the right and left essential busses were lost because both 275 ampere current limiters were open. In one of the incidents the investigation indicated that a starter motor malfunction may have been the result of an unannunciated starter relay failure which caused the loss of the essential busses. In both reported cases the malfunctions resulted in loss of power to essential flight instruments and equipment, communciations and navigation systems, ATC transponders, engine electronic fuel computers, air ignition fan RPM and interstage turbine temperature (ITT) constituting an unsafe operating condition. To preclude further occurrences the manufacturer has developed procedures which are included in Change 9 and 10 to Gates Learjet 35/36 and 35A/36A FAA Aproved Airplane Flight Manuals respectively. These changes include expanded current limiter procedure checks and a starter disengagement check for checking the integrity of the current limiter and starter relays prior to takeoff and after a starter assist air start of an engine. These procedures are referenced in the limitations section as electrical system limitations.

The airworthiness of the airplane is dependent on the integrity of the current limiters and the starter relays. Since an unsafe condition is likely to develop in the operation of airplanes of the same type design, if the aforementioned procedures are not followed, and AD is being issued, applicable to the Learjet Models 35/36 and 35A/36A airplanes, requiring the incorporation of the current limiter and starter disengagement checks into the limitations section of the Gates Learjet 35/36 and 35A/36A FAA Approved Airplane Flight Manuals. The FAA urges that the AD be accomplished as soon as possible.

However, AD compliance time has been set at ten (10) hours in order to allow sufficient time for owners/operators to incorporate the procedural changes required by the AD to preclude any undue hardship. Since a situation exists that requires the expeditious adoption of the regulation, it is found that notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

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

Gates Learjet: Applies to Models 35 (Serial Numbers 35-001 thru 35-066); 36 (Serial Numbers 36-001 thru 36-017); 35A (Serial Numbers 35-067 thru 35-288); and 36A (Serial Numbers 36-018 thru 36-044) airplanes.

Compliance: Required as indicated, unless previously accomplished.

To preclude takeoff, or continued flight after a starter assist air start, with an unannunciated failure in the electrical system, accomplish the following:

(a) Within the next 10 hours time-in-service after the effective date of this AD, insert the following information in the FAA Approved Airplane Flight Manual and operate the airplane in accordance with these insertions:

(1) In Section 1, LIMITATIONS, add the following:

Electrical System. The battery charging bus current limiter and starter disengagement checks, as outlined in STARTING ENGINES, STARTER ASSIST AIRSTART, and/or BEFORE TAKEOFF procedures in Sections II and III of this manual, must be accomplished whenever an engine start using a starter has been performed. These checks require that both engines be operating to perform the check.

(2) In Section 2, NORMAL OPERATING PROCEDURES, under the heading STARTING ENGINES, add the following:

(a) *Starter Disengagement Check*—After both engines are started, perform check as follows:

1. Air Conditioner and Auxiliary Heater—OFF.
2. Both Battery Switches—OFF.
3. Ammeters—Check total current indication less than 100 amps.
4. If total current indication is greater than 100 amps, shut down engines.

Note.—A total ammeter indication greater than 100 amps indicates that a starter has not disengaged. Subsequent starter and/or engine damage may occur.

If total current indication is less than 100 amps, set both Battery Switches ON.

(b) *Battery Charging Bus Current Limiter Check (Serials 35-001 thru 35-147 and 36-001 thru 36-035):*

1. Pull MAIN DC BUS TIE circuit breaker.
2. One Generator Switch—OFF. Check ammeter reading on opposite generator, approximately doubles, then switch back to GEN.
3. Opposite Generator Switch—OFF. Check ammeter reading on opposite generator, approximately doubles, then switch back to GEN.
4. Reset MAIN DC BUS TIE circuit breaker.

Caution

Failure to meet the above check indicates a malfunction. Replace 275A Current Limiter prior to takeoff. Loss of 275A Current Limiters can lead to loss of essential DC power.

Battery Charging Bus Current Limiter Check (Serials 35-148 thru 35-288 and 36-036 thru 36-044):

1. Test Switch—L CUR LIM.
2. Test Button—Press. Green current limiter light will illuminate and remain on while button is held. The light indicates continuity through the left current limiter. Also the L GEN light will come on and the right generator voltage may be reduced by approximately 2 VDC.
3. Test switch—R CUR LIM.
4. Test Button—Press. Green current limiter light will illuminate and remain on while button is held. The light indicates continuity through the right Current Limiter. Also the R GEN light will come on and the left generator voltage may be reduced by approximately 2 VDC.

Caution

Failure of light to remain illuminated indicates a malfunction. Replace 275A Current Limiter prior to takeoff. Loss of 275A

Current Limiters can lead to loss of essential DC power.

(3) In Section 3, EMERGENCY PROCEDURES, under the headings, ENGINE FAILURE DURING CRUISE and OPERATIONS WITH ONE FUEL COMPUTER INOPERATIVE, add the following after all starter assist engine starts:

(a) *Starter Disengagement Check:*

1. Air Conditioner and Auxiliary Heater—OFF.

2. Both Battery Switches—OFF.

3. Ammeter—Check total current indication less than 100 amps.

4. If total current indication is greater than 100 amps:

a. Both Battery Switches—ON.

b. Land as soon as practical.

c. Do not attempt further flights until trouble has been corrected.

Note.—A total ammeter indication greater than 100 amps indicates that a starter has not disengaged and subsequent starter and/or engine damage may occur.

If total current indication is less than 100 amps, set both Battery Switches ON.

(b) *Battery Charging Bus Current Limiter Check (Serials 35–001 thru 35–147 and 36–001 thru 36–035):*

1. Pull MAIN DC BUS TIE circuit breaker.

2. One Generator Switch—OFF. Check ammeter reading on opposite generator, approximately doubles, then switch back to GEN.

3. Opposite Generator Switch—OFF. Check ammeter readings on opposite generator, approximately doubles, then switch back to GEN.

4. Reset MAIN DC BUS TIE circuit breaker.

Caution

Failure to meet the above check indicates a malfunction. Loss of both 275A Current Limiters can lead to loss of essential DC power.

Battery Charging Bus Current Limiter Check (Serials 35–148 thru 35–288 and 36–036 thru 36–044):

1. Test Switch—L CUR LIM.

2. Test Button—Press. Green current limiter light will illuminate and remain on while button is held. The light indicates continuity through the left current limiter. Also the L GEN light will come on and the right generator voltage may be reduced by approximately 2 VDC.

3. Test Switch—R CUR LIM.

4. Test Button—Press. Green current limiter light will illuminate and remain on while button is held. The light indicates continuity through the right current limiter. Also the R GEN light will come on and the left generator voltage may be reduced by approximately 2 VDC.

Caution:

Failure of light to remain illuminated indicates a malfunction. Loss of both 275A Current Limiters can lead to loss of essential DC power.

(B) Use Paragraph A of this AD, or a duplicate thereof, as an amendment to the FAA Approved Airplane Flight Manual until replaced by Change 9 or 10 to Gates Learjet 35/36 or 35A/36A FAA Approved Airplane Flight Manual, as applicable, both FAA Approved February 15, 1980.

(C) This AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person, who must make an entry in the airplane maintenance records indicating prescribed compliance with this AD.

(D) Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Wichita Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective: March 24, 1980.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374–5446.

Issued in Kansas City, Missouri on March 7, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80–7903 Filed 3–14–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–ASW–62]

Alteration of Control Zone and Transition Area: Lake Charles, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is an alteration of the control and transition area at Lake Charles, La. The intended effect of the action is to provide controlled airspace for aircraft executing instrument approach procedures to the Lake Charles Municipal Airport and the McFillen Airpark. The circumstance which created the need for the action is that a review of the current control zone and transition area revealed the controlled airspace is not properly described and inadequate for the protection of aircraft executing instrument approach procedures. In addition, higher performance aircraft are utilizing the airports which require additional controlled airspace.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817–624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 17, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 3326) stating that the Federal Aviation Administration proposed to alter the Lake Charles, La., control zone and transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to subpart F and subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Lake Charles, La., control zone and transition area. This action provides controlled airspace for the protection of aircraft executing instrument approach procedures to the Lake Charles Municipal Airport and the McFillen Airpark.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 356) and (45 FR 445) are amended, effective 0901 GMT, May 15, 1980, as follows:

In subpart F, § 71.171 (45 FR 356), the Lake Charles, La., control zone is altered as follows:

§ 71.171 [Amended]

* * * * *

Lake Charles, La.

That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07′32″ N., longitude 93°13′22″ W.), within 2.5 miles each side of the Lake Charles VORTAC 256° radial extending from the 5-mile radius area to 6 miles east.

In Subpart G, § 71.181 (45 FR 445), the Lake Charles, La., transition area is altered as follows:

§ 71.181 [Amended]

* * * * *

Lake Charles, La.

That airspace extending upward from 700 feet above the ground within an 8.5-mile radius of the Lake Charles Municipal Airport (latitude 30°07'32" N., longitude 93°13'22" W.).

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

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

Issued in Fort Worth, Tex., on March 4, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-7895 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-59]

Alteration of Transition Area: Bogalusa, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Bogalusa, La. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the George R. Carr Memorial Airport. The circumstance which created the need for the action is the establishment of a nondirectional radio beacon (NDB) located 4 miles north of the airport.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 10, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 2049) stating that the Federal Aviation Administration proposed to alter the Bogalusa, La., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes.this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Bogalusa, La., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing established and proposed instrument approach procedures to the George R. Carr Memorial Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 GMT, May 15, 1980, as follows:

In Subpart G, § 71.181 (45 FR 445), the following transition area is altered as follows:

§ 71.181 [Amended]

* * * * *

Bogalusa, La.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the George R. Carr Memorial Airport (latitude 30°48'42"N., longitude 89°51'54"W.).

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

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

Issued in Fort Worth, Tex., on March 3, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-7894 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-58]

Proposed Designation of Transition Area: Katy, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to designate a transition area at Katy, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Woods No. 2 Airport. The circumstance which created the need for the action is the establishment of a special instrument approach procedure to the Woods No. 2 Airport using the Eagle Lake VORTAC. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 10, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 2050) stating that the Federal Aviation Administration proposed to designate the Katy, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Katy, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Woods No. 2 Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 GMT, May 15, 1980, by adding the Katy, Tex., transition area, as follows.

In Subpart G, § 71.181 (45 FR 445), the following transition area is added:

§ 71.181 [Amended]

* * * * *

Katy, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Woods No. 2 Airport (latitude 29°47'36"N., longitude 95°55'30"W.).

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

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

Issued in Forth Worth, Tex., on March 3, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-7893 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-SO-87]

Designation of Transition Area, Forest, Mississippi

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will designate the Forest, Mississippi, transition area and will lower the base of controlled airspace in the vicinity of Forest Municipal Airport from 1,200 to 700 feet to accommodate Instrument Flight Rule (IFR) operations. A public use instrument approach procedure has been developed for the Forest Municipal Airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: 0901 G.m.t., April 9, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Monday, January 14, 1980 (45 FR 2661), outlining the details of the proposal to designate the Forest, Mississippi, 700-foot transition area. No objections to the proposal were received in response to this publication. This rule will provide required controlled airspace to accommodate aircraft performing IFR operations at Forest Municipal Airport. The Forest (nonfederal) nondirectional radio beacon, which will support the approach procedure, will be established in conjunction with the transition area. This rule also changes the airport operating status from VFR to IFR.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., April 9, 1980, by adding the following:

Forest, Mississippi

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Forest Municipal Airport (Lat. 32°21'12" N., Long. 89°29'19" W.), within 3 miles each side of the 335° bearing from the Forest RBN, extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

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

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

Issued in East Point, Ga., on March 7, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-8051 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-SO-90]

Alteration of Transition Area, Salisbury, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule redesignates the basic radius of the Salisbury, North Carolina, 700-foot transition area. This action provides controlled airspace required to protect instrument flight operations at the Rowan County Airport.

EFFECTIVE DATE: April 9, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Thursday, January 17, 1980 (45 FR 3328), which proposed to increase the basic radius of the 700-foot transition area from 8 to 9 miles around the Rowan County Airport. A new standard instrument approach procedure, VOR-A, requires additional airspace. By increasing the basic radius area, the existing extension for VOR Runway 2 and that required for the VOR-A procedure would be included. No objections were received from this notice.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., April 9, 1980, as follows:

Salisbury, North Carolina.

The present description is deleted and "* * * That airspace extending upward from 700 feet above the surface within a 9-mile radius of Rowan County Airport (latitude 35°38'30"N., longitude 80°31'10"W.); within 3 miles each side of the 023° bearing from Salisbury RBN (latitude 35°40'27"N., longitude 80°30'22"W.), extending from the 9-mile radius area to 8.5 miles north of the RBN * * *" is substituted therefor.

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

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

Issued in East Point, Ga., on March 7, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-8052 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Doc. No. R-80-779]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The change in the regulations increases the maximum allowable finance charge on Title I property improvement, mobile home loans, and combination and mobile home lot loans. The change is necessitated by the high interest rates prevalent for such loans. This action by HUD is designed to bring the maximum financing charges on these loans into line with other competitive market rates and help assure adequate supply of financing for such loans.

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 (202–755–6680).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum finance charge on mobile home loans has been raised from 15.50 percent to 17.00, and the finance charge on combination loans for the purchase of a mobile home and a developed or undeveloped lot has been raised from 15.00 percent to 16.50 percent. The maximum charge on property improvement loans has been raised from 15.50 percent to 17.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. In § 201.4 paragraph (a) is revised to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed a 17.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart B—Eligibility Requirements—Mobile Home Loans

1. In § 201.540 paragraph (a) is revised to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed a 17.00 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a 1 percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

1. In § 201.1511 under paragraph (a), subparagraph (1) is revised to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.*

(1) 16.50 percent per annum.

* * * * *

(Sec. 3(a), 82 Stat. 113; 12 USC 1709–1; Sec. 7 of the Department of Housing and Urban Development Act, 42 USC 3535(d))

Issued at Washington, D.C., March 12, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 80-8213 Filed 3-13-80; 3:39 pm]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Part 14-10

Bonds and Insurance

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This regulation amends the Interior Procurement Regulation by changing insurance requirements under certain aircraft contracts. The regulation adds a requirement for hull insurance on all contracts for aircraft services without pilot (except where the Government has a property interest in the aircraft) in order to maintain consistency with hull insurance requirements for contractor-operated aircraft.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. William Opdyke, Acting Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management, Department of the Interior, Washington, D.C. 20240, or call (202) 343–5914.

SUPPLEMENTARY INFORMATION: (a) Paragraph (f) of § 14–10.451 is deleted and reserved since hull insurance will be required under contracts for aircraft without pilot except where the Government has a property interest.

(b) Paragraph (h) of § 14–10.451 is revised to prescribe a new clause covering liability for loss or damage for use under contracts for aircraft without pilot.

(c) A new paragraph (i) is added to § 14–10.451 to prescribe use of the clause previously contained under Section 14–10.451(h) for use under

contracts for aircraft without pilot where the Government has a property interest.

Primary Author

The primary author of this regulation is Mr. William Opdyke, Acting Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management, Office of the Secretary, Department of the Interior.

Impact

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, 41 CFR Chapter 14 is amended as stated below.

Dated: March 6, 1980.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

Section 14–10.451 of Subpart 14–10.4 is amended by deleting and reserving paragraph (f); revising paragraph (h); and adding a new paragraph (i) which includes the clause previously contained under paragraph (h) to read as follows:

Subpart 14–10—Bonds and Insurance

§ 14–10.451 Insurance requirements for contract aircraft.

* * * * *

(f) [Reserved]

* * * * *

(h) In contracts for aircraft without pilot where the Government does not have a property interest, there is a high probability of Government liability for claims arising out of an accident because flight operations and the Government pilot will be under Government control. Accordingly, in such contracts the clause set forth below shall be included:

Liability for Loss or Damage

(a) The Contractor shall indemnify and hold the Government harmless from any and all loss or damage to the aircraft furnished under this contract except as provided in paragraph (d) below. For the purpose of fulfilling his obligation under this clause, the Contractor shall procure and maintain during the term of this contract, and any extension thereof, hull insurance acceptable to the Contracting Officer. The Contractor's insurance coverage shall apply to pilots furnished by the Government who operate the aircraft. The Contractor may request a list of Government pilots by name and qualification who are potential pilots.

(b) Prior to the commencement of work hereunder, the Contractor shall furnish the Contracting Officer a copy of the insurance policy or policies or a certificate of insurance issued by the underwriter(s) showing that the coverage required by this clause has been obtained.

(c) Each policy or certificate evidencing the insurance shall contain an endorsement which provides that the insurance company will notify the Contracting Officer 30 days prior to the effective date of any cancellation or termination of any policy or certificate or any modification of a policy or certificate which adversely affects the interests of the Government in such insurance. The notice shall be sent by registered mail and shall identify this contract, the name and address of the contracting office, the policy, and the insured.

(d) If the aircraft is damaged or destroyed while in the custody and control of the Government, the Government will reimburse the Contractor for the deductible stipulated in the insurance coverage (if any) as follows:

(1) In-Motion Accidents—Up to 5% of the current insured value of the aircraft stated in the policy, or $10,000.00, whichever is less.

(2) Not In-Motion Accidents—Up to $250.00 per accident. Such reimbursement shall not be made, however, for loss or damage to the aircraft resulting from (1) normal wear and tear, (2) negligence or fault in maintenance of the aircraft by the Contractor, or (3) a defect in construction of the aircraft or a component thereof.

(e) If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract. The Government may, at its option, make necessary repairs or return the aircraft to the Contractor for repair. In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter.

(f) Any failure to agree as to the responsibility of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract. (End of Clause)

(i) In contracts for aircraft without pilot in which the Government has a property interest, such as a lease with a purchase option, the general policy of self insurance is applicable. Accordingly, in such contracts the clause set forth below shall be included:

Liability for Loss or Damage (Property Interest)

(a) The Government assumes all risk and liability for damage to or loss of the aircraft for the term of this contract, while the aircraft is in the Government's possession, except for (1) normal wear and tear to the aircraft, or (2) loss which occurs as a result of negligence or fault in maintenance of the aircraft by the contractor, or (3) loss resulting from a latent defect in the construction of the aircraft or a component thereof.

(b) In the event of damage to the aircraft, the Government may, at its option, make the necessary repairs with its own facilities, or by contract, or pay the Contractor the reasonable cost of repair of the aircraft. If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract.

(c) In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter, but the Government will pay to the Contractor a sum equal to the fair market value of the aircraft just prior to such loss, destruction, or extensive damage, less the salvage value of the aircraft.

(d) The Contractor certifies that the contract price does not include any cost attributable to insurance or to any reserve fund it has established to protect its interests in or use of the aircraft, regardless of whether or not the insurance coverage applies for the period during which the Government has possession of the aircraft. If, in the event of loss or damage to the aircraft, the Contractor receives compensation for such loss or damage, in any form, from any source, the amount of such compensation shall be credited to the Government in determining the amount of the Government's liability under this clause; except that this shall not apply to proceeds of insurance received solely as an advance of insurance pending determination of Government liability, or for an increment of value of the aircraft beyond the value for which the Government is responsible.

(e) In the event of loss or damage, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and such rights shall be immediately assigned to the Government. Except as the Contracting Officer may permit in writing, the Contractor shall neither release nor discharge any third party from liability for such loss or damage nor otherwise compromise or adversely affect the Government's subrogation or other rights hereunder. The Contractor shall cooperate with the Government in any suit or action undertaken by the Government against any such third party.

(f) Any failure to agree as to the responsibility of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract. (End of Clause)

[FR Doc. 80–8136 Filed 3–14–80; 8:45 am]

BILLING CODE 4310–10–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–26

[FPMR Amdt. E–235]

Priorities for Use of Supply Sources

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains additional priority requirements for the

use of sources for supplies and services. From the inquiries received, it is apparent that several additions to the priority requirements for supply sources are needed. This regulation will provide the necessary additions and thereby promote greater economy and efficiency in Government acquisition.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John K. Carney, Director, Office of Supply Policy (703–557–0393).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101–26.107(a) is amended by revising the introductory paragraph, paragraphs (a)(1)(iii), (a)(1)(v), (a)(2)(ii), and (a)(2)(iii), as follows:

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

§ 101–26.107 Priorities for use of supply sources.

(a) Executive agencies shall satisfy requirements for supplies and services from or through the sources and publications listed below in descending order as indicated:

(1) * * *

(iii) Federal Prison Industries, Inc.;

* * * * *

(v) GSA stock program and other wholesale suppliers, such as the Defense Logistics Agency, Veterans Administration, and military inventory control points;

* * * * *

(2) * * *

(ii) Mandatory Federal Supply Schedules and mandatory GSA term contracts for personal property rehabilitation;

(iii) Optional use Federal Supply Schedules and optional GSA term contracts for personal property rehabilitation; and

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 6, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80–8034 Filed 3–14–80; 8:45 am]

BILLING CODE 6820–24–M

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41 CFR Part 101–28

[FPMR Amendment E–236]

Self-Service Store Shopping Plates

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains policies, procedures, and requirements covering the issuance, use, and control of self-service store shopping plates. This regulation is issued to deter certain abuses that have been discovered in the use of self-service store shopping plates and to provide for strict control over these shopping plates.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John K. Carney, Director, Office of Supply Policy (703–557–0393).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

1. The table of contents for Part 101–28 is amended by adding the following new entries.

Sec.

101–28.308 Shopping plates.
101–28.308–1 General.
101–28.308–2 Description and types.
101–28.308–3 Limitations on use.
101–28.308–4 Obtaining a shopping plate.
101–28.308–5 Expiration or cancellation.
101–28.308–6 Safeguards.
101–28.308–7 Reporting loss or theft.

Subpart 101–28.3—Self-Service Stores

2. Sections 101–28.308, 101–28.308–1, 101–28.308–2, 101–28.308–3, 101–28.308–4, 101–28.308–5, 101–28.308–6, and 101–28.308–7, are added as follows:

§ 101–28.308 Shopping plates.

§ 101–28.308–1 General.

Valid shopping plates are required for customers to enter and perform all customer transactions in GSA self-service stores.

§ 101–28.308–2 Description and types.

(a) Shopping plates are color coded 2-by 3-inch plastic laminated cards. The GSA logo is printed at the top of the front side of the shopping plate and customer data are embossed on the lower front side of the shopping plate. The back side of the shopping plate contains a color bar code for use in the automated billing of purchases to a customer account.

(b) There are four types of self-service store shopping plates (retail services shopping plates) authorized for use in GSA self-service stores. The types of shopping plates and the activities or persons that may be authorized to use them are as follows:

(1) GSA Form 1948, Retail Services Shopping Plate. (Color: Green and white.) This form is for use by civilian and military Federal agencies and members of the Federal judiciary.

(2) GSA Form 1948–A, Retail Services Shopping Plate. (Color: Red and white.) This form is for use by authorized cost-reimbursable contractors.

(3) GSA Form 1948–B, Retail Services Shopping Plate. (Color: Blue and white.) This form is for use by Members of Congress.

(4) GSA Form 1948–C, Retail Services Shopping Plate. (Color: Yellow and white.) This form is for use by activities of the Public Buildings Service, GSA, and other agencies, as appropriate.

§ 101–28.308–3 Limitations on use.

(a) The use of GSA Forms 1948, 1948–A, and 1948–B is limited to purchases of items from GSA self-service stores (administrative) that stock mostly administrative supplies.

(b) The use of GSA Form 1948–C is limited to purchases of items from GSA self-service stores (industrial) that stock mostly industrial supplies.

(c) Agencies shall establish internal controls to ensure that the use of shopping plates by the agency or other lawfully authorizied activity is limited to the purchase of items for official Government business. The controls shall include written instructions for the use of shopping plates, that contain a statement prohibiting their use in acquiring items for other than Government business.

(d) Members of Congress, except for the Delegate of the District of Columbia, should limit the use of their shopping plates to self-service stores located outside of the District of Columbia. Office supplies needed by Members of Congress for use in the District of Columbia should be obtained from the Senate and House of Representatives supply rooms. The Delegate of the District of Columbia may use a shopping plate to obtain office supplies from self-service stores located in the District of Columbia.

§ 101–28.308–4 Obtaining a shopping plate.

To obtain a shopping plate, an eligible activity shall obtain a GSA Form 1947, Application for Self-Service Store Shopping Plate, from a GSA self-service store, GSA regional office, or other location as determined locally by GSA, and submit the completed form to the nearest self-service store or supporting GSA regional office. All shopping plate applications shall identify the delivery and billing locations (BOAC) with the activity address code (AAC) assigned to the activity applying for the shopping plate. A civilian activity that has not

been assigned an activity address code should request one in accordance with the instructions in chapter 2 of the FEDSTRIP Operating Guide (FPMR 101–26.2). Military applicants, including nonappropriated fund activities, that have not been assigned a Department of Defense activity address code (DODAAC) should request one from their military service focal point.

§ 101-28.308-5 Expiration or cancellation.

(a) Shopping plates issued to Federal agencies or members of the Federal judiciary are valid for an indefinite period of time unless canceled by the Commissioner, Federal Supply Service (FSS), GSA, or a GSA Regional Administrator.

(b) Shopping plates issued to authorized contractors or Members of Congress will contain an expiration date reflecting the termination of the contract or the term of office. Expired shopping plates are invalid and shall be returned to the issuing GSA region for disposition and destruction. New shopping plates will be issued to reinstated contractors or reelected Members of Congress after submission of an application.

(c) The Commissioner, Federal Supply Service (FSS), GSA, may periodically direct a nationwide purge of shopping plates to cancel those that are duplicates, not needed, or have been lost or stolen. Shopping plates may also be canceled on a selective basis by a GSA region at the direction of the GSA Regional Administrator in coordination with the Office of Self-Service Stores, FSS, and the supporting GSA accounting center. Agenices shall keep GSA informed of any changes in organization or accounting structure that might have an impact on the status of their shopping plates. Under the procedures for conducting a purge, purged shopping plates become invalid as of a specific date established by the Commissioner, FSS, or a GSA Regional Administrator, and new shopping plates are issued upon receipt of reapplications.

§ 101-28.308-6 Safeguards.

Agencies shall establish internal controls to ensure that shopping plates are properly safeguarded. The controls shall include a written delegation of authority to an official or officials for custody of shopping plates and written instructions for safekeeping shopping plates requiring that they be stored in a secure place, such as in a locked filing cabinet.

§ 101-28.308-7 Reporting loss or theft.

When a shopping plate is lost or stolen, the agency responsible for the shopping plate shall immediately provide a verbal report of the loss or theft, including the account number of the shopping plate, to the self-service store activity in the supporting GSA region. The verbal report shall be followed by a written report confirming the loss or theft. Account numbers of reported lost or stolen shopping plates will be entered into the self-service store automated billing system for detection of any illegal use of these shopping plates.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 6, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-8033 Filed 3-14-80; 8:45 am]

BILLING CODE 6820-24-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 78-144; FCC 80-90]

Cable Television Pole Attachments

AGENCY: Federal Communications Commission.

ACTION: Reconsideration of Memorandum Opinion and Second Report and Order regarding the adoption of rules for the regulation of cable televison pole attachments.

SUMMARY: In its *Second Report*, the Commission adopted substantive rules for resolving cable television pole attachment complaints and amended some of the procedural rules adopted in the *First Report*. Six parties filed petitions for reconsideration of that decision. The Order below grants, in part, and denies, in part, the petitions, amends § 1.1404(g)(6) and deletes § 1.1404(g)(13) of its rules.

EFFECTIVE DATE: April 16, 1980.

ADDRESSES: The Secretary, Federal Communciations Commission, Washington, D.C. 20554 (refer in all communications to CC Docket 78–144).

FOR FUTHER INFORMATION CONTACT: Margaret Wood or Wayne Smith, Pole Attachments Branch, Tariff Division, Common Carrier Bureau, Washington, D.C. 20554 (A. C. (202) 254–8100).

In the matter of adoption of rules for the regulation of Cable Televison Pole Attachments, CC Docket 78–144. See also, 44 FR 31643, June 1, 1979.

Memorandum Opinion and Order

Adopted: February 28, 1980.

Released: March 10, 1980.

By the Commission: Commissioner Lee absent; Commissioner Brown issuing a separate statement.

1. Before the Commission are several petitions seeking reconsideration of our Second Report and Order in the above proceeding. See 72 FCC 2d 59, (1979). There, among other things, we disposed of petitions for reconsideration of our First Report and Order (43 FR 36086, August 15, 1978) 68 FCC 2d 1585 (1978), and adopted substantive rules and further procedures for the resolution of cable television pole attachment complaints.[1]

2. The petitions essentially take issue with three determinations (1) the inclusion of the 40-inch safety space between electric and communications lines as usable space for ratemaking purposes, coupled with the determination that no part of that safety space is occupied by cable; (2) the specification of 13.5 feet as the rebuttable figure for usable pole space (§ 1.1404(g)(11) of the Rules); and (3) the application of an interstate factor in the pole attachment rate formula (§ 1.1404(g)(13) of the rules). Some question is futher raised concerning our authority to prescribe rates, as well as accounting treatment of certain costs.[2] For the reasons discussed below, we find no basis to modify significantly the procedures adopted in the *Second Report*. We have concluded, however, that deletion of the interstate factor in § 1.1404(g)(13) is warranted.

I. Safety Space

3. In the Second Report and Order we took pains to explain what portion of the usable space above the minimum ground clearance of a pole should be chargeable to CATV operators for rate purposes. The dispute here in part centered on whether some 40 inches of safety space that must be maintained between an electric line and an adjacent communications line should be allocable to some degree—or even at all—to

[1] Petitions for reconsideration of the rules adopted in the Second Report have been filed by American Electric Power Service Corporation (American); American Telephone and Telegraph Company, (AT&T); GTE Service Corporation (GTE); Iowa Power and Light Company (Iowa); Monongahela Power Company (Monongahela); and United States Independent Telephone Association (USITA). These petitions are opposed by Colony Commuications, Inc., Comsat Corporation, Cox Cable Communications Inc., and New Channels Corporation (collectively Colony) as well as National Cable Television Association, Inc. (NCTA). Also before us are replies from all six petitioners and comments from the Consumers Power Company supporting GTE, Iowa and others.

[2] Several petitioners also reiterate the claim that the Commission is without authority under Section 224 of the Act, 47 U.S.C.A. 224, to abrogate pole attachment contracts in existence at the time of its passage. We have fully dealt with these contentions in our First and Second Reports and see no reason to discuss them again. See 68 FCC 2d at 1590–91 and 72 FCC 2d at 67.

CATV operators in determinig a suitable rare formula. The electric companies argued that the entire 40 inches should be attributable to cable under the rational that this was what Congress had intended. They also argued that but for the presence of cable on a pole, the 40 inch space would not be necessary. Several telephone companies in turn contended that the safety space should be excluded from usable space on the theory that if it were not assigned to cable companies, by default it would be assigned to them.

4. We found no merit in either view. Rather, we found that safety space is to be considered as "usable" space for ratemaking purposes, but that no portion of that safety space is to be considered occupied by cable television. In other words, we found that a cable operator was not to be charged even in part for this space for ratemaking purposes. In support, we began by noting that Section 224(d)(1) of the Communications Act, 47 U.S.C.A. 224(d)(1), provides that the amount of usable space occupied by cable is one of the factors which must be ascertained before the maximum "just and reasonable" rate can be determined. Moreover, we observed that the legislative history of the Act makes it clear that Congress believed cable television occupies a total of one foot of the usable space. Accordingly, we concluded it would contravene the intent of Congress to assign any portion of the safety space—*i.e.*, more than one foot—to CATV for ratemaking purposes.

5. We then went on to reject arguments that assignment of this space to CATV operators for ratemaking purposes would in fact be equitable. Here, we recognized that CATV operators already assume the risk of being responsible for pole replacement costs necessitated by subsequent installation of additional electrical or telephone lines that would reduce the available safety space to less than 40 inches. Additionally we pointed out that some electric utilities make resourceful use of safety space for mounting street light support brackets, step-down distribution transformers and grounded, shielded power conductors.

6. As noted, all petitioners object to the manner in which we have allocated for rate purposes pole space attributable to cable television attachments. The power companies agree in general that the 40 inches of clearance space between electric and communications lines required by the National Electric Safety Code [3] (commonly referred to as "safety space") should be considered usable space, but reiterate that the cable operator should be responsible for the entire 40 inches. The argument here appears to be that the legislative history demonstrates that Congress intended for CATV to be assigned the entire clearance space from the cable attachment to both the electric wire and the telephone wire. Specifically they rely on a reference to space occupied by CATV as the space used for the "actual physical attachment plus clearance between the CATV attachment and *adjacent attachments*." S. Rep. No. 95–580, 95th Cong., 1st Sess. at 27 (hereafter *Senate Report*) (emphasis added). Further, they assert, the Commission erred in even considering any "resourceful use" made by some electric utilities of the 40-inch safety space [4] and the "risk" assumed by CATV when it agrees to pay pole replacement costs necessitated by subsequent installation of additional electric lines. Finally, Iowa and Monongahela also complain that the exclusion of any part of the 40 inches from the space allocated to cable results in rates so low as to constitute an unlawful taking of property without compensation, or, alternatively, results in utility service consumers subsidizing a large portion of "luxury" CATV service.

7. As a separate matter, the telephone companies assert that our determination that the safety space is to be considered usable space of which no part is allocable to CATV for rate purposes, has the effect of charging the telephone company for the safety space even though it is not allowed to use it. AT&T argues that if the Commission considers such space not usable by cable, it must also consider such space not usable by telephone companies. Both AT&T and USITA urge that the safety space should be excluded from usable space in determining telephone company charges for pole attachments. GTE, on the other hand, argues that the Commission should determine whether the 40-inch safety space is usable space on a case-by-case basis.

8. Upon careful review, we conclude that neither approach is consistent with the literal language of Section 224 or the legislative intent. While it is true, as the electric companies assert that at times the legislative history does mention "clearances" in the plural, nowhere does it indicate that CATV is to be apportioned the *entire* clearance space from the CATV line to both the telephone and the electric wire. Indeed, the example offered by the Senate Committee report leaves no doubt that Congress intended CATV companies to be responsible for a total of only 12 inches of space on a pole. Thus, intended it states, "[b]y what is virtually a uniform practice throughout the United States cable television is assigned 1 foot [of the] usable space." *Senate Report* at 20. It is clear, in other words, that Congress intended that the "new" pole user, CATV, be responsible not only for the actual space occupied by its attachment—approximately 1 inch—but also for an appropriate amount of clearance space as determined by industry practice (*i.e.*, 11 inches). Thus, we believe when Congress adopted this legislation it intended the space attributable to cable television to be 12 inches, including actual space occupied plus a clearance space.[5]

9. The foregoing also lays to rest the claim that the telephone companies are effectively being charged for the safety space. As just noted, the legislation intends that some 11 inches of clearance space is to be allocated to CATV for pole attachment ratemaking purposes. Moreover, as the record shows, telephone companies in the past have worked out their own agreements with the electric companies as to how much of the remaining space is to be allocated to each utility. Under these circumstances, the claim by the telephone companies that they are bearing responsibility for the entire safety space is simply untenable.[6]

10. This brings us to the contention that we erroneously considered the so-called "resourceful use," of the 40-inch safety space. Specifically, the electric

[3] American National Standards Institute, National Electric Safety Code (1977 ed.) 160–64.

[4] American suggests that when the utilities actually use some of the safety space, an appropriate deduction could be made, but in all other cases the entire safety space should be considered usable space attributable to cable.

[5] American's argument that the example referred to in the Senate Report was a "telephone only" pole is similarly unpersuasive. Significantly, the Committee heard evidence as to pole attachment practices, and in a summary of its findings, stated that "approximately 70 percent of all utility poles owned by either telephone or electric utilities are actually jointly used." Senate Report at 12. It also noted that of the more than 10 million poles on which cable operators lease space, fewer than half are controlled by telephone companies, while 53 percent are controlled by power utilities, public and private. Id. at 13. In short, Congress was well aware that more than two-thirds of the poles owned by one type of utility are jointly used by both telephone and electric utilities, and that the majority of the poles leased by cable companies are under the control of electric utilities. Therefore, it is clear Congress had fully considered poles used by electric companies when it stated that it was "virtually a uniform practice" to assign cable one foot of usable space.

[6] Additionally, as we pointed out in the Second Report (para. 24), most pole attachment agreements make CATV operators responsible for all pole replacement costs necessitated by subsequent installation of additional telephone or electric lines that reduce available safety space to less than 40 inches. CATV therefore carries the continuing burden of maintaining the 40 inches, although the safety space itself cannot be assigned to it.

companies' main dispute here is that safety space is not used as a matter of common practice and, accordingly, should not have become part of our rationale for determining that safety space is "usable" space. We disagree. The issue is not whether the space is actually *used*, but whether it is *usable*. Section 224(d)(2) defines usable space as "the space above minimum grade level which can be used for the attachment of wires, cables, and associated equipment." Clearly, street light brackets, transformers, and the like are "associated equipment" within the meaning of this provision. For this reason, we believe our initial resolution on this point was sound.

11. Lastly, we reject the argument that our treatment of the safety space results in too low a rate or a subsidization of cable television service by utility consumers. As the record shows, under standard industry practice, all expenses directly related to the preparation of the poles for cable attachments are reimbursable independently of the rate formula. Therefore, these expenses place no burden on the utility ratepayer. Indeed, far from resulting in a subsidization of cable operations, the rental revenues from leasing space to cable operators allow utilities to recover a proportionate share of the expenses and capital costs of a pole to the benefit of utility customers. Moreover, cable rentals offset expenses which otherwise would be borne by the utility subscribers, a significant benefit since the cable attachments are almost always made in surplus space.[7] In sum, we conclude that our decision on usable space was not only grounded in the legislative intent, but was also amply justified as an equitable and practical matter in the record before us.

II. Average Usable Space

12. In order to simplify the reporting requirements for the utilities, and to obviate the necessity for a special usable space study in response to each information request, we adopted, in the *Second Report*, an "average" amount of usable space per pole (Section 1.1404(g)(11). Under the rule, this average of 13.5 feet, which is based on the consensus of figures submitted to us, may be used in lieu of actual measurement. It does not , however, preclude the utility from submitting the actual usable space per pole if it so desires, nor, conversely, preclude the cable company from rebutting the 13.5 foot figure.

13. Both AT&T and GTE challenge the adoption of this 13.5 feet average figure. AT&T agrees with the concept of using a representative measurement for the average amount of usable space on a pole, but maintains that the 13.5 feet is unrealistic because it does not accurately reflect pole usage throughout the country. It particularly objects to the use of an arithmetic average of 35 foot poles with 11 feet of usable space and 40 foot poles with 16 feet of usable space. Instead, AT&T recommends development of a weighted average of pole sizes using 20 feet, in lieu of 18 feet, for ground clearance, and eliminating the safety space from the usable space. GTE, for its part, would delete the 13.5 foot figure from the Rules; rather, it would determine the average amount of usable space per pole on a case-by-case basis.

14. As we found in the *Second Report*, although there is no single definitive occupancy percentage or figure for usable space, there nevertheless appears to be a censensus that the most commonly used poles are 35 and 40 feet high with usable spaces of 11 and 16 feet, respectively. The record is replete with studies supporting our conclusion regarding typical pole usage throughout the country. To cite but one example, the comments submitted by Colony *et al.* in response to our original notice of proposed rulemaking include the results of cost studies done by Florida Power Corporation and Florida Power and Light Company in 1974 and 1978, respectively, in which the power companies estimate 50% of the attachment poles are 40 feet and 50% are 35 feet. Although we agree with AT&T that a weighted average is probably preferable to the arithmetic average developed in the *Second Report*, in this case they are actually identical; that is, the record supports 13.5 feet not only as an arithmetic average, but also as a weighted average. AT&T has not presented any evidence that our assessment of the national average of commonly used poles was unreasonable. Moreover, we have built enough flexibility into our procedures so that a utility may present its own weighted average if its usage differs significantly from our 13.5 feet.[8] At the same time we find no substance to GTE's suggestion that any "average" figure should be deleted from the Rules, and alternatively that the average amount of usable space per pole should be determined on a case-by-case basis. Simply put, in our view such a result would be contrary to the Congressional intent that our procedures be "simple and expeditious," *Senate Report* at 21, while not adding any measurable degree of accuracy above and beyond our rebuttable presumption.

15. Nor can we agree that an undue burden has been placed on the utilities as a result of the adoption of this average figure. Our Rules provide that a cable company may request certain information of the utility, including the average usable space per pole. The utility then has several options. It may respond with our "average" figure of 13.5 feet. In the alternative, it may present a weighted average of the usable space on its poles *leased for cable attachments*. It may do this without special studies by submitting figures from its records indicating the number of poles of the various heights in its distribution plant *used for cable attachments* and the usable space on each. If a utility uses a ground clearance figure of other than 18 feet on 35 and 40 foot poles and 23 feet on 45 foot poles to arrive at the figure, it must document the variance.[9] Finally, either initially or in response to the cable operator's rebuttal, the utility may conduct a properly substantiated special study and submit figures based on it.[10] In view of the above, we find that deletion of our 13.5 foot average usable pole space figure is unwarranted.

III. Interstate/Intrastate Factors

16. We noted in the *Second Report* that even though pole attachment matters are essentially intrastate in nature, cost figures are to be segregated into intrastate and interstate components, with only the former used

[7] *See, e.g.*, AT&T's reply coments to our notice of proposed relumaking in this proceeding, 68 FCC 2d 3 (1978), where it states, "Utilities construct poles and conduit to meet their own service reqirements." (p.6). Moreover, as the record also shows, if no surplus space is available, the cable company pays the entire cost to change out a pole to provide sufficient space for its attachments.

[8] AT&T also argues that a 20-foot ground clearance should be built into the formula instead of the 18 feet we used. The 20 foot figure does not comport, however, with the consensus of comments we received in response to our Notice. Nor is the 20 foot figure consistent with the Congressional finding that a typical utility pole 35 feet in length has 11 feet of usable space (leaving a total of 24 feet for both the portion buried underground and the necessary ground clearence). Senate Report at 20. The necessary ground clearance is prescribed by the NESC or by local ordinance, usually to be 18 feet. The fact that a cable must be attached to a pole above that minimum height, (*e.g.* 20 feet), so that the cable does not sag below 18 feet at the midpoint betweeen the poles does not change the minimum ground clearance. AT&T, in other words, is equating miminum ground clearance with the minimum point of attachment when the two are not the same.

[9] It should be noted that generally both 40 and 45 foot poles have a usable space of 16 feet. Poles taller than 40 feet are usually necessitated by a higher ground clearance, but that does not increase the amount of usable space.

[10] As stated in the *Second Report* (para. 21), although we discourage the parties from resorting to surveys and counts, they may do so at their own expense.

in the calculation of pole attachment rates. See paras. 15 and 16. At that time we concluded that the magnitude of the interstate portion of total pole investment might be significant. We were also concerned that telephone companies would recover part of their revenue requirement from interstate operations under the *Separations Manual*[11] and recover again under the pole attachment rate formula. See para. 16, n. 14. Accordingly, we decided to require all telephone companies by rule to supply a complainant CATV operator with the rate of return authorized for intrastate services as well as a factor showing the proportion of pole plant allocated to interstate operations. See § 1. 1404(g)(10) and (13).

17. The telephone companies essentially contend that the interstate factor is unnecessary. GTE argues that the legislative history of Section 224 shows that Congress contemplated pole plant and costs in the context of a unit, *i.e.*, an entire pole, rather than the intrastate portion only. Furthermore, it asserts that the separations process, which apportions both costs and revenues between interstate and intrastate services, already applies to pole attachment rental revenues. Therefore, it maintains that separation of costs between intrastate and interstate cannot be made in determining pole attachment rates without causing unwarranted subsidization. USITA adds in this connection that, absent revision of jurisdictional separations procedures by a Federal-State Joint Board, allocation of pole costs to interstate and intrastate categories would result in a shortfall in intrastate revenue by the amount allocated to interstate.

18. Under the *Separations Manual*, rental revenues derived from telephone company plant are subject to jurisdictional separations procedures. If such revenues are "insubstantial" within the meaning of Section 11.24 of the *Manual*, they are reportable under Section 32.4, (Miscellaneous Revenues) and then allocated to interstate and intrastate accounts. See Section 32.421.

19. We recognize that there is a difference between a pole as a physical entity and as an accounting entity for telephone ratemaking purposes. Under the *Manual*, part of the cost of a pole must be recovered from interstate operations and the remaining part from intrastate operations. However, the costing of telephone operations has no bearing upon development of pole attachment rates except to assure that the attachment rate is based on the actual costs incurred. Since the interstate factor affects only the distribution of the revenue requirement among the operations, there would be no double recovery by telephone companies if the pole attachment rate is based on the historic cost of the physical pole. By contrast, if we required the telephone companies to use only intrastate cost data in determining the pole attachment rates, while at the same time allocating pole attachment rental receipts under separations procedures a shortfall in the intrastate revenue would result.[12]

20. Despite our earlier expectation that the interstate factor would be significant, experience to date has not borne this out. The remaining issue, then, is whether to alter our procedure or seek amendment of the *Manual*. We find deletion of this factor would not affect pole attachment rates significantly. It would also satisfy the Congressional mandate for simplicity. *Senate Report* at 21. Lastly, it would lay to rest any suggestion that costs used to determine rates are based upon less than the costs of the entire pole. Accordingly, we will delete § 1.1404(g)(13) of the rules. Moreover, we will allow complaints currently on file with the Common Carrier Bureau to be considered without further submissions by the parties regarding the interstate factor. We find no justification, however, to delete § 1.1404(g)(10), which deals with the intrastate rate of return, since this figure is used in calculating actual capital costs of the utility and thus is a necessary component in calculating the total costs of the pole.

IV. Remedial Authority under Section 224 of the Act

21. Section 1.1410 provides, among other things, that where the Commission finds a rate, term, or condition to be unjust or unreasonable, it may do one of the following: prescribe a just an reasonable rate, term, or condition; terminate the unjust or unreasonable rate, term, or condition; substitute a just and reasonable rate, term, or condition in the pole attachment agreement; or order a refund or repayment if appropriate. GTE challenges our authority to prescribe or substitute. In support, GTE begins by noting that Section 224(d)(1) of the Act establishes the formula for determining just and reasonable rates. If the rate falls within that range, GTE says, it must be considered "just and reasonable." If not, the argument runs, under Section 224(b)(1), we may only find that the rate is not "just and reasonable" and require that the rate be changed to fall within the range. According to GTE, the legislative history envisions that the Commission is to deal with disputes between parties through the ordering of negotiations or exercise of its cease and desist authority.

22. In our view, however, GTE's interpretation misperceives the overall statutory scheme. While we agree that the Commission has not been generally empowered to prescribe rates, terms, and conditons for pole attachments, it has been clearly empowered, *after hearing a complaint and responsive pleadings*, to take whatever action it deems "appropriate and necessary" if it finds a particular rate, term, or condition to be unjust or unreasonable. See *Senate Report* at 22; see also Section 224(b)(1) of the Act. Moreover, as we read the legislative history, the references to authority to order negotiations or to exercise the cease and desist power are intended simply as examples of two tools in our remedial arsenal which would be well suited to the task at hand.[13]

[11] NARUC–FCC Cooperative Committee on Communications, Separations Manual (1971 ed.) incorporated by reference in § 67.1 of the Rules, 47 CFR 67.1.

[12] A simple hypothetical will illustrate how the interstate factor presently operates, and further, the effect of deletion of § 1.1404(g)(13).

Assume for present purposes that the revenue requirement for the poles of one telephone company is $27.02 and that 10 percent of this revenue requirement is allocated to the company's interstate operations. Under these facts, $24.32 of the revenue requirement would be allocated to the intrastate operations of the company, and $2.70 would be allocated to the interstate operations. Assume, too, that CATV occupies 7.4 percent of the usable space on the poles.

Under the rationale of the Second Report, a telephone company may base its rates on the intrastate costs only. Hence, mutiplying $24.32×7.4%, the maximum allowable pole attachment rate which the CATV operator could be charged would be $1.80. However, once the Separations Manual comes into play that $1.80 would then have to be divided between the operations of the telephone company on the same basis as the plant that generated the rental revenues. Therefore, 10 percent (or $.18) of the $1.80 would by necessity go to the interstate revenue pool. Only $1.62 would remain to satisfy the intrastate revenue requirements. In other words, there would be a shortfall of $.18 into intrastate revenues.

With the interstate factor deleted, as provided in the instant order, the maximum rate would be based on the entire revenue requirement of the pole (i.e., $27.02). The maximum rental rate would now be $27.02×7.4 percent, or $2.00 per pole. Of the $2.00 rental revenue, $1.80 would be allocated to intrastate operations, with the remainder (or $.20) to interstate operations. Accordingly, under this revision, both operations would receive the full amount of their revenue requirements.

[13] Indeed, GTE inferentially concedes that our remedies go beyond negotiation and cease and desist authority when it recognizes that we have the authority, afer hearing a complaint, to order a utility company to file a rate which is within a zone of

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23. Plainly, § 1.1410 comports fully with this anticipated regime. As stated, that section's broad panoply of remedies is to be invoked only after a determination that the rate, term, or condition complained of is not just and reasonable. The only remaining issue is whether prescription or substitution of a specific rate is a reasonable extension of our authority to do what is "appropriate and necessary." We believe it is. Thus, as the Senate Report itself states, the rate-setting formula "permits the contracting parties, *or the Commission*, to determine a CATV pole attachment rate somewhere between avoidable costs and fully allocated costs." *Senate Report* at 19 (emphasis added).

24. The notion of a prescription power is supported by the overall legislative context as well. As noted, Congress has expressed its broad intent that we deal "simply and expeditiously" to resolve complaints in the face of its finding of utilities' monopoly power and possible abuse of bargaining power in setting pole attachment rates. *Senate Report* at 13. We are also charged with important responsibilities for regulatory oversight. *Id.* at 15. Lastly, we are expected to consider the reasonableness of the rate in relation to the other terms and conditions of the pole attachment agreement and judge the rate in connection with the services provided by the utility. *Id.* at 19.

25. Under these circumstances, where experience has shown that cable television may not be able to bargain with the utilities on an equal arms-length basis, it is important that we be able, where necessary, to provide a suitable remedy through exercise of the prescription power. In other words, merely ordering parties to negotiate or, alternatively, issuance of an order to cease and desist from charging unlawful rates may not be the most effective means to insure prompt implementation of the lawful rate that the statute plainly intends. For these reasons, we think prescription would be an exercise of our discretion well within the flexible parameters set by Congress.

V. Accounting Procedures and Other Matters

26. The *Second Report* requires utilities to submit certain data necessary for calculating the maximum just and reasonable attachment rate. Apparently uncertain as to how the Commission intends to use these submissions, AT&T, in its petition, sets out certain assumptions on how these specific data elements will be used in determining the appropriate pole rental rates and, further, how it expects to maintain its records to supply such information. A brief discussion of these AT&T comments follows.

27. *Make-ready Costs.* AT&T considers our treatment of make-ready costs [14] complicated and confusing. Thus, it claims, new subaccounts will be required to divide make-ready costs between recurring and nonrecurring items. Moreover, it argues, make-ready capital costs and expense items should both be considered nonrecurring costs. The *Second Report*, however, did not contemplate any such procedures. Rather, we consider all make-ready costs to be nonrecurring by definition, since they are incurred only at the time the pole plant is made ready for the cable attachment. Therefore, no subaccount or division of make-ready costs between capital costs and expenses is necessary.

28. *Crediting Make-ready Charges to Capital Accounts.* AT&T next asserts that the requirement that make-ready charges be credited to capital accounts is a new accounting procedure and one that will place an unfair burden on utility ratepayers. It explains that under its existing accounting procedures, whenever a pole is replaced to accommodate a CATV operator, there is no net change in new plant. In this way, it says there is neither a benefit nor a burden placed upon the utility's ratepayers because of CATV activities. See Petition at 17, n. 21. Accordingly to AT&T's submission, the accounting procedure it apparently now follows is the one required of it by our procedures. We expect that when a new pole is installed for the benefit of CATV, the pole line account will be charged with the cost of the pole. The same account will be credited when payment is received from the CATV operator. Thus, there will be no net change in the utility's new plant. Therefore, AT&T's fear that requiring the capital accounts to reflect that a pole has been replaced for the benefit of CATV will burden the telephone ratepayers is unfounded.

29. *Special Accounts for Tools, etc.* AT&T alleges that special accounts will be required for tools, motor vehicles, and other such equipment used exclusively for CATV purposes. Contrary to AT&T's assertion, special accounts are not required for tools, motor vehicles, and other such equipment used exclusively for CATV purposes. Items of equipment which have no use to the utility except for CATV purposes are chargeable to the CATV operator as a make-ready cost. Records for such items will be available in the billings to the cable company. Those items that are useful to the utility in the repair or installation of its own plant are not chargeable to the CATV operator, but rather are booked into the accounts of the utility and are recoverable through the recurring charges for maintenance.

30. *Number of Poles.* AT&T further contends that the Rules require it to calculate average per pole investment costs by dividing pole plant investment by the number of poles to which there are CATV attachments, regardless of whether the poles are owned or controlled.[15] It argues that this would dilute the average cost per pole because the poles it merely controls are not included as part of its investment statistics, but will be included in the denominator of the unit cost ratio. AT&T recommends that the clause "used and controlled" in Rule 1.1404(g)(5) be deleted and that the average investment costs per pole be calculated by dividing the utility's pole plant investment by the number of poles owned.

31. Clearly, however, AT&T misconstrues the correct use of the data submitted in response to § 1.1404(g)(5). Section 224 of the Act provides that the maximum "just and reasonable" rate charged for pole attachments be based on the costs of that pole incurred by the lessor utility. The net unit cost of a bare pole owned by a utility can be computed by first reducing the total pole investment by the depreciation reserve and by the net crossarm investment. The resulting figure (the net investment in bare poles) is then divided by the total number of poles owned by the utility (§ 1.1404(g)(5)(i)). For those poles controlled but not owned by the utility, however, the cost per pole is derived from the total annual rental fees paid by that utility (§ 1.1404(g)(7)) divided by the total number of controlled poles (§ 1.1404(g)(5)(ii)). Under the circumstances, it would be inappropriate to delete the phrase "used and controlled" from § 1.1404(g)(5) of the Rules, since the information is used to ascertain the costs involved.[16]

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reasonableness. Manifestly, no authority to do so is precisely conferred by the statute, but may be reasonably inferred from the authority to take steps "appropriate and necessary."

[14] Second Report, para. 29.

[15] AT&T cites paras. 10–13 of the *Second Report*, in support.

[16] Although no petitioner has specifically objected to the related § 1.1404(g)(6) of the rules, we perceive some confusion with regard to the meaning of "number of poles owned, controlled or used by the utility for CATV pole attachment purposes." A number of utilities appear to have construed this to be "zero," thereby interpreting the section to require submission of the number of poles used by the utility to provide service to CATV subscribers. Our

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32. *Current Replacement Costs.* AT&T next urges that we consider current replacement costs as one factor in developing rates. This approach, it states, would allow it and the CATV operator to agree mutually on a rate within a broader range than existing rates. As we stated in the *Second Report,* at para. 15, we do not consider such costs to be reflective of actual costs incurred, that is, the costs on which Congress directed that rates be based. Accordingly, we will continue to require the use of historical costs.

33. *"Simple and Expeditous" Programs.* Finally, both AT&T and USITA complain that we have ignored the Congressional intent that the pole attachment program be "simple and expeditious." AT&T predicts that the procedures established by the *Second Report* will proliferate new studies and new paperwork. We disagree. In our view, the bulk of the information which must be provided to the cable company will as a practical matter be readily retrievable by the utilities either from their internal records or from documents they have filed with this Commission or other regulatory bodies.[17] As such, we do not envision that any party will be required to perform any unduly burdensome special studies or adopt special accounting procedure in order to comply with the information requirements of the Rules. Indeed, to this end, we have provided for the use of average values for certain elements to facilitate resolving complaints without resort to special studies. Other typical values can be established as the need arises.[18] In sum, we conclude that the determination of the maximum lawful pole attachment rate is presently a reasonably simple and straightforward matter which the parties will be able to ascertain for themselves without our intervention.

Ordering Clauses

34. Accordingly, it is ordered that, except as indicated, the Petitions for Reconsideration filed by American, Bell, GTE, Iowa, Monongahela and USITA are denied;

35. It is further ordered that, pursuant to section 4(i) and 4(j) and 224(b)(2) of the Communications Act, 47 U.S.C. 154(i), 47 U.S.C.A. 224(b)(2), Part 1 of the Commission's rules and regulations is amended, as set forth in the attached Appendix, effective April 16, 1980.

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

Federal Communications Commission,[19]

William J. Tricarico,

Secretary.

Appendix

Part 1 of title 47 of the Code of Federal Regulations is amended as follows:

Subpart J—Pole Attachment Complaint Procedures

1. Paragraph (g)(6) of § 1.1404 is amended to read as follows, and paragraph (g)(13) is deleted:

§ 1.1404. Complaint.

* * * * *

(g) * * *

(6) The total number of poles which are the subject of the complaint;

* * * * *

(13) [Deleted]

Separate Statement of Commissioner Tyrone Brown

In re: Adoption of Rules for the Regulation of Cable Television Pole Attachment, CC Docket 78-144

I join in the Commission's action (1) treating all space above minimum grade clearance as "useable space" and (2) assigning one foot of that space to cable. I do so because it appears the Congress intended this result in adding Section 224 to the Communications Act.

The example contained in the legislative history (S. Rpt. No. 95-580) defined "useable space" as the space above minimum grade clearance, and it refers to the "universal" practice of assigning one foot of this useable space to cable. I recognize that the record does not indicate that there is in fact any such universal practice, or that such practice (to the extent it prevails) has any relevance to the charges cable systems pay for pole attachment.

However, having determined the range within which reasonable charges should fall for pole attachments, Congress by means of the example in the legislative history, in effect went on to determine the precise basis on which the charge will be made during the first five years under the new law. Congress apparently adopted this approach in order to avoid administrative delay in implementing the pole attachment amendment. While I would feel more comfortable if we were approving a pole attachment charge based more explicitly on marketplace considerations, it is not within the Commission's discretion to undo a result that Congress intended.

[FR Doc. 80-8097 Filed 3-14-80; 8:45 am]

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intent, however, was to elicit the total number of poles leased to the cable company. Therefore, we will simplify that section to make it clear that we are merely requesting the total number of poles subject to dispute.

[17] Apparently some of the data AT&T is specifically concerned about is already available to it. For example, it argues that an unintended result of the Second Report would be to require it to reestablish the crossarm investment subaccount, which was abolished in 1966. However, in footnote 28 of its petition, it gives 1978 cross-arm data for one company.

[18] There are certain other "averages" currently available which the parties could use in the absence of specific data. For example, in developing the Pole Attachment Formula, released November 7, 1975, Mimeo No. 57362, it was determined that approximately 15 percent of gross pole plant is attributable to items not essential to cable television attachments, such as crossarms. (This formula, while not a final Commissioin determination, was derived by our staff, and was used as an aid in negotations which led to an agreement in 1975 between AT&T and NCTA regarding pole attachment fees).

[19] See attached Statement of Commissioner Brown.

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47 CFR Part 73

[BC Docket No. 79-212]

Radio Broadcast Services; FM Assignment to Manhattan, Kans.

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a second Class A FM channel to Manhattan, Kansas, in response to a petition filed by Richard H. Kaldor and Timothy A. Hawks. The proposed station would provide for a second fulltime local aural broadcast service.

EFFECTIVE DATE: April 21, 1980.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Manhattan, Kansas), BC Docket 79-212, RM-3295.

Report and Order—Proceeding Terminated

Adopted: March 5, 1980.

Released: March 11, 1980.

1. The Commission has before it a *Notice of Proposed Rule Making,* adopted August 15, 1979, 44 FR 50378, proposing the assignment of Channel 280A to Manhattan, Kansas, as its second Class A FM assignment. The proceeding was instituted on the basis of a petition filed by Richard H. Kaldor and Timothy A. Hawks ("petitioners"). Supporting comments were filed by petitioners and Taylor Communications, Inc., licensee of FM station KCLY, (Channel 265A), Clay Center, Kansas. No oppositions to the proposal were received. Both petitioners and Taylor Communications, Inc., stated they would apply for the channel, if assigned.

2. Manhattan (pop. 27,575) [1], in Riley County (pop. 56,788), is located in northwest Kansas, approximately 163 kilometers (101 miles) west of Kansas City, Kansas. Manhattan presently receives local service from daytime-only AM Station KMAN, and FM Station KMKF (Channel 269A).

3. Petitioners state that, according to the Riley County Assessors Office, Manhattan's population has increased from 26,087 in 1970 to 30,047 in 1976, and continues to increase steadily. They claim that Manhattan is one of the fastest growing retail trade areas in the State of Kansas.

4. Preclusion would not be an impediment since it would result only on the co-channel. Two communities with populations greater than 1,000 are located in the precluded area (Clay Center (pop. 4,963) and Osage City (2,600)). Clay Center has an FM assignment (Channel 269A) and petitioner indicates that Channel 224A is available for assignment to Osage City.

5. Upon careful consideration of the proposal herein the Commission believes it would be in the public interest to assign Channel 280A to Manhattan, Kansas. The proposed assignment would provide for an FM station which could render a second local nighttime service and provide the first competitive outlet in the community.

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

7. In view of the foregoing, it is ordered, That effective April 21, 1980, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with respect to the community listed below:

City	Channel No.
Manahattan, Kansas	269A, 280A

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

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

[1] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

Federal Communications Commission,

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-8054 Filed 3-14-80; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 2-6; Notice 6]

Federal Motor Vehicle Safety Standards; Side Door Strength

AGENCY: National Highway Traffic Safety Administration, (NHTSA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Safety Standard No. 214, *Side Door Strength,* to allow manufacturers the option of leaving the seats in a vehicle while its ability to resist external forces pressing inward on its doors is tested. This amendment was proposed by the NHTSA in response to a petition for rulemaking from Volvo of America Corporation (44 FR 33444, June 11, 1979). The change is intended to give manufacturers broader design capabilities for improving the safety of vehicle occupants involved in side impact collisions. The performance levels for the alternative requirements are lower than those specified in the notice of proposed rulemaking, due to the agency's consideration of public comments on that notice.

EFFECTIVE DATE: The amendment made by this notice becomes effective March 17, 1980.

ADDRESSES: Any petitions for reconsideration of this rule should refer to the docket number and notice number and be submitted to the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. William Brubaker, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2242).

SUPPLEMENTARY INFORMATION: Safety Standard No. 214, *Side Door Strength* (49 CFR 571.214), specifies performance requirements for the side doors of passengers cars to minimize the life-threatening forces caused by intrusion of objects such as other vehicles, poles and tree trunks into the occupant compartment in side-impact accidents. The standard currently specifies three static crush tests (initial, intermediate and peak) to measure the crush resistance of the side doors. The basis for these tests is that early studies concerning side impact protection demonstrated that, in fatal side collisions, most occupants die because of the door structures collapsing inward on them. The static crush tests are intended to ensure that there are strong door structures to limit this intrusion. Under the peak crush test of the standard, the vehicle door may not be deformed more than 18 inches inward when the door is subjected to a force of 7,000 pounds, or two times the curb weight of the vehicle, whichever, is less.

The existing test procedures of the standard specify that the vehicle seats are to be removed during the crush tests. Although it was recognized when the standard was originally promulgated that proper seat design can also reduce the amount of intrusion of side door structures into the occupant compartment, it was determined that this standard should measure the integrity of door structures alone.

Manufacturers have generally incorporated various types of beams in the outer door panels to provide crush resistance in compliance with the standard. Last year, however, Volvo of America Corporation petitioned the agency to allow vehicle seats to remain in the automobile during the crush resistance tests. Volvo stated that it has developed an advanced side impact protection system that incorporates the vehicle seats as an essential component and dispenses with door beams. Test data indicate that the Volvo design provides side impact protection that is equal to or greater than that provided by current production designs.

In response to Volvo's petition, the agency issued a notice of proposed rulemaking to allow manufacturers to adopt this option (44 FR 33444, June 11, 1979). The notice stated that manufacturers should be encouraged to develop innovative designs for improving side impact protection, particularly designs that will improve vehicle fuel economy because of reduced weight. Although not included in Volvo's petition, the proposal specified higher crush resistance levels for vehicles tested with their seats intact (a 16,000-pound peak force).

The criteria were set at levels intended to assure an equivalent or greater level of protection compared to the existing requirements. Agency data show that the seats of some current models contribute 4 to 5 thousand pounds of crush resistance in addition to the crush resistance provided by the doors themselves. Therefore, the higher

performance levels were proposed to ensure that the current level of crush resistance that is being obtained by strong door beams will not be degraded.

Nearly all of the twelve comments received in response to the notice supported the proposal to give manufacturers the option of testing with seats installed in the vehicle. A majority of the commenters objected to the higher crush resistance levels for the alternative procedure, however. Only Volkswagen Corporation stated that the standard should not be amended to allow the option. Following is a discussion of these comments.

The Insurance Institute for Highway Safety stated that the proposed amendment would give auto manufacturers a broader range of design alternatives than they currently have to reduce the likelihood of injuries to occupants of vehicles struck in the side. Most commenters made similar statements. Mercedes-Benz of North America noted that manufacturers would be afforded greater latitude in selecting designs to comply with the standard, without sacrificing occupancy protection, at at the same time could reduce vehicle weight.

While agreeing with the concept of the proposed alternative requirement, a large number of commenters felt the proposed performance criteria were too stringent. Peugeot, as well as the Motor Vehicle Manufacturers Association, stated that the current performance levels should apply whether the seats are left in the vehicle during testing or not. American Motors Corporation argued that the proposed crush resistance levels for the alternative procedure are significantly more stringent than existing 214 requirements, and that the NHTSA has not identified any safety need to justify this higher level of performance.

The agency does not agree that the performance levels of the standard should be the same whether the seats are left in the vehicle or are removed. As noted in the proposal, current vehicle seat designs often provide four to five thousand pounds of additional crush resistance above that required by the standard. Further, the standard was originally only intended to test the crush resistance of the doors alone. Therefore, if the performance criteria were the same with and without the seats in the vehicle during the test, manufacturers could reduce the current protection provided by their doors without upgrading their vehicles in other areas. Given the large number of fatalities in side impact accidents, the agency is very concerned that such a degradation of vehicle performance not occur under the alternative test procedure. Therefore, it is the agency's position that there is a substantial safety need to assure that the level of protection provided under the alternative procedure is equivalent to or greater than that provided under the existing test procedure.

Several commenters argued that the data and test results relied upon by the agency to establish the crush resistance levels for the alternative procedure are too limited, and that research should be expanded to include tests of other models prior to establishing the criteria. General Motors stated, for example, that the two vehicles used in NHTSA tests may not be representative of other vehicle designs which could exhibit differing door-to-seat interaction.

The agency disagrees with these contentions. Volvo and Ford Motor Company provided the NHTSA with data from tests they conducted with seats and without seats installed in some of their production vehicles. The agency conducted comparable tests on a Plymouth Volare, and the tests included both bench seats and bucket seats. This and other information substantiate that vehicle seats can and do provide much additional resistance to side door intrusion. These data demonstrate that crush resistance levels should be higher if vehicle seats are left installed during the testing in order to maintain the level of protection currently being provided.

Ford Motor Company argued that the proposed higher performance levels were based on limited tests of current production models, and that the higher performance results achieved in those tests represent built-in reserves by manufacturers above the minimum performance requirements of the standard. Ford stated that the crush resistance criteria of the proposed alternative should not be set at this upper level of performance. Other commenters, including Volvo, also argued that the proposed criteria were too high to allow for production variances. General Motors stated that the proposal does not really remove inhibitions to design innovation due to the increased performance requirements of the proposed alternative procedure. Finally, Rolls-Royce Motors urged that the performance criteria be set low enough that the potential weight savings offered by the proposal can be realized in practice.

After considering these comments, the agency has determined that the crush resistance levels for vehicles tested with their seats intact should be somewhat lower than those specified in the proposal. This will allow for production variances and enable manufacturers to build in a margin of protection above the minimum performance requirements specified in the standards.

In its comments, Volvo Corporation suggested that the intermediate crush resistance level should be set at 4,375 pounds (the proposal specified 7,000 pounds) and that peak crush resistance should be set at 12,000 pounds (the proposal specified 16,000 pounds). Volvo stated that tests of its current production cars that have door beams indicate a spread in intermediate crush resistance of approximately 2,000 pounds. The company noted that an intermediate crush resistance level that is twenty-five percent above the existing requirement would compensate for the addition of seats during testing and at the same time allow manufacturers a sufficient margin to comply with the standard. Volvo also stated that since the seats of some current cars add approximately 4,000 to 5,000 pounds of peak of crush resistance, this should be the amount of increase above the existing requirement, i.e., from 7,000 pounds to 12,000 pounds. Although Volvo's preliminary testing of its advanced side impact protection system indicates that the 16,000-pound requirement could be met, the company feels that the margin is not sufficient to allow for production variances.

The agency agrees with Volvo's suggested crush resistance levels, since they should ensure that the level of protection provided under the alternative requirement is at least equivalent to that provided currently. Therefore, these criteria are adopted in this amendment. While it is encouraging that Volvo's advanced system can meet the 16,000-pound peak force specified in the proposal, this may be too high for other manufacturers at the present time, and the agency's primary concern in allowing the alternative test procedure is to avoid any degradation of the protection being provided under the current requirement. The high performance of Volvo's advanced system will be considered very seriously, however, during the planned rulemaking to upgrade side impact protection (an advance notice of proposed rulemaking concerning improving side impact protection was recently issued: 44 FR 70204, December 6, 1979).

As noted above, data indicate that current seat designs contribute approximately 5,000 pounds to the crush resistance capacity of vehicle side structures. Therefore, the 12,000-pound peak force level specified in this amendment will assure the side impact protection is not degraded, but will also allow manufactures to develop new

designs to meet the requirements. As demonstrated by Volvo, manufacturers will be able to develop new side structures and seat designs that will provide over 12,000 pounds of crush resistance without the use of heavy door beams.

Mercedes-Benz of North America commented that the "Initial" crush resistance requirement of the proposed alternative should be deleted (paragraph § 3.2.1 of the proposal). Mercedes argued that the three-stage static crush tests assign too much significance to the first stage (Initial crush resistance), since door reinforcement is necessary primarily to ensure compliance with this initial test. According to Mercedes, the initial resistance is achieved within the first six inches of crush depth (measured at the outer surface of the door), but that this is not more than one-ninth of the total energy absorption when testing without the vehicle seats. When testing with the seats, according to Mercedes, the percentage of energy absorption at the outer surface of the door panel is meaningless with respect to the total energy management and occupant protection.

The agency does not agree with this rationale. The initial crush resistance stage is necessary to ensure that vehicle doors have at least a minimum amount of structural integrity. This is particulary important because of the risk of occupant ejection if door hinges and latches separate during an accident, allowing the door to fly open. Although seat design can ameliorate intrusion into the occupant compartment to a certain extent, it is important to coordinate door structure and seat design to achieve the optimum occupant protection. Because of the initial crush resistance requirements, manufacturers may not be able to delete door beams altogether in some models. However, manufacturers will be able to use much lighter beams than are currently being used, without a reduction in overall performance.

Several commenters addressed the seat location specified in the proposed alternative requirement. The proposal provided that vehicles must be able to meet the specified crush resistance levels with the vehicle seats located in any position and at any seat back angle in which they are designed to be adjusted. Volvo's petition had requested that the mid, horizontal seat adjustment position be specified. Volkswagen of America stated that the new proposed test procedure, with the seat in any position of its adjustment range, potentially increase the test effort. Volkswagen argued that manufacturers would have the obligation to determine, by a test series, the most adverse test positions of the seat, and that this would be much more costly than the existing requirement.

While it may be true that requiring a vehicle to comply with the seat in any position to which it can be adjusted will require more effort by manufacturers, the agency has determined that this is a necessary aspect of the new procedure. If the vehicle seats are to be used as an integral part of the side impact protection system, it is important that the protection is provided regardless of where the seat is located along its adjustment range.

General Motors stated in its comments that it is reasonable to require demonstrated performance to assure that the occupant seat will assist in limiting side crush in any normal driving position. However, General Motors stated that the same rationale should not apply to seat back angle, and that the normal riding or driving angle established by the manufacturer should be used for compliance purposes. Volvo's comments agreed with General Motors regarding seat back angle.

The agency does not see a distinction between horizontal seat adjustment and seat back angle adjustment. If a particular seat is designed to be adjusted through a range of seat back angles, the vehicle should be able to comply with the requirement of the standard with the seat back at any of its adjustment angles, for the same reasons as noted above for horizontal adjustment. Further, the agency does not believe that the cost of testing will be substantially different if manufacturers are responsible for compliance with the seat in any adjustment position. Manufacturers, in some cases, may be able to determine the "worst case" position for seat location by engineering judgment and analysis prior to testing the vehicle. If a manufacturer has designed the vehicle seat to be an integral part of the side impact protection system, the manufacturer will likely know which position provides the most support and resistance to intrusion (and which provides the least support).

Of the commenters on the proposal, only Volkswagen Corporation was opposed to the proposed alternative test procedure. Volkswagen stated that the proposed requirement is not in keeping with the original purpose of the standard—to prevent intrusion. The company argued that there is a potential for reduced occupant protection in the case of oblique angle or "side-swipe" crashes since a vehicle with a door structure of inferior strength, as compared to current designs, runs the possible risk of door destruction or separation. Volkswagen noted that this could expose vehicle occupants to the risk of ejection.

While the agency shares Volkswagen's concern that the occupant protection being afforded by current vehicle doors not be lessened, it does not believe that the optional test procedure will result in reduced performance. The higher crush resistance requirements for vehicles tested with their seats installed should ensure that the overall protection currently provided is maintained. Moreover, since the initial crush resistance stage is included in the alternative procedure, in spite of comments that it should be deleted, door structures will have to maintain a certain amount of structural integrity. The 2,250-pound initial crush resistance level will ensure that door hinges and latches are of sufficient strength to preclude separation in most cases. Therefore, the agency does not believe that the alternative procedure will lead to increased ejections. The agency does believe, however, that both the current requirement and the alternative requirement should be upgraded. As noted earlier, the agency is presently involved in rulemaking regarding such an upgrade of the standard. The agency does not agree with Volkswagen's contention that the proposed test procedure is not aligned with the original purpose of the standard, since it has been demonstrated that effective seat design can substantially reduce intrusion into the occupant compartment.

The notice proposing this amendment specifically requested comments concerning the effect modifications to side door structures (i.e., lighter door beams or deletion of door beams, altogether) might have on vehicle integrity in frontal and front-angular crashes. In response to this request, Rolls-Royce Motors commented that the door beams used in its vehicles have had a negligible effect on vehicle integrity in frontal crashes. The company added that the requirements of Safety Standard No. 208, *Occupant Crash Protection*, will ensure that manufacturers maintain sufficient structural integrity for front-end crashes, even with sophisticated vehicle designs achieving the maximum savings in weight.

American Motors Corporation also stated that the various safety standards requiring frontal impact tests will maintain frontal integrity regardless of modifications to side door structures. Volvo provided data from off-set crash tests involving vehicles both with and

without door beams. Both vehicles showed deformation characteristics (damage to vehicle structure) that are within the variances found for current production cars. In light of this information and the fact that there are other safety standards to ensure vehicle integrity in frontal impacts, the agency has concluded that the alternative test procedure set forth in this amendment will have no adverse effect on frontal occupant crash protection.

The agency has reviewed this amendment in accordance with the specifications of Executive Order 12044, "Improving Government Regulations", and the Departmental guidelines implementing that order and determined it has no significant environmental impact and that its economic impact is so minimal as not to require a regulatory evaluation. The amendment will merely provide manufacturers an alternative test procedure for determining compliance with an existing standard. For this reason, also, the agency has determined that an immediate effective date for this amendment is in order.

The engineer and lawyer primarily responsible for the development of this rule are William Brubaker and Hugh Oates, respectively.

In consideration of the foregoing, Safety Standard No. 214 (49 CFR 571.241) is amended as set forth below.

Section S3 (S3 through S3.3) is amended to read as follows and the first sentence of subparagraph S4(a) is deleted.

§ 571.214 Standard No. 214; side door strength.

* * * * *

S3 *Requirements.* Each vehicle shall be able to meet the requirements of either, at the manufacturer's option, S3.1 or S3.2 when any of its side doors that can be used for occupant egress are tested according to S4.

S3.1 With any seats that may affect load upon or deflection of the side of the vehicle removed from the vehicle, each vehicle must be able to meet the requirements of S3.1.1 through S3.1.3.

S3.1.1 *Initial Crush Resistance.* The initial crush resistance shall not be less than 2,250 pounds.

S3.1.2 *Intermediate Crush Resistance.* The intermediate crush resistance shall not be less than 3,500 pounds.

S3.1.3 *Peak Crush Resistance.* The peak crush resistance shall not be less than two times the curb weight of the vehicle or 7,000 pounds, whichever is less.

S3.2 With seats installed in the vehicle, and located in any horizontal or vertical position to which they can be adjusted and at any seat back angle to which they can be adjusted, each vehicle must be able to meet the requirements of S3.2.1 through S3.2.2.

S3.2.1 *Initial Crush Resistance.* The initial crush resistance shall not be less than 2,250 pounds.

S3.2.2 *Intermediate Crush Resistance.* The intermediate crush resistance shall not be less than 4,375 pounds.

S3.2.3 *Peak Crush Resistance.* The peak crush resistance shall not be less than three and one half times the curb weight of the vehicle or 12,000 pounds, whichever is less.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8).

Issued on March 11, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-8144 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 258

Fishermen's Protective Act

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Retroactive Amendment of Final Rule.

SUMMARY: This amendment changes § 258.22(g) to make eligible for compensation, damage to U.S. fishing gear occurring in commercial shipping lanes when it can be established that the damage was caused either by other fishing vessels while engaged in fishing or an act of God.

EFFECTIVE DATE: This amendment is retroactively effective to November 24, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Kathryn E. Hensley, Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, telephone (202) 634-4688.

SUPPLEMENTARY INFORMATION: On Thursday, October 25, 1979, the final rules implementing Section 10 (Section 10) of the Fishermen's Protective Act of 1967 (Act), as amended by Public Law 95-376, were published in the **Federal Register** 44 FR 61546.

Section 258.22(g) as originally enacted read as follows:

(g) *Commercial shipping lanes.* No casualty occurring in a commercial shipping lane is eligible for compensation under this subpart unless it is clear that the cause of the casualty was an act of God.

This section was premised upon the theory that a commercial fisherman fishing in a commercial shipping lane was assuming the risk of having the vessel or gear destroyed by shipping traffic in the lane.

It has subsequently come to this agency's attention that casualties may occur in commercial shipping lanes which are not caused by commercial shipping traffic and, under the provisions of Section 10, should be entitled to compensation.

In order to adequately compensate those casualties which fall into this category, § 258.22(g) will be amended retroactively to allow compensation in all those cases for casualties occurring in commercial shipping lanes which are not caused by commercial shipping traffic and which are otherwise entitled to compensation under the provisions of Section 10.

This retroactive amendment is being published without public comment and it will be effective retroactively to the date of the final rules, November 24, 1979.

Dated: March 10, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Authority: Public Law 95-376, 92 Stat. 715 (22 U.S.C. 1980). Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God.

Accordingly, 50 CFR part 258, § 258.22(g) is deleted in its entirety and the following is inserted in lieu thereof:

Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God

§ 258.22 Eligibility.

* * * * *

(g) *Commercial Shipping Lanes.* No casualty incurred in a commercial shipping lane caused by a vessel transiting such lane is eligible for compensation under this subpart. In the case of fishing gear casualties, the presumption of § 258.24(b)(1)(i) of this subpart shall not apply.

[FR Doc. 80-8145 Filed 3-14-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 53
Monday, March 17, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

Proposed Alteration of the New York, Terminal Control Area; Informal Airspace Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Informal Airspace Meeting.

SUMMARY: The Federal Aviation Administration (FAA) will hold Informal Airspace Meeting No. 94, for the purpose of discussing a plan by the FAA to alter the Group I Terminal Control Are (TCA) at New York.

DATES: The meetings will be held on May 14, May 21 and May 28, 1980, beginning at 7:00 p.m. each day.

ADDRESSES: The meetings will be held at the following locations:

May 14, 1980—Auditorium of the Cranford High School, Westend Place, Cranford, New Jersey.
May 21, 1980—Auditorium of the White Plains High School, 550 North Street (NY227), White Plains, New York.
May 28, 1980—Auditorium of the Farmingdale Senior High School, Lincoln Street and Intervail Avenue, Farmingdale, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Russell W. Shedd, Chief, New York Common IFR Room, Federal Aviation Administration, Hangar 11, John F. Kennedy International Airport, Jamaica, New York 11430. Telephone (212) 995–9540. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of these Information Airspace Meetings is to offer all persons likely to be affected by the proposed TCA the opportunity to present their views, and to assist the FAA in the preparation of an airspace action that will accomplish the improved safety objectives with the least impact on the airspace users.

No formal minutes or transcripts will be taken, however, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rulemaking in the event the item is formally proposed.

Issued on: March 6, 1980.

Anthony Lepore,
Assistant Chief,
Airspace & Procedures Branch, AEA–530.

[FR Doc. 80–7913 Filed 3–14–80; 8:45 am]
BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans

AGENCY: Federal Trade Commission.

ACTION: Request for Comment and Advance Notice of Proposed Rulemaking.

SUMMARY: This Notice requests comments on two staff reports dealing with medical participation in control of Blue Shield and certain other open-panel medical prepayment plans and on alternative courses of action that the Commission might take to deal with this subject, one of which might be rulemaking.

DATES: Comments should be received on or before May 16, 1980.

ADDRESSES: Comments should be submitted to: Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580.

Comments should refer to File No. 761–0036.

Agencies and organizations are requested to submit comments in triplicate.

ADDITIONAL MATERIALS AVAILABLE FOR REVIEW: Copies of the reports and studies discussed in the Notice may be obtained from: Public Reference Room (Room 130), Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580, (202) 523–3467.

In addition, beginning immediately, the public may review and obtain at the above address during normal business hours comments and materials relevant to this Notice submitted by Blue Shield Association, The American Association of Foundations for Medical Care, and other parties.

FOR FURTHER INFORMATION CONTACT: Walter T. Winslow, Jr., Assistant Director, or Andrew G. Stone, Attorney, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580 (telephone (202) 724–1062 and (202) 724–1063, respectively).

SUPPLEMENTARY INFORMATION: All comments received pursuant to this Notice will be placed in a public file which will be available for inspection as described above, except for information that discloses the identity of a confidential source or contains confidential commercial or financial information. If you believe your comment contains such information or fits this category, please specify the reasons for your belief. Such information will be retained in a non-public investigative file. The Bureau of Competition and the Bureau of Economics will also continue their investigations during the period in which comments are being received.

Part A—Background Information

1. *Summary of the staff Reports.* a. *The Bureau of Competition's Staff Report, "Medical Participation in control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans".* On April 29, 1979, the Federal Trade Commission's Bureau of Competition submitted to the Commission a report titled "Medical Participation in Control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans" ("the report"). The report describes the staff's findings concerning the Blue Shield system, and indicates that medical societies and other physician organizations appear to select some or all of the boards of directors of most Blue Shield plans—plans which make decisions about how much to pay physicians, what other health professionals to pay, and what services to provide coverage for. The report raises the concern that this medical participation in control of Blue Shield may affect the prices charged for medical care, and the way medical care is provided both to plan subscribers and for the public at large. The report also observes that some other types of open-panel medical prepayment plans [1] may

[1] The Commission notes that the staff has modified the analysis presented in its staff report of "open-panel medical prepayment plans" to cure an apparent ambiguity. In its report, the staff

Footnotes continued on next page

operate in a very similar manner to Blue Shield plans. The report goes on to analyze the legality of this medical participation in control of such plans and raises the question of whether control or participation in control of open-panel medical prepayment plans by physician organizations, and in some circumstances by individual physicians,[2] may be an unfair method of competition in violation of Section 5 of the Federal Trade Commission Act.

Although the report discusses several procedural options by which to further explore these issues, it concludes that rulemaking would be the fairest and most effective way to deal with the questions raised. Consequently, the report recommends that the Commission initiate a proceeding to consider whether or not to issue a rule dealing with such medical control of open-panel medical prepayment plans. In effect, the report requests that the Commission act on the recommendation of the Subcommittee on Oversight and Investigations of the House Committee on Interstate and Foreign Commerce that the Federal Trade Commission "[c]onsider promulgating a rule prohibiting physicians and physician organizations from dominating Blue Shield plans through their membership on the boards of directors or otherwise." [3]

To provide focus for such a proceeding, the staff report recommends that the Commission consider proposing for comment a rule that would prohibit medical societies and other organizations made up of physicians who compete with each other, from directly or indirectly participating in the control of certain open-panel medical prepayment plans, or in the selection of any members of the boards of directors of such plans.[4] The draft rule proposed by the staff also would bar persons from serving on the governing bodies of open-panel plans as representatives of physician organizations, and would prohibit plans from permitting such representatives to serve on their governing bodies.[5] The draft rule proposed by the staff would be subordinate to state law, and would not take effect until some time had elapsed after final promulgation.

Both Blue Shield Association ("BSA") and the American Association of Foundations for Medical Care ("AAFMC") have criticized this staff report and have requested that the Commission terminate the staff's investigation without action. BSA contends that the staff report is factually outdated and flawed by inaccuracies and distortions, that its economic analysis is theoretically incorrect and is belied by BSA's empirical studies, and that the staff's legal theories are open to serious challenge both on the merits and on jurisdictional and procedural questions.[6] AAFMC asserts that, among other things, its member plans are distinguishable from Blue Shield plans, that the staff report contains no factual basis for proceeding with respect to such plans, that these plans are procompetitive and have the effect of cutting the cost of medical care, and that staff's recommendations conflict with the legislative history of the federal HMO Act of 1973.[7] A number of other persons have also submitted comments endorsing or criticizing the Staff's report.

b. The Bureau of Economics' Staff Study "Physician Control of Blue Shield Plans"

On November 21, 1979, the Federal Trade Commission's Bureau of Economics published a staff study titled "Physician Control of Blue Shield Plans" ("the study"). The study utilizes econometric techniques to examine the relationship between physician and medical society participation in control of Blue Shield plans and both the prices of selected medical procedures, and plan administrative efficiency.

The staff study consists of two main sections. In the first section, the Bureau analyzes the relationship between Blue Shield plan customary fee limits for specific selected procedures, and several measures of physician medical control of the plans, adjusting for demographic and socio-economic difference among plan areas.[8] The study reports results, on the basis of Blue Shield Association data, for six measures of "physician control". The study's strongest results relate to medical society participation in plan governance: the Bureau reports that Blue Shield reimbursement rates in 1977 were 16 percent higher where a local medical society or other organized group of physicians selected plan board members. The study also reports lesser, but significant, results for other measures of physician participation in plan governance: it asserts that for 1977, each 10-percent increase in the portion of the board selected by participating physicians was associated with a one percent increase in fees. Finally, it concludes that where physicians comprised more than 50-percent of a Blue Shield plan board, reimbursement

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characterized open-panel plans as those which operate financing mechanisms for medical services rendered by competing physicians. Its explanation focused on the fact that most open-panel plans operate through physicians who compete on a fee-for-service basis. The staff distinguished such plans from "closed-panel" plans that provide medical services through a limited number of physicians paid on a salaried or capitation basis. The staff also pointed out that closed-panel plans do not pay all physicians in their area and may encourage competition in the medical services market, whether or not they are medically controlled.

As a result of further analysis, the staff has been prompted to clarify its thinking. The staff believes that the central factor which distinguishes open-panel plans from other medical prepayment mechanisms is that open-panel plans will pay all or a large percentage of physicians practicing in the plan area. The staff is concerned that when such a plan is controlled by a physician organization, it may pose the same problems as a Blue Shield plan, in that it may tend to reduce competition among those physicians and in the medical services market as a whole. Of course, if one adopts this analysis, one must undertake, in at least some circumstances, the difficult task of estimating how "open" such a medically controlled plan can be, and still offer the possibility that, on balance, it will not diminish competition in the medical services market. As a starting place, the staff has suggested that its analysis should apply to plans which operate, administer, or uderwrite a prepayment or financing mechanism for health services, which mechanism will pay more than a specified percentage—such as 50 percent—of the physicians in active practice in the area served by the plan for the provision of non-emergency services to plan subscribers.

[2] While the Commission has considered the staff's analysis with respect to individual physicians, it is convinced that these concerns, which are based on conflict-of-interest theories and on a concern that physicians on plan boards may view themselves as representatives of physicians generally, do not present any cognizable basis for it to find this situation to be an "unfair method of competition" (as that term is used in Section 5 of the FTC Act).

[3] "Conflicts of Interest on Blue Shield Boards of Directors," Comm. Print 95-68, 95th Cong., 2d Sess. at 4 (1978).

[4] The actual text of the staff's rule proposal is set out in the Staff Report at 312-14.

[5] Another provision of the rule, as proposed by the staff, would prohibit physicians who compete in providing services paid for by a plan from comprising more than 25 percent of the plan's board of directors. This last provision would expire in five years. However, as discussed above, the Commission has determined that such a rule is beyond its authority.

[6] Letter dated July 9, 1979, from James W. Rankin and James M. Johnstone, attorneys for BSA, to the Commissioners, enclosing Memorandum titled "Preliminary Analysis of April 1979 Staff Report * * *

[7] Letters dated September 14 and October 26, 1979, January 8, 1980, from William G. Kopit, attorney for AAFMC to Chairman Michael Pertschuk, Federal Trade Commission.

[8] The Bureau uses two sets of Blue Shield plan price data—selected reimbursement limits for specialists used in connection with each plan's program of providing payment up to a "usual, customary and reasonable" limit during the five year period 1973-77 (as obtained from Blue Shield Association) and selected reimbursement limits for general practitioners used in connection with the Federal Employees Health Benefits Program during 1976 (as obtained from Blue Shield plans through the General Accounting Office). Its study analyzes this price data in the light of various measures intended to capture two aspects of "physician control"—the proportion of each plan's board selected by a medical society, or organized medical group, or participating physicians; and the proportion of each plan's board comprised of physicians. In so doing, it adjusts for numerous other factors which the economic literature indicates might affect plan behavior or costs and prices of medical care.

rates were, on average, 10-percent higher. Application of the same model to alternative data compiled from Blue Shield plans by the General Accounting Office leads to similar results.

In the second section of the study, the Bureau utilizes the same medical and physician control variables to analyze several measures of plan administrative efficiency, as adjusted for various differences in the nature of the plan's output, administrative input prices, and size. The results of this analysis appear to be sensitive to changes in definitions and estimation techniques, and the Bureau concludes that medical and physician control of plans has little relation to plan administrative costs.[9]

Blue Shield Association criticizes this study and has submitted an unpublished study of its own to the Commission which reaches contrary results. Among other things, Blue Shield Association contends that its study finds that increased physician involvement on Blue Shield plan boards is not associated with increased maximum customary fee allowances or with increased average payment levels. In addition, the Commission is informed that two other studies have reached the conclusions, respectively, that medical society involvement in plan board selection is associated with higher payments for specific services,[10] and that medical control may be associated with statistically higher prices for medical care paid for by commercial insurers only whether plans also enjoy a tax advantage over commercial insurers.[11] Finally, the Commission is aware that the General Accounting Office (GAO) is conducting a study in this area.

2. *Medical Participation in Open-Panel Medical Prepayment Plans.* According to the staff report, Blue Shield plans make up the largest system of open-panel medical prepayment plans in the nation. Although the member plans of Blue Shield Association vary in size and in the extent of their market penetration, most are the largest underwriters of medical coverage in their areas and provide a substantial source of revenue for physicians. As of 1977, the plans underwrote or administered coverage for about 85.3 million Americans—almost 40% of the nation's population—and controlled or administered about 25% of all funds paid for the services of physicians. While most Blue Shield plans will pay all physicians providing covered services, many also encourage physicians to enter into participating physician contracts, whereby they agree to abide by the plans' payment and cost control programs. As of 1977, and taken together, the plans had obtained participating agreements with approximately 170,000 physicians—more than 70% of all physicians actively engaged in patient care in the United States (excluding residents and interns).

While "Blue Shield" thus comprises the nation's most significant system of open-panel medical prepayment plans, the staff has pointed out there also exist an increasing number of other open-panel medical prepayment plans—variously called medical service bureaus, foundations for medical care ("FMCs"), and individual practice association-type HMOs ("IPA-type HMOs") [12]—some of which appear to function much like Blue Shield member plans. According to the staff, an "open-panel" plan is one which pays for or provides medical care to its subscribers principally through a large percentage of physicians who compete with each other on the usual fee-for-services basis in the plan's area. These characteristics distinguish "open-panel" plans from "closed panel" HMOs and other plans where care is delivered through a more limited number of physicians—who are usually employed by the plan or paid a fixed fee for providing all or a part of a subscriber's medical care.[13]

The staff report states that it appears that the vast majority of these other open-panel plans may have somewhat different characteristics than many Blue Shield plans and that these differences may or may not affect its analysis. Unlike Blue Shield, many of these plans appear to have small market penetration and confine their activities to local rather than broader geographic areas. Likewise, according to the staff, most of these plans have substantially fewer participating physicians than Blue Shield plans and appear not to pay physicians who do not agree to participate in the plan. The staff also reports that it is argued by some observers that these plans devote more effort to cost and utilization control programs than do Blue Shield plans. Staff report at 299.

On the other hand, the staff report states that as of 1979, a number of Blue Shield plans in the State of Washington were also operating as medical service bureaus and were considered to be both FMCs and IPA-type HMOs. The Oregon Blue Shield plan has stated that both it

[9] It should be noted that the Bureau of Economics points to a number of caveats and qualifications to both segments of its study. The Bureau reports that while its definitions of medical and physician control are reasonable, they do draw arbitrary lines between specific levels of control. The Bureau also points out that the data used, like all economic data, are less than perfect. In particular, the Bureau points out that its analysis is based on UCR fee limits, rather than other measures of fee levels, and that some data for some of the independent variables used do not match plan areas exactly. Additionally, the Bureau notes that its model does not specify all attributes of Blue Shield plans and the areas in which they operate, and does not contain any measure of the quality of medical care in these areas. Finally, the Bureau points out that econometric analysis simply measures degrees of association; it does not explain the reasons for an association. In this regard, the Commission notes that the study does not provide a description of the precise mechanism(s) through which control might operate on physician fees. Blue Shield Association's criticism of the Bureau's study contends that these factors, among others, render the Bureau's conclusions unreliable.

[10] F. Sloan, Physicians and Blue Shield: A Study of Effects of Physician Control on Blue Shield Reimbursements (forthcoming) (presented at Studies of Micro Survey Data On Physician Practice Costs And Income, research conference sponsored by Office of Research and Statistics, Health Care Financing Administration, Department of Health, Education and Welfare, Washington, D.C., February 27, 1980).

[11] R. Arnould and D. Eisenstadt, The Effects of Provider Control of Blue Shield Plans: Regulatory Options (February 21, 1980) (unpublished faculty working paper #645, College of Commerce and Business Administration, University of Illinois at Urbana-Champaign) [a revision of R. Arnould and D. Eisenstadt, The Effects of Blue Shield Monopoly Power on Surgical Fees: A Theoretical and Empirical Analysis (October 28, 1979) (unpublished)].

[12] As the staff report describes, there appears to be a number of non-Blue Shield open-panel medical prepayment plans which have sprung up in different areas of the nation during different periods of time, to meet different needs on the part of public and physician participants in these plans. The staff reports that "medical service bureaus" were first established in the states of Washington and Oregon to offer medical care coverage in the early part of this century, and have spread to other areas as the years have passed. The staff also notes that while the San Joaquin FMC was the first "foundation for medical care," initially it did not underwrite medical care coverage, and thus in this sense did not function in the same way as the medical service bureaus or "Blue Shield." However, during subsequent years, some FMCs have changed their mode of operation so that they now may underwrite and administer medical care coverage in ways which may or may not be similar to other plans. The staff report points out that "IPA-type HMOs" are medical prepayment plans which underwrite medical services provided through a group of physicians and other providers serving subscribers in their own offices. While some IPA-type HMOs do not appear to be "open-panel" plans since they permit only a few providers to participate, others permit all or nearly all physicians in the plan's area to join. Some of these IPA-type HMOs have become "qualified" for various types of federal assistance, pursuant to the Health Maintenance Organization Act of 1973. It should be noted that this Act requires that federally qualified, IPA-type HMOs must be legal entities separate from the physician group (or IPA) which provides medical services to subscribers. The staff's analysis as embodied in its draft rule applies only to medical participation in control of the HMO, and not to the governance of the IPA. See generally, staff report at 276–280, 305.

[13] The staff report focuses its attention on the questions raised by medical participation in control of "open-panel" plans. Although the Commission has not adopted the report, it wishes to point out that the staff report reaches the tentative conclusion that "[m]edical participation in the control of closed panel plans (or 'closed-panel HMO's') does not appear to be an unfair method competition." Staff report at 273, 274.

and "other medical-society plans are * * * very similar to Individual Practice HMO's" and that the distinction is one "without a difference." See generally, staff report at 283–301. The staff stated that, taken together, these plans provide health coverage for a small, but rapidly growing portion of the nation's population.

The staff report is concerned that groups of competing physicians, such as state and local medical societies, may "control or participate in the control of" many Blue Shield and other open-panel plans. In particular, the Bureau reports that these groups often select all or a part of plan boards of directors and that numerous members of such boards are physicians whose services are paid for by the plan.[14] In addition, the staff points out that all plans make decisions about how much to pay physicians, about which physicians or other health professionals to pay for covered services, and about which cost-containment mechanisms to employ.

The staff report raises a number of important issues, especially in light of the rapid escalation of the cost of health care. Is there a relationship between medical participation in control of Blue Shield and other open-panel medical prepayment plans and the rise in physicians' fees? Does a plan controlled by a physician organization have less incentive than one which is not controlled to seek to keep down physicians' fees and to pay the fees of non-physician providers of health care? What are the benefits of medical participation in these plans, and can these benefits be obtained if physician groups do not control the plan? In public policy terms, is such control or participation in control in the public interest? And in terms of Section 5 of the Federal Trade Commission Act, is such control or participation in control an unlawful restraint of trade?

Similar questions have been asked and are being addressed in many quarters. A number of economists and others who have studied the health care industry have criticized medical control of Blue Shield. In 1975, the State of Ohio sued the largest Blue Shield plan in that State, and recently entered into a settlement requiring the plan to totally cut its ties with the organized medical community. Several other states were taking action to eliminate or reduce medical participation in control of medical prepayment plans at the time the staff report was submitted, and the Commission is informed that this trend is continuing. The Subcommittee on Oversight and Investigations of the House Committee on Interstate and Foreign Commerce held hearings in 1978 on Blue Shield's impact on rising health care costs. One of its recommendations was that the FTC consider promulgating a rule "prohibiting physicians and physician organizations from dominating Blue Shield plans." And the President's National Health Plan, as proposed in 1979, contains provisions which require that plans (including Blue Shield plans, HMOs, insurance companies and others) serving as administrators under that Plan, should be governed by boards of directors of whom "no more than 25 percent are physicians or selected by physicians." [15]

Part B—Issues on Which Comment Are Invited

The Commission has not reached any conclusion on the question of whether medical control or medical participation in control of any type of open-panel medical prepayment plan is a violation of Section 5 of the Federal Trade Commission Act. Before considering this issue, the Commission wishes to receive comments on the staff's analysis and the facts supporting the Bureau of Competition's report and the Bureau of Economics' study. The Commission believes that such public comment could greatly enhance its understanding of the issues which should be considered in determining what action, if any, to take.

Interested persons are invited to address any issues of fact, law, policy or procedure which they feel are relevant and should be considered by the Commission. The Commission particularly desires comment upon the questions listed below. These questions are provided in order to facilitate public comment and should not be construed to limit the nature and scope of comments submitted in response to this request.

1. *Degree of Medical Participation.* At what point, if any, does participation in the control of open-panel medical prepayment plans by physician organizations pose a sufficient danger of anticompetitive effects that, on balance, it should be forbidden? Would the selection of even a single board member of a plan provide a physician organization with sufficient power over a plan to render the relationship illegal? Should physician organization participation in the selection a small percentage of a plan's board, *e.g.*, 10–15%, be permitted because any anticompetitive effects are outweighed by the benefits of such participation?

2. *Types of Physician Organizations.* In participating in the selection of plan board members, do physician organizations represent the interests of the medical profession as a whole, thus posing antitrust concerns? Do these concerns depend on the nature of the physician organizations, *e.g.*, does participation in control by groups of "participating physicians"—that is physicians who have agreed to abide by the plan's payment terms and cost-containment programs—present less of a problem than participation by medical societies or other more highly organized groups?

3. *Self-Perpetuating Governing Structures and the Role of Individual Physicians.* The staff report evidences concern about the possibility that plans, currently controlled by boards selected by physician organizations, will make decisions which will perpetuate the physician organizations' influence. Staff raises a similar concern about plans which have recently changed from boards with physician organization control to self-perpetuating boards—that is, governing bodies whose members choose their own successors. The staff appears to be concerned that, while the effects of physician organization control can be expected to become attenuated over time, allowing plans to change to self-perpetuating governing structures may nevertheless perpetuate the effects of physician organization control. The staff suggests that Commission action with respect to these situations may be appropriate, and points out that one remedy to such situations might be for the Commission to propose a rule provision which, for five years, would prohibit physicians who compete for plan funds from comprising more than 25% of any plan board.

The Commission is convinced that participation by individual doctors, not serving in a representative capacity for any physician organization, cannot be

[14] The report details that as of 1978, for example, medical societies and other physician groups formally participated in the selection of some members of 47 of the 70 Blue Shield plans boards, and selected a majority of the boards of 32 plans. Thirty-one Blue Shield plans had physician majorities on their boards and virtually all plans had physician-controlled committees that made decisions about payments and coverages. While the staff is still in the process of gathering information about non- Blue Shield, open-panel medical prepayment plans, the staff's preliminary indication is that medical societies and other physician groups select some or all of the board members of many of these plans. As of 1978, according to publicly available information, a majority of the non- Blue Shield open-panel medical prepayment plans then in operation had physician or provider majorities on their boards.

[15] See S. 1812, sections 101(1814(b)(2)), 104(e)(1), 96th Cong., 1st Sess. (Sept. 25, 1979); also see H.R. 5400, §§ 101(1814(b)(2)), 104(e)(1), 96th Cong. 1st Sess. (Sept. 25, 1979). The Plan would impose the same restriction on every federally qualified HMO which "utilizes more than 60 percent of the physicians (but at least 25 physicians) in the area which it serves."

an "unfair method of competition" (as that term is used in Section 5 of the FTC Act).[16] Consequently it is convinced that this aspect of the staff's proposed remedy is not an appropriate approach to the issues presented by self-perpetuating governing structures. However, if physician organization control is found to be illegal, there could be some question about such organizations perpetuating their control through self-perpetuating boards, or alternative means. Is this a serious problem? If so, should the Commission consider whether to preclude, for a set period of time, current physician organization representatives from serving on plan boards or participating in the selection of people who will serve on plan boards? Should the Commission consider dealing with this possible concern in some other way?

4. *"Control" Other Than by Board Membership.* Does physician organization participation in plan decisions through the control of plan committees or by reason of plan delegation of decisions to physician organizations present anticompetitive problems? Should these problems be addressed directly by focusing on these mechanisms for control or should Commission action be directed solely at the issue of the membership of plan boards?

5. *Types of Plans.* (a) As discussed above, the open-panel plans which make up the Blue Shield system comprise the largest system of medical prepayment plans in the nation, and medical control of these plans would appear to have the most immediate and substantial impact on the professional health care sector. However, as also discussed above, there apparently exists a growing number of other open-panel medical prepayment plans, which the staff report indicates may operate like Blue Shield member plans and raise the same issues as medical participation in control of Blue Shield. Others have asserted that these plans in general and IPA-type plans in particular have enhanced competition, and that medical participation in the governance of such plans either has been beneficial or, at worst, has had little effect on competition. The Commission invites comment on this general issue, and on the following more specific questions:

Are there significant differences in structural characteristics and operational techniques between various types of open-panel medical prepayment plans (e.g., between "Blue Shield-type plans" and IPA-type HMOs)? Are there important distinctions to be made between types of plans on the basis of plan size, or plan market penetration, or with respect to the handling of hospital utilization, premiums, physician compensation, and risk-sharing arrangements? Do these differences, if any, create a difference in the competitive impact of medical participation in control of these plans on the professional health services market? To the extent that distinctions between types of plans exist, do they warrant a different competitive analysis with respect to various types of plans?

Is the staff's analysis of the competitive impact of "open-panel" plans correct? How appropriate is the staff's suggestion that its analysis should apply to plans which will pay more than 50% (or some other percentage) of the physicians in active practice in the area served by the plan for the provision of non-emergency services to plan subscribers.

(b) The Office of HMOs (hereafter "OHMO") of the Department of Health, Education and Welfare, has raised questions about application of the staff's proposal to federally qualified health maintenance organizations.[17] While OHMO recognizes the anticompetitive possibilities, it contends that any rule proposed for comment should not apply to federally qualified, IPA-type HMOs because they are subject to a regulatory framework which, when coupled with the competitive environment in which they operate, precludes anticompetitive activities. OHMO asserts, among other things, that federally qualified, IPA-type HMOs must offer a federally mandated benefit package; must devise effective incentives (in the form of risks or rewards) to control utilization; and must offer competitive premiums. The HMO must also arrange for one health professional to be designated to coordinate each member's over-all health care. OHMO argues that these elements of regulation, in particular, require each federally qualified HMO to maintain a contractual relationship with the providers who comprise its coordinate IPA, and so limit the discretion of the HMO and the IPA that they cannot act in an anticompetitive manner if their endeavor is to succeed. OHMO points out that the rule proposed by the staff might affect seven to ten of the approximately 37 IPA-type HMOs which are federally qualified, and might adversely affect the future development of this type of HMO.

These assertions by OHMO raise several questions: Would an effective regulatory system or other actions by agencies, other than the Commission, sufficiently alleviate any problems caused by physician organization participation in the control of plans so that Commission action would not be necessary? If the Commission decides that it should take action concerning this issue, should such action extent to federally qualified, IPA-type HMOs?

6. *Economic Studies.* Comments are invited on the appropriateness of the data used and on the methodology underlying the Bureau of Economics' study described above, as well as on the appropriate interpretation of the results of this study. In particular, comment is invited about possible reasons for the fact that the economic study showed a correlation between participating physician control and higher fee levels which was not as strong as the correlation between medical society control and higher fee levels. What are the implications of these differing degrees of correlation for Commission action? Comments are also invited on the study submitted to the Commission by the Blue Shield Association (which reached conclusions contrary to the BE study), on the Arnould-Eisenstadt study, the Sloan study, and on any other studies that may bear on the issues described in this request. The Commission is hopeful that the GAO study will be completed in the near future so that the Commission and the public will have the benefit of its results before the Commission makes a determination as to any further course

[16] Chairman Pertschuk wishes to note that while he is not convinced that such participation could be found to be a violation of Section 5, he would prefer to invite public comment on this issue. Particularly in light of the concern over this issue expressed by the Subcommittee on Oversight and Investigations of the U.S. House of Representatives, as well as the fact that the Bureau of Economics study seems to indicate a possible association between physician participation above a certain percentage and higher fees, he would not foreclose discussion of this issue.

Chairman Pertschuk would also seek comment on the question whether, if physician organization control were found to be illegal, temporary restrictions should be placed, as a remedial measure, on participation by individual doctors not designated by any physician group, to ensure that anticompetitive effects of physician organization control would be eradicated. That is, he would invite comment on the significance of the transitional concerns expressed by the Bureau of Competition staff (Staff Report at pp. 269–70), particularly with respect to physicians who, while not selected for board membership by a medical society, are active members of medical societies and might be likely to join with other physicians so affiliated in representing the economic interests of the profession.

Chairman Pertschuk believes it would be useful to explore the policy questions involved in individual physician participation in order to form the basis for a possible report and recommendations to Congress or the states, even if the Commission itself does not act to challenge such participation.

[17] Letter dated December 13, 1979 from Howard R. Veit, Director, OHMO, to Walter T. Winslow, Jr., Assistant Director, Bureau of Competition, Federal Trade Commission.

of action. In any event, the Commission will take no final action in this area without ensuring that there is adequate opportunity for public comment on the final GAO study.

7. *Possible Commission Courses of Action.* The Commission invites comment respecting the procedure to be use to further explore these issues, should the Commission decide that this is necessary. As is discussed above, the staff report raises this question, and recommends that the Commission institute a rulemaking proceeding pursuant to Section 6(g) of the Federal Trade Commission Act. While the staff points out that the choice among procedural options is not clear-cut, it states its belief that rulemaking may be the fairest and most efficient way to address the problem, since it allows the Commission to consider—and the public to present—all of the facts, policy considerations and possible remedies in one forum, and does not single out any one plan. The staff points out that one alternative approach would be for the Commission to issue one or several complaints against plans which present the problems discussed in its report. See staff report, at 308–311. The Commission invites comment about the appropriateness and relative merits of these alternative approaches to the concerns raised by the staff, as well as other possible Commission courses of action. In this respect, the Commission notes that if it does not determine to commence either of these types of proceedings, at least three other alternatives are open to it. First, the Commission might consider issuing an industry guide pursuant to §§ 1.5, 1.6 of its rules to provide a basis for voluntary abandonment of inappropriate and illegal relationships. The Commission has determined in the past that this approach was appropriate when, among other things, large numbers of people were engaged in similar conduct, there was reason to expect a high degree of compliance, and the legal standard in question was difficult to define except in broad terms. See Federal Trade Commission, Operating Manual, Ch. 8. Second, the Commission might prepare and publish, pursuant to 15 U.S.C. 46(f), a report to the Congress or to the states respecting these issues. Such a report might include recommendations respecting possible legislation or other action designed to remedy any inappropriate situations. Finally, as is discussed in the staff report, the Commission might issue a complaint against BSA, and/or conclude that BSA's assurance that it will move toward the goals of minimizing medical society involvement on plan boards and committees is sufficient to resolve the problems presented by the staff report. While BSA has asserted that a voluntary agreement is the most appropriate approach to deal with the questions raised, the staff has expressed its concern that BSA has not agreed to go far enough, or to be bound to enforce any goals which might be agreed upon.[18] Of course, the Commission also invites comments respecting other approaches which interested parties may wish to call to its attention.

By direction of the Commission.

Dated: February 5, 1980.

Carol M. Thomas,

Secretary.

[FR Doc. 80-8075 Filed 3-14-80; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-16644; File No. S7-825]

Broker-Dealer Recordkeeping Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing for public comment an amendment to its recordkeeping requirements under Rule 17a–4. There is now no Commission rule which governs the furnishing of copies of the records of brokers and dealers to Commission representatives. Despite the statutory authority of the Commission, some brokers and dealers have refused to supply copies of their records when so requested by Commission representatives. The proposed amendment would clarify the authority of the Commission staff to receive copies of documents required to be made or preserved by Rules 17a–3 or 17a–4.

DATE: Comments should be received by April 18, 1980.

ADDRESSES: All comments should be submitted in triplicate and directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–825 and will be available for public inspection at the Commission's Public Reference Room, Room 6101 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: JoAnn Zuercher, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. (202) 272–3114.

SUPPLEMENTARY INFORMATION: Section 17(a)(1) of the Securities Exchange Act as amended by the Securities Acts Amendments of 1975 requires members of national securities exchanges and registered brokers and dealers to make and keep for prescribed periods such records and furnish such copies thereof as the Commission by rule prescribes.[1] Section 17(b) of the Act provides that all records required to be made or kept are subject at any time to reasonable examinations by representatives of the Commission.

Rules 17a–3 and 17a–4 adopted pursuant to Section 17 of the Act require that specified records be made and preserved by certain exchange members, brokers and dealers. There is now no Commission rule which governs the furnishing of copies of the records of brokers and dealers to Commission representatives. Despite the statutory authority of the Commission,[2] some brokers and dealers have refused to supply copies of their records when so requested by Commission representatives.

The proposed addition to Rule 17a–4 is intended to clarify the authority of the Commission staff to obtain copies of documents made or preserved under Rules 17a–3 or 17a–4.

Statutory Basis and Competitive Considerations

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934 and particularly Section 17, hereby proposes for public comment an amendment to Rule 17a–4 (17 CFR 240.17a–4) clarifying the entitlement of representatives of the Commission to receive true, complete and legible copies of documents required to be made or preserved under Rules 17a–3 and 17a–4.

It appears to the Commission that no burden will be imposed on competition by adoption of this amendment. If there is any burden on competition, it is necessary and appropriate in furtherance of the purposes of the Act, particularly in furtherance of the Commission's obligation to protect investors.

[18] See staff report at 310–311, appendix C–6–C–9.

[1] 15 U.S.C. 78q(a).

[2] As the Commission stated in Securities Exchange Act Release No. 16278 (October 12, 1979), 18 SEC Docket 670, subsection 17(b) of the Securities Exchange Act makes clear that "the authority to examine records would include the authority to make or require copies of such records." (Report of the Committee on Banking, Housing, and Urban Affairs, to accompany S. 249, 94th Cong; 1st Sess., Senate Report No. 94–75, at p. 120, 18 SEC Docket at 671).

Text of Amendments

Accordingly, it is proposed to amend 17 CFR 240 by adding paragraph (j) to § 240.17a–4 to read as follows:

§ 240.17a–4 Records to be preserved by certain exchange members, brokers and dealers.

* * * * *

(j) Every member, broker or dealer subject to this section shall furnish promptly to examiners or other representatives of the Commission such legible, true and complete copies of those records of the member, broker or dealer, required to be preserved under this section, as requested by such representatives.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 11, 1980.

[FR Doc. 80–8172 Filed 3–14–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 335]

Standards of Fill for Wine; Miniature Wine Size

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing a 50 milliliter miniature bottle size for wine. This proposal is a result of petitions received from several wine industry members seeking a metric size of 50 ml (1.7 fl. oz.) to replace the 2.0 fl. oz. size now commonly used for serving Sherry or port wines in transportation service. The 2.0 fl. oz. size became obsolete January 1, 1979, and currently there is no metric replacement.

DATE: Written comments or requests to hold a public hearing must be received by May 13, 1980.

ADDRESS: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044, Attention: Chief, Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Telephone: 202–566–7626.

SUPPLEMENTARY INFORMATION:

The 50 Milliliter Wine Miniature

At the request of industry members, ATF authorized standards of fill for wine using metric measure beginning January 1, 1975. These metric sizes became mandatory for all bottling of wine on January 1, 1979, and bottling in the former U.S. sizes is no longer permitted.

One U.S. size which has become obsolete is the 2.0 fl. oz. size; unlike other U.S. sizes, this size has no close metric replacement since the nearest metric size of 100 ml, approximately 3.4 fl. oz., is 70 percent larger. This 2.0 fl. oz. size is primarily used by airlines and railroads for individuals servings of Sherry and port wines.

Addition of a 50 ml standard of fill would permit continued use of a single-person serving of Sherry or port wine. Absence of a 50 ml or similar size may lead to discontinuation of Sherry or port wine service on airlines since many airlines have indicated that space limitations prohibit dispending these wines from larger bottles.

Reasons given by various industry members in support of their petition are:

(1) The 2.0 fl. oz. miniatures are an important part of wine service on airlines and railroads; (2) airline beverage carts cannot accommodate a 100 ml bottle size but will accommodate a 50 ml bottle: (3) Sherry and port wines compete directly with cordials, liqueurs and cocktail products in terms of serving size and price; (4) the European Economic Community (EEC) authorizes a 50 ml size for Sherry and port wines; and (5) the market for these wine miniatures is expanding, from approximately 10,000 cases in 1970 to 22,000 cases 5 years later.

ATF beleives that this request to authorize a 50 ml wine miniature has merit and, therefore, proposes to amend § 4.73(a) to include 50 ml in the standards of fill for wines. However, ATF solicits public comments over both the need for this wine container, and the exact size this container should be (for example 50 ml, 60 ml, 75 ml, or other size).

ATF is aware of some concerns that conversions to metric bottle sizes which are generally slightly smaller than previously used United States sizes has been inflationary. It should be noted that ATF has no authority to order price adjustments on alcoholic beverages. However, since we are concerned about price adjustments affecting the consumer, ATF will advise the Council on Wage and Price Stability on this matter.

Conforming Changes

Bottling of wine in the metric standards of fill became mandatory on January 1, 1979. As a result, it is no longer required to state the U.S. equivalent volume in conjunction with the metric net contents as formerly required by § 4.37(b). This provision is modified to make the statement of U.S. equivalent volume optional. Sections 4.37(b) is amended and 4.73(e) is deleted. Also, since the conversion to the metric standards of fill is complete, § 4.73(d), completeness of conversion, is deleted since it is no longer necessary.

Drafting Information

The principal author of this document is Charles N. Bacon, Resarch and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Public Participation

Interested persons who desire an opportunity to comment orally at a public hearing on these proposed regulations should submit a written request to the Director within the 60 day period. The Director reserves the right to determine if a public hearing will be held.

Written comments or suggestions may be inspected by any person at the ATF Reading Room, Room 4406, Ben Franklin Post Office Building, 1200 Pennsylvania Avenue NW., Washington, DC during normal business hours.

Authority and Issuance

This notice of proposed rulemaking is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205).

Accordingly, 27 CFR Part 4, Labeling and Advertising of Wine, is amended as follows:

Paragraph 1. In § 4.37 the introductory text of paragraph (a), (a)(2), introductory text of (b) and (b)(1) are revised to read as follows:

§ 4.37 Net contents.

(a) *Statement of net contents.* The net contents of wine for which a standard of fill is prescribed in § 4.73 shall be stated in the same manner and form as the standard of fill is set forth. The net content of wine for which no standard of fill is precribed in § 4.73 shall be stated in the metric system of measure as follows:

(1) * * *

(2) If less than one liter, net contents shall be stated in milliliters (ml).

(b) *Statement of U.S. equivalent net contents.* When net contents of wine are stated in metric measure, the equivalent volume in U.S. measure may also be

shown. If shown, the U.S. equivalent volume will be shown as follows:

(1) For the metric standards of fill: 3 liters (101 fl. oz.); 1.5 liters (50.7 fl. oz.); 1 liter (33.8 fl. oz.); 750 ml (25.4 fl. oz.); 375 ml (12.7 fl. oz.); 187 ml (6.3 fl. oz.); 100 ml (3.4 fl. oz.); and 50 ml (1.7 fl. oz.).

* * * * *

Par. 2. Amend § 4.73 by adding 50 milliliters to the standards of fill in paragraph (a), and by deleting paragraphs (d) and (e). As amended, § 4.73(a) reads as follows:

§ 4.73 Metric standards of fill.

(a) *Authorized standards of fill.* The standards of fill for wine are the following:

3 liters
1.5 liters
1 liter
750 milliliters
375 milliliters
187 milliliters
100 milliliters
50 milliliters

* * * * *

(d) [Deleted].

(e) [Deleted].

Signed: December 18, 1979.

G. R. Dickerson,

Director.

Approved: January 9, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement of Operations).

[FR Doc. 80-3776 Filed 3-14-80; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 337]

Napa Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking and notice of hearing.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in California named "Napa Valley." ATF feels that the establishment of a Napa Valley viticultural area and the subsequent use of the name "Napa Valley" as an appellation of origin in wine labeling and advertising would help consumers of wine to better identify Napa Valley wines.

This notice also announces the time and place ATF will hold a public hearing to discuss issues relating to this proposal.

DATES: Written comments must be received by May 16, 1980. Requests to present oral comments must be received by April 25, 1980.

Hearing Date: Day sessions, April 28–30, 1980, at 10:00 a.m.—Evening session (if necessary), April 28, 1980, at 7:00 p.m.

ADDRESSES: Send written comments and requests to present oral comments to: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044 (Attn: Chief, Regulations and Procedures Division)

Copies of the petition, the proposed regulations, the hearing transcript, and any written comments will be available for public inspection during normal business hours at the:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC

Hearing location:

Holiday Inn, 3425 Solano Avenue, Napa, California

FOR FURTHER INFORMATION CONTACT: Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) The specific boundaries of the viticultural area, based on features which can be found on U.S. Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Approved American viticultural areas will be listed in 27 CFR Part 9.

Petition

ATF has received a petition proposing an area within the watershed of the Napa River in Napa County, California, as a viticultural area known as "Napa Valley." The petition, with maps, is on file with ATF.

The petitioner submitted supporting evidence claiming that this proposed viticultural area is distinguishable by climate, soil conditions, and physiographic characteristics.

The petitioner described the proposed area as falling within the watershed of the Napa River and lying in a valley of The Coast Ranges. The proposed area is situated about 45 miles from the Pacific Ocean. Its southerly or downstream end adjoins San Pablo-San Francisco Bay about 35 miles north and slightly east of the city of San Francisco.

The proposed Napa Valley viticultural area is about 4 miles wide just south of Napa City, California, and about 1 mile wide in the vicinity of Calistoga, California, 25 miles northwest of Napa City. North of Calistoga, California, the valley is pinched bluntly by the surrounding mountains, which are dominated by Mt. St. Helena. Mean elevations at incorporated cities in the valley are 17 feet in Napa City, 255 feet at St. Helena, and 365 feet at Calistoga.

The proposed area is bordered on the west by a mountain ridge which rises abruptly from the valley plain from Calistoga and extends as far south as Napa City, where it gives way to the rolling hills of the Carneros District. These hills extend southward to marshy delta land on the Napa River bordering San Pablo Bay. The highest peaks in the westerly ridge are Mt. St. John, elevation 2,375 feet, and Mt. Veeder, elevation 2,673 feet. The average elevation of this mountain ridge exceeds 1,000 feet.

The mountain ridge that borders the valley on the east extends southward all the way from Calistoga to the north shore of Carquinez Strait. This ridge broadens to form a comparatively low plateau in the Angwin area east of St. Helena. Immediately to the south of Angwin, the hills rise in serried ranks, forming three tributary valleys parallel to each other and to the main drainage of the Napa River. These tributary valleys are known as Spring, Conn, and Chiles Valleys. The eastern hills are not marked by such prominent peaks as the

western hills, and their average elevation is slightly lower.

Although the drainage of the Napa River extends to the Carquinez Strait, the petitioner uses the line of Suscol Ridge near Napa City as the southern boundary of the viticultural area. The petitioner claims that grapes have not been grown south of this ridge historically, and are not being grown there at present.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed Napa Valley viticultural area. Furthermore, while this document proposes possible boundaries for a Napa Valley viticultural area, ATF requests comments concerning other possible boundaries for the viticultural area.

ATF specifically requests comments concerning the possible inclusion of the smaller valleys east of the Napa River watershed in a Napa Valley viticultural area.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Public Participation—Public Hearing

ATF believes that a public hearing is essential in order to obtain and evaluate all possible information concerning the proposed viticultural area. Persons desiring to present oral comment should submit a written request containing the name and address of the individual who will present the comment. They should indicate in their request a preference for the time and day they would like to comment. To the extent possible, ATF will honor these preferences. Persons requesting to comment should include in their request an outline of the topics on which they desire to speak. Oral comment will be limited to 10 minutes per speaker, but additional time may be granted for answering questions. Persons presenting comments should be prepared to respond to questions concerning their comments, their topic outline, or any matter relating to written comments they have submitted.

Persons not scheduled to comment may be allowed to comment at the conclusion of the hearing if time permits.

ATF will notify all persons requesting to comment and will confirm the date and time. An agenda listing the speakers will be available at the hearing.

Written comments relating to this notice of proposed rulemaking will be available at the hearing for public inspection.

The hearing will be conducted under the procedural rules in 27 CFR 71.41(a)(3).

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.23. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultral Areas

Sec.

* * * * *

9.23 Napa Valley.

2. Subpart C, 27 CFR Part 9, is amended by adding § 9.23. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.23 Napa Valley.

(a) *Name.* The name of the viticultural area described in this section is "Napa Valley."

(b) *Approved maps. (The appropriate maps will be determined before final regulations are issued.)*

(c) *Boundaries.* The Napa Valley viticultural area is located within Napa County, California, and is within the Napa River watershed. The boundaries are as follows:

(1) The beginning point of the boundary is the conjunction of the Napa County—Sonoma County line and the Napa County—Lake County line.

(2) The northern and eastern boundary is the crest of a mountain ridge that borders Napa Valley on the east. The crest of this ridge runs from the beginning point along the crest of the Palisades, over Brown's Hill, Grassy Hill, and Potato Hill, across Three Peaks, west and south of Pope Valley, across Baldy Mt., north and east of Chiles Valley, along the ridge separating Elder and Soda Valleys, across Atlas Peak and Mt. George, and along the Napa County—Solano County line to the Suscol Ridge.

(3) The southern boundary runs along the crest of the Suscol Ridge, along the Napa River down to and including Coon Island, and along the Napa Slough to the Napa County—Sonoma County line.

(4) The western boundary runs along the Napa County—Sonoma County line from the Napa Slough to the beginning point.

Signed: February 8, 1980.

G. R. Dickerson,

Director.

Approved: March 10, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations)

[FR Doc. 80-8093 Filed 3-14-80; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 338]

Pinnacles Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking and notice of hearing.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Monterey County and San Benito County, California, named "The Pinnacles." This proposal is the result of a petition from an industry member. This notice also announces the time and place ATF will hold a public hearing concerning issues relating to this proposal.

DATES: Written comments must be received by May 16, 1980. Requests to present oral comments must be received by April 25, 1980.

Hearing Dates: Day sessions, May 2–3, 1980, at 9:30 a.m.—Evening session (if necessary), May 2, 1980, at 7:00 p.m.

ADDRESSES: Send written comments and requests to present oral comments to: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044 (Attn: Chief, Regulations and Procedures Division)

Copies of the petition, the proposed regulations, the appropriate maps, written comments, and the hearing transcript will be available for public

inspection during normal business hours at the:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC

Hearing location:

Towne House—Quality Inn, 808 North Main Street, Salinas, California

FOR FURTHER INFORMATION CONTACT:
Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the boundaries of the viticultural area, based on features which can be found on U.S. Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in Monterey County and San Benito County, California, as a viticultural area known as "The Pinnacles." The proposed area consists of 5,760 acres of land adjacent to The Pinnacles National Monument. The petition and maps are on file with ATF.

The petition claims that the proposed viticultural area is distinguished from the surrounding area in elevation, climate, soil, and physiographic characteristics. The petitioner also claims that while other vineyards in the nearby Salinas Valley have used the name "The Pinnacles," any claim those vineyards have on the use of the name is inferior to its own claim. The petitioner bases this claim on—

(a) The geographical differences between the proposed area and other grape-growing areas using the name "The Pinnacles";

(b) The fact that the proposed area is closer to The Pinnacles National Monument than other areas using the name; and

(c) The historical claim that the petitioner has used the name "The Pinnacles" on wine labels longer than anyone else.

The proposed area consists of nine sections (5,760 acres) of the Mount Diablo Meridian. The sections are as follows:

Township	Range	Section	Portion of section
16 south	7 east	31	East ½
16 south	7 east	32	West ½
17 south	6 east	1	All
17 south	7 east	5	West ½
17 south	7 east	6	All
17 south	7 east	7	All
17 south	7 east	8	All
17 south	7 east	9	All
17 south	7 east	16	All
17 south	7 east	17	All
17 south	7 east	18	East ½

The proposed area is located on a bench of land drained by the Bryant and Stonewell Canyons and Shirttail Gulch. The proposed regulations describe this area through the use of section and longitude lines. While these boundaries do not precisely coincide with the geographical outlines of the three drainage areas, the petitioner believes that all land suitable for grape-growing on the bench land has been included within the described perimeter. The petitioner feels that the use of section lines seems the simplest and most certain means of delimiting the proposed area.

The exact boundaries of the proposed area and the appropriate U.S.G.S. maps used to determine the boundaries are listed in the proposed regulations.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. Furthermore, while this document proposes possible boundaries for The Pinnacles viticultural area, ATF requests comments concerning other possible boundaries for this viticultural area.

ATF specifically requests comments concerning the possible inclusion of nearby vineyard areas in the Salinas Valley.

All comments received before the closing data will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Public Participation—Public Hearing

ATF believes that a public hearing is essential in order to obtain and evaluate all possible information concerning the proposed viticultural area. Persons desiring to present oral comment should submit a written request containing the name and address of the individual who will present the comment. They should indicate in their request a preference for the time of day they would like to comment. To the extent possible, ATF will honor these preferences. Persons asking to comment should include in their request an outline of the topics on which they desire to speak. Oral comment will be limited to 10 minutes per speaker; but additional time may be granted for answering questions. Persons presenting comments should be prepared to respond to questions concerning their comments, their topic outline, or any matter relating to written comments they have submitted.

Persons not scheduled to comment may be allowed to comment at the conclusion of the hearing if time permits.

ATF will notify all persons asking to comment and will confirm the date and time. An agenda listing the speakers will be available at the hearing.

Written comments relating to this notice of proposed rulemaking will be available at the hearing for public inspection.

The hearing will be conducted under the procedural rules in 27 CFR 71.41(a)(3).

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.24. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.24 The Pinnacles.

2. Subpart C is amended by adding § 9.24. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.24 The Pinnacles.

(a) *Name.* The name of the viticultural area described in this section is "The Pinnacles."

(b) *Approve maps.* The appropriate maps for determining the boundaries of the The Pinnacles viticulural area are four U.S.G.S. maps. They are titled—

(1) "Mount Johnson, California", 7.5 minute quadrangle;

(2) "Bickmore Canyon, California", 7.5 minute quadrangle;

(3) "Soledad, California", 7.5 minute quadrangle; and

(4) "North Chalone Peak, California", 7.5 minute quadrangle.

(c) *Boundaries.* The Pinnacles viticultural area is located in Monterey County and San Benito County, California. From the beginning point at the southeast corner of Section 16, T. 17 S., R. 7 E., the boundary runs along—

(1) The south section lines of Section 16, 17, and 18, T. 17 S., R. 7 E., to longitude line 121°15';

(2) Longitude line 121°15' to the south section of line of Section 7, T. 17 S., R. 7 E.;

(3) The south section line of Section 7, T. 17 S., R. 7 E to the southwest corner of Section 7, T. 17 S., R. 7 E.;

(4) The west section line of Section 7, T. 17 S., R. 7 E.;

(5) The south section line of Section 1, T. 17 S., R. 6 E.;

(6) The west section line of Section 1, T. 17 S., R. 6 E.;

(7) The north section lines of Section 1, T. 17 S., R. 6 E. and Section 6, T. 17 S., R. 7 E., to longitude line 121°15';

(8) Longitude line 121°15' to the north section line of Section 31, T. 16 S., R. 7 E.;

(9) The north section lines of Section 31 and 32, T. 16 S., R. 7 E., to a north-south line bisecting Section 32, T. 16 S., R. 7 E.;

(10) A north-south line bisecting Sections 32, T. 16 S., R. 7 E., and Section 5, T. 17 S., R. 7 E., to the north section line of Section 8, T. 17 S., R. 7 E.;

(11) The north section lines of Sections 8 and 9, T. 17 S., R. 7 E.; and

(12) The east section lines of Sections 9 and 16, T. 17 S., R. 7 E., to the beginning point.

Signed: February 13, 1980.

G. R. Dickerson,

Director.

Approved: February 26, 1980.

Richard J. Davis,

Assistant Secretary, (Enforcement and Operations).

[FR Doc. 80-8094 Filed 3-14-80; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to revise General Order 4 which governs the licensing and operations of independent ocean freight forwarders. Clarification and reorganization of existing regulations have been proposed and new requirements have been added. The major changes include: a requirement for licensing of branch offices; a minimum period of experience for qualifying individuals; the filing of anti-rebate certification; a prohibition against carriers compelling forwarders to guarantee payment of freight before monies have been advanced for this purpose by the shipper; a provision for the assessment of penalties in hearings on licenses; a time limit within which applications submitted after denial or revocation will be rejected; a revised payover rule; an increase in fees for licenses; and permission for forwarders to deduct compensation from freight payments under certain circumstances.

DATES: Comments on or before July 15, 1980.

ADDRESS: Comments (Original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. (202) 523-5725

SUPPLEMENTARY INFORMATION: Sections 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 820, 841a, 841b), and section 4 of the Administrative Procedure Act (5 U.S.C. 553) authorize the Federal Maritime Commission to make rules and regulations affecting the licensing, activities, obligations and responsibilities of independent ocean freight forwarders engaged in carrying on the business of forwarding in commerce from the United States.

General Order 4 was originally issued in December, 1961. Commission and industry experience has indicated that there is currently a need for clarification in many areas of the Order.

The proposed revision attempts to achieve this clarification through rearrangement of sections and collection of related provisions in four subparts:

A. General (§§510.1–510.4)

B. Eligibility and procedure for licensing; bond requirements (§§510.11–510–19)

C. Duties and responsibilities of freight forwarders; forwarding charges; reports to Commission (§§510.31–510.36)

D. Revocation or suspension of license (§§510.50)

The proposed revision contains increased or new fees, record-keeping requirements and new forms for the submission of information and reports to the Commission.

The freight forwarder license application fee has been increased from $125 to $350 under proposed § 510.13 and new fees of $100 each are proposed for the 1) supplementary investigation necessary when an applicant does not file a valid surety bond within six months of qualification under proposed § 510.15(b), and for 2) processing an application for approval of a license transfer or an organizational change under proposed § 510.18. Under Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)) and Circular A–25 issued by the Office of Management and Budget to implement Title V, the amount of these fees must be fair and equitable, taking into consideration direct and indirect cost to the Government, value to the recipient, and other pertinent facts.

The Commission has determined that the full cost for processing a new license application is over $1,000, while the cost for processing an application where no bond has been filed for six months, or for an application for change, is over $150. The Commission believes, however, that there is sufficient reason for prescribing fees that recover less than full costs. The freight forwarding industry contains many small business persons for whom substantial licensing fees could pose barriers to entry, thereby reducing competition in the industry. Balancing the potentially

substantial value to the recipient and the public interest served by establishing rates that do not pose significant regulatory burdens upon small business against the cost to the Government, we believe that fair and equitable fees should be those that recover less than full costs and, at this time, should be in the amounts set forth above.

Record-keeping requirements are contained in proposed § 510.34 and are considered necessary for the Commission to exercise sufficient supervision of licensees to ensure compliance with existing regulations. The reporting requirements of § 510.35 are similarly necessary. Forms and formats are set forth in the proposed revision at §§510.13, 15(a), 18(d), 31(h), 33(e), 35(c) and 36(b).

In addition to comments on the substantive proposed changes, interested persons commenting on this proposed revision are invited to provide an estimate of the financial and work-hour burden they will incur in complying with such record-keeping and reporting requirements, as well as with other new substantive regulations. Alternative proposals and methodologies are invited from prospective commentators.

A section by section explanation of the proposed revision follows:

Section 510.1 Scope.

This section describes the scope of the entire part and reflects present §§ 510.1 and 510.20.

Section 510.2 Definitions.

This section collects the definitions contained in present §§ 510.2 and 510.21. Present definitions of "carrying on the business of forwarding" (§ 510.2(b)), "person" (§ 510.2(d)) and "Commission" (§ 510.2(e)), have been deleted because they are already defined in the Shipping Act or applicable Reorganization Plans.

New or changed definitions are:

(b) *"Beneficial interest"*—Changed slightly from present § 510.21(l) for clarification.

(c) *"Branch office"*—Added to conform to proposed §§ 510.3 and 510.5(c) below. See discussion under § 510.3.

(f) *"Freight forwarder"* is defined as anyone performing freight forwarding services.

(h) *"Freight forwarding services"*—Has been slightly changed from present § 510.2(c) for clarification.

(j) *"Independent ocean freight forwarder"*—Has been slightly changed from present § 510.2(a) to ensure clarity.

(m) *"Ocean freight broker"*—Has been slightly changed from present § 510.21(f) for clarification and to add the concept of "securing cargo".

(o) *"Principal"*—The concept of anyone acting on behalf of the principal has been added to the present definition in § 510.21(e).

(q) *"Small shipment"*—Added to facilitate interpretation of proposed § 510.32(h)(2)(ii).

(r) *"Special contract"*—Slightly changed from present § 510.21(j) for clarification.

(s) *"Territory or possession"*—Added to ensure clarity.

Section 510.3 License; when required.

This section incorporates the licensing requirements of present section 510.3(a) and adds the proposed requirement that each branch office be licensed. The commission's experience with the freight forwarding industry raises the question whether a single qualifying officer and a single surety bond for a licensee with many branch offices, widely geographically separate, is sufficient for protection of the public. The expertise of one qualifying individual may not be sufficient to meet the needs of several remote branch offices at the same time. Such an individual may not be able to exercise sufficiently direct supervision of forwarder activities at several branch offices to ensure necessary services for the shipping public. Furthermore, the volume of business transacted by several branch offices may not be adequately secured by one surety bond issued to the home office. The Commission therefore believes that consideration should be given to issuing a separate license and requiring a separate qualifying individual and surety bond for each separate forwarding location used for forwarding services. In the alternative, the Commission may want to consider graded levels of surety bonds required from a freight forwarder's home office depending on the company's number of branch offices. The proposed section also deletes the obsolete grandfather provisions of previous § 510.3(b).

Section 510.4 License; when not required.

(a) *Shippers.* See present §§ 510.4(a) and 22(b).

(b) *Employee of licensed forwarder.* See present § 510.4(b).

(c) *Oceangoing common carrier.* See present § 510.22(a).

Section 510.11 Basic requirements for licensing; eligibility.

(a) *Necessary qualifications.* Substantially the same as present § 510.5(a); a minimum of three years experience has been prescribed for each applicant in order to provide a more objective standard for evaluation. The Commission believes that this more specific requirement may be reasonable.

(b) *Qualifying individual.* Substantially the same as present § 510.5(a)(2) but incorporates that part of § 510.8(b) which requires that all partners of a partnership applicant must execute the application for a license. A new provision proposes that branch-office applicants must have a resident qualifying officer.

(c) *Branch office.* See discussion under proposed § 510.3 above.

(d) *Affiliates of forwarders.* Comports with present § 510.8(c) except for the provision that the qualifying individual of a licensee may not be designated the qualifying individual of an affiliate applicant. This prohibition is consistent with the Commission's proposed requirement of separate qualification of all separate entities performing freight forwarding services, including branch offices.

(e) *Oceangoing common carriers.* This subsection incorporates provisions of present § 510.22(a). While the eligibility for licensing of such carriers is retained, the Commission is most concerned about possible conflicts of interest between the duties of a forwarder and those of a carrier or carrier's agent. The Commission requests comments on this problem for possible future action.

Section 510.12 Persons not eligible.

This new section incorporates the "independent" provision of the definition of freight forwarder in § 510.2(i) and section 1 of the Act.

Section 510.13 Application for license.

The obsolete grandfather provisions of present § 510.5(e) and the **Federal Register** notice requirement of present § 510.6 have been deleted.

(a) *Application and forms.* Incorporates provisions in present §§ 510.3(c) and 5(b) but adds the application form itself and provides that copies of the form may be obtained from the Commission's district offices and sub-offices. The section also requires the application to contain an anti-rebate certification (see proposed § 510.35(c) below).

(b) *Fee.* The proposed fee of $350 is an increase from the $125 fee contained in present § 510.5(b). The existing fee has been in effect since October 1, 1969.

(c) *Rejection.* Incorporates provisions contained in present § 510.5(b) but adds the requirement that the Commission return a rejected application by certified U.S. mail.

(d) *Investigation.* This subsection contains provisions in present § 510.5(b).

(e) *Changes prior to licensing.* Comports with present § 510.5(c), but the time for reporting changes in ownership or other relevant data in the application has been reduced from 30 days to fifteen (15) days.

Section 510.14 Investigation of applicants.

This is substantially the same as present § 510.7 with some clarifying changes.

Section 510.15 Surety bond requirements.

Incorporates provisions of present §§ 510.5(f), (g) (h) and the provisos in present 510.9, with some changes for clarification and flexibility. A supplemental investigation fee of $100 has been added where the Commission has not received a valid surety bond within six months of qualification. Slight changes to the bond form have been made for use after the Rule becomes effective but it is not intended to invalidate any effective bond of existing FMC-Form 59.

Section 510.16 Denial of license.

Contains provisions of present § 510.8 but specifies more fully the grounds upon which applications may be denied (see proposed §§ 510.11(a) and 510.14 above). The proposed section also provides for the assessment of civil penalities in any hearing on the denial of the license pursuant to the authority contained in section 10 of Pub. L. 96–25, amendments to section 32 of the Act. New § 510.16(b) contains the provision that the Commission may reject an application that has been resubmitted within one year of the date of a denial of a license (see also proposed § 510.50 below).

Section 510.17 Issuance and use of license.

Contains provisions of present §§ 510.5(a)(3), 8(b) and 8(d).

Section 510.18 Changes in organization.

(a) *Changes requiring prior approval.* Sets forth the type of organizational changes which require prior Commission approval. This authority is contained in the present rules such as §§ 510.5, 8 and 9.

(b) *Operation after death of sole proprietor.* Tracks present section 510.5(a)(3) and further provides that shipments as to which the deceased sole proprietor had undertaken forwarding services may continue to be serviced with notice to both the Commission and to the appropriate principals.

(c) *Operation after retirement, resignation or death of qualifying individual.* This subsection contains the provisions of present §§ 510.5(a)(4), but reduces the time for reporting changes from 30 days to fifteen (15) days to be consistent with proposed § 510.13(e) above.

(d) *Application form and fee.* In order to implement the provisions of this section, the Commission will require applications for prior approval of changes to be filed on Form FMC 18 Rev. and a fee of $100 to be paid.

Section 510.19 Branch offices; interim operation.

This section provides for a reasonable period of time within which existing unlicensed branch offices may obtain the license which would be required if proposed §§ 510.3 and 11(c) were adopted.

Section 510.31 General duties.

With slight changes for clarity, the following proposed subsections incorporate the provisions of the present sections indicated:

(a) *License; name and number* and (b) *Stationery and billing forms.* Present § 510.5(e). Provision is made for use of typing or rubber stamps.

(c) *Use of license by others; prohibition.* Present § 510.23(a).

(d) *Arrangements with forwarders whose licenses have been revoked.* Present § 510.23(b), with the added provision that certain of these arrangements may be allowed with prior Comission approval.

(e) *Arrangements with unauthorized persons.* Present § 510.23(a) with the added provision that the licensee transmit to the actual shipper or beneficial owner a copy of the invoice.

(f) *False or fraudulent claims; false information.* Present §§ 510.23(d) and (h), except that the phrase "or other person performing freight forwarding services for others" has been added.

(g) *Response to requests of Commission.* Present § 510.23(1).

(h) *Policy against rebates.* A new provision requiring an anti-rebate certification on the invoices and certifications discussed in proposed §§ 510.32(h) and 510.33(e) below (see also proposed § 510.35(c)).

Section 510.32 Forwarder and principal; fees.

With slight changes for clarification, the following proposed subsections incorporate provisions of the present section indicated:

(a) *Beneficial interest.* Present § 510.24(c).

(b) *Compensation or fee sharing.* Present § 510.24(c).

(c) *Withholding information.* Present § 510.23(e), except that the phrase "or other person performing freight forwarding services for others" has been added.

(d) *Due diligence.* Present § 510.23(d).

(e) *Errors and omissions.* Present § 510.23(c), except that a greater responsibility is placed on the licensee to itself comply with laws and to be responsible for such compliance by its principal.

(f) *Express written authority.* Present § 510.23(g) with the added requirement that the principal's delegated authority be in writing.

(g) *Receipt for cargo.* Present § 510.23(i).

(h) *Invoices; list of charges; exceptions.* Present § 510.23(j) with minor changes for clarification.

(i) *Special contracts.* Present § 510.25(b).

(j) *Reduced forwarding fees.* Present § 510.24(b). The exemption from this prohibition for recognized relief agencies and charitable organizations has been deleted in order to comport with the anti-rebate policy contained in Pub. L. 96–25.

Section 510.33 Forwarder and carrier; compensation.

With slight changes for clarification, the following proposed subsections incorporate provisions of the present sections indicated.

(a) *Disclosure of principal.* Present § 510.24(a), except that disclosure has been made an absolute requirement for a licensee instead of merely a condition for the receipt of compensation.

(b) *Pay over of freight.* Present § 510.23(f), except that the time requirement has been changed from seven to twenty days to accommodate normal business practices. The Commission feels that such an increased period of time is more reasonable and that there will be little if any valid reason for non-compliance. The proposed subsection provides for prompt accounting to the principal as in the present section but adds that the licensee may offset outstanding receivables due from the principal, but only with prompt written notice to the principal.

(c) *Assumption of obligation for freight.* This new subsection prohibits a carrier or agent from requiring a licensee to assume the obligation of paying the freight before the necessary sums are advanced by the shipper to the forwarder. This provision is designed to

protect the forwarder as well as to place the obligation for payment of freight on the real party in interest, i.e., the shipper.

(d) *Certification required for compensation.* Present § 510.24 (a), (e) and (f). The new subsection adds the requirement of payment of compensation within 30 days after payment of ocean freight.

(e) *Form of certification.* Present § 510.24(e) except that the new subsection specifically requires the licensee to retain the certification for five years as provided for in § 510.17 below.

(f) *Deduction of compensation from freight charges.* Present § 510.24(g) with clarifying changes, except that the prohibition against accepting compensation different from the carrier's tariff has been added and extended to employees of the licensee.

(g) *Compensation; services performed by underlying carrier; exemptions.* Present § 510.22(a), except for clarifying language and the specification of a 20-day public comment period after notice in the **Federal Register.**

(h) *Duplicative compensation or brokerage.* Present § 510.24(h), except that it more closely tracks the statutory language in that a carrier is not obligated to pay duplicative compensation or brokerage.

(i) *Licensed oceangoing common carriers; compensation.* Present § 510.22(c), except that all oceangoing common carriers, including non vessel operating carriers, must comply with the certification provisions.

Section 510.34 Records required to be kept.

This section contains provisions of present §§ 510.23 (k), (l), 510.25(a), and 510.26(b).

Section 510.35 Reports required to be filed.

This section collects the reporting requirements of present §§ 510.5(c) and 510.26(a). New provisions require the filing of samples of office stationery and invoice forms within sixty days of changes in organization. Proposed § 510.35(c) also requires an annual filing of an anti-rebate certification pursuant to the authority of section 4 of Pub. L. 96–25, amendments to section 21 of the Act.

Section 510.36 Section 15 agreements.

This section (and format) tracks present § 510.26.

Section 510.50 Revocation or suspension of license.

This section contains the criteria of present § 510.9 but adds in proposed subsection (b) the provision for assessment of civil penalties for violations in any proceeding on the suspension or revocation of a license (see commentary on proposed § 510.16 above). A new provision is also contained in proposed § 510.50(c) that the Commission may reject another application submitted within one year from the date of revocation of the previous license.

Therefore, pursuant to sections 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 820, 841a and 841b), and section 4 of the Administration Procedure Act (5 U.S.C. 553), the Commission proposes to revise and modify 46 CFR Part 510 as follows:

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart A—General

Sec.
510.1 Scope.
510.2 Definitions.
510.3 License, when required.
510.4 License, when not required.

Subpart B—Eligibility and Procedure for Licensing; Bond Requirements

510.11 Basic requirements for licensing; eligibility.
510.12 Persons not eligible.
510.13 Application for license.
510.14 Investigation of applicants.
510.15 Surety bond requirements.
510.16 Denial of license.
510.17 Issuance and use of license.
510.18 Changes in organization.
510.19 Branch offices; interim operation.

Subpart C—Duties and Responsibilities of Freight Forwarders; Forwarding Charges; Reports to Commission

510.31 General duties.
510.32 Forwarder and principal; fees.
510.33 Forwarder and carrier; compensation.
510.34 Records required to be kept.
510.35 Reports required to be filed.
510.36 Section 15 agreements.

Subpart D—Revocation or Suspension of License

510.50 Revocation or suspension of license.

Authority: Secs. 21, 43, 44, 204, 75 Stat. 522, 523, 766, 49 Stat. 1987, as amended; 46 U.S.C. 820, 841a, 841b, 1114.

Subpart A—General

§ 510.1 Scope.

This part sets forth regulations providing for the licensing as independent ocean freight forwarders of persons, including individuals, corporations partnerships, associations, and branch offices desiring to carry on the business of freight forwarding. This part also prescribes the bond requirements for and the duties and responsibilities of freight forwarders, certain regulations for related practices of freight forwarders and common carriers by water, and the grounds and procedures for revocation and suspension of licenses.

§ 510.2 Definitions.

The terms used in this part are defined as follows:

(a) *Act.* "Act" means the Shipping Act, 1916 (46 U.S.C. 801, *et seq.*), as amended.

(b) *Benefical interest.* "Beneficial interest" includes any lien or interest in or right to use, enjoy, profit, benefit, or receive any advantage, either proprietary or financial, from the whole or any part of a shipment of cargo where such interest arises from the financing of the shipment or by operation of law, or by agreement, express or implied. This term "beneficial interest" shall not include any obligation in favor of a freight forwarder arising solely by reason of advances of out-of-pocket expenses incurred in dispatching a shipment.

(c) *Branch office.* "Branch office" means any office established by or under the control of a licensee to render freight forwarding services, which office is located at an address different from that of the licensee's designated home office.

(d) *Brokerage.* "Brokerage" refers to payment by an oceangoing common carrier to an ocean freight broker for the performance of services as specified in § 510.2(m) of this part.

(e) *Compensation.* "Compensation" means payment by an oceangoing common carrier to a freight forwarder for the performance of services as specified in § 510.33(e) of this part.

(f) *Freight Forwarder.* "Freight forwarder is anyone who performs, or holds out to perform, the dispatching or facilitation of a shipment of cargo for another by rendering any one or more of the services enumerated in § 510.2(h) of this part.

(g) *Freight forwarding fee.* "Freight forwarding fee" means charges billed by a freight forwarder to a shipper, consignee, seller, purchaser, or any agent thereof, for the performance of freight forwarding services as specified in § 510.2(h) of this part.

(h) *Freight forwarding services.* "Freight forwarding services" refer to services rendered in connection with dispatching or facilitating a shipment by an oceangoing common carrier on behalf of other person(s), which services

include, but are not limited to, the following:

(1) Examining instructions and documents received from shippers;

(2) Ordering cargo to port;

(3) Preparing and/or processing export declarations;

(4) Booking or confirming cargo space;

(5) Preparing and/or processing delivery orders and dock receipts;

(6) Preparing instructions to truckmen and/or lightermen;

(7) Arranging for and/or furnishing trucks and lighters;

(8) Preparing and/or processing ocean bills of lading;

(9) Preparing and/or processing consular documents and arranging for their certification;

(10) Arranging for and/or furnishing warehouse storage;

(11) Arranging for insurance;

(12) Clearing shipments in accordance with United States Government export regulations;

(13) Preparing and/or sending advance notifications of shipments and other documents to banks, shippers, or consignees, as required;

(14) Advancing necessary funds in connection with the dispatching of shipments;

(15) Coordinating the movement of shipments from origin to vessel;

(16) Rendering special services in connection with unusual shipments or difficulties in transit; and,

(17) Giving expert advice to exporters concerning letters of credit, licenses, inspections.

(i) *In commerce from the United States.* "In commerce from the United States" means oceanborne export commerce from the United States, its Territories, or possessions to foreign countries, or oceanborne commerce between the United States and its Territories or possessions, or between such Territories and possessions.

(j) *Independent ocean freight forwarder.* "Independent ocean freight forwarder" refers to a person performing freight forwarding services for a consideration, either monetary or otherwise, who is not a shipper or consignee or seller or purchaser of property in commerce from the United States and who has no beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.

(k) *Licensee.* A "Licensee" is any person licensed by the Federal Maritime Commission as an independent ocean freight forwarder.

(l) *Nonvessel operating common carrier by water.* "Nonvessel operating common carrier by water" is a common carrier by water as defined in section 1 of the Act, which does not own or operate the vessels by which its ocean transportation is provided but which holds itself out, by the establishment and maintenance of tariffs, by advertisement, solicitation, or otherwise, to provide transportation of property for hire by water in commerce from the United States; assumes responsibility or has liability imposed by law for the safe transportation of such property; and arranges in its own name with underlying water carriers for the performance of such transportation.

(m) *Ocean freight broker.* "Ocean freight broker" is an entity which is engaged by a carrier to secure cargo for such carrier and/or to sell or offer for sale ocean transportation and which holds itself out to the public as one who negotiates between shipper or consignee and carrier for the purchase, sale, conditions and terms of transportation.

(n) *Oceangoing common carrier.* "Oceangoing common carrier" is a common carrier by water as defined in section 1 of the Act, including a nonvessel operating common carrier by water, engaged in transportation by water of property in commerce from the United States, as defined in § 510.2(h) of this part.

(o) *Principal.* "Principal" refers to the shipper, consignee, seller, or purchaser of property, and anyone acting on behalf of such shipper, consignee, seller, or purchaser of property, who employs the services of a licensee to facilitate the ocean transportation of such property.

(p) *Reduced forwarding fees.* "Reduced forwarding fees" covers charges to a principal for forwarding services that are below the licensee's usual charges.

(q) *Small shipment.* "Small shipment" refers to a single shipment sent by one consignor to one consignee on one bill of lading which does not exceed the underlying oceangoing common carrier's minimum charge rule.

(r) *Special contract.* "Special contract" is a lump sum forwarding fee, monthly retainer forwarding fee, or a similar financial arrangement for forwarding fees that exists between a principal and a licensee.

(s) *Territory or possession.* "Territory or possession" includes the Commonwealth of the Northern Marianas, the Commonwealth of Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and any other Territory or possession of the United States.

§ 510.3 License, when required.

Except as otherwise provided in this part, a person shall obtain the license provided for in this part in order to perform freight forwarding services, and, except as provided in section 510.4 of this part, no person shall perform, or hold out to perform, such services unless such person holds a valid license issued by the Commission to engage in such business. A separate license is required for each branch office.

§ 510.4 License, when not required.

A license is not required in the following circumstances:

(a) *Shippers.* Any person whose primary business is the sale of merchandise may, without a license, dispatch and perform freight forwarding services on behalf of its own shipments or on behalf of shipments or consolidated shipments of a parent, subsidiary, affiliated, or associated company. Such person shall not receive compensation from the oceangoing common carrier for any services rendered in connection with such shipments.

(b) *Employee of licensed forwarder.* An individual employee of a licensed independent ocean freight forwarder is not required to be licensed in order to act solely for his or her employer, but each licensed independent ocean freight forwarder will be held strictly responsible for the acts or omissions of its employees.

(c) *Oceangoing common carrier.* An oceangoing common carrier, or agent thereof, may perform ocean freight forwarding services without a license only with respect to cargo carried under its own ocean bill of lading. Charges for such forwarding services shall be assessed in conformance with the carrier's published tariffs on file with the Commission.

Subpart B—Eligibility and Procedure for Licensing; Bond Requirements

§ 510.11 Basic requirements for licensing; eligibility.

(a) *Necessary qualifications.* To be eligible for an independent ocean freight forwarder's license, the applicant must demonstrate to the Commission that:

(1) Its proposed forwarding business will be consistent with national maritime policies as declared in the Merchant Marine Act, 1936;

(2) It will meet the definition of an independent ocean freight forwarder;

(3) It is fit, willing and able properly to carry on the business of freight forwarding and to conform to the provisions of the Shipping Act, 1916, as amended, and the requirements, rules and regulations of the Commission issued thereunder;

(4) Its qualifying individual has a minimum of three (3) years of

experience in ocean freight forwarding duties in the United States;

(5) It holds a valid surety bond in conformance with section 510.15 of this part; and,

(6) It and its qualifying individual are otherwise qualified within the provisions of the Shipping Act, 1916 and the requirements, rules and regulations of the Commission.

(b) *Qualifying individual.* The following individuals must qualify for a license:

(1) *Sole proprietor*—The applicant sole proprietor;

(2) *Partnership*—At least one of the active managing partners, but all partners must execute the application;

(3) *Corporation or association*—At least one of the active corporate or association officers; and,

(4) *Branch office*—At least one of the resident managers or employees in each branch office.

(c) *Branch office.* Each branch office must separately qualify for a license.

(d) *Affiliates of forwarders.* Each independently qualified applicant may be granted an individual license to carry on the business of forwarding even though it is associated with, under common control with, or otherwise related to another independent ocean freight forwarder through stock ownership or common directors or officers, if such applicant (1) submits a separate application and fee, (2) has the requisite freight forwarding experience, and (3) submits a valid surety bond in the form and amount prescribed under § 510.15 of this part. The proprietor, partner, officer, or employee who is the qualifying individual of an active licensee shall not also be designated the qualifying proprietor, partner, officer, or employee of an applicant for another independent ocean freight forwarder license.

(e) *Oceangoing common carriers.* An oceangoing common carrier or agent thereof meeting the requirements of this part, may be licensed to dispatch shipments moving on other than its own bill of lading.

§ 510.12 Persons not eligible.

No person is eligible for a license who is a shipper, consignee, seller, or purchaser of shipments in commerce from the United States, or has any beneficial interest therein, or directly or indirectly controls or is controlled by such shipper, consignee, seller, or purchaser of shipments or by any person having a beneficial interest in such a shipment.

§ 510.13 Application for license.

(a) *Application and forms.* Any person who wishes to obtain a license to carry on the business of forwarding shall submit, in triplicate, to the Director of the Commission's Bureau of Certification and Licensing, a completed application on Form FMC–18 Rev. below ("Application for A License as an Independent Ocean Freight Forwarder"), and a completed anti-rebate certification in the format prescribed under § 510.35(c) of this part. Copies of Form FMC–18 Rev. may be obtained from the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, or from any of the Commission's offices at other locations. Application Form FMC–18 Rev. with schedules, and Privacy Act Notice shall read as follows:

APPLICATION FOR A LICENSE AS AN INDEPENDENT OCEAN FREIGHT FORWARDER

FEDERAL MARITIME COMMISSION

Washington, D.C. 20573

[Form FMC–18; Rev.]

Instructions

Schedule A is to be completed by corporate applicants only. All other parts of the application form including Schedule B are to be fully completed by all applicants except as explained in the "NOTE" below. *All applicable questions must be answered. If not applicable, write "N/A." Incomplete applications will be returned.*

The completed application must be filed in triplicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, with application fee as required by § 510.13(b), General Order 4. If additional space is required, number items on plain white paper.

Corporate and association applications must be signed by an authorized officer thereof and a certified copy of the articles of incorporation or association, together with all relevant documents, must accompany the application.

Partnership applicants must attach a copy of the partnership agreement and any other document under which the partnership is organized. All partners must sign the application.

Changes in any facts submitted in this form must be submitted within fifteen (15) days after such changes occur by the completion and submission of an amended Form FMC–18 Rev. See § 510.13(f) of General Order 4.

Note.—If the purpose of this application is to amend a currently pending application, please check here ☐ and complete only those portions of this application which reflect the amendments you wish to make. All other questions must be answered by writing "no change" or "N/A" as appropriate.

If the purpose of this application is to request approval for a change in name, transfer, sale or other organizational change, please check here ☐ and complete only those portions of this application which reflect changes from the existing application form. All other questions must be answered by writing "no change" or "N/A" as appropriate.

This space for use by the FMC only.

Part I—General

1. Name of applicant (an applicant using a trade name must add the words "doing business as" or the abbreviations "d/b/a" and state the trade name):

2. Applicant is:

(a) ☐ a sole proprietorship ☐ a partnership ☐ a corporation ☐ an association

(b) Applying for a ☐ Primary License ☐ Branch Office License

3. If this application is for a branch office license, please indicate:

(a) Name and address of home office:

(b) FMC license No. of home office:

(c) Number of branch offices controlled by home office (excluding applicant's branch office) through which ocean freight forwarding is conducted:

4. Does applicant now hold, or has applicant ever held, an independent ocean freight forwarder license issued by the Federal Maritime Commission?

☐ Yes ☐ No

(If "yes" complete items a, b, c below)

a. License No.

b. Date issued

c. Name under which issued

5. Address (Street Number, Room Number, City or Post Office, State and Zip Code):

Area Code and Phone Number:

6. If applicant is not yet operating at above address, give the address (physical premises) and telephone number with area code where applicant can be contacted.

7. Does applicant now share or intend to share office space or expenses with any other person? ☐ Yes ☐ No. If "Yes," please explain fully, including name and business of such other person.

8. If applicant is a sole proprietorship, please list the owner's:

Full name

Citizenship

Residence (Street Address, City, State and Zip Code)

Residence telephone

9. If applicant is a partnership or association, please complete the following for each of the applicant's officials:

Full name

Citizenship

Residence (City, State and Country)

Title(s)

10. If applicant is a corporation, please complete Schedule A to this application form.

11. Is the applicant a parent, subsidiary, affiliate or owner of any other business concern(s)? ☐ Yes ☐ No

12. If the answer to question 11 is "Yes," please indicate the name(s), address(es) and nature of the business activities conducted by such other concern(s). (If the information called for in this question will be provided by the applicant in Schedule A, please write "refer to Schedule A"):

Name

Address

Nature of business activities

Part II—Experience

Qualifying Individual

13. (a). Please indicate here the individual(s) whose experience you believe qualifies the applicant for licensing and attach the documents mentioned in items 13 (b) and (c).

(Name)

(Title)

(Street Address)

(City and State of residence)

(Name)

(Title)

(Street Address)

(City and State of residence)

(Name)

(Title)

(Street Address)

(City and State of residence)

(b). Each qualifying individual listed in "(a)" above must personally complete and sign a separate Schedule B.

(c). Letters from at least three unrelated persons are required on behalf of each qualifying individual listed in "(a)" above. The letters must be from former employers or other persons who have first-hand knowledge of the qualifying individual's freight forwarding experience. Each letter must specify the actual ocean freight forwarding duties which the writer knows the qualifying individual to have performed and must describe the business relationship through which the person signing the letter gained such first-hand knowledge. Each letter must also include the name, title, business address and telephone number of the signer. Please list the names and addresses of these persons below and submit the letters together with this application form.

	Name	Address	Title
1.			
2.			
3.			
4.			

14. Please indicate here any other information or comments concerning your experience which you wish to bring to the Commission's attention:

Part III—Fitness

Financial Responsibility

15. (a). Sole proprietorships and each partner in a partnership application: please submit the following financial information:

Name of sole proprietor or partner:

Assets:	
Cash in banks	$
Real estate	
Securities (market value)	
Other assets	
Total	$
Liabilities:	
Auto loan(s)	$
Mortgage(s)	
Other outstanding loans	
Other liabilities	
Total	$

Name of partner:

Assets:	
Cash in banks	$
Real estate	
Securities (market value)	
Other assets	
Total	$
Liabilities:	
Auto loan(s)	$
Mortgage(s)	
Other outstanding loans	
Other liabilities	
Total	$

Name of partner:

Assets:	
Cash in banks	$
Real estate	
Securities (market value)	
Other assets	
Total	$
Liabilities:	
Auto loan(s)	$
Mortgage(s)	
Other outstanding loans	
Other liabilities	
Total	$

Name of partner:

Assets:	
Cash in banks	$
Real estate	
Securities (market value)	
Other assets	
Total	$
Liabilities:	
Auto Loan(s)	$
Mortgage(s)	
Other outstanding loans	
Other liabilities	
Total	$

(b). Corporations and associations: please submit the most recent balance sheet and statement of income.

(c). All applicants: please list below three credit references, at least one of which is a bank, and submit letters from these references attesting to your credit standing. (The letter from the bank must note the age of the account(s), approximate amount of funds in the account(s), average recent balance(s), and loan histories, if any. All letters must include the name, title, business address and telephone number of the signer.):

Name, Organization, Address, and Type of Business

(i)

(ii)

(iii)

Personal Fitness

16. (a). Has the applicant ever:

(i) been found in violation of shipping or bill of lading statutes?

☐ Yes ☐ No

(ii) filed or been involved in a bankruptcy proceeding?

☐ Yes ☐ No

(iii) been convicted of a felony?

☐ Yes ☐ No

If "Yes" is answered to any of the above questions, please attach a signed statement setting forth the details.

(b). To the best of the applicant's knowledge, have any of the applicant's qualifying individuals ever:

(i) been found in violation of shipping or bill of lading statutes?

☐ Yes ☐ No

(ii) filed or been involved in a bankruptcy proceeding?

☐ Yes ☐ No

(iii) been convicted of a felony?

☐ Yes ☐ No

If "Yes" is answered to any of the above questions, please attach a signed statement setting forth the details.

(c). To the best of the applicant's knowledge, have any of the applicant's partners, officers, directors or stockholders holding 50 percent or more of the applicant's stock ever:

(i) been found in violation of shipping or bill of lading statutes?

☐ Yes ☐ No

(ii) filed or been involved in a bankruptcy proceeding?
☐ Yes ☐ No
(iii) been convicted of a felony?
☐ Yes ☐ No
If "Yes" is answered to any of the above questions, please attach a signed statement setting forth the details.

Shipper Connection

17. (a). Is the applicant an owner or stockholder (5 percent or more) of, or in control of, or otherwise affiliated, directly or indirectly, with any shipper, consignee, seller or purchaser of shipments:
(i) to foreign countries,
(ii) to a U.S. territory or possession, or
(iii) between U.S. territories or possessions?
☐ Yes ☐ No
If "Yes," please attach a signed statement setting forth the details.

(b). To the best of the applicant's knowledge, is the applicant's office manager or any official, officer, partner, director, stockholder or employee an owner or stockholder (5 percent or more) of, or in control of, or otherwise affiliated, directly or indirectly, with any shipper, consignee, seller or purchaser of shipments:
(i) to foreign countries,
(ii) to a U.S. territory or possession, or
(iii) between U.S. territories or possessions?
☐ Yes ☐ No
If "Yes," please attach a signed statement setting forth the details.

The applicant encloses herewith (please check one) a certified or cashier's check ☐, a money order ☐ in the amount of $_____ pursuant to the requirement of General Order 4, with the understanding that no part thereof will be refunded.

I understand that no person shall engage in carrying on the business of forwarding as defined in section 1, Shipping Act, 1916, or perform freight forwarding services as defined in section 510.2(h) of General Order 4, unless such person holds a license issued by the Commission to engage in such business. The Commission is hereby authorized to conduct an investigation into applicant's qualifications for an Independent Ocean Freight Forwarder's license as provided for in sections 510.13(d) and 510.14 of General Order 4.

Date _____
Signature of Official _____
Title _____

The statements made in this application are made subject to penalties prescribed by law for any person who knowingly and wilfully makes a false statement on any matter within the jurisdiction of an agency of the United States (18 U.S.C. 1001).

Schedule A—To Form FMC–18 Rev.

To Be Completed Only By Corporate Applicants

1. Name of applicant:

2. Date and place (State or foreign country) incorporated:

3. Please indicate the following for each of the applicant's officers, directors and stockholders (holding 5 percent or more of applicant's stock):

Full name

Citizenship

Residence (City, State and Country)

Title(s) (e.g., "President and Director" or "Stockholder")

Percent of Stock Held

Note.—If any stockholder listed above is a corporation or similar legal entity other than an individual person, page 2 of this Schedule must also be completed.

Stockholders listed on page 1 which are corporations or similar legal entities:
(a) Name, address and description of stockholder's business:

(b) Names of other firms owned, in whole or in part, by this stockholder, and description of their businesses:

(a) Name, address and description of stockholder's business:

(b) Names of other firms owned, in whole or in part, by this stockholder, and description of their businesses:

(a) Name, address and description of stockholder's business:

(b) Names of other firms owned, in whole or in part, by this stockholder, and description of their businesses:

Schedule B—To Form FMC–18 Rev.

Employment History of:

(Name of qualifying individual)
Name of Applicant:

Each person named as a "qualifying individual" in answer to question 13 on Form FMC–18 Rev. must complete a separate Schedule B. Please complete this schedule in chronological order, beginning with your current employment or, if currently unemployed, your most recent employment. Additional sheets may be attached as needed to complete this Schedule.

1. (a) Position held:

From _____
Month, Year
To _____
Month, Year
(b) Name of organization:

Type of business:

(c) Address:

Telephone No.

(d) Name and title of supervisor:

(e) Reason for leaving:

(f) Detailed description of ocean freight forwarding duties performed:

(a) Position held:

From _____
Month, Year
To _____
Month, Year
(b) Name of organization:

Type of business:

(c) Address:

Telephone No.

(d) Name and title of supervisor:

(e) Reason for leaving:

(f) Detailed description of ocean freight forwarding duties performed:

(a) Position held:

From _____
Month, Year
To _____
Month, Year
(b) Name of organization:

Type of business:

(c) Address:

Telephone No.

(d) Name and title of supervisor:

(e) Reason for leaving:

(f) Detailed description of ocean freight forwarding duties performed:

2. (a) Have you ever received any formal training in freight forwarding duties?
☐ Yes ☐ No
(b) If "Yes," please complete the following:
Name of Course

Number of hours of course

Dates taken

Name of sponsoring organization

Street address

City State

I certify that I have received and read carefully a copy of General Order 4 and sections 1 and 44 of the Shipping Act, 1916, governing the licensing of independent ocean freight forwarders, and that I will abide by all of the provisions therein as of this date forward. I understand that no person shall

engage in carrying on the business of forwarding as defined in section 1, Shipping Act, 1916, or perform freight forwarding services as defined in section 510.2(h) of General Order 4, unless such person holds a license issued by the Commission to engage in such business.

Signature of qualifying individual:

Date

The statements made in this application are made subject to penalties prescribed by law for any person who knowingly and wilfully makes a false statement on any matter within the jurisdiction of an agency of the United States (18 U.S.C. 1001).

Privacy Act Notice

[Form FMC–18—Rev.]

General

The information contained in this notice is required to be provided pursuant to Public Law 93–579 (Privacy Act of 1974) 5 U.S.C. 552a, as amended, for individuals completing Form FMC–18 Rev. "Application for License as an Independent Ocean Freight Forwarder."

Authority

Sections 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 820, 841a, 841b), and section 4 of the Administrative Procedure Act (5 U.S.C. 553) authorize and direct the Federal Maritime Commission to make rules and regulations affecting licensing, activities, obligations, and responsibilities of independent ocean freight forwarders engaged in carrying on the business of forwarding in oceanborne commerce from the United States. Pursuant to that authority, Commission General Order 4, in pertinent part at Subpart B (46 CFR 510 Subpart B), has established regulations and forms to implement section 44 of the Shipping Act, 1916, with respect to the eligibility and procedure for licensing an independent ocean freight forwarder.

Purposes and Uses

The primary purpose of the information requested in Form FMC–18 Rev. referred to above is to assist in determining whether an individual applicant for a license as an independent ocean freight forwarder meets the necessary qualifications as set forth in 46 CFR Parts 510.11 and 510.12 to be eligible for such a license. Once an individual is licensed, this information is also needed for the purpose of monitoring the activities and status of licensees to ensure they are in compliance with statutory requirements and Commission regulations.

Disclosure

Information contained in Form FMC–18 Rev. may not be disclosed as follows:

1. All of the information in Form FMC–18 Rev. may be disclosed for a routine use as provided in System of Records FMC–7, 42 FR 48134, and in particular, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate federal, state or local agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcement or implementation of the statute, rules, regulations or orders issued pursuant thereto.

2. Information contained in Parts I and II of, and Schedules A and B to Form FMC–18 Rev. may be disclosed to the general public pursuant to the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552).

3. Information contained in Part III of Form FMC–18 Rev. may not be disclosed, other than as provided above or to the individual to whom the application pertains, pursuant to exemptions 4 and 6 of the Freedom of Information Act (5 U.S.C. 552(b)(4) and 552(b)(6) and subsection (b) of the Privacy Act of 1974 (5 U.S.C. 552a(b)).

Failure to Provide Information

Failure of an applicant to provide any of the information requested in Form FMC–18 Rev. will prevent action on the application for a license as an independent ocean freight forwarder.

(b) *Fee.* The application shall be accompanied by a money order, certified check or cashier's check, in the amount of $350 made payable to the "Federal Maritime Commission."

(c) *Rejection.* Any application which appears upon its face to be incomplete or to indicate that the applicant fails to meet the licensing requirements of the Shipping Act, 1916, or the Commission's regulations, shall be returned by certified U.S. mail to the applicant without further processing, together with an explanation of the reason(s) for rejection, and the application fee shall be refunded in full. All other applications will be assigned an application number, and each applicant will be notified of the number assigned to its application. Persons who have had their applications returned may reapply for a license at any time thereafter by submitting a new application, together with the full application fee.

(d) *Investigation.* Each applicant shall be investigated in accordance with § 510.14 of this part.

(e) *Changes prior to licensing.* Each applicant shall submit, in triplicate, an amended Form FMC–18 Rev. as provided in § 510.13(a) of this part, to the Commission advising it of any changes in the facts submitted in the original application, within fifteen (15) days after such change(s) occur. Any unreported change will delay the processing and investigation of the application and may result in rejection or denial of the application. No fee is required when reporting changes to an application for initial license under this section.

§ 510.14 Investigation of applicants.

The Commission shall conduct an investigation of the applicant's qualifications for a license. Such investigation shall cover:

(a) The accuracy of the information submitted in the application;

(b) The integrity and financial responsibility of the applicant;

(c) The character and independence of the applicant and qualifying individual;

(d) The length and nature of the applicant's experience in handling freight forwarder duties; and

(e) Such further evidence of the fitness, willingness, and ability of the applicant to carry on the business of forwarding as the Commission may require.

§ 510.15 Surety bond requirements.

(a) *Form and amount.* No license shall be issued to an applicant who does not have a valid surety bond (Form FMC–59 Rev.) on file with the Commission in the amount of $30,000. Surety companies must be certified by the U.S. Department of the Treasury in order to execute Federal bonds. Surety Bond Form FMC–59 Rev. can be obtained in the same manner as Form FMC–18 Rev. under § 510.13(a) of this part, and shall read as follows:

[Form FMC–59, Rev.]

Bond No. ——————————

FMC License No. ——————————

Federal Maritime Commission—Independent Ocean Freight Forwarder's Bond

(Section 44, Shipping Act, 1916)

KNOW ALL MEN BY THESE PRESENTS, That ——————————, as Principal (hereinafter called Principal), and ——————————, as Surety (hereinafter called Surety) are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of THIRTY THOUSAND Dollars ($30,000.00) for the payment of which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has applied for, is about to apply for, or holds a license as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, and has elected to file this bond with the Federal Maritime Commission;

NOW, THEREFORE, the Condition of this obligation is such that if the Principal shall, while this bond is in effect, supply the services of an independent ocean freight forwarder in accordance with the contracts, agreements, or arrangements made therefor, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty.

This bond shall inure to the benefit of any and all persons for whom the Principal shall have undertaken to act as an independent ocean freight forwarder.

This bond is effective the —— day of ——————————, 19—, and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any contracts, agreements, or arrangements made by the Principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any breach of the Condition hereof occurring prior to the

date when said termination becomes effecitve.

The underwriting Surety will promptly notify the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, of any claims against this bond.

Signed and sealed this —— day of ————, 19—.

(PLEASE TYPE NAME OF SIGNER UNDER EACH SIGNATURE.)

(Individual Principal) (SEAL) (Business Address)

(Individual Principal) (SEAL) (Business Address)

(Individual Principal) (SEAL) (Business Address)

Corporate Principal

Business Address (Affix Corporate Seal)

By

Title

Corporate Surety

Business Address (Affix Corporate Seal)

By

Title

(b) *Filing of bond.* Upon notification by the Commission by certified U.S. mail that the applicant meets all qualifications listed under § 510.11(a) of this part, the applicant shall file with the Director of the Commission's Bureau of Certification and Licensing, a surety bond in the form and amount prescribed in § 510.15(a) of this part. No license will be issued until the Commission is in receipt of a valid surety bond from the applicant. If more than six (6) months elapses between isssuance of the notification of qualification and receipt of the surety bond, the Commission shall, at its discretion, undertake a supplementary investigaiton to determine the applicant's continued qualificaitons. The fee for such a supplementary investigation shall be $100, payable by money order, certified check or cashier's check to the "Federal Maritime Commission." Should the applicant not file the requisite surety bond within two years of notification, the Commission will consider the application to be invalid.

(c) *Termination of bond.* No license shall remain in effect unless a valid surety bond is maintained on file with the Commission. Upon receipt of notice of termination of a surety bond, the Commission shall notify the concerned licensee by certified U.S. mail that the Commission shall, without hearing or other proceeding, revoke the license as of the termination date of the bond unless the licensee shall have submitted a valid replacement surety bond before such termination date. Replacement surety bonds must bear an effective date no later than the termination date of the expiring bond.

(d) *Notice of revocation.* The Commission shall publish in the **Federal Register** its order of revocation.

§ 510.16 Denial of license.

(a) *Grounds for denial; procedure.* If the Commission determines, as a result of its investigation, that the applicant:

(1) Will not conduct its forwarding business consistent with national maritime policies as declared in the Merchant Marine Act, 1936;

(2) Fails to meet the definition of an independent ocean freight forwarder as set forth in section 1 of the Act and section 510.2(j) of this part;

(3) May not be fit, willing, and able properly to carry on the business of forwarding, to conform to the provisions of the Act, and the requirements, rules and regulations of the Commission issued thereunder;

(4) Has failed to respond to any lawful inquiry of the Commission; or,

(5) Has made any willfully false or misleading statement to the Commission in connection with the application;

a letter of intent to deny the application shall be sent to the applicant by certified U.S. mail, stating the reason(s) why the Commission intends to deny the application. If the applicant submits a written request for hearing on the proposed denial within twenty (20) days after receipt of notification, such hearing shall be granted by the Commission pursuant to its Rules of Practice and Procedure contained in Part 502 of this Chapter. Otherwise, denial of the application will become effective and the applicant shall be so notified by certified U.S. mail. Civil penalties for violations of the Act or any Commission order, rule, or regulation may be assessed in any proceeding on the proposed denial of a license or may be compromised for any such violation when a proceeding has not been instituted in accordance with Part 505 of this Chapter.

(b) *Reapplication within one year prohibited.* When an application is denied because the applicant, or any officer or employee thereof, is not fit, has failed to respond, or has made any willfully false or misleading statement under subparagraphs (2), (3), or (4) of § 510.16(a) of this part, the Commission may reject any further application by the same applicant, or any application of a different applicant employing said officer or employee, within one year of the effective date of such denial. See also § 510.50(c) below.

§ 510.17 Issuance and use of license.

(a) *Qualification necessary for issuance.* The Commission will issue a license to the applicant if it determines, as result of its investigation, that the applicant is fit, willing, and able properly to carry on the business of ocean freight forwarding, and is otherwise qualified within the provisions of applicable statutes and the requirements, rules, and regulations of the Commission.

(b) *To whom issued.* The Commission will issue a license only in the name of the applicant, whether the applicant be an individual, a sole proprietorship, a partnership, a corporation, an association, or a branch office, and the license will be issued to only one legal entity. A license issued to an individual doing business as a sole proprietorship shall be in the name of such individual and not in the trade name of the applicant's business. Only one license shall be issued to any applicant regardless of the number of names under which such applicant may be doing business.

(c) *Use limited to named licensee.* Except as otherwise provided in this part, the license shall not be transferred to another person and such license is limited exclusively to use by the named licensee.

§ 510.18 Changes in organization.

The following changes in an existing licensee's organization require prior approval of the Commission and shall be investigated in accordance with § 510.14 of this part:

(a) *Changes requiring prior approval:*

(1) Transfer of a corporate license to another person;

(2) Change in ownership of an individual proprietorship;

(3) Addition of one or more partners to a licensed partnership;

(4) Change in the business structure of a licensee from or to a sole proprietorship, partnership, or a corporation, whether or not such change involves a change in ownership;

(5) Sale or transfer of five (5) percent or more of stock of a licensed corporation to new stockholder interests;

(6) Any efforts directed toward the acquisition of one or more additional licensees, whether for purposes of merger, consolidation, or control (see section 15 of the Act);

(7) Any change in a licensee's name; or

(8) Change in the designated qualifying individual.

(b) *Operation after death of sole proprietor.* In the event the owner of a licensed sole proprietorship dies, the licensee's executor, administrator, heir(s), or assign(s) may continue operation of such proprietorship solely with respect to shipments as to which the deceased sole proprietor had undertaken to act as an independent ocean freight forwarder pursuant to the existing license, if the change is reported with fifteen (15) days to the Commission and to all principals for whom services on such shipments are rendered. The acceptance or solicitation of any other shipment is expressly prohibited until a new license has been issued. Applications for a new license by the said executor, administrator, heir(s), or assign(s) shall be on Form FMC–18 Rev., shall be accompanied by the transfer fee set forth in § 510.18(d) of this part and will be processed expeditiously.

(c) *Operation after retirement, resignation, or death of qualifying individual.* When a partnership, corporation, or association has been licensed on the basis of the qualifications of one or more of the partners, officers, or members thereof, and such qualifying individual(s) shall no longer serve in a full time, active capacity with the firm, the licensee shall report such change to the Commission within fifteen (15) days. Within the same 15-day period, the licensee shall furnish to the Commission the name(s) and detailed ocean freight forwarding experience of the active managing partner(s), officer(s), or member(s) who will qualify the licensee. Such qualifying individual(s) must meet the applicable requirements set forth in § 510.11(a) of this part. The Commission may, upon good cause, grant an extension of time in which to conform to the requirements of § 510.11(a) of this part.

(d) *Application form and fee.* Applications for Commission approval of status changes or for license transfers shall be filed in triplicate with the Director, Bureau of Certification and Licensing of the Commission and shall be on Form FMC–18 Rev. (§ 510.13 of this part). The fee for processing such application for change shall be $100, made payable by money order, certified check, or cashier's check to the "Federal Maritime Commission."

§ 510.19 Branch offices; interim operation.

A licensee operating any branch office previously approved by the Commission, but not separately licensed, may continue to operate such office pending the application for and issuance of an individual license to the branch office. No branch office may continue in operation unless an application for an individual license is filed with the Commission within one year after the effective date of this rule.

Subpart C—Duties and Responsibilities of Freight Forwarders; Forwarding Charges; Reports To Commission

§ 510.31 General duties.

(a) *License; name and number.* Each licensee shall carry on the business of forwarding only under the name in which its license is issued and only under its license number as assigned by the Commission. Wherever the licensee's name appears on shipping documents, its FMC license number shall also be included.

(b) *Stationery and billing forms.* The name and license number of each licensee shall be permanently imprinted on the licensee's office stationery and billing forms. The Commission may temporarily waive this requirement for good cause shown if the licensee rubber stamps or types its name and FMC license number on all papers and invoices concerned with any forwarding transactions. In addition, each licensee shall have permanently imprinted on its office stationery and billing forms the name and FMC license number of every licensed forwarder which it controls, is controlled by, or is otherwise related to through common directors, stockholders, or officers, except that the Commission may temporarily waive this requirement for good cause shown if the licensee rubber stamps or types the name and license number of such related or controlled forwarder thereon.

(c) *Use of license by others; prohibition.* No licensee shall permit its license or name to be used by any person who is not a *bona fide* individual employee of the licensee nor by any other person for the performance of any freight forwarding service.

(d) *Arrangements with forwarders whose licenses have been revoked.* Unless prior written approval from the Commission has been obtained, no licensee shall, directly or indirectly, (1) agree to perform forwarding services on export shipments as an associate, correspondent, officer, employee, agent, or sub-agent of any person whose license has been revoked or suspended pursuant to § 510.50 of this part; (2) assist the furtherance of any forwarding business of such person; (3) share forwarding fees or freight compensation with any such person; (4) permit any such person directly or indirectly to participate, through ownership or otherwise, in the control or direction of the freight forwarding business of the licensee; or (5) employ any such person.

(e) *Arrangements with unauthorized persons.* No licensee shall enter into an agreement or other arrangement with a person not authorized by this part to transact forwarding business for others so that any resulting fee, compensation, or other benefit inures to the benefit of the unlicensed person. When a licensee is employed for the transaction of forwarding business by an unlicensed person who is not the actual shipper, the licensee must transmit to the actual shipper or beneficial owner of the cargo a copy of the invoice for services rendered.

(f) *False or fraudulent claims; false information.* No licensee or other person performing freight forwarding services for others shall prepare or file or assist in the preparation or filing of any claim, affidavit, letter of indemnity, or other paper or document concerning a forwarding transaction which it has reason to believe is false or fraudulent, nor shall any such person knowingly impart to a principal, oceangoing common carrier or other person, false information relative to any forwarding transaction.

(g) *Response to requests of Commission.* Upon the request of any authorized representative of the Commission, each licensee shall make available promptly for inspection or reproduction all records and books of account in connection with its forwarding business and shall promptly respond to any lawful inquiries by such representative.

(h) *Policy against rebates.* The following declaration shall appear on all invoices and certifications under §§ 510.32(h) and 510.33(e) of this part.

(Name of Firm) has a policy against any participation in the payment, solicitation, or receipt of any rebate, directly or indirectly, which would be unlawful under the United States Shipping Act, 1916, as amended.

This declaration shall be permanently imprinted on the required forms, except that the Commission may temporarily waive this requirement for good cause shown if the licensee types or rubber stamps the appropriate declaration.

§ 510.32 Forwarder and principal; fees.

(a) *Beneficial interest.* No licensee shall act in the capacity of a shipper, consignee, seller or purchaser of any shipment in commerce from the United States, nor have any beneficial interest in such a shipment.

(b) *Compensation or fee sharing.* No licensee shall share, directly or

indirectly, any compensation or freight forwarding fee with an involved shipper, consignees, seller, or purchaser, or an agent, affiliate, or employee thereof; nor with any person advancing the purchase price of the property or guaranteeing payment therefor; nor with any person having any beneficial interest in the shipment.

(c) *Withholding information.* No licensee or other person performing freight forwarding services for others shall withhold any information concerning a forwarding transaction from its principal.

(d) *Due diligence.* Each licensee shall exercise due diligence to ascertain the accuracy of any information it imparts to a principal concerning any forwarding transaction.

(e) *Errors and omissions.* Each licensee shall itself comply and shall be responsible for insuring compliance by its principal(s) with the laws of the United States and any involved State, Territory, or possession thereof, and for assuring that there exists no error, misrepresentation in, or omission from any export declaration, bill of lading, affidavit, or other document which the licensee and/or its principal executes in connection with a shipment handled by the licensee. The licensee shall promptly advise its principal and shall keep a written record of any error, misrepresentation, or omission detected, as part of its records required under § 510.34(b) of this part. The licensee shall not engage in any additional forwarding services in connection with such shipment(s) until the error, misrepresentation, or omission is corrected.

(f) *Express written authority.* No licensee shall endorse or negotiate any draft, check, or warrant drawn to the order of its principal without the express written authority of such principal.

(g) *Receipt for cargo.* Each receipt issued for cargo by a licensee shall be clearly identified as "Receipt for Cargo" and be readily distinguishable from a bill of lading.

(h) *Invoices; list of charges; exceptions.*

(1) Each licensee shall use an invoice which lists separately for each shipment:

(i) The actual amount of ocean freight assessed by the oceangoing common carrier;

(ii) The actual amount of consular fees paid;

(iii) The insured value, the actual isurance rate, and the actual premium paid the insurance company for insurance arranged;

(iv) The actual cost to the licensee for each accessorial service performed in connection with the shipment; and,

(v) The total service fee charged by the licensee unless the licensee has a special contract arrangement with the principal.

(2) Exceptions:

(i) The licensee need not list separately its costs for services set forth under §§ 510.32(h)(1)(ii), 510.32(h)(1)(iii) and 510.32(h)(1)(iv) of this part if the licensee has provided its principal with a prior written quotation of total charges for shipment(s), a copy of which it retains in the shipment file, and has received authorization from the principal to forward the shipment(s) for that total charge.

(ii) Licensees who offer to forward small shipments for uniform charges available to the public at large and duly filed with the Commissiom shall not be required to itemize the components of such uniform charges on shipments so long as the charges have been quoted in writing to the shipper prior to the time of shipment.

(iii) A licensee who maintains a uniform schedule of fees for placing insurance and for performing accessorial services (stated by dollar amount and/or percentage of markup) need not itemize the components of such charges in its invoice. A licensee who elects to maintain such uniform pricing schedules must make the current schedule and every superseded schedule available upon request, and shall not assess fees different from the those specified in the effective schedule. Such a schedule shall be filed with the Commission, the schedule itself or notice of its availability posted in a conspicuous place in the forwarder's office, and shall be mailed upon request to shippers.

(i) *Special contracts.* To the extent that special arrangements or contracts are entered into by a licensee, the licensee shall not deny equal terms to other shippers similarly situated.

(j) *Reduced forwarding fees.* Except as otherwise provided in this part, no licensee shall render or offer to render, any forwarding service free of charge or at a reduced fee in consideration of receiving compensation from oceangoing common carriers on the relevant shipment or for any other reason.

§ 510.33 Forwarder and carrier; compensation.

(a) *Disclosure of principal.* No licensee, acting in the capacity of an independent ocean freight forwarder, shall identify itself as the shipper on the shipper identification line which appears above the cargo description data on the bill of lading. The actual shipper must always be disclosed thereon. If the forwarder's name does appear on the shipper identification line, it must appear after the name of the actual shipper.

(b) *Pay over of freight.* Each licensee shall pay over to the oceangoing common carrier or its agent all sums received by the licensee from its principal(s) for freight and transportation charges within twenty (20) days after receipt thereof, or within twenty (20) days after the bill of lading is issued, whichever is later. Each licensee shall promptly disburse all sums received from its principal(s) for the payment of any charges, debts, or obligations due other persons in connection with the relevant forwarding transactions, and shall promptly account to its principal(s) for overpayments, adjustments of charges, reductions in rates, insurance refunds, insurance monies received for claims, proceeds of c.o.d. shipments, drafts, letters of credit, and any other sums due such principal. These sums shall either be returned promptly to the principal or, with the principal's written consent, be used to offset the licensee's outstanding receivables due from such principal.

(c) *Assumption of obligation for freight.* No licensee shall be required by any oceangoing common carrier or its agent to assume, through the singing of due bills or any other means, any obligations for the payment of ocean freight monies to oceangoing common carriers or their agents, which sums have not yet been received by the licensee from its principal.

(d) *Certification required for compensation.* Except as otherwise provided in this part, an oceangoing common carrier shall compensate a licensee pursuant to its tariff provisions for any shipment forwarded on behalf of others when, and only when, such carrier is in possession of a certification in the form prescribed in § 510.33(e) of this part and the actual shipper has been disclosed on the bill of lading as provided for in § 510.33(a) of this part. The oceangoing common carrier shall be entitled to rely on such certification unless it has reason to believe that the certification is incorrect, and shall retain such certification for a period of five (5) years. Every tariff filed pursuant to the Act shall specify the rate(s) of compensation to be paid licensed forwarders certifying in accordance with § 510.33(e) of this part. Except as authorized under § 150.33(f) of this part, such compensation shall be paid by the ocean carrier within thirty (30) days after payment of ocean freight.

(e) *Form of certification.* The licensee shall file with the carrier, either prior to or simultaneously with receipt of compensation, a signed certification as set forth below on one copy of the relevant ocean bill of lading which indicates performance of at least two of the listed services in addition to arranging for space.

The undersigned hereby certifies that it is the holder of valid FMC License No. ———————, issued by the Federal Maritime Commission and has, in addition to soliciting and securing the cargo specified herein for the ship or booking or otherwise arranging for the space for such cargo, performed at least two (2) of the following services (check services performed):

(1) Coordinated the movement of the cargo to shipside.

(2) Prepared and processed the ocean bill of lading.

(3) Prepared and processed dock receipts or delivery orders.

(4) Prepared and processed consular documents or export declarations.

(5) Paid the ocean freight charges.

A copy of such certificate shall be retained by the licensee pursuant to § 510.34(b) of this part.

(f) *Deduction of compensation from freight charges.* No licensee, or employee thereof, shall accept compensation from an oceangoing common carrier which is different than the amount specifically provided for in the carrier's effective tariff(s) lawfully on file with the Commission. Compensation due and payable to a licensee for a shipment moving under a prepaid bill of lading may be deducted by the licensee from the freight charges upon compliance with the foregoing certification provisions if the amount deducted for compensation is that expressly authorized under the applicable provisions of the effective tariff of the oceangoing common carrier.

(g) *Compensation; services performed by underlying carrier; exemptions.* No licensee shall charge or collect compensation in the event it has asked the underlying oceangoing common carrier, or its agent, to perform any of the forwarding services set forth in § 510.2(h) of this part, unless no other licensee is willing and able to perform such services, or unless the Commission has granted a port-wide exemption from this rule to oceangoing common carriers or their agents in the port of loading. Such exemptions may be granted by the Commission upon (1) application of any licensed forwarder, (2) publication of notice of application for such exemption in the **Federal Register** with a twenty (20) day public comment period, and, (3) a finding by the Commission that an insufficient supply of forwarding services is being offered by licensees domiciled at the port of loading. Exemptions shall remain in effect until rescinded by the Commission.

(h) *Duplicative compensation or brokerage.* Where an oceangoing common carrier has paid or has incurred an obligation to pay either brokerage to an ocean freight broker or compensation to a licensee, such carrier shall not be obligated to pay additional compensation to any other person for forwarding services rendered on behalf of the same cargo.

(i) *Licensed oceangoing common carriers; compensation.* An oceangoing common carrier, agent, or person related thereto, acting as an independent ocean freight forwarder, may collect compensation when, and only when, the following certification is made on the "line copy" of the underlying carrier's bill of lading, in addition to all other certifications required by this part:

The undersigned certifies that neither it, nor any related person, has issued a bill of lading covering, or otherwise undertaken common carrier responsibility for, the ocean transportation of the shipment covered by this bill of lading.

Whenever a person acts in the capacity of an oceangoing common carrier as to any shipment, such person shall not be entitled to collect compensation nor shall any underlying carrier pay such compensation to such oceangoing common carrier for such shipment.

§ 510.34 Records required to be kept.

Each licensee shall maintain in an orderly, systematic, and convenient manner, and keep current and correct, all records and books of account in connection with its business of forwarding. These records must be kept in the United States in such manner as to enable authorized Commission personnel to readily determine licensee's cash position, accounts receivable and accounts payable, and to verify information submitted under § 510.35 of this part. The licensee must maintain the following records for a period of five years:

(a) *General financial data.* A current running account of all receipts and disbursements, account receivable and payable, and daily cash balances, supported by appropriate books of account, bank deposit slips, cancelled checks, and a monthly reconciliation of bank statements.

(b) *Types of services by shipment.* A separate file for each shipment which includes a copy of each document prepared, processed, or obtained by the licensee with respect to such shipment.

(c) *Receipts and disbursements by shipment.* A record of all sums received and/or disbursed by the licensee for services rendered and out-of-pocket expenses advanced in connection with each shipment, including specific dates and amounts.

(d) *Special contracts.* A true copy, or if oral, a true and complete memorandum, of every special arrangement or contract with a principal, or modification or cancellation thereof, to which it may be party. Authorized Commission personnel and *bona fide* shippers shall have access to such records upon reasonable request.

(e) *Exempt non-exclusive cooperative working arrangements.* As provided for in § 510.36(b) of this part.

§ 510.35 Reports required to be filed.

Each licensee shall file with the Commission information and reports as follows:

(a) *Samples of office stationery and invoice forms.* Within sixty (60) days after licensing or approval of a change in business name or orgnaization.

(b) *Non-exempt section 15 agreements.* As provided for in § 510.36 of this part.

(c) *Anti-rebate certification.* By March 1 of each year, the Chief Executive Officer of every licensee shall certify that it has a policy against rebates, that it has promulgated such policy to all appropriate individuals in the firm, that it has taken steps to eliminate such illegal practices, which measures must be fully described in detail, and, that it will cooperate with the Commission in its investigation of such rebates. This certification shall be in accordance with the following format:

(Name of Filing Firm)

Certification of Policies and Efforts To Combat Rebating in the Foreign Commerce of the United States

Pursuant to the provisions of section 21(b) of the Shipping Act, 1916, as amended and Federal Maritime Commission regulations promulgated pursuant thereto, 46 CFR parts 510 and 552,

I, ———————————, Chief Executive Officer of (name of firm), holder of a valid, independent ocean freight forwarder license #————————, state under oath that:

1. It is the policy of (name of firm) that the participation of said freight forwarder in the payment, solicitation, or receipt of any rebate, directly or indirectly, to or by any carrier or shipper, which is unlawful under the provisions of the Shipping Act of 1916, as amended, is prohibited.

2. On or before ————————, 19—, such policy was promulgated to each owner, officer, employee and agent of (name of firm).

3. [Set forth the details of measures instituted within the filing firm or otherwise to eliminate, discourage, prevent or correct any participation in the payment of illegal rebates in the foreign commerce of the United States.]

4. (Name of firm) affirms that it will fully cooperate with the Commission in its investigation of illegal rebating or refunds in United States foreign trades and with the Commission's efforts to end such illegal practices.

Signature

Subscribed and sworn before me this —— day of ————————, 19—.

Notary Public

§ 510.36 Section 15 Agreements.

(a) *Filing for approval.* A copy of each written agreement and a true and complete memorandum of each oral agreement between a licensee and any other licensee, common carrier, or other person subject to the Act, and modifications or cancellations thereof, which are subject to section 15 of the Act, must be filed with the Commission for approval in accordance with part 522 of this Chapter. Such submissions shall clearly show the nature of the agreement, the parties thereto, the port(s) involved, and subject matter in detail, and shall refer to any previously filed agreements to which they may relate. Except as provided for in paragraph (b) of this section, no agreements, or modifications or cancellations thereof, shall be implemented without prior approval of the Commission.

(b) *Exemptions.* Nonexclusive cooperative working agreements between licensed independent ocean freight forwarders, which provide for the completion of documentation and performance of other forwarder services on behalf of the parties to the agreements, are exempt from the provisions of section 15 of the Act, and need not be filed with the Commission for approval, but shall be retained in the files of the licensee. Such agreements shall follow the following format:

Nonexclusive Cooperative Working Agreement

Parties to the agreement are:
(a) (Company name) (Street address) (City, State, Zip)
FMC No. —
(b) (Company name) (Street address) (City, State, Zip)
FMC No. —

Terms of the agreement: 1. This is a cooperative, nonexclusive working arrangement whereunder either of the parties may complete documentation and peform other freight forwarder functions on behalf of the other party. Either of the parties may engage or be engaged by other forwarder(s) under a similar nonexclusive working agreement or pursuant to an agreement approved by the Federal Maritime Commission under the provisions of section 15 of the Shipping Act, 1916, as amended, by reason of 46 CFR 510.36(b).

2. Forwarding fees are to be divided between the parties as follows: [the agreed division of freight forwarder fees, or schedule of fees for services, rendered, or a statement that fees are subject to negotiation and agreement on each transaction].

3. Ocean freight compensation is to be divided between the parties as follows: [the agreed division of ocean freight compensation]. This division of compensation will be restricted to those shipments handled by one party on behalf of the other.

4. This agreement shall not be terminated on less than 15 days' Notice to the other party.

(Signature) (Official Title)

(Type in company name)

(Signature) (Official Title)

(Type in company name)

(Date)

(Date)

Subpart D—Revocation or Suspension of License

§ 510.50 Revocation or suspension of license.

(a) *Grounds for revocation.* Except for the automatic revocation for failure to have a valid surety bond in effect under §§ 510.15(c) and (d) of this part, a license may be revoked or suspended after notice and hearing for any of the following reasons:

(1) Failure to conduct its forwarding business consistent with national maritime policies as declared in the Merchant Marine Act, 1936;

(2) Violation of any provision of the Act, as amended, or any other statute or Commission regulation related to carrying on the business of forwarding;

(3) Failure to respond to any lawful inquiry by the Commission;

(4) Making a willfully false or misleading statement to the Commission in connection with an application for a license or its continuance in effect;

(5) Change of circumstances whereby the Commission determines that the licensee no longer qualifies to be an independent ocean freight forwarder; or,

(6) Conduct which the Commission determines renders the licensee unfit or unable to carry on the business of forwarding.

(b) *Civil penalties.* As provided for in part 505 of this Chapter, civil penalties for violations of the Act or any Commission order, rule, or regulation may be assessed in any proceeding to revoke or suspend a license and may be compromised when such a proceeding has not been instituted.

(c) *Reapplication within one year prohibited.* When a license is revoked because the licensee, or any officer or employee thereof, has committed a violation, has failed to respond, has made a willfully false or misleading statement, or has engaged in conduct which renders the licensee unfit, within the meaning of paragraphs (1), (2), (3), (4) and (6) of § 510.50(a) of this part, the Commission may reject any new application by the same applicant, or any application of a different applicant employing said officer or employee, within one year of the effective date of revocation.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-8035 Filed 3-14-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81 and 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129]

Allocating Spectrum for an Automated Inland Waterways Communications System (IWCS) Along the Mississippi River and Connecting Waterways; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata.

SUMMARY: This action corrects an erroneous phrase that appeared in paragraph 26 of the Notice of Proposed Rule Making, Order and Notice of Inquiry (FCC 80-2).

DATES: Comments must be received on or before March 24, 1980 and Reply Comments must be received on or before April 23, 1980.

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

FOR FURTHER INFORMATION CONTACT: Walter E. Weaver or Robert P. DeYoung, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129]

Third Errata

Released: March 10, 1980.

In the Matter of Amendment of Parts 2, 81 and 83 of the Commission's rules to allocate spectrum for an automated inland waterways communications system (IWCS) along the Mississippi River and connecting waterways and, Maritime Mobile Radio Services:

improvement in service through provision for automated VHF common carrier systems and, VHF frequency assignments to the maritime radio services in the New Orleans and Lower Mississippi River areas and on the coastlines of the contiguous states.

In the Notice of Proposed Rule Making, Order and Notice of Inquiry in the above-captioned proceeding, released January 11, 1980 (45 FR 3064, January 16, 1980), FCC 80–2, in paragraph 26, the phrase "216–225 MHz band" is changed to "216–220 MHz band" to be consistent with the document as a whole.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80–8038 Filed 3–14–80; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 79–340; RM–3508]

FM Broadcast Station in Malakoff, Tex.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving the proposed assignment of an FM channel to Malakoff, Texas. Action is taken on the Commission's own motion so that reply comments can address a counterproposal to assign the same channel to Athens, Texas.

DATE: Reply comments must be filed on or before March 31, 1980.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Malakoff, Texas), BC Docket No. 79–340, RM–3508.

Adopted: March 6, 1980.

Released: March 11, 1980.

1. On December 19, 1979, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 1920, proposing the assignment of Class A FM Channel 240A to Malakoff, Texas. The date for filing comments has expired and the date for filing reply comments is March 10, 1980.

2. A counterproposal has been filed proposing the same channel for Athens, Texas. However, although timely filed, the Commission has not yet given public notice of its acceptance. We are awaiting additional information which we expect to receive shortly. In order to permit interested parties to comment on the counterproposal, the Commission is granting an extension of time to and including March 31, 1980.

3. Accordingly, it is ordered that the date for filing reply comments in BC Docket No. 79–340 is extended to and including March 31, 1980.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80–8055 Filed 3–14–80; 8:45 am]

BILLING CODE 6712–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1436–4]

Approval and Promulgation of Implementation Plans: Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The United States Environmental Protection Agency (USEPA) announced final rulemaking on revisions to the Illinois State Implementation Plan (SIP) on February 21, 1980 (45 FR 11472). Illinois submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In the final rulemaking, USEPA conditionally approved certain revisions to the Illinois SIP. A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 38583) and the November 23, 1979 **Federal Register** (44 FR 67182). A conditional approval requires the State to remedy identified deficiencies by specified deadlines. This notice solicits public comment on the deadlines by which the State of Illinois has committed itself to remedy conditionally approved portions of its SIP. Although public comment is solicited on the deadlines, the State remains bound by its commitments unless the schedules are disapproved by USEPA in its Final Rulemaking action. A conditional approval means that the restriction on new source construction in designated nonattainment areas will not apply unless the State fails to submit the corrections by the specified date, or unless the corrections are ultimately determined to be inadequate.

DATES: Comments must be received on or before April 16, 1980.

ADDRESSES: Comments should be sent to the following address: Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the materials submitted by the State and by the public during the comment period announced in this notice of proposed rulemaking are available for review during normal business hours at the following addresses:

USEPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

USEPA, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6053.

SUPPLEMENTARY INFORMATION: In a final rulemaking action published February 21, 1980 (45 FR 11472), USEPA identified the actions taken by the State of Illinois to remedy deficiencies in the Illinois SIP submittal which were noted in USEPA's July 2, 1979 Notice of Proposed Rulemaking. USEPA also identified the conditions which must be satisfied by the State of Illinois to correct other specified deficiencies in the revisions to the Illinois State Implementation Plan (SIP). The State of Illinois has provided assurances that it will satisfy these conditions on specific schedules.

In some instances, the State has made a commitment to submit regulations to the Illinois Pollution Control Board by a specified date. Because the State cannot legally prejudge the outcome of the Board's statutorily mandated proceedings, it cannot assure USEPA that the regulations will be promulgated. Therefore, the State has not made commitments either to promulgate the regulations or to a specific date for promulgation. In these cases, USEPA is proposing a date by which the State must promulgate and submit the regulations to USEPA. USEPA believes that this is necessary in order to guarantee that the deficiencies are adequately addressed and that the plan is adequate to satisfy the requirements of the Act. In establishing the date by

which any necessary regulations must be promulgated USEPA has taken into consideration the complex Illinois Pollution Control Board Rulemaking procedures which require technical as well as economic hearings and findings on all rulemaking actions.

USEPA proposes to approve the following schedules for the correction by the State of Illinois of deficiencies in the Illinois SIP.

Schedules

Total Suspended Particulates.—1. The State has committed itself to utilize emission factors for determining potential emissions, to promulgate administrative rules specifying the manner in which these emission factors will be used, and to submit these rules to the Illinois Secretary of State and USEPA. These actions will be completed by July 1, 1980.

2. The State of Illinois has also committed itself to conduct an analysis of the potential air quality impact from storage piles with uncontrolled emissions of less than 50 tons/year, submit the results of the analysis to USEPA and submit any necessary regulations to the Illinois Pollution Control Board. These actions will be completed by December 30, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by December 31, 1981.

Sulfur Dioxide

1. The State of Illinois has committed itself to conduct a reanalysis of the Pekin, Illinois area. The State will submit the results of the study to USEPA and, if necessary, submit additional regulations to the Illinois Pollution Control Board. These actions will be completed by September 30, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by September 30, 1981.

Ozone

1. The State of Illinois has committed itself to conduct a study to demonstrate that the 3 pound per hour, 15 pound per day exemption for solvent metal cleaners contained in Rule 205(k) represents reasonably available control technology (RACT). The State will submit the results of the study to USEPA and, if necessary, submit revised regulations representing RACT to the Illinois Pollution Control Board. These actions will be completed by November 30, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by November 30, 1981.

2. The State of Illinois has also committed itself to conduct a study to demonstrate that the 75% overall control efficiency requirement in Rule 205(n) represents RACT. The State will submit the results of the study to USEPA, and, if necessary, submit regulations representing RACT to the Illinois Pollution Control Board. Those actions will be completed by November 30, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by November 30, 1981.

Transportation Control Plans

1. The State of Illinois has committed itself to submit transportation control strategy implementor commitments for the Northeast Illinois (Chicago) Area after July 1980 and the Illinois portion of the St. Louis by February 28, 1981.

2. The State of Illinois has committed itself to submit evidence that the Chicago Area Transportation Study has formally adopted representative transportation control measures as SIP air quality strategies by April 30, 1980.

3. The State of Illinois must correct all of the remaining deficiencies in the transportation control plans for the Peoria Metropolitan Area and the Northeast Illinois (Chicago) Area by July 31, 1980.

Nitrogen Dioxide

1. The State of Illinois has committed itself to perform additional analyses to determine the need for emission reductions beyond those which would be obtained through the Federal Motor Vehicle Control Program, to develop any necessary regulatory proposals, and to submit necessary proposals to the Illinois Pollution Control Board. These actions will be completed by July 1, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by July 1, 1981.

Carbon Monoxide

1. To attain the carbon monoxide National Ambient Air Quality Standard, the State is relying on transportation control measures. Consequently, the State must correct the deficiencies in the transportation control plans for the Peoria Metropolitan Area and the Northeastern Illinois (Chicago) by August 31, 1980.

New Source Review

1. The State has committed itself to submit either a determination signed by the Illinois Attorney General that the promulgation of the New Source Review Rules is consistent with Illinois law; or, in the alternative, to submit to USEPA for approval another nonattainment area New Source Review Plan which is consistent with Illinois law and meets the requirements of sections 172(b)(6) and 173 of the Clean Air Act. These actions will be completed within one hundred eighty (180) days of the February 21, 1980 publication of the Notice of final rulemaking (45 FR 11472).

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

This notice of proposed rulemaking is issued under authority of Section 110 of the Clean Air Act, as amended.

Dated: February 11, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-8137 Filed 3-14-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Parts 52 and 81

[FRL 1436-5]

Approval and Promulgation of Missouri State Implementation Plan (SIP) and Revision to Section 107 Attainment Status; Designation for New Madrid, Mo.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: This proposed rulemaking involves a change in the status of the New Madrid area nonattainment designation by eliminating the primary particulate nonattainment designation, but retaining the secondary particulate nonattainment designation for the area. It is also proposed to disapprove proposed State Implementation Plan (SIP) revisions for Noranda Aluminum, Inc. and Associated Electric Cooperative. These sources are located within the designated New Madrid nonattainment area.

This proposal is published to notify the public of our proposed actions on the matters mentioned above and to request comments.

DATES: Comments must be received no later than April 16, 1980.

ADDRESSES: Comments should be sent to Dewayne E. Durst, Air Support

Branch, EPA Region VII, 324 East 11th Street, Kansas City, Missouri, 64106. Copies of the state submission and EPA prepared rationale and evaluation reports covering the proposed action are available at the above address. They are also available at the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION: Contact Dewayne E. Durst at 816–374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION:

Attainment Status Designation

On December 5, 1977, the Missouri Department of Natural Resources submitted a listing of areas in the state where air quality standards were being violated. The state recommended that the New Madrid, Missouri area be designated as primary nonattainment for total suspended particulates (TSP) because 1977 air quality data indicated that both annual and 24-hour primary air quality standards were exceeded.

The Environmental Protection Agency (EPA) accepted the state's recommendation and on March 3, 1978, the designation of New Madrid as a primary nonattainment area for particulates was promulgated in the Federal Register.

On May 1, 1978, attorneys for Noranda Aluminum, Inc., submitted comments to EPA on the attainment status designations promulgated by EPA. The comments asserted that data used by the Missouri Department of Natural Resources (MDNR) were inadequate for the nonattainment designation and that the MDNR was inconsistent in discounting certain high air quality values for other areas of the state and not doing so for data collected in New Madrid. The comments also cited the EPA Rural Fugitive Dust Policy as a reason for designating New Madrid as an attainment area.

On May 13, 1978, attorneys for Noranda Aluminum filed a petition with the Missouri Air Conservation Commission (MACC) which challenged the authority of the Director of the Department of Natural Resources to make the submittal of the attainment status list on behalf of the State of Missouri. A copy of the petition was sent to EPA Region VII. The Noranda petition stated that only the MACC had authority under the state statutes to make such submissions and that public hearings were required on the state prepared attainment status listing. In response to Noranda's petition, the MACC heard testimony concerning the designation of the New Madrid area at a Commission meeting held on August 23, 1978. Based upon this testimony, the Commission voted to redesignate the New Madrid area as attainment for primary and secondary total suspended particulate standards.

In a letter dated August 25, 1978, Carolyn Ashford, Director of the Missouri Department of Natural Resources notified EPA of the action taken by the Commission. The letter stated that the Commission "concluded that industrial emissions in the New Madrid area do not cause a significant impact on the nonattainment area. Therefore, the Commission decided they should implement EPA's fugitive dust policy and redesignate New Madrid as an attainment area for primary and secondary standards."

Particulate air quality data collected at a sampling station located at the Missouri Department of Conservation Building in New Madrid was the basis for the original nonattainment designation. The MDNR operated the station which was established in 1973. During calendar year 1977, there were three measured values which exceeded the 24-hour primary particulate standard of 260 micrograms per cubic meter. In addition, there were four measured values which exceeded the 24-hour secondary particulate standard of 150 micrograms per cubic meter. The 1977 geometric mean for all data collected at the sampling station was 79 micrograms per cubic meter.

The MDNR presented testimony at the August 23, 1978, MACC meeting which showed that not all of the samples which exceeded the primary particulate standard were valid. Examination of the filter for one of the days when the primary standard was exceeded indicated it had been contaminated by a bird's nest. Another sample was invalidated by the MDNR because high winds caused exceedances of the particulate air quality standards in all parts of the State of Missouri on that day due to blowing dust. The EPA agrees that these samples should not be considered part of a valid sample set. Thus by eliminating two of the three 1977 samples which exceeded the 24-hour primary particulate standard at the MDNR site, only one sample remained which was above the 24-hour primary standard. With only one valid exceedance remaining, the short-term primary particulate standards were not violated at the MDNR station in 1977. Also, by eliminating the high values, the annual geometric mean was reduced to 74 micrograms per cubic meter at the MDNR station which is below the annual primary particulate standard.

After eliminating the two samples which exceeded the 24-hour primary standard, there were five measured values which exceeded the secondary 24-hour particulate standard at the MDNR site in 1977.

Air quality monitoring data collected at the MDNR station during 1978 indicate that the secondary particulate standard was violated. Noranda Aluminum, Inc., also operates four samplers in the New Madrid area, designated as sites A, B, C, and D. Data for calendar year 1978 from these sites indicate the following: Eight violations of the secondary standard at site A, two violations of the secondary standard at site B, four violations of the secondary standard at site C, and one violation of the secondary standard at site D.

Two technical documents used as resource material for the August 23, 1978 MACC meeting on the New Madrid attainment designations were: (1) "Evaluation of Total Suspended Particulate Attainment Status of New Madrid County, Missouri," prepared for Noranda Aluminum Company, Inc., by Midwest Research Institute (MRI), dated August 21, 1978; and (2) "Dispersion Modeling of the New Madrid, Missouri Nonattainment Area," dated August 18, 1978, prepared by Shell Engineering Associates for Associated Electric Cooperative.

Midwest Research Institute used the micoroinventory technique to evaluate the quantity and origin of particulate emissions near each of the five monitoring sites in the New Madrid area. The microinventory is a survey technique to gather emission data for use in an EPA developed empirical model for predicting air quality. As stated in the MRI report, ground level fugitive and area source emissions within a one-mile radius of the sampling site are calculated when using the technique. However, according to the EPA developed technique, emissions from point sources are also included, if the sources are within five miles of the sampling site.

The microinventory prepared by MRI included only those point sources within one mile of the sampling sites and did not consider those sources beyond one mile, but within five miles of the sites. The microinventory technique as used by MRI ignores the emissions from Noranda Aluminum, Inc. and Associated Electric Cooperative, Inc. Ignoring these point sources results in the erroneous conclusion that fugitive dust sources contribute 100 percent of the particulates within the microinventory

area at Noranda sampling sites B, C, and D.

The MRI report shows that combustion products contribute from four to 36 percent of the particulate matter on the filter for days when the secondary 24–hour particulate standard was exceeded. This indicates that fuel-burning sources significantly impact the samplers during certain periods when secondary particulate standards are exceeded.

A major issue concerning the nonattainment designation of the New Madrid area is whether the EPA futitive dust policy should apply to the area. The State of Missouri did not expressly indicate that the fugitive dust policy was considered in preparing the listing of nonattainment areas contained in the December 5, 1977, submittal. Guidance contained in the preamble to the March 3, 1978, **Federal Register** states that rural areas experiencing particulate standards violations which could be attributed primarily to fugitive dust could be designated attainment. In order to be considered rural, an area must: (1) Lack major industrial development or significant industrial particulate emissions, and (2) have low urbanized population. The guidance in the March 3, 1978, **Federal Register** was based on a fugitive dust policy paper issued by EPA in 1977.

The fugitive dust policy paper defined low urbanized population as less than 25,000 to 50,000 for western states and 100,000 to 200,000 for eastern states. Thus, New Madrid (with a population of about 3,000) clearly meets this test for low population. EPA believes that the criteria for determining low urbanized population are consistent with the guidance in the March 3, 1978, **Federal Register** concerning the low population density aspect of the definition of "rural area." However, the remaining test for lack of significant industrial particulate emissions must also be met in order for the fugitive dust policy to apply in allowing rural fugitive dust to be discounted for purposes of determining the attainment status designation.

The March 3, 1978, **Federal Register** does not specifically define major industrial development or significant industrial particulate emissions. The Clean Air Act (Section 302(j)) defines "major stationary source" as any stationary facility or sorce of air pollutants which emits or has the potential to emit 100 tons per year. The 100 tons/yr guide will be used as one of the considerations in this proposed rulemaking for deciding what constitutes significant industrial particulate emissions.

The emission inventory used by Shell Engineering as referenced above listed short-term emission rates for both point and area sources for the New Madrid area. If a uniform annual emission rate is assumed for the sources, the annual emissions may be calculated for all point and area sources listed in the report. These calculations result in an estimate that point sources emit approximately 19,100 tons per year of particulates in the New Madrid area. Area sources account for approximately 24,400 tons per year of particulates in the area. Thus, for the base year, information in the Shell Report indicates that point sources account for approximately 43 percent of total particulates emitted in the New Madrid area. Of this total, Associated Electric Cooperative's New Madrid powerplant emits approximately 16,300 tons of particulates per year based on information in the Shell report. Noranda Aluminum, Inc., emits approximately 2,400 tons of particulates per year. Comparing the emissions from these two sources to the 100 ton per year guide mentioned above, clearly indicates that there are significant industrial emissions in the New Madrid area.

Based upon the above information, EPA has determined that validated 1977 and 1978 air quality data show violations of the secondary standard for total suspended particulates for the New Madrid area. After applying acceptable methods for invalidating unacceptable data, no violations of the primary particulate standard occurred. The procedures used by the Missouri DNR for discounting air quality data in New Madrid were consistent with the methods used in other parts of the state. Further, the emission inventory indicates that over 40 percent of the total suspended particulate matter in the New Madrid area is caused by point sources. Associated Electric Cooperative's New Madrid powerplant emits approximately 16,300 tons of particulate per year, and Noranda Aluminum, Inc., emits approximately 2,400 tons of particulate per year.

New Madrid clearly meets the critieria in the March 3, 1978, **Federal Register** for having a low urbanized population. However, because of the presence of large industrial sources of particulate matter, the rural fugitive dust criteria cannot be used for designating New Madrid as an attainment area for particulates.

PROPOSED ACTION: EPA proposes to eliminate the primary particulate nonattainment designation, but retain the secondary particulate nonattainment designation for the New Madrid area.

Noranda Aluminum, Inc., Variance

On February 23, 1977, the MACC granted a variance to Noranda Aluminum, Inc., for its New Madrid, Missouri primary aluminum reduction plant. The variance applied specifically to pot-line I and an associated carbon anode production facility. This variance was submitted to EPA on March 11, 1977, as a proposed revision to the State Implementation Plan (SIP).

In the **Federal Register** of February 2, 1978, EPA proposed to disapprove the variance granted by the MACC to Noranda Aluminum, Inc., as s SIP revision. The reason for the proposed disapproval was that the control strategy demonstration submitted with the variance failed to demonstrate that ambient air quality standards would be attained and maintained in New Madrid if the variance was granted and the Noranda Aluminum, Inc., pot-line I and associated carbon bake oven were allowed to operate at an emission rate in excess of that which was approved in the SIP at that time.

Because of the time which has elapsed since the February 2, 1978, proposed disapproval and because other actions have occurred in relation to the Missouri SIP since that time, disapproval of the Noranda Aluminum, Inc., variance is being reproposed at this time for public comment.

The variance issued to Noranda Aluminum, Inc., by the MACC allows the company to operate pot-line I with a particulate emission rate not to exceed 1,253 lbs./hr. plus five (5) percent. Missouri regulation 10 CSR 10–3.050 would require that particulate emissions from pot-line I be limited to 30.5 lbs./hr. The variance also allows the number 1 carbon anode baking furnace to emit particulates at the rate of 264 lbs./hr. plus five (5) percent. Missouri regulation 10 CSR 10–3.050 would require that emissions from the number 1 carbon anode baking furnace be limited to 13.2 lbs./hr.

Information has been made available to EPA which indicates that the actual emissions of particulates from pot-line I and associated carbon anode bake oven are considerably less than those allowed by the variance granted by the MACC in 1977. Stack tests conducted on pot-line I in 1977, 1978, and again in 1979 indicate the actual particulate emissions may range from 436 lbs./hr. to slightly in excess of 500 lbs./hr. The more recent information also indicates that emissions from carbon anode bake oven number 1 are in compliance with Missouri Regulation 10 CSR 10–3.050.

The New Madrid area was designated as a primary particulate nonattainment

area in the March 3, 1978, **Federal Register.** Action is proposed in this notice which would eliminate the primary standard nonattainment designation but retain the secondary particulate standard nonattainment designation. Thus, the requirement remains that the State of Missouri develop and submit a SIP revision which demonstrates attainment and maintenance of the ambient air quality standards in the New Madrid area. Such a plan has not been submitted.

It is EPA policy that relaxations of SIP emission limits for sources located in designated nonattainment areas could be approved if the following criteria are met:

1. The State must demonstrate that the source is actually located in a portion of the designated nonattainment area where there are no recorded or predicted violations. This demonstration is on a case-by-case basis and may be made through the use of air quality dispersion modeling, ambient air quality data, or any other information that is available.

2. The State must also demonstrate that the source currently is not significantly impacting the portion of the nonattainment area where violations are recorded or predicted.

3. Finally, the State must demonstrate that the relaxed emission limits will not cause a violation of the applicable PSD increments in adjoining attainment areas nor cause a violation of any applicable National Ambient Air Quality Standard. In the case for Noranda Aluminum, the variance proposal cannot be approved as the source fails the initial criterion because valid air quality monitoring data which is representative of the air quality in area of the source shows violations of the secondary particulate matter standards.

The state and the public are advised any Part D plan submitted to EPA for approval must meet statutory and regulatory requirements. Section 172(b)(3) of the Clean Air Act requires that such a plan demonstrate reasonable further progress (RFP) toward attaining the air quality standard. Application of RACT to all existing sources which will expedite attainment of the air quality standards is required in order to demonstrate RFP.

The requirements for State Implementation Plan (SIP) revisions in nonattainment areas are set forth in the following **Federal Registers:** April 4, 1979, 44 FR 20362; July 2, 1979, 44 FR 38583; August 28, 1979, 44 FR 50371, September 17, 1979, 44 FR 53761; and November 23, 1979, 44 FR 67182.

In summary, EPA cannot approve a relaxation of existing emission limitations in an area where the air quality standards are not being attained and where no Part D plan has been approved for the area, unless the previously stated criteria are met. Therefore, a variance which would allow emissions to exceed Missouri Regulation 10 CSR 10–3.050 in the New Madrid nonattainment area is not approvable.

PROPOSED ACTION: The EPA proposed to disapprove the SIP revision which would allow Noranda Aluminum, Inc., to operate under the variance granted by the MACC on February 23, 1977.

Associated Electric Cooperative, Inc., Variance

On April 18, 1979, the MACC granted a variance to the Associated Electric Cooperative, Inc., for units No. 1 and 2 at its New Madrid power plant. This variance was submitted to EPA on June 25, 1979, as a proposed revision to the State Implementation Plan.

Associated Electric Cooperative, Inc., New Madrid power plant is located within the New Madrid particulate nonattainment area. The regulation which applies to the Associated Electric, New Madrid plant is Missouri Regulation 10 CSR 10–3.060, Maximum Allowable Emissions of Particulate Matter from Fuel-Burning Equipment Used for Indirect Heating. This regulations was adopted by the MACC and became effective April 3, 1971. The variance granted to Associated Electric by the MACC would allow emissions from units No. 1 and 2 to exceed regulations 10 CSR 10–3.060 during the period of the variance. Even though the variance would be renewed annually, the excess emissions would be allowed to continue until such time as the two units can comply with regulation 10 CSR 10–3.060. Compliance of unit 1 is required by June 30, 1982, and compliance of unit 2 is required by December 31, 1982, as a condition of the variance.

As stated above, the Clean Air Act requires that all nonattainment areas be included in a plan for attainment and maintenance of the air quality standards. A nonattainment plan has not been submitted or approved for the New Madrid area. Again, in such an instance, the source must meet the previously stated criteria. Associated Electric Cooperative, Inc., fails the initial test as monitoring data exists showing violations of the secondary TSP NAAQS in the area of the source. As stated previously, the state and the public are advised that any Part D plan must demonstrate reasonable further progress (RFP) toward attainment of the standard. Application of RACT to all existing sources which will expedite attainment of the NAAQS is required in order to demonstrate RFP. If a Part D plan is in effect for a nonattainment area, a variance which constitutes a SIP relaxation, even for an interim period, without an accompanying demonstration of reasonable further progress is not approvable.

The requirements for State Implementation Plan (SIP) revisions in nonattainment areas are set forth in the following **Federal Registers:** April 4, 1979, 44 FR 20362; July 2, 1979, 44 FR 38583; August 28, 1979, 44 FR 50371; September 17, 1979, 44 FR 53761; and November 23, 1979, 44 FR 67182.

PROPOSED ACTION: EPA proposes to disapprove the proposed SIP revision which would allow Associated Electric Cooperative, Incorporated, to operate units 1 and 2 of their New Madrid power plant with emissions in excess of Missouri Regulation 10 CSR 10–3.060.

This notice of proposed rulemaking is issued to advise the public and all affected parties of EPA's intention to eliminate the primary particulate nonattainment designation of New Madrid, but retain the secondary nonattainment designation and to disapprove SIP revisions for facilities operated by Noranda Aluminum, Inc., and Associated Electric Cooperative, Inc., within the New Madrid nonattainment area.

Comments received on or before April 16, 1980, will be considered in EPA's final action. EPA has determined that a 30-day comment period is justified because the subject matter of this proposal is limited in scope.

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

This notice of proposed rulemaking is issued under the authority of Sections 107 and 110 of the Clean Air Act, as amended.

Dated: February 4, 1980.

Kathleen Q. Camin,

Regional Administrator.

[FR Doc. 80-8104 Filed 3-14-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1436-3]

Interstate Pollution Abatement; Notice of Proceedings Under Section 126 of the Clean Air Act and Hearing

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of Proceedings under Section 126 of the Clean Air Act (Inerstate Pollution Abatement) including Notice of Public Hearing.

SUMMARY: Section 126 of the Clean Air Act provides a mechanism for any State or political subdivision to petition the USEPA to determine whether a major pollution source in another State is causing or has the potential to cause in interestate air pollution problem. Such a petition has been filed by Jefferson County, Kentucky with respect to sulfur dioxide (SO_2) emissions from the Public Service of Indiana (PSI) Gallagher power station in Floyd County, Indiana. The purpose of this notice is to announce a public hearing to determine the interstate impact of the PSI Gallagher station; and to solicit comments from affected parties and the general public with respect to the criteria which should be used to establish an emission limitation for the Gallagher station should the Administrator determine that this source is emitting any air pollutant in amounts which will prevent attainment or maintenance by any other State of any national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other State under Part D of the Act to prevent significant deterioration of air quality or to protect visibility.

DATE: The public hearing will be held on April 17, 1980.

Submit requests to present oral testimony by not later than close of business on April 11, 1980.

USEPA request advance copies of written comments and factural information wherever possible; however, written material will be accepted up until the close of the public hearing record on May 2, 1980.

ADDRESSES: The hearing will be held at the Ramada Inn-Airport, Corbin Room, 1465 Gardiner Lane at Interstate 264, Louisville, Kentucky. The hearing will convene at 1 p.m.; recess at 5 p.m. (or at such time as all commentors scheduled for the afternoon have completed their testimony); reconvene at 7 p.m.; and adjourn when all scheduled testimony has been completed.

Individuals wishing to present oral testimony are requested to contract Robert Miller, Air Programs Branch, USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604 (312-886-6031).

FOR FURTHER INFORMATION CONTACT:

Robert Miller, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031

Barryn Gilbert, Air Programs Branch, U.S. Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30308, (404) 881-3286.

Technical and background documents are available for public inspection at the above address and at:

Public Information reference Unit, U.S. Environmental Protection Agency Library, Room 2922, 401 M Street, SW., Washington, D.C. 20460.

Air Pollution Control District of Jefferson County, 914 E. Broadway, Louisville, Kentucky 40204.

Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, W. Frankfort Office Complex, US 127 South, Frankfort, Kentucky 40601.

Air Pollution Control Division, Indiana Board of Health, 1330 W. Michigan Street, Indianapolis, Indiana 46206.

Background:

On May 14, 1973, the USEPA approved Indiana's S02 State Implementation Plan for Floyd County (38 FR 12698). This regulation set an emission limitation for PSI's Gallagher Station of 1.2 pounds of S02 per million British Thermal Units (MBTU) of actual heat input. Final compliance with the rule was required by April 1, 1975. In 1974 Indiana adopted new S02 regulations for Floyd County. Technical support submitted by the State of Indiana included ambient air quality data showing no monitored violations of S02 air quality standards in Indiana, and a modeling study which concluded that Gallagher's contribution to high S02 levels in Kentucky was minimal (i.e. about 6%). On August 24, 1976 the USEPA approved these regulations for the Gallagher station (41 FR 35676). Although these regulations do not impose an emission limitation of any kind on Gallagher, they do require the facility to install an ambient monitoring system and to maintain an emergency two week supply of fuel which will be adequate to meet an emission limitation of 1.2 lbs. of S02/MBTU. This fuel is to be used upon the State of Indiana's order during periods of adverse meteorological conditions.

Indiana submitted a revised statewide S02 attainment strategy and a revised S02 regulation to USEPA on July 3, 1979. These regulations were designed to demonstrate attainment of S02 standards in the Lake, Marion, Vigo, and Wayne County nonattainment areas. The regulations also establish a 6 lbs. of S02/MBTU heat imput emission limitation for fossil fuel fired power plants throughout the State. If approved by the USEPA, this 6 lbs. of S02/MBTU limitation would apply to the Gallagher station.

The 1972 Kentucky State Implementation Plan required major power plants in Jefferson County, Kentucky to limit their emissions to 1.2 lbs. of S02/MBTU. These limitations are still in effect in Kentucky.

Section 126(b) of the Clean Air Act authorizes any State or political subdivision to petition the Administrator of the USEPA for a finding that any major source emits or will emit an air pollutant in violation of the prohibition of section 110(a)(2)(E)(i) of the Clean Air Act. This section prohibits any stationary source within a State from emitting any air pollutant in amounts which will prevent attainment or maintenance by any other State of any national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other State under Part C of the Act to prevent signficant deterioration of air quality or to protect visibility. After public hearings, the Administrator either makes a finding that section 110(a)(2)(E)(i) is being violated or denies the petition. If the finding is made, section 126(c) provides that operation of the source for more than three months after the finding has been made shall be a violation of the applicable implementation plan unless the Adminstrator permits continued operation of the source conditioned on its compliance with emission limitations and compliance schedules provided by the Administrator. Compliance with the requirements contained in section 110(a)(2)(E)(i) must be as expeditious as practicable but no later than three years after the date of such finding.

On May 14, 1979, USEPA was petitioned by the Air Pollution Control District of Jefferson County, Kentucky to initiate proceedings, pursuant to section 126 (b) and (c) of the Clean Air Act as amended in 1977 (42 U.S.C. 7401 *et seq.*), to make a finding that the sulfur dioxide emissions from the PSI Gallagher Station in Floyd County, Indiana were causing or contributing to violations of the SO_2 standards in Kentucky and were otherwise in violation of 110(a)(2)(E)(i).

In order to study the issues raised by Jefferson County, the USEPA funded a computer dispersion modeling study to assess the impact of SO_2 emissions from selected facilities in the Louisville Interstate Air Quality Control Region (AQCR). The 1976 emissions were modeled using the Air Quality Display Model (AQDM) to determine if the National Ambient Air Quality Standards (NAAQS) would be violated. A background of 30 micrograms per cubic meter ($\mu g/m^3$) was used. No violation of the annual standard was predicted. The annual contribution from Gallaher at the point of maximum concentration was 0.7 $\mu g/m^3$. The annual primary standared is 80 $\mu g/m^3$. A compliance scenario was then modeled with AQDM in which the LG&E plants were assumed to be in compliance with Federal consent orders and Gallagher was modeled at the maximum allowable emissions rate. No violation of the annual NAAQS was predicted. The annual contribution of Gallagher at the point of maximum concentration was then predicted to be 0.9 $\mu g/m^3$.

The short-term impact of Gallagher when emitting at a 6 lbs./MBTU rate was determined. This impact, and all others, was determined without consideration of the possibility that the sulfur content of coal burned by power plants may significantly vary. Computer dispersion modeling predicts that the plant would cause a violation in Indiana of the 3-hour NAAQS (1300 $\mu g/m^3$—not to be exceeded more than once a year). The highest second-highest 3-hour concentration of 1434 $\mu g/m^3$ would occur at a location eleven kilometers north of the plant. The highest second-highest 24-hour impact would be 307 $\mu g/m^3$, again occuring eleven kilometers north of Gallagher. The primary 24-hour standard is 365 $\mu g/m^3$ not to be exceeded more than once a year. Kentucky sources would have an insignificant contribution to these values in Indiana during the time periods that these concentrations are predicted. Gallagher emitting at 6 lbs. of SO_2 per MBTU would impact in Kentucky as well. The highest second-highest predicted 24-hour and 3-hour concentrations in Kentucky from Gallagher alone are 126 $\mu g/m^3$ and 608 $\mu g/m^3$, respectively. Sulfur dioxide emissions from both Gallagher and three LG&E power plants were modeled to determined if Gallagher would contribute to violations of the NAAQS in Kentucky in 1976. Violations of the 24-hour standard were predicated for two Kentucky locations to which Gallagher has a contribution: 16 $\mu g/m^3$ contribution to a 487 $\mu g/m^3$ violation and 51 $\mu g/m^3$ contribution to a 395 $\mu g/m^3$ violation. Violations of the three hour standard were predicted in Kentucky but Gallagher does not contribute to these violations.

In conclusion, the model predicted that emissions from the plant result in increased ambient air concentrations in Kentucky and contribute to predicted violations of the 24-hour NAAQS in Kentucky.

The Agency considers that the degree of protection afforded by the interstate pollution provisions includes not only protection against NAAQS violations, but also protection against unreasonable interference with a maintenance program or margin for growth in the SIP. In reaching this conclusion, the Agency has reviewed the interstate pollution provisions of the Act, including Sections 101, 110, 126 and 301, their legislative history and pertinent case law. The Agency is of the opinion that these provisions evidence Congressional intent to protect against unreasonable interstate interference with State programs to maintain the NAAQS and create margins of growth, as well as efforts to attain the standards, prevent significant deterioration of air quality and protect visibility. Such efforts may include State adoption of emission limitations that are more stringent than needed to attain Federal standards. In addition, the Agency believes that the provisions are designed to protect against interstate interference with State or local ambient air standards or other measures more stringent than necessary to attain Federal standards. See, H.R. Rep. No. 95–294, 95th Cong., 1st Sess., May 12, 1977, 331, n. 14.

Issues that should be addressed by the interested parties and the public include the questions and possible USEPA courses of action given below.

1. Does the Gallagher Power Plant in Indiana now cause or contribute to air pollution concentrations in excess of the NAAQS in Kentucky?

2. Were sources in Jefferson County, Kentucky, required to put on additional controls to correct NAAQS violations that were caused or substantially contributed to by emissions from the Gallagher plant?

3. Does the Gallagher plant have a substantial adverse impact on Kentucky's or Jefferson County's efforts to develop a State Implementation Plan which will attain and maintain standards or create a margin for future growth for NAAQS or PSD purposes? It should be noted that emissions from the Gallagher Plant may affect future growth in Kentucky, irrespective of a proposed new sources and Gallagher's air quality impact within Kentucky, if Gallagher substantially consumes the full NAAQS or PSD increment within Indiana.

4. The Agency currently intends to encourage the interested parties to resolve the interstate dispute themselves. The Agency will encourage the parties to consider various strategies and tradeoffs that may be used to settle the dispute. If this is not possible, the Agency intends to make a case-by-case finding of whether an interstate pollution problem exists. The Agency will consider the air quality impact of the source and differences between the control requirements for the contested source and comparable sources in the affected State. One option would be to find that the Gallagher plant in Indiana has a substantial adverse impact on Kentucky's air quality maintenance program or margin for growth if, in the Administrator's opinion, the air quality impact in Kentucky of emissions from the Gallagher plant is significantly greater than the air quality impact allowed a comparable Kentucky source.

5. If the Agency makes a finding of substantial adverse impact, the Agency may resolve the interstate dispute by requiring generally comparable emission limits for comparable sources in both States. In determining a comparable emission limit for the contested source, the Administrator would consider the air quality impacts permitted comparable sources in each State and emission limits required for similar sources in similar areas. Comments are solicited on such an approach.

6. Suggestions are also solicited on other appropriate criteria for USEPA arbitration of interstate disputes. Suggestions should include consideration of the following questions:

a. How should differences between State emission limits generally be compared against the estimated air quality impacts of out-of-State sources and comparable in-State sources.

b. What criteria should the Agency utilize when air quality impacts may be difficult to ascertain, for example, when multiple sources and pollution transport over considerable distances may be involved?

c. In such a situation, should the Agency give a lesser weight to air quality impacts and more to differences in emission limits?

d. Under what circumstances should the Agency consider the application of reasonably available control technology (RACT) by the contested sources to be sufficent in and of itself to avoid a finding of impermissible interstate pollution?

e. Under what circumstances should the Agency require regionally uniform emission limits or uniform control technologies?

7. Specific discussions of estimated air quality impacts should include information on, among other things, the model used, the input data used, and the assumptions used in applying the model, such as the selection of critical meteorological periods, plant loading and other plant operating characteristics assumed for the period of time (annual, 24-hour, 3-hour, 3-hour) being examined and fuel variability.

8. If the Agency has need of more information than that presented at the hearing, it may use its powers to obtain information under Section 114 of the Act. Also, if any additional reports or studies need to be prepared, the costs of such may be assessed against the Agency's Section 105 grants for the States involved in the dispute. The Agency may require in-stack monitoring to develop comparable information.

Conduct of Public Hearings

A panel of Agency officials will conduct an informal public hearing on the above issues. Although no cross-examination will take place at the hearings, the panel may ask questions of witnesses to clarify issues or to make the record complete. Written questions directed at the witnesses may be submitted to the panel by members of the audience. Any person wishing to make a presentation or submit material for inclusion in the hearing record should provide written notice of this intention by April 11, 1980, to: Robert Miller, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031.

This notice should include the following information: (1) Name(s), title(s), and affiliation(s); (2) amount of time necessary for presentation and whether you would like to present your testimony in the afternoon or evening session. The time allotted for each presentation will depend on the number of persons seeking an opportunity to appear. A verbatim transcript of the hearing, copies of written statements, and copies of other material will be made available for public inspection and copying during normal working hours at the USEPA Region IV Library (Atlanta), the Region V Air Programs Branch (Chicago), and the Public Information Reference Unit (Washington). The same documents will be available for inspection at the Air Pollution Control District of Jefferson County (Louisville), the Kentucky Division of Air Pollution Control (Frankfort), and the Indiana Air Pollution Control Division (Indianapolis).

Submission of Written Materials

USEPA solicits and will accept written materials relevant to the issues set forth above from all interested parties. Eight copies of the material should be submitted. We encourage the filing of written statements prior to the hearing, but they may be filed at the hearing itself. The public hearing record will be kept open until May 2, 1980, to provide an opportunity for the public to submit rebuttal and supplementary information on the data presented at the hearing. Written materials should be submitted to Mr. Miller, Air Programs Branch, USEPA Region V at the above address.

The Agency recognizes that interested persons may require a period or time prior to the hearing to read the written submissions of other interested parties so that informed comments can be made at the public hearing. All written comments prior to the public hearing will be available for public inspection and copying during normal business hours at the following address: U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Final Determination Under These Proceedings

The EPA recommendation will be based upon the preponderance of the evidence of record and will be announced in the **Federal Register** in the form of a proposal upon which the public will be given an opportunity to comment. Final action, following the public comment period, will be announced in the **Federal Register.**

Dated: March 10, 1980.

John McGuire,

Regional Administrator.

[FR Doc 80-7959 Filed 3-14-80; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 45, No. 53
Monday, March 17, 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 Marketing Service

List of Warehouses Licensed Under U.S. Warehouse Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Publication of List of Warehouses Licensed Under the U.S. Warehouse Act.

Notice is hereby given that the Agricultural Marketing Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et seq.*) as of December 31, 1979, as required by section 26 of that Act. Copies of the list will be distributed to all licensed warehousemen. Other interested persons may obtain a copy of the list from: Mrs. Judy Fry, Warehouse Service Branch, Warehouse Division, U.S. Department of Agriculture, AMS, Room 2720, South Agricultural Bldg., Washington, D.C., 20250. Ph: 202–447–3821.

Done at Washington, D.C. March 12, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-8091 Filed 3-14-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Economic Development Administration

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) Opto Dynetics, Inc., 100 Fernwood Avenue, Rochester, New York 14621, a producer of photographic lenses and shutters (accepted February 28, 1980); (2) Grizzly Shake Company, Inc., P.O. Box 1449, Forks, Washington 98331, a producer of cedar shakes (accepted February 28, 1980); (3) C & C Cedar Products, Inc., 43355 Snow Peak Drive, Lebanon, Oregon 97355, a producer of cedar shakes (accepted February 28, 1980); (4) A. E. Nelson and Company, Inc., 34–42 Baltimore Street, Wilkes-Barre, Pennsylvania 18701, a producer of men's slacks, suits, coats, jackets (accepted February 28, 1980); (5) Fry Togs, Inc., P.O. Box 1438, Easley, South Carolina 29640, a producer of infant's sleepwear and play suits (accepted February 29, 1980); (6) I. D. Watch Case Company, Inc., 137–11 90th Avenue, Jamaica, New York 11435, a producer of watch cases and bands (accepted February 29, 1980); (7) Sting Bee, Inc., 112 West 34th Street, New York, New York 10001, a producer of children's pants, skirts and blouses (accepted March 3, 1980); (8) Yorktown Industries, Inc., 330 Factory Road, Addison, Illinois 60101, a producer of office copiers (accepted March 3, 1980); (9) Northwest Cedar, Inc., 415 Pacific Street, Sedro Woolley, Washington 98284, a producer of cedar shakes (accepted March 3, 1980); (10) Taurus Manufacturing Company, P.O. Box 98, Blairsville, Pennsylvania 15717, a producer of women's dresses and mattress covers (accepted March 3, 1980); (11) United Pants Company, Inc., Shoemaker and Simpson Streets, Swoyersville, Pennsylvania 18704, a producer of men's suit coats and sportcoats (accepted March 4, 1980); (12) C'Bon Sportswear, Inc., 92–15 172nd Street, Jamaica, New York 11432, a producer of women's pants, skirts and jackets (accepted March 6, 1980); (13) Perfect Fit Glove Company, Inc., P.O. Box 369, Buffalo, New York 14240, a producer of work gloves (accepted March 7, 1980); (14) Willo Veal Corporation, 114 North 6th Street, Brooklyn, New York 11211, a processor of meat (accepted March 7, 1980); (15) Capri Blouse, Inc., 888 Eighth Avenue, New York, New York 10019, a producer of women's blouses, skirts, tops and beachwear (accepted March 7, 1980); (16) Technisound, Inc., 60 Ida, Antioch, Illinois 60002, a producer of loudspeakers (accepted March 10, 1980); (17) Arista Knitwear Manufacturing Corporation, 584 Broadway, New York, New York 10012, a producer of women's sweaters, capes and vests (accepted March 10, 1980); and (18) Dee-Vee Manufacturing Company, Inc., 32 Beck Place, Poughkeepsie, New York 12601, a producer of women's dresses and blouses (accepted March 10, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (P.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 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.

Charles L. Smith,

Acting Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80-8092 Filed 3-14-80; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Klystrons

The following is a consolidated decision on applications for duty-free entry of Klystrons pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79–00389. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ

85705. Article: Repair of Klystron Model VRT 2124B11. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Advice submitted by the National Bureau of Standards: November 21, 1979. Article ordered: July 13, 1979.

Docket No. 79–00390. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron Model VRT 2124B6. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Advice submitted by the National Bureau of Standards: November 21, 1979. Article ordered: July 13, 1979.

Docket No. 79–00391. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron Model VRT 2124B4. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Advice submitted by the National Bureau of Standards: November 21, 1979. Article ordered: July 13, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article provides a frequency range of 140 to 170 gigahertz. The National Bureau of Standards advised in its respectively cited memoranda that the capabilities cited above are pertinent to the purposes for which each of the foreign articles is intended to be used. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing application relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80–8063 Filed 3–14–80; 8:45 am]

BILLING CODE 3510–25–M

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 735 at 666–11th Street N.W. Washington, D.C.

Docket No.: 80–00136. Applicant: The Johns Hopkins University, Department of Physiological Chemistry, 725 N. Wolfe Street, Baltimore, Maryland 21205. Article: Flow Microcalorimeter Block. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the studies of cell membrane functions. Application received by Commissioner of Customs: January 10, 1980.

Docket No.: 80–00127. Applicant: Brooke Army Medical Center, Fort Sam Houston, San Antonio, TX 78234. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for visualizing the fine structure of tissue architecture, cells, and component structures during studies of the following materials: (1) Surgical and autopsy specimens obtained from patients, (2) Clinical microscopy and cytology specimens such as peripheral blood pellets, bone marrow aspirates, and urine sediments, (3) Tissue culture specimens, and (4) Tissue specimens of non-human origin (mouse, rat, dog, etc.). In addition, the article will be used for educational purposes in a Pathology Resident Training program which lasts for four years. Application received by Commissioner of Customs: January 3, 1980.

Docket No.: 80–00128. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Backward—Wave Oscillator; MM–Wave, Type RWO–50. Manufacturer: Siemens Corporation, West Germany. Intended use of article: The article is intended to be used as a radio-frequency pump for a low-noise maser receiver which is being used in a wide variety of astronomical observations. Investigations to be carried out will include a) the distribution of such emission in the sky, to determine its association with celestial objects; and b) its variation with frequency and time to improve the understanding of the physics of the objects and in some cases the mechanism of emission, where such mechanism is not obviously the usual thermal-equilibrium excited-line radiation. Application received by Commissioner of Customs: January 3, 1980.

Docket No.: 80–00129. Applicant: Saint Barnabas Medical Center, Old Short Hills Road, Livingston, New Jersey 07039. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of human tissue obtained from the patient's diseased organs in investigations to determine the histologic (pathologic) diagnosis. Application received by Commissioner of Customs: January 3, 1980.

Docket No.: 80–00130. Applicant: The University of Texas Health Science Center, Biochemistry Department, 7703 Floyd Curl Drive, San Antonio, TX 78284. Article: Circular Dichroism Spectrophotometer, J–500C. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for studies of proteins and nucleic acids. Experiments will be conducted to obtain

circular dichroism spectra of the molecules and molecular complexes at various temperatures. The objectives of these experiments are: (1) To develop quantitative methods of assessing protein conformation changes; (2) To study subtle changes of the environment surrounding protein chromophores; and (3) To compare predicted and experimental structures. Application received by Commissioner of Customs: January 7, 1980.

Docket No.: 80–00131. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, MN 55901. Article: Scanning Microdensitometer, M85 and Accessories. Manufacturer: Vickers Instruments, Inc., United Kingdom. Intended use of article: The article is intended to be used for investigations to provide highly sensitive assays for the biologic activity of selected hormones including ACTH, TSH, and PTH. These microdensitometry assays will provide single sample *in vitro* capability to measure the hormones in these deficiency states. Application received by Commissioner of Customs: January 7, 1980.

Docket No.: 80–00132. Applicant: The University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, TX 78284. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of biological specimens obtained from laboratory animals at the time of death following various experimental manipulations. Research projects to be conducted will include: (1) Investigation of the precise mechanisms of control of oviduct smooth muscle in three species, including human. Experiments will be correlated with the functional capacity of the oviduct to transport gametes, by studying post-ovulatory animals and those treated with drugs and hormones which modify the rate of ovum transport. The long term objective is to understand the mechanism of control of gamete transport with the ideal of developing a contraceptive which acts by interfering with this process. (2) Experiments to acquire information concerning the mechanism(s) by which these ovarian steroids exert their influence on ovum transport. This information should be of value in contraception by suggesting techniques to move the fertilized egg into the uterus prematurely and might also be useful in the therapy of some types of infertility. Application received by Commissioner of Customs: January 7, 1980.

Docket No.: 80–00135. Applicant: University of California, San Francisco, 1438 Harbour Way South, P.O. Box 4028, Richmond, CA 94804. Article: Kratos MS–25S Gas Chromatograph/Mass Spectrometer System and accessories. Manufacturer: Kratos/AEI, United Kingdom. Intended use of article: The article is intended to be used by faculty, graduate students and Pharm. D. candidates to obtain: (1) High quality, high sensitivity mass spectra on organic substances occurring primarily as complex mixtures isolated from biological matrices; and (2) ultra high sensitivity measurements of the quantitiative occurrence of specific organic and chemotherapeutic agents or mixtures thereof and fractions isolated from physiological fluids, tissue and cell cultures, biopsy materials, etc. as well as toxic substances from environmental samples. Experiments in biomedical and pharmaceutical research and related environmental toxicology will support multicomponent qualitative analystic studies and quantitative studies will be carried out on race amounts of substances isolated from complex chemical and biological milieux using stable isotopically labelled synthetic specific analogs. Studies of the products of chemical reactions aimed at developing a knowledge of reaction mechanisms will also be carried out. The article will also be used for educational purposes in the courses: Organic Chemistry Laboratory (Chemistry 117), Qualitative Organic Analysis (Chemistry 165), and Mass Spectrometery (a graduate course in the Chemistry 200 series). The general objective of these courses is to train students in the analytical methodology for identification and qualitative structure determination of unknowns and knowns in complex mixtures isolated from biological and medical milieux. Application received by Commissioner of Customs: January 10, 1980.

Docket No.: 80–00137. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda Physik, West Germany. Intended use of article: The article is intended to be used to produce large quantities of molecular fragments which will be studied by laser induced fluorescence and double resonance techniques. It will also be used to pump a dye laser. Several graduate students and post-doctoral students will use this equipment in their research and will learn about the fundamental techniques of laser application as well as an understanding of the chemistry and physics of the systems being studied. Application received by Commissioner of Customs: January 11, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80–8064 Filed 3–14–80; 8:45 am]

BILLING CODE 3510–25–M

National Telecommunications and Information Administration

Grant Appeals Board of the Public Telecommunications Facilities Program

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Memorandum Opinion and Order.

SUMMARY: On February 7, 1980 the Grant Appeals Board of the Public Telecommunications Facilities Program (PTFP) held its first meeting to consider the petition of The Washington Ear, Inc. seeking reconsideration of an action of the PTFP staff denying Ear eligibility for a grant from the PTFP to improve the equipment of an existing telecommunications entity. Having considered the arguments of both the PTFP staff and The Washington Ear, the Board finds that the staff was incorrect in denying eligibility to the Ear.

Before the National Telecommunications and Information Administration U.S. Department of Commerce

In the matter of Petition for Reconsideration of The Washington Ear, Inc.

Memorandum Opinion and Order

By the Grant Appeals Board:Fishman, Chairman; Chisman; and Zimmerman Adopted, March 11, 1980

1. The Grant Appeals Board (Board) of the Public Telecommunications Facilities Program (PTFP) has for consideration the December 21, 1979 petition for reconsideration of the Washington Ear, Inc. (Ear). Ear seeks reversal of a decision of the PTFP and the Office of Chief Counsel finding Ear ineligible for an improvement grant under the terms of Section 393(b)(4) of the Public Telecommunications Financing Act of 1978.[1] On February 7, 1980, The Board held an informal

[1] Pub. L. 95–567, 92 Stat. 2405, 47 U.S.C. Section 390, *et seq.* The text of Section 393(b)(4) is set forth in note 4, *infra.*

session at which Ear and the PTFP presented their cases.

2. Since Ear's petition is the first occassion that NTIA has had to convene the Grant Appeals Board, the Board felt that it should outline the procedures followed in this case before turning to the issues raised by Ear's petition. The Board was created by Section 2301.33(b) of the PTFP Rules to consider petitions for reconsideration of certain decisions of the PTFP and the Office of Chief Counsel. No staff is provided for the Board. Therefore, the Office of Chief Counsel is responsible for compiling a memorandum for the Board containing a summary of the facts, issues, and arguments of the staff and the petitioner. The memorandum also contains copies of all relevant materials in the case. While the original Section 2301.33(b) implied that neither the PTFP nor the Office of Chief Counsel were to discuss the merits of pending cases during the decisional phase of the case, NTIA amended the section to make the *ex parte* ban more explicit. This amendment was effective February 6, 1980. 45 FR 8582 (February 8, 1980). Therefore, neither PTFP nor Office of Chief Counsel staffs discussed the merits of Ear's petition with the Board's members prior to the time that the Board issued instructions to the Office of Chief Counsel for the drafting of our written decision. While the rule creating the Board contemplates that petitions will be decided on the basis of the written record, we invited Ear and the staff to make short, informal oral presentations. These presentations and the opportunity to discuss the case with the parties were very useful. We must stress, however, that such oral presentations are neither necessary nor desirable as a general rule. We turn now to Ear's petition.

3. Ear is a nonprofit organization. Pursuant to a 1974 agreement with Greater Washington Educational Telecommunications Association, Inc. (GWETA), it operates a radio reading service for the blind and visually handicapped using the 67 kHz subsidiary communications authorization [SCA] of WETA–FM, GWETA's noncommercial educational FM radio station in Washington, D.C. Section 73.593(a) of the Rules of the Federal Communications Commission (FCC), provides that the licensee or construction permittee of a noncommercial educational FM broadcast station may apply for an SCA to transmit instructional material, including programs "intended to serve the special needs and interests of * * * the handicapped. * * *" *See* 47 CFR Section 73.593(a)(1). The SCA is a "subsidiary or secondary" adjunct to the FM station and may "not exist apart from the noncommercial educational FM license or [construction] permit." The FM licensee applies for and holds the license for the SCA, and must apply for renewal of the SCA authority at the same time that it applies for renewal of its FM license. Section 73.59 (a). Section 73.595(c) of the Commission's rules provides that although the licensee may lease effective operation of its SCA to "outside" parties, "the licensee * * * must retain control over all material transmitted over the station's facilities", including the right to reject material of the SCA lessee. Thus, GWETA is the licensee of and in full control of the SCA operated by Ear. The terms of the GWETA-Ear agreement (which is in the process of being renewed) follows the terms of Sections 73.593–.595 of the FCC's Rules.

4. On June 4, 1979, Ear filed an application with the PTFP for a $38,920 grant to improve its existing studio facilities. Subsequently, on October 10, 1979 Margaret W. Rockwell, President and Director of Ear, was advised informally by the PTFP staff that Ear's application for an improvement grant had been denied. The basis for this ruling was the conclusion of the PTFP staff and the Office of Chief Counsel that because Ear was not itself an "existing public broadcast station," its radio reading service did not qualify for an "improvement" grant under Section 393(b)(4) of the Act.[2] Ms. Rockwell wrote to Henry Geller, Administrator of NTIA, on October 25, 1979, seeking general information as to the eligibility of radio reading services, such as Ear, for section 393(b)(4) improvement grants.

5. The Office of Chief Counsel, on behalf of the Administrator, responded to Ms. Rockwell's October 25th letter on December 7, 1979. The Office concluded that:

> [A]lthough The Washington Ear and the SCA reading services * * * may be or become public telecommunications entities within the meaning of the PTFA and the PTFP rules, those entities are not eligible for improvement grants under Section 393(b)(4) of the PTFA, unless they also qualify as existing public broadcast stations or organizations composed of existing stations.

6. On December 21, 1979 Ear requested the Grant Appeals Board to reconsider the staff's denial of Ear's 1979 application. Because this letter was filed more than 30 days beyond the 30 day limit governing the filing of petitions for reconsideration of adverse rulings under Sections 2301.13 and .33 [3] of the PTFP Rules, the letter also addressed the issue of whether "good cause" existed for the waiver of the 30 day requirement.[4] At the same time Ear filed a two part application with the PTFP seeking funds to be awarded during the 1980 funding cycle. Part B of that application is substantially identical to the rejected 1979 application.

7. In the Board's view, Ear's petition for reconsideration presents two questions for resolution: (1) whether the Board should waive the 30 day requirement for filing petitions for reconsideration, as authorized under § 2301.37 of the rules;[5] and if so (2) whether SCA reading services for the visually impaired, such as Ear, are eligible for "improvement" grants under section 393(b)(4) of the PTFA.

8. The procedural question presented by Ear's admitted failure to file its petition for reconsideration within the time specified in the Rules poses little difficulty. On the basis of the facts presented to the Board both orally at its February 7, 1980 meeting and in the written submissions, we have concluded that "good cause" exists for waiver of the filing period in this case for several reasons. First, the PTFP regulations creating the Board are relatively new and sound administration suggests the need for a degree of latitude in their initial application. Second, at the time in question Ms. Rockwell and Ear were undergoing a period of substantial

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[2] The only authority for making improvement grants is contained in Section 393(b)(4) of the Act which provides, in pertinent part, that: "The Secretary shall base determinations of whether to approve applications for grants under this subpart, and the amount of such grants, on criteria * * * designed to achieve * * * the improvement of the capabilities of existing public broadcast stations to provide public telecommunications services."

[3] Section 2301.13 provides, *inter alia*, that: "Applications which are not complete or which are determined to be not in accordance with the provisions of this part will not be accepted for filing and will be returned to the applicant; *Provided*, that within 30 days of such return, the applicant may file with the Administrator a petition pursuant to [Section] 2301.33."

Section 2301.33 provides that: "(a) A petition for reconsideration as provided in [Sections] 2301.4, .13 and .32 must be filed with the Administrator within 30 calendar days after the date of receipt of the notice of the adverse decision; must state specifically in what respect the Administrator's action is claimed to be unjust, unwarranted or erroneous; must specifically indicate the relief sought; and must be accompanied by a written statement on the question presented."

[4] Ms. Rockwell stated that it was not possible for Ear to meet the 30 day requirement, "[s]ince we were unaware of its existence until we received [the December 7, 1979] letter. Perhaps we would have carried our more independent research into this matter at the time we received the denial of funding, but at this time we were in the midst of a major construction project, and I was in the hospital undergoing spinal surgery."

[5] Pursuant to Section 2301.36, as amended, effective February 6, 1980, 45 FR 8582 (February 8, 1980), the Board is authorized to waive the requirements of § 2301.33 for "good cause shown."

stress. Indeed, Ms. Rockwell's hospitalization during the 30 day period following the denial of Ear's application might in itself be sufficient cause to justify a waiver of the 30 day rule. Last, and most important, Ear has filed an application for an FY 1980 PTFP grant which poses legal issues identical to those raised by its petition. Taking all these factors into consideration, the Board has determined that "good cause" exists for the waiver of the 30 day requirement of Sections 2301.13 and .33 of the PTFP Rules to enable us to reach the merits of Ear's petition.

9. In considering the merits of the petition, it is necessary to briefly review the opinion of the Office of Chief Counsel and the action of the staff taken pursuant to that opinion. That opinion relies on section 393(b)(4) of the Act which, in part, authorizes the Secretary of Commerce to make grants for "the improvement of the capabilities of existing public broadcast stations * * *." A public broadcast station is defined in section 397(b) of the Act to be "a television or radio broadcast station which * * * under the rules and regulations of the [Federal Communications] Commission * * * is eligible to be licensed * * * as a noncommercial educational radio or television broadcast station * * *." The staff and the Office of Chief Counsel contend that while Ear would be eligible for a planning or construction grant as a public telecommunications entity under other provisions of the Act, improvement grants can only be made to "existing public broadcast stations" or to organizations composed of such stations.[6] To support this interpretation the staff points to various statements in the legislative history of the PTFA[7]

10. Ear, on the other hand, argues that the legislative history is vague at best, and supports its theory that Congress intended the legislation to be read expansively to include all public telecommunications entities within the scope of section 393(b)(4).

11. Having reviewed the Act, the legislative history, and the written and oral presentations of both the staff and Ear, we conclude that a narrow reading of section 393(b)(4) is not required by the Act. While such a reading might reasonably exclude Ear's SCA facilities from eligibility for improvement grants (because Ear is not itself an "existing public broadcast station"), a broader reading of this statutory authorization is preferable and would aid in achieving the overall goal of the Act. This is not to say, however, that we agree with the Ear's view that the intent of Congress was to include all public telecommunications entities within the scope of section 393(b)(4). Rather, we conclude that the inseparable interrelationship between an SCA facility lessee and an FM broadcasting station, brings radio reading services using SCA's within the scope of Section 393(b)(4). In a sense, Ear is GWETA's agent, operating *GWETA's* SCA on its behalf and under its control.[8] Since the FM broadcaster is the licensee of the SCA, award of an improvement grant to Ear would necessarily "improve the *capabilities* of an existing public broadcast station [*i.e.*, WETA–FM] to provide public telecommunications services." Although such a construction of the Act is broad, it is, nevertheless, reasonable and consistent with the goal of the legislation to provide public telecommunications services to as many areas and people as possible. *See* section 390 of the Act. We also note in passing that if Ear were to terminate or abandon its present operation of GWETA's SCA and subsequently apply to the PTFP as a new applicant for a construction grant to purchase the same items of equipment that it now seeks funding for, its eligibility would be unquestioned under sections 393(b)(1) and (2) of the Act if it possessed a means of electronic distribution. *See Report and Order* adopting the PTFP Rules, 44 FR 30898, 30899–900 (May 29, 1979). It strikes us as inappropriate, therefore, to resolve any uncertainty about Congressional intent in such a way as to bar Ear from applying directly for and receiving a grant to improve its existing studio facilities.

12. Accordingly, we reverse the staff and find that Ear is eligible for a grant from the PTFP to improve its existing facilities and hereby order that the staff consider Ear's pending application for an improvement grant with other improvement applications filed during the 1980 funding round.

[6] *See* Letter from John Cameron, Director, Public Telecommunications Facilities Division to Kim Spencer, dated September 25, 1979, 45 FR 1994 (January 9, 1980).

[7] *See* statements of Senator Hollings, 124 Cong. Rec. S. 15440, September 19, 1978 (Daily Ed.); and Senator Cannon, 124 Cong. Rec. S. 15448, September 19, 1978 (Daily Ed.). *See also* H.R. Rep. No. 1178, 95th Cong., 2nd Sess. 2 (1978)

[8] These factors distinguish the relationship between an FM licensee and an SCA lessee on the one hand, from the relationship between a broadcast station and an independent producer or media access center on the other.

Grant Appeals Board of the Public Telecommunications Facilities Program.

William Fishman,

Chairman.

Forrest Chisman,

Member.

Edward Zimmerman,

Member.

[FR Doc. 80-8105 Filed 3-14-80; 8:45 am]

BILLING CODE 3510-60-M

Interagency Task Force on Electronic Funds Transfers

AGENCY: National Telecommunications and Information Administration (NTIA), DOC.

ACTION: Informational notice.

SUMMARY: An interagency Task Force has been convened to prepare an options paper for the President on whether, and to what extent, some electronic funds transfer (EFT) systems should be provided by the Federal Government. Various questions have to date been brought to the attention of the Task Force. These include: market structure and competition; technological considerations; privacy; security; the consumer; and the operational integrity of the payments system.

The Task Force, which met first on September 18, 1979, has the following membership:

National Telecommunications and Information Administration, Chair
Department of the Treasury, Co-Chair
Office of the Comptroller of the Currency
Executive Office of the President
  Council of Economic Advisors
  Council on Wage and Price Stability
  Office of Consumer Affairs
Board of Governors of the Federal Reserve System
Department of Justice
Federal Trade Commission
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
National Credit Union Administration
United States Postal Service (observer)

The Task Force will accept public comment on the issues and data before it. For further information contact: Mr. Richard M. Firestone, Project Manager, Information Policy Division, National Telecommunications and Information Administration, Room 709, 1800 G Street, N.W., Washington, D.C., 20504 (202) 377–1890.

Issued in Washington, D.C., March 6, 1980.

Gregg P. Skall,

Chief Counsel.

[FR Doc. 80-8076 Filed 3-14-80; 8:45 am]

BILLING CODE 3510-60-M

COMMISSION ON CIVIL RIGHTS

Arkansas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 2:00 p.m., on April 19, 1980, at the Sam Peck Hotel, 625 W. Capitol (Old Paris Room), Little Rock, Arkansas 72201.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to discuss the conference to be held on May 10, 1980, on CDBG.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8102 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (CAC) of the Commission will convene at 7:00 p.m. and will end at 10:00 p.m., on April 16, 1980, at the Sonesta Hotel, 5 Constitution Plaza, Harford, Connecticut 06103.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss CDBG Program and introduce new members.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8100 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

Idaho Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Idaho Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 12:00 p.m., on March 29, 1980, at the Rodeway Inn, Room 108, 1115 North Curtis Road, Boise, Idaho 83706.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, room 2852, Seattle, Washington 98174.

The purpose of this meeting is program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 11, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8099 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 5:00 p.m., on April 3, 1980, at the Howard Johnson (North Essex Room) 231 Michigan Avenue, Detroit, Michigan 48226.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is at 9:00 a.m.—Affirmative Action Subcommittee (continue work on project); and at 1:00 p.m.—Education Subcommittee (discuss various issues of education in State.)

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8101 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 8:00 p.m., on April 25, 1980, at the W. O'Brian Federal Building, Clinton Avenue and North Pearl Street, Room 317, Albany, New York.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Eastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is the Section 8 Housing Program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8103 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on EMP Hardening of Aircraft; Change in Meeting Date

The meeting date for the Defense Science Board Task Force on EMP Hardening of Aircraft scheduled for a closed session on March 12–13, 1980 at the Headquarters, Defense Nuclear Agency, Alexandria, Virginia, as published in the **Federal Register** (Vol. 45, No. 40, dated Wednesday, February 27, 1980, FR Doc. 80–6010) has been changed to March 18–19, 1980. In all other respects, the original notice cited above remains the same.

O. J. Williford,

Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 12, 1980.

[FR Doc. 80-8048 Filed 3-14-80; 8:45 am]

BILLING CODE 3810-70-M

Privacy Act of 1974; New System of Records

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of a new record system.

SUMMARY: The Office of the Secretary of Defense publishes a notice of a new record system for public comment under the Privacy Act of 1974.

DATES: This system shall be effective as proposed without further notice on April 16, 1980, unless comments are received on or before April 16, 1980, which would result in a contrary determination.

ADDRESS: Any comments including written data, views or arguments

concerning the proposed notice should be addressed to the system manager identified in the record system.

FOR FURTHER INFORMATION CONTACT: Mr. James S. Nash, Chief, Records Management Division, Rm 5C–315, The Pentagon, Washington, DC 20301, telephone 202–695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense record system notices inventory as prescribed by the Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 552a) have been published in the **Federal Register** as follows: FR Doc. 79–37052 (44 FR 74088) December 17, 1979.

The Office of the Secretary of Defense has submitted a new system report dated February 8, 1980 for this new record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submision of a new system report and in accordance 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 provide 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.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 11, 1980.

DPA DSR.B 11

SYSTEM NAME:

Mandatory Declassification Review Files

SYSTEM LOCATIONS:

Primary system—directorate for Freedom of Information and Security Review, Office of Assistant Secretary of Defense (Public Affairs).

Decentralized segments—Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, the Organization of the Joint Chiefs of Staff, and other activities assigned to the Office of the Secretary of Defense for administrative support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person (or records repository) who makes a request to the Office of the Secretary of Defense or activities assigned to Office of the Secretary of Defense for administrative support for the Mandatory Declassification Review of Records under Executive Order 12065 (Sections 3–5). That aspect of the Executive Order pertaining to the systematic review of classified Defense documents is acted upon by the Records Administrator, Office of the Secretary of Defense, Room 5C315, Pentagon, Washington, D.C. 20301. Overall responsibility for the Department of Defense Information Security Program rests with the Deputy Under Secretary for Policy Review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, firm, address of requester, identification of records requested, dates and summaries of action taken, and documents for establishing collectable fees and processing costs to the Government.

Names, titles, or positions of each person primarily responsible for an initial or final denial on appeal of a request for declassification of a record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12065, "National Security Information", June 28, 1978, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Primary system and decentralized segments are used by officials in the locations described above to: (a) administratively control requests to ensure compliance with Executive Order 12065 and DoD Regulation 5200.1–R, "Information Security Program Regulation", December 1978; and (b) research historical data on release of records so as to facilitate conformity to subsequent actions.

Primary system is used also for developing annual report data required by Executive Order 12065, and other management data such as, but not limited to, number of request; type of category of records requested; average processing time; average cost to requester; percentage of denials and number of denials by exemption; and for computing processing costs to the Government.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic disks, computer paper printouts, index file cards, and paper records in file folders.

RETRIEVABILITY:

Filed by request number and retrieved by name, subject material (including date), request number using conventional indices, referring agency, or any combination of fields.

SAFEGUARDS:

Paper records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties.

Computer access is by verification of identification code; one for search and another for maintenance.

RETENTION AND DISPOSAL:

Files that grant access to records are held in current status for two years after the end of the calendar year in which created, then destroyed.

Files pertaining to denials of requests are destroyed 5 years after final determination. Appeals are retained for 3 years after final determination.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Freedom of Information and Security Review Office, Assistant Secretary of Defense (Public Affairs), Room 2C757, Pentagon, Washington, D.C. 20301, telephone: 202–697–1180.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addessed to the above office and should include full name and address.

Personal visits are restricted to Room 2C757. Individuals should be able to present acceptable identification, that is, driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Requests for Mandatory Declassification Review and subsequent release of records originated from individuals under Executive Order

12065, and subsequent date provided by form and memorandum by officials who hold the requested records, act upon the request, or who are involved in legal action stemming from action taken.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE.

[FR Doc. 80-8135 Filed 3-14-80; 8:45 am]
BILLING CODE 3810-70-M

Defense Science Board Task Force on MX; Meeting

The Defense Science Board Task Force on MX will meet in closed session on April 8-9, 1980 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Task Force on MX has been scheduled for April 8-9, 1980 to critically review current designs, operational modes, alternatives, and cost estimates.

In accordance with 5 U.S.C. App. I section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 12, 1980.

[FR Doc. 80-8049 Filed 3-14-80; 8:45 am]
BILLING CODE 3810-70-M

Defense Science Board Task Force on Particle Beam Technology; Advisory Committee Meeting

The Defense Science Board Task Force on Particle Beam Technology will meet in a closed session on April 8-9, 1980 in The Pentagon, Room 1E801 No. 5, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Defense Science Board Task Force on Particle Beam Technology has been scheduled for April 8-9, 1980 to review all aspects of the Department of Defense particle beam technology program. The Task Force will specifically focus on whether the Department of Defense should pursue development of particle beam technology, and if so, the appropriate program content and level of effort.

In accordance with 5 U.S.C. App. I section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

O. J. Williford,

Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 11, 1980.

[FR Doc. 80-8050 Filed 3-14-80; 8:45 am]
BILLING CODE 3810-70-M

Economic Regulatory Administration

Maurice L. Brown Co.; Proposed Consent Order and Opportunity for Comment

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order.

DATES: January 2, 1980. Comments by April 16, 1980.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On January 2, 1980 the Office of Enforcement of the ERA executed a proposed Consent Order with Maurice L. Brown Company (Brown) of Kansas City, Missouri. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Maurice L. Brown Company, with its home office located in Kansas City, Missouri, is engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Brown, the Office of Enforcement, ERA, and Brown, entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined Brown's books and records and reviewed all pertinent matters relating to Brown's compliance with DOE petroleum price regulations in effect during the period from September 1, 1973 through December 31, 1975. All matters pertaining to compliance with the DOE petroleum price regulations and prices charged by Brown in sales of crude oil during the period September 1, 1973 through December 31, 1975 are resolved by this Consent Order; however, the Office of Enforcement reserves the right to take further remedial action in this case upon discovery of information which is materially inconsistent with the information upon which the agreement by the Office of Enforcement to this Consent Order is based.

2. Brown has refunded the alleged overcharges of $953,162.51 to its various crude oil purchasers.

3. Execution of the Consent Order does not constitute an admission by Brown that it has sold crude petroleum at prices in violation of DOE regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim within 30 days after publication of this notice to Alan L. Wehmeyer, Chief, Crude Products Program Mangement Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106 You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Brown Consent Order." We will consider all comments we receive by April 16, 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 Kansas City, Missouri, on the 22nd day of February, 1980.

William D. Miller,

Manager, Central Enforcement District, Economic Regulatory Administration.

Concurrence: February 22, 1980.

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 80-8043 Filed 3-14-80; 8:45 am]

BILLING CODE 6450-01-M

[6450-01]

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

Proposed Report to Congress on the Classification and Evaluation of Electric Motors and Pumps; Availability of Proposed Report, Request for Public Comments, and Notice of Public Hearings

AGENCY: Department of Energy.

ACTION: Notice of Availability.

SUMMARY: The Department of Energy has prepared a proposed report to Congress concerning the evaluation of electric motors and pumps to detrmine standard classifications with respect to size, function, type of energy used, method of manufacture, or other factors which may be appropriate; and to determine the practicability and effects of requiring all or part of the classes of electric motors and pumps to meet performance standards establishing minimum levels of energy efficiency. Copies of the proposed report are available to interested persons for comment, and public hearings to receive oral comments are scheduled. DOE will consider comments received and make such modifications as appropriate before submitting the final report to Congress on the results of such evaluation, together with any appropriate recommendations for legislation. Extensive public review and comment on the report are encouraged.

DATES: Written comments must be received no later than May 16, 1980. Public hearings to be held on the dates and at the locations as follows:

1. May 1, (2), 1980—Federal Building, Ben Franklin Station, Room 3000A, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461.
2. May 6, 1980—Radisson Chicago Hotel, San Juan Room, 505 No. Michigan Avenue, Chicago, Illinois 60611.
3. May 8, 1980—Hyatt Union Square, Dolores Room, 345 Stockton Street, San Francisco, California 94108.

All hearings are to commence at 9:30 a.m. local time. Requests to speak at any hearing must be received by April 17, 1980. Speakers will be notified by April 23, 1980. Each person selected to be heard must bring twenty-five copies of his or her statement to the hearing locations.

ADDRESSES: Send written comments and requests to speak at the hearings to: Carol Snipes, Office of Hearings and Dockets, Docket Number CAS-RM-79-303, Conservation and Solar Energy, Department of Energy, Room 2221C, 20 Massachusetts Ave., N.W., Washington, D.C. 20585, (202) 376-1651.

Copies of the proposed report are available for inspection at the DOE Freedom of Information Office, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:30 a.m., and 4:00 p.m. Monday through Friday, and at each DOE Regional Office as follows:

Region, Address and Hours

I—Analex Bldg., DOE Library, 150 Causeway Street, Boston, Mass. 02114, (616) 223-5207—8:30 to 5:00
II—Room 3206, 26 Federal Plaza, New York, N.Y. 10007, (212) 264-4836—8:30 to 5:00
III—Room 1011, 1421 Cherry Street, Philadelphia, Pa. 19102, (215) 597-9067—8:00 to 4:30
IV—8th Floor, 1655 Peachtree Street NE, Atlanta, Ga. 30309, (404) 881-2696—8:00 to 4:30
V—Room A-333, 175 West Jackson Blvd., Chicago, Ill. 60604, (312) 886-5170—8:00 to 4:30
VI—Room 280, 2626 West Mockingbird Lane, Dallas, Texas 75235, (214) 767-7701—8:00 to 4:30
VII—324 East 11th Street, Kansas City, Mo. 64106, (816) 374-5182—7:30 to 4:00
VIII—Room 206, 1075 South Yukon St., Lakewood, Colo. 80226, (303) 234-2420—7:30 to 4:00
IX—Third Floor Reading Room, 111 Pine Street, San Francisco, Calif. 94111, (415) 556-0305—7:30 to 3:00
X—Room 1992, 915 Second Avenue, Seattle, Wash. 98174, (206) 442-7303—8:00 to 4:00

Copies of the study will, wherever possible, be made available for duplication after regular business hours. A limited number of copies of the report will be available upon request from the Office of Industrial Programs at: Dee Pollard, Office of Industrial Programs, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252-2384,

FOR FURTHER INFORMATION CONTACT:

Lewis S. Newman, Office of Industrial Programs, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252-2384.

David R. Klimaj, Office of Industrial Programs, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252-2075.

Catherine Edgerton, Office of General Counsel, U.S. Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20585, (202) 376-4617.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Requirement

Section 441 of the National Energy Conservation Policy Act (Pub. L. 95-619) (NECPA), established a new Part C to Title III of the Energy Policy and Conservation Act (Pub. L. 94-163) (EPCA). The purpose of the new Part C, entitled, "Certain Industrial Equipment," is to improve the efficiency of industrial equipment in order to conserve the energy resources of the Nation.

Section 342(a) under Part C directs DOE to evaluate motors and pumps to determine standard classifications with respect to size, function, type of energy used, method of manufacture, or other appropriate factors, and to determine the practicability and effects of requiring all or part of the classes to meet performance standards establishing minimum levels of energy efficiency.

In conducting this evaluation, DOE was required to: (1) Identify significant factors that determine energy efficiency, including hours of operation per year and average power consumption at normal use and at full capacity; (2) estimate current and future equipment population profiles; (3) estimate the potential for improvements in energy efficiency that are both technologically feasible and economically justified; (4) estimate likely increases or decreases in energy efficiency and total energy savings likely to result from implementation of labeling rules and energy efficiency standards; and (5) examine any other appropriate factors. A report on the results of this evaluation, together with any appropriate recommendations for legislation, is to be submitted to Congress. Section 342 directs DOE, before submitting the report to Congress, to make available to interested persons copies of the proposed report, publish notice of availability of such report in the **Federal Register**, and afford interested persons an opportunity for comment. On the basis of comments received, any necessary modifications will be made to the report before its submission to Congress.

B. The Study of Electric Motors and Pumps

The objectives of the study were to identify specific, well-focused classes of standardized electric motors and pumps in significant usage in industry and, subsequently, to determine the extent that efficiency labeling rules and/or energy efficiency standards, for such classes, were both technically feasible and economically attractive to end-users and would result in significant conservation.

The approach of the study was to establish an overall comprehensive understanding of the existing population of electric motors and pumps, and then to focus on areas presenting the most promise for energy conservation. The approach involved identifying all-encompassing population/ consumption matrices for both motors and pumps, based on the best available data. The motor matrix preceded the pump matrix identifications, because there were more extensive data available for motors, and, moreover, most pumps are driven by motors. Once established, these matrices became the foundations for further information gathering and gave overall perspective on existing purchases, populations, usage, energy consumptions, and useful lives. Based on these understandings, the basic issues of economics and policy were identified. The study analyzed and prepared scenarios of possible Government actions such as labeling and standards and examined the consequences and economics of those actions. Finally, recommendations were developed.

C. Recommendation

DOE recommends, with respect to motors, that: (1) test procedures and labeling rules be prescribed under its existing authority; (2) DOE be authorized to prescribe efficiency standards and to collect data to monitor the penetration of energy efficient motors into the market; (3) a system application manual be developed by DOE.

DOE recommends, with respect to pumps, that: (1) existing authorities to prescribe test procedures and labeling rules not be implemented, since complete labels are not generally used in the selection of pumps and most equipment catalogs currently include efficiency data; (2) authority to prescribe efficiency standards not be enacted since standards do not appear to be significantly cost-effective; (3) a system application manual for pumps be developed by DOE.

II. Significant Issues

While comment is generally invited on all aspects of the proposed report on the evaluation of electric motors and pumps and the effects of establishing energy efficiency standards, the attention of the public is particularly directed to the following issues.

A. Recommendations

DOE seeks public comment and data relating to the analyses and findings regarding the possible impacts of mandatory standards and labeling programs for electric motors and labeling for pumps. In particular, the effects of such programs on manufacturers, manufacturing costs, market shares, sales, import/export relationships, program implementation costs, testing and certification, energy savings, and other technical and economic considerations are desired.

DOE's recommendations are based on direct cost, direct benefit analyses. However, indirect costs and benefits were not evaluated during the study. Comments related to the magnitude and impact of indirect costs and benefits to manufacturers, Original Equipment Manufacturers (OEM), distributors, end-users, and the general public are desired. DOE is requesting views and supporting data on how indirect costs and benefits may affect the feasibility of a labeling or standards program and on whether DOE should include indirect costs and benefits in its analysis.

B. Data Validation

DOE also desires comments related to the data presented in the study. In particular, comments on the accuracy of the data with respect to equipment class, use, distribution, energy consumption and economic considerations are invited. Comments are encouraged which take into account more recent information than that used in the study, including recent projections of energy prices by DOE, especially since DOE may use more recent information in preparing its report and recommendations to Congress. The most recent DOE energy price forecasting was contained in DOE's final rule entitled "Federal Energy Management and Planning Programs; Methodology and Procedures for Life Cycle Cost Analyses" (45 FR 5620, January 23, 1980). More recent price projections, including estimates of the premium value of energy savings above marginal price projections, will be completed in the near future so they can be published in the **Federal Register** by March 31, 1980, as a proposed amendment to that rule.

C. Inclusiveness

DOE is interested in any comments on the adequacy of the rationale for focusing the detailed analyses on AC polyphase induction motors of 5.1 to 125 horse-power and on centrifugal pumps. Should other classes of electric motors and pumps be analyzed further? Also, should more attention be given to efficiency-related system considerations other than intrinsic equipment efficiency, such as power factor, speed controllers, and load matching? Is the study's evaluation of these other considerations accurate?

D. Judgment of Numerical Parameters

The study characterizes typical equipment for each class which is used in policy analysis. Public comments relating to these characterizations are desired. Also, is there agreement with basing the evaluation of motor conservation potential on the efficiency of existing energy-efficient motors? Alternatively, should still higher efficiencies be included in the analysis as being economically and technologically attainable in the future? Furthermore, DOE welcomes comments and supporting analyses related to the choice of discount rate, energy cost projections, market penetration of efficient equipment without Federal action, and the estimate of the costs of Federal programs, contained in the study's economic evaluation.

E. Non-Quantitative Judgments

DOE requests comment relating to existing industry standards, test procedures, labeling practices and their use with regard to possible Federal programs. Are there other industry practices which achieve energy conservation in a cost-effective manner and which are relevant to the implementation of Federal programs in this area.

The study recommends the development of a motor application handbook. Views related to its impact, workability, content and usefulness are desired.

Also, is the study's description of criteria used in making purchase decisions valid? What would the effects of the options (labeling, standards) be on buyer behavior?

F. Environmental Considerations

DOE seeks public comment regarding what environmental impact, if any, could result from the proposed labeling and/or standards programs for electric motors and pumps. In particular, comments directed toward the environmental impact of the increased

use of copper, and silicon steel and views concerning the possible generation of ozone from malfunctioning electric motors are desired.

IV. Opportunities for Public Comment

A. Written Comment Procedures

Interested persons are invited to participate in the development of the report to Congress on the classification and evaluation of electric motors and pumps by submitting data, views or arguments to the address noted at the beginning of this preamble.

Comments should be identified on the envelope and on enclosed documents with the designation "Electric Motors and Pumps, Docket No. CAS–RM–79–303." Twenty-five copies should be submitted. All comments received by (insert date 60 days from date of publication in **Federal Register**), and all other relevant information, will be considered by DOE in developing the final report for submission to Congress.

Pursuant to the provisions of 10 CFR 1004.11 (44 FR 1980, January 8, 1979), any person submitting information which he or she believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy, and twenty-five copies from which information claimed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

B. Public Hearings

The hearings will be held at 9:30 a.m. local time at the locations and on the dates noted at the beginning of this preamble.

Any person who has an interest in these proceedings or who is a representative of a group of persons that has an interest in these proceedings may make a written request for an opportunity to make an oral presentation. All such requests should be directed to DOE at the address given at the beginning of this preamble, and must be received by April 17, 1980. A request may be hand delivered between the hours of 8:30 a.m., and 5-00 p.m., Monday through Friday. Requests should be marked, as for written comments, with the additional notation, "Request to Speak."

The person making the request should briefly describe the interest concerned, and, if appropriate, state why she or he is a proper representative of a group of persons that has such an interest, and give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted. Each person selected to be heard will be notified by DOE before April 23, 1980. Each person selected to be heard must bring twenty-five copies of his or her statement to the hearing location. In the event any person wishing to testify cannot provide twenty-five copies, alternate arrangements can be made in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling Carol Snipes at (202) 376–1651.

C. Conduct of Hearings

DOE reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at each hearing. These will not be judicial or evidentiary type hearings. Questions may be asked of speakers only by those conducting a hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements at each hearing, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make an rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person making an oral statement, or in attendance at the hearing, who wishes to ask a question of a speaker may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of each hearing will be announced by the presiding officer.

A transcript of each hearing will be made and the entire record of each hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. Any person may purchase a copy of a transcript from the reporter.

Issued in Washington, D.C., March 11, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80–8095 Filed 3–14–80; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

Parker-Davis Project (PDP); Proposed Order Confirming, Approving, and Placing Increased Power and Transmiision Rates in Effect on an Interim Basis

March 10, 1980.

AGENCY: Western Area Power Administration (Western), Department of Energy.

ACTION: Notice of a Proposed Rate Order and Opportunity for Public Comment—Parker-Davis Project.

SUMMARY: Notice is given of a proposed Rate Order No. WAPA–3 of the Assistant Secretary for Resource Applications placing increased power and transmission rates into effect on an interim basis for power marketed and transmitted by Western's Parker-Davis Project, Arizona, California, and Nevada.

The rate adjustment would increase annual revenues about $2.3 million to meet cost recovery criteria.

All Parker-Davis Project wholesale firm power customers would have a single rate increase of 24 percent consisting of a capacity charge of $1.82/kW/mo and an energy charge of 4.15 mills/kWh resulting in a composite rate of 8.3 mills/kWh. All firm transmission service contracts that permit periodic rate adjustment would be increased from $5.30/kW/yr to $6.80/kW/yr. Additionally, a $3.67/kW/season transmission service charge for transmission service would be initially implemented for those Colorado River Storage Project wholesale firm power customers utilizing the Parker-Davis Project system for delivery of CRSP energy. Also, rates for nonfirm transmission service would be increased from 1.0 mill/kWh to 1.3 mills/kWh, an increase of 30 percent.

This proposed rate order also contains statements and discussion of the principal factors leading to the decision on the proposed rate increase, and explanations and responses to the comments, criticisms and alternatives offered during the rate increase proceedings.

An opportunity for an oral presentation of views, data and arguments will be afforded interested persons upon request.

DATES: Interested persons will be given until April 16, 1980 to submit comments in writing to the Assistant Secretary on the proposed decision. Requests for an oral presentation must be received by April 1, 1980.

EFFECTIVE DATE: The rate adjustments and new rate would be effective the first day of the first full billing period beginning on or after June 16, 1980.

ADDRESSES: All written comments (three copies required) and requests for oral presentation should be submitted to: Dr. Ruth M. Davis, Assistant Secretary for Resource Applications, Office of Power Marketing Coordination, Department of Energy, Room 3349, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–8338.

Three copies of the written comments should also be sent to:

Mr. Robert L. McPhail, Administrator, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colorado 80401.

Mr. Robert A. Olson, Area Manager, Boulder City Area, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, Nevada 89005.

The oral hearing, if scheduled, would be held in Phoenix, Arizona, and would be announced in a future **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert A. Olson, Area Manager, Boulder City Area, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, Nevada 89005, (702) 293–8475.

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colorado 80401, (303) 231–1535.

Mr. James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, Room 3349, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633–8338.

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis.

Rate adjustments on the Parker-Davis Project are being conducted consistent with procedural rules applicable to Western. Final Procedures for Public Participation in General Adjustments were published in the **Federal Register** on March 23, 1978 (43 FR 12076), April 5, 1978 (43 FR 14359), and February 7, 1979 (44 FR 7796).

Proceedings on the proposed rates were initiated on June 14, 1979, with an announcement published in the **Federal Register**, 44 FR 34192 (June 14, 1979), stating that a tentative power rate adjustment was being considered. A public information forum was held on July 9, 1979, with a public comment forum following on August 31, 1979.

Subsequent to the above-mentioned 30-day comment period and after consideration of comments received, the Assistant Secretary for Resource Applications will issue a rate order confirming and approving rates to be placed in effect on an interim basis and promptly submit such rates to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Issued in Washington, D.C., March 10, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

Proposed Rate Order

Pursuant to Section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372 *et seq.*, as amended and supplemented by subsequent enactments, particularly by Section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 485h(c), and acts specifically applicable to the Parker-Davis Project, for the Water and Power Resources Service (formerly the Bureau of Reclamation) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary and the rate adjustment procedures at 43 FR 12076 (March 23, 1978), as amended by 44 FR 7796 (February 7, 1979).

Background

Public Notice and Comment. On June 14, 1979, the Western Area Power Administration (Western) announced a tentative rate adjustment for Parker-Davis Project power marketed by Western (44 FR 34192). Interested persons were invited to participate in public forums and to submit written comments relative to the proposed rate adjustment. A public information forum was held in Las Vegas, Nevada, on July 9, 1979. The Boulder City Area Manager presented an overview of the project rate history, costs, and projected revenues and costs throughout the remainder of the repayment period. A question and answer session followed, after which the meeting was concluded.

A public comment forum was held in Phoenix, Arizona, on August 31, 1979. Oral presentations were made by seven customer representatives, and one written comment was received.

Existing Rates. The wholesale firm power service rate subject to this order supersedes Rate Schedule LC–F2 ($1.39/kW/mo and 3.5 mills/kWh), for wholesale firm power service from the Parker-Davis Project. The existing rate was approved by the Secretary of the Interior, effective on the first day of the first full billing period beginning on or after June 1, 1977.

The existing firm transmission service charge for the use of the Parker-Davis Project transmission system except for the transmission of Colorado River Storage Project (CRSP) power, was initially implemented by contract at $5.30/kW/yr on March 1, 1976. There has been no transmission service charge for CRSP electric service customers utilizing the Parker-Davis Project transmission system for the transmission of CRSP power. The existing rate for nonfirm transmission service is 1.0 mill per kilowatt hour.

Project History. The Parker Dam Power Project was authorized by Section 2 of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1039), and the Davis Dam Project was authorized April 26, 1941, by the Acting Secretary of the Interior under provisions of the Reclamation Project Act of 1939 (43 U.S.C. 485 *et seq.*) The Parker-Davis Project was formed by the consolidation of the two projects under the terms of the Act of May 28, 1954 (68 Stat. 143).

Parker Dam, which creates the Lake Havasu reservoir, is located on the Colorado River between Arizona and California, 155 miles downstream from Hoover Dam. The dam was constructed by the Bureau of Reclamation, partially with funds advanced by the Metropolitan Water District of Southern California. Under contract, the Metropolitan Water District is entitled to one-half of the net energy generated. Davis Dam, which creates the Lake Mohave reservoir, is located on the Colorado River between Arizona and Nevada, 67 miles downstream from Hoover Dam. The Parker-Davis Project

is operated in conjunction with other hydroelectric installations in the Colorado River Basin.

Construction of Parker Dam was authorized for the purpose of controlling floods, improving navigation, regulating the flow of the streams of the United States, providing for storage and for the delivery of the stored waters thereof, for the reclamation of public lands and Indian reservations, and other beneficial uses, and for the generation of electric energy as a means of financially aiding and assisting such undertakings.

Davis Dam was constructed to provide reregulation of the fluctuating water releases from Lake Mead at Hoover Dam, from hourly to seasonal, to facilitate water delivery for downstream irrigation requirements, for delivery of water beyond the boundary of the United States as required by the Mexican Water Treaty, and for the generation of electric energy as a means of financially aiding and assisting such undertakings.

A total of 254,000 kilowatts is available from the Parker-Davis Project in the summer season, and 186,000 kilowatts in the winter season. Average annual generation is 1.2 billion kilowatthours. Transmission system capacity commitments were 933,625 kilowatts in FY 1977.

Discussion

Power Repayment Study. The current power repayment study for fiscal year 1977 indicates that the existing power rates are inadequate, based on January 1977 price levels, to pay the costs allocated and assigned to the power function within allowable time periods. Such inadequate revenues would result in a deficit which would be due primarily to higher operation, maintenance, and replacement costs as well as higher interest rates charged against the unamortized portion of new additions and replacement investment.

A revised power repayment study was conducted which indicated the average annual revenue would have to be increased about $2.3 million to meet cost recovery criteria. New firm power rates and transmission charges were developed to generate the revenue required by the revised power repayment study.

Rate Design and Rates. A capacity and energy rate study and a transmission service charge study were made to assist in designing rates.

Estimated future power costs were examined to determine an appropriate apportionment between capacity and energy components. Analyses of future costs indicated it would be equitable and reasonable to split power production costs evenly between the capacity and energy components.

The annual charge for use of the Parker-Davis transmission system was developed based on annual transmission costs and capacity commitments for FY 1977. Of the total assumed transmission commitments of 613 MW in 1982 excluding Colorado River Storage Project, the new transmission rate of $6.80/kW/yr would be applicable to 171 MW. The existing transmission rate of $5.30/kW/yr cannot be changed at this time on some existing firm transmission contracts. The new seasonal charge of $3.67/kW/season for the transmission of CRSP power was developed based on proportionate usage of the Parker-Davis transmission facilities. Nonfirm transmission service is, by its nature, intermittent and therefore was not considered to be a significant factor in rate setting and in the rate design. Revenues from project use and Government camps represent about 6 percent of total power revenues. The rates for power for project use and for Government camps are not affected by this order.

The results of a revised power repayment study and subsequent rate design indicated that an average composite yield of 8.3 mills/kWhr, or a capacity component of $1.82/kW/mo and an energy component of 4.15 mills/kWhr, for all wholesale firm power customers, would satisfy the repayment criteria. Over 60 percent of project power revenues would be received from firm power sales.

The transmission charges provide for: an increase of firm transmission service charge, as permitted under existing contracts, to $6.80/kW/yr for the use of the Parker-Davis Project transmission system for firm transmission other than for Colorado River Storage Project power as permitted under existing contracts; implementation of a transmission charge of $3.67/kW/season for the Colorado River Storage Project, Southern Division, contractors using the Parker-Davis Project transmission system for the transmission of Colorado River Storage Project power; and establishment, by rate schedule, of an increase to a 1.3 mills/kWh charge for nonfirm transmission service.

Surplus Energy Revenues. A number of the customers presented comments regarding the alleged failure of Western to consider the probability of surplus water releases previously forecasted by the Water and Power Resources Service which might result in surplus energy generation through Davis and Parker Powerplants. The customers contended that there is a high probability of surplus energy becoming available for sale during the time frame 1981 through 1985. It was indicated that surplus energy sales would result in added revenues available for the project and thus eliminate the need for a power rate adjustment at this time or at least reduce the proposed rate adjustment.

Further, the Department of the Interior's Manual 730.4.7E (adopted by Department of Energy's Order RA 6120.2 dated September 20, 1979) was cited by the customers as the authority for Western to consider potential surplus revenues derived from anticipated higher than normal streamflows on the Colorado River. One customer stated that Western had acted contrary to the manual while another commented that Western chose to disregard the instructions.

It is noted that DM 730.4.7E and Department of Energy's Order RA 6120.2.10(e)(4), state, "Power quantities used for estimating revenues, unless defined by contract, are determined by the theoretical *reservoir operation studies* based on historical streamflows. In preparing these operational studies, hydrological data, current to within 5 years if possible, and available engineering data will be used, recognizing restrictions imposed by other project functions. Input data will be revised and updated whenever new information indicates that a significant change in the forecast can be expected in the future where there is a significant variance between the forecasted and actual results, but in any event not less frequently than once every 5 years unless an accepted explanation is provided concerning why this is not necessary." (Emphasis added.)

A reservoir operation study is a quantitative hydrology study which indicates the number of acre-feet of water which would be released and the number of kilowatthours which would be generated under a variety of water conditions, such as upper quartile, average, lower quartile, and adverse. Forecasts of energy sales and revenues are based on average water conditions.

The Water and Power Resources Service forecast relied on by the customers is a study of the probability of water releases for the purpose of flood control covering a relatively short time of the power repayment period. The study is not a reservoir operation study and does not indicate how much water will be released or the resultant energy that could be generated. A probability study simply indicates the likelihood of occurrence of a specific event; in this case, the likelihood that surplus water releases for flood control will occur in the 1981–1985 time frame. This

likelihood, whether a surplus or a deficit, does not invalidate the use of average water conditions for forecasting energy sales and revenue as discussed above.

The repayment study does not show future costs for purchased power to meet contract commitments in low water years because the assumption is made that revenues from surplus energy sales would offset such costs. This assumption is favorable to the power customers. Consistent with this assumption, it would not be proper to make the further assumption that the possibility of surplus releases during the 1981–1985 period will become a reality. If such surplus releases do occur, the resulting sales and revenues as reflected in historical accounts, will tend to reduce future rate increases that might be required.

Replacements. The customers commented on the method of forecasting replacement costs indicating that these costs may not be accurately projected and integrated into the repayment study. One commentator felt the power repayment study may be overstating the funds estimated for facilities replacement. The customers also were concerned that the 1968 Replacement Service Life Report used as a basis for forecasting future replacement cost may be outdated and in need of review.

The method of estimating future replacement costs in the repayment study was accomplished by a computer model developed by the Water and Power Resources Service. This computer model utilizes estimated service life values to calculate future replacements of plant investments. It should be noted that for the 5 succeeding years following the current study year, budget estimates are utilized for replacement costs. For the period following the 5 years, the computer model is employed to forecast future year replacement costs.

The 1968 Replacement Service Life Report is the basis for the service lives utilized by the replacement computer program to project future replacement costs appearing in the power repayment study. The customers believe that some of the estimated service lives are unrealistic. Western acknowledged that the study is 10 years old and may require review. Therefore, correspondence with the Water and Power Resources Service was initiated suggesting a joint review of the service life report. It has been generally agreed that the review will require 18–24 months to complete. The customers have expressed a desire to be involved in this review and it is Western's intent to seek customer involvement. Appropriate notification will be given the customers as the review progresses. Any new service life study or revisions to the 1968 study will be reflected, when available, in future power repayment studies.

CRSP Transmission Charge. The question of the implementation of a transmission charge for delivery of CRSP power over the Parker-Davis system was presented by a number of customers. The comment made by three of the customers concerned the basis for the transmission charge to be levied by the Parker-Davis Project.

The General Marketing Criteria for Colorado River Storage Project published in the **Federal Register** on February 9, 1978 (43 FR 5559), specifically referred to transmission charges by other Federal projects. On page 5564 of the **Federal Register** notice, first column, paragraph D states: "WAPA will transmit CRSP power to customers over existing transmission systems of other projects to the extent that capacity is determined to be available. Capacity in these other project transmission systems to the extent possible will be available for the term of the CRSP contracts involved. No additional charges will be imposed unless additional substation or switching station capacity is required or where utilization of another project's system would delay project repayment beyond the point in time which would otherwise be the case. *At some future date, the Secretary may charge for transmission service for delivery of CRSP power over other Federal Systems such as the Parker-Davis and Pick-Sloan Missouri Projects.* The customer will pay for such service at a rate determined by the Secretary which may be assessed as early as 1978 but shall not be later than the termination date of the customer's existing power sales contracts as they may be amended, or in any event, by October 1, 1989." (Emphasis added.)

We believe it is proper to charge those contractors/customers in the Southern Division of the Colorado River Storage Project for transmission of CRSP energy over the Parker-Davis system. Those receiving the benefits of the service should defray the costs of service. It would not be equitable for those CRSP contractors utilizing the Parker-Davis system to continue receiving transmission service for their CRSP entitlement at no cost, at the expense of the other users of the Parker-Davis system.

One customer objected to the proposed transmission charge for wheeling CRSP power over the Parker-Davis system on the basis that it is not properly chargeable to individual customers but should be charged to the CRSP itself.

This question arose once before during the development of the revised CRSP "General Power Marketing Criteria" in 1976. The coordinating committee, which was comprised of representatives of the Water and Power Resources Service and of all CRSP customers, recommended the adoption of Section 10D of those criteria, which is quoted above. The coordinating committee recommended and DOE adopted these provisions on the basis of their being the most equitable solution to the problem of transmission costs for the delivery of CRSP power over other Federal systems.

Transmission Costs. One customer was in agreement with the concept that all users of the transmission system should bear the cost of the system. However, it was believed that all contractors/customers should participate proportionately with their usage. The customer expressed concern that "presently unrecovered costs" (due to some contractors not being subject to the increase at this time) should not be recouped in the future from contractors who are subject to the increase at this time, and that at the earliest possible date the impediments, not required by statute, which prevent application of increases to all transmission contractors should be removed.

There are contractual restraints in a few contracts that do not allow for a transmission rate adjustment at this time. Two of these contracts expire in 1987. The rates in these contracts will be adjusted at the earliest opportunity.

One representative pointed out differences between its actual transmission costs compared to those forecast in the brochure which suggested that the amount of the rate increase needed was overstated.

The differences stem from the estimate of future load based on contracts in effect in FY 1977. Since the repayment study was prepared, there have been numerous contract revisions and these will be reflected in future power repayment studies.

Future Transmission Capacity Commitments. It was indicated by one customer that Western's power repayment study excludes any growth in transmission capacity commitments through 1982 and therefore is unrealistic in view of growth of electric requirements. Further, because transmission capacity commitments for 1982 are claimed to be understated, the customer indicated that the projected revenues are also understated and the amount of the increase is overstated.

In estimating future revenues, Western's study was based on contractual commitments as of July 1977 or the best information available at the time of the study. To the extent any estimates of revenues (or costs) ultimately prove to be inaccurate, corrections will be made in future power repayment studies.

Leavitt Act. The Ak-Chin Indian Community argued that it was entitled to equitable relief from the new transmission charge for the delivery of CRSP power under the first provision of the Leavitt Act which authorizes and directs the Secretary of the Interior ". . . to adjust or eliminate reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians in such a way as shall be equitable and just in consideration of all the circumstances under which such charges were made: . . . ." (Act of July 1, 1932, 47 Stat. 564, 25 U.S.C. 386a.)

This portion of the Leavitt Act authorized the Secretary of the Interior to grant relief on a project-by-project basis from then existing obligations under the Indian Appropriations Act for Fiscal Year 1915 (Act of August 1, 1914, 38 Stat. 582, 583) to reimburse the Government for expenditures made for Indian irrigation projects. Neither it nor the first proviso, which defers construction costs assessed "against Indian owned lands within any Government irrigation project," applies to reclamation projects. Solicitor Finney Opinion, 54 I.D. 90 (1932). Also, both portions of the act, which derived from separate bills, provide relief only from irrigation costs and do not apply to power costs. Consequently, the Leavitt Act does not afford a basis for the requested relief.

Authority of Assistant Secretary for Resource Applications. One commentator disagreed that the Assistant Secretary for Resource Applications has the authority to set rates on a provisional basis, after which they are submitted to the Federal Energy Regulatory Commission for approval on a final basis.

My authority to confirm, approve and place rates in effect on an interim basis for the Parker-Davis Project stems from Delegation Order 0204–33, as explained in the first paragraph of this order. The legal issues raised by the comment are answered by the opinion of the General Counsel of the Department of Energy issued October 14, 1978, discussing a draft of the delegation order. In that opinion the General Counsel pointed out that the authority to establish rates on an interim basis "is a necessary corollary of, and inherent in, the basic authority to set rates."

Lower Colorado River Basin Development Fund. A written statement filed on behalf of the Central Arizona Water Conservation District and the State of Arizona asserted that the Colorado River Basin Project Act of 1968 (Public Law 90–537, 43 U.S.C. 1501 *et seq.*) makes it necessary to set power rates for the Parker-Davis Project at a level which will assure project payout no later than the year 2005. Thereafter, rates should be at a level that would provide surplus revenues which, along with surplus revenues from the Boulder Canyon Project and the Pacific Northwest-Pacific Southwest Intertie Project in Nevada and Arizona, would provide at least 24 percent of the reimbursable costs of the Central Arizona Project.

Section 403(c)(2) of the Colorado River Basin Project Act (43 U.S.C. 1543(c)(2)) provides that there shall be credited to the Lower Colorado River Basin Development Fund ". . . any Federal revenues from the Boulder Canyon and Parker-Davis Projects which, after completion of repayment requirements of the said Boulder Canyon and Parker-Davis Projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects. . . ." Other provisions of the Act deal with the application and distribution of these funds.

The legislative history of the Act shows that Congress anticipated that the original investment in the Parker-Davis Project would be essentially paid off in the year 2005, after which surplus revenues would be available. The revised power repayment study shows that the payout target will be met, but the determination of a surplus is complicated by the unforeseen rise in the cost of additions and replacements and the interest charges thereon. The decision to implement some form of contribution from the Parker-Davis Project to the Lower Colorado River Basin Development Fund will need to be made at a later date to satisfy the original intent of Congress.

Environmental Assessment. One customer representative objected to the fact that an environmental assessment was not included with the preliminary rate proposal.

A study of the environmental and economic impacts of the proposed rate increase has been accomplished concurrent with the power repayment study. This study, called an environmental review, is designed to determine the extent of environmental impacts that can be expected from the rate adjustment. Study results indicate that the proposed rate increase will not significantly affect air or water quality, recreation resources, fish and wildlife, or any physical operation criteria of the Colorado River or related power production facilities.

It is clear that the proposed rate increase are not major Federal actions significantly affecting the quality of the human environment, within the meaning of NEPA, and that no environmental impact statement or environmental assessment is required.

Public Utility Regulatory Policies Act 1978. Comments were made by numerous customer representatives regarding the applicability of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 *et seq.* (PURPA) to the Parker-Davis rate adjustment proceedings.

The PURPA Standards are not currently applicable to the rate adjustment proceedings because Parker-Davis did not have sales not for resale in excess of 500 million kilowatthours. However, some of the analyses suggested by the PURPA Standards may be included in the development of future proposed rates.

Suspend Proceedings. A request was made to the Administrator, by one representative, to suspend the rate proceedings because of a number of legal, procedural, and information deficiencies.

We are not aware of any valid basis that would justify suspending these proceedings.

Availability of Information. Information regarding this rate adjustment, including studies, comments, transcripts and other supporting material, is available for public review in the Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, Nevada 89005; Office of the Administrator, Western Area Power Administration, P.O. Box 3402, Golden, Colorado 80401; and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission. The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Price Stability. Western is a "government enterprise" within the meaning of the price standards of the President's Council on Wage and Price Stability. The rate increase approved herein complies with the operating

margin limitation of these standards because the revenues will be only those necessary to repay Parker-Davis Project costs and expenses.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective June 16, 1980, Rate Schedules PD–F1, PD–T1, PD–T2, and PD–T3 for wholesale power and transmission service. These rates shall remain in effect on an interim basis for a period of 12 months unless such period is extended, or until the FERC confirms and approves these or substitute rates on a final basis, whichever occurs first.

[Schedule PD–F1 (Replaces LC–F2)]

Parker-Davis Project, Arizona-California-Nevada

Schedule of Rates for Wholesale Firm Power Service

Effective: The first day of the first full billing period beginning on or after June 16, 1980.

Available: In the area served by the Parker-Davis Project.

Applicable: To wholesale power customers for general electric service supplied through one meter at one point of delivery.

Character and Conditions of Service: Three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified by the service contract.

Monthly Rate: Capacity Charge: $1.82 per kilowatt of billing demand.

Energy Charge: 4.15 mills per kilowatthour for each kilowatthour scheduled and/or delivered, not to exceed the delivery obligation under the electric service contract.

Billing Demand: The billing demand will be the greater of (1) the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Billing for Unauthorized Overruns: For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual firm power and/or energy obligations, such overrun shall be billed at ten (10) times the above rates.

Adjustments:

For Transformer Losses: If delivery is made at transmission voltage but metered on the low-voltage side of the transformer, the meter readings will be increased two (2) percent to compensate for transformer losses.

For Power Factor: None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

[Schedule PD–T1]

Parker-Davis Project, Arizona-California-Nevada

Schedule of Rates for Firm Transmission Service

Effective: The first day of the first full billing period beginning on or after June 16, 1980.

Available: In the area served by the Parker-Davis Project.

Applicable: To firm transmission service customers where power and energy are supplied to the Parker-Davis system at points of interconnection with other systems and transmitted and delivered, less losses, to points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service: Transmission service for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate: Transmission Service Charge: $6.80 per kilowatt per year for each kilowatt contracted for at the point of delivery as specified in the service contract; payable monthly at the rate of $0.567 per kilowatt.

Adjustments:

For Reactive Power: None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and contracting officer or their authorized representatives.

For Losses: Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[Schedule PD–T2]

Parker-Davis Project, Arizona-California-Nevada

Schedule of Rates for Transmission Service of Colorado River Storage Project (CRSP) Power and Energy

Effective: The first day of the first full billing period beginning on or after June 16, 1980.

Available: In the area served by the Parker-Davis Project.

Applicable: To Colorado River Storage Project (CRSP) Southern Division customers where such power and energy are supplied to the Parker-Davis system by CRSP at points of interconnection with the CRSP system for transmission and delivery, less losses, to Southern Division customers at points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service: Transmission capacity for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate: Transmission Service Charge: $3.67 per kilowatt of the maximum allowable rate of delivery made available at each point of delivery during each season as specified in the service contract; payable monthly at the rate of $0.612 per kilowatt.

Adjustments:

For Reactive Power: None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and contracting officer or their authorized representatives.

For Losses: Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[Schedule PD–T3]

Parker-Davis Project, Arizona-California-Nevada

Schedule of Rates for Nonfirm Transmission Service

Effective: The first day of the first full billing period beginning on or after June 16, 1980.

Available: In the area served by the Parker-Davis Project.

Applicable: To nonfirm transmission service customers where power and energy are supplied to the Parker-Davis system at points of interconnection with the other systems and transmitted and delivered subject to the availability of transmission capacity, less losses, to points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service: Transmission service on an intermittent basis for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate: Transmission Service Charge: 1.3 mills per kilowatthour for each kilowatthour scheduled; payable monthly.

Adjustments:

For Reactive Power: None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be

mutually agreed upon by Contractor and contracting officer or their authorized representatives.

For Losses: Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[FR Doc. 80-8044 Filed 3-14-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 80-94; CC Docket No. 80-89 File No. 291-CSG-P-78]

Communications Satellite Corp., et al.; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: February 28, 1980.

Released: March 14, 1980.

In the Matter of the Application of Communications Satellite Corporation, American Telephone and Telegraph Company, ITT World Communications, Inc., RCA Global Communications, Inc., Western Union International Inc., for authority to construct 14/11 GHz communications satellite earth station facilities in the vicinity of Etam and Lenox, West Virginia, and a terrestrial interconnecting link via Laurel Mountain, for operation with communications satellite systems.

By the Commission: Commissioner Lee absent; Commissioner Washburn issuing a separate statement.

1. The Commission has under consideration the above-captioned application, as amended, filed by the Communications Satellite Corporation (Comsat).[1] Comsat seeks authority to construct a 14/11 GHz diversity earth station at Lenox, West Virginia and the Diversity Interconnect Link (DIL) between the Lenox facility and the primary facility at Etam, West Virginia which has already been constructed pursuant to Commission authorization.

Background

2. This application proposes an expansion of the Intelsat earth station complex located at Etam, West Virginia. The proposed facilities will be used for communications with the latest series of Intelsat satellites, Intelsat V. The application was partially granted in *Communications Satellite Corporation et al.*, 69 FCC 2d 1540 (1978), where we found a clear need for the primary 14/11 GHz facility at Etam but could not make a similar finding with regard to the need for a diversity antenna at Lenox. In its initial application, Comsat argued that space-diversity earth station facilities were required for operation in the 14/11 GHz bands to overcome degradation to communications link performance which occurs during heavy rains. Comsat submitted a technical analysis which, it argued, demonstrated that degradation in excess of Intelsat V standards would occur at the Etam facility. Since no measured data was available, Comsat based its analysis on numerous assumptions focusing on the worst case. It asserted that the public interest in reliable communications required construction of the diversity facility.

3. We were not convinced by the presentation. We rejected Comsat's analysis because the extreme pessimism built into its assumptions detracted from the accuracy of the predictions. For example, Comsat assumed that during heavy rain periods, two of the larger degradation sources, internetwork and terrestrial emissions would enter the Etam facility totally unattenuated.[2] While we agreed that these emissions present interference problems, we found it highly unlikely that the emissions would be unattenuated. We corrected the predicted degradation time accordingly and found that the number of minutes per year when the amount of circuit noise could be expected to exceed a specified level was greatly reduced.[3] In addition, we noted that the degree of unreliability which Comsat alleged was exaggerated because it assumed that noisy circuits were unusable, when in fact a degraded circuit becomes noisy, but not necessarily unusable. Moreover, we pointed out that the predicted hours when heavy rains might occur were not peak calling hours, thus reducing the actual amount of traffic that would suffer degradation.

4. For these reasons, we did not reach any conclusion concerning the need for a diversity antenna. We stated: "[b]efore we decide whether the increased service available from a space-diversity facility warrants the substantial investment, we need either actual measured performance data from Comsat or a technical analysis using more realistic assumptions" 69 FCC 2d at 1549. We thus deferred action on the Lenox facility until Comsat supported the application with "actual measurements of communications performance or, if assumed values are used, with a persuasive showing using realistic assumptions." Id. Comsat now amends its application in an attempt to provide the requested showing. No comments on the amendment were received.

The Amendment

5. Comsat's amendment reasserts and emphasizes its position that the antenna at the Etam site will not meet Intelsat V standards and, therefore, a diversity facility is needed. Comsat states that, in its judgement, it would be unwise to delay construction at the diversity site while waiting for measured data because it does not wish to risk overall reliability at the Etam complex. Therefore, Comsat now attempts to quantify the public benefit which it believes will accrue when the diversity antenna is installed. Using "more realistic" data, Comsat calculates the number of minutes of outage which may be expected per year if a single facility is used, and compares that number to the Intelsat V standard.[4] The difference, presumably, is the public benefit.

6. Comsat presents four new pieces of information to support its position: (1) one year of measured radiometer data at the Etam site; (2) one year of satellite beacon measurements taken by AT&T at Crawford Hill, New Jersey, with the 11.7 GHz beacon on the Communications Technology Satellite; [5] (3) AT&T study of estimated outage time at the Etam site for 11 GHz operation without diversity; and (4) estimates of projected usage of this facility in its first two years of operation, which nearly double the earlier projections. Comsat also updates its cost estimates for the construction of these diversity facilities and states that the proposed investment

[1] Comsat filed the application as manager on behalf of the joint owners of the Etam, West Virginia earth station complex. The ownership of Intelsat earth stations in the contiguous states is apportioned as follows: Comsat 50%, AT&T 28.5%, ITIW 7%, RCAG 10.5% and WUI 4.0%, Ownership and Operation of Earth Stations, 5 FCC 2d 812 (1966).

[2] Internetwork interference is caused by other satellite systems sharing the same frequency band as the Intelsat V system where the interference enters the intended communications link via a direct propagation path, i.e. essentially the same path as the intended signal. Terrestial interference is caused by terrestial microwave systems that share the 11 GHz band. Terrestial interference signals potentially enter the intended communications link via both direct and reflected paths.

[3] Even our corrected projections did not meet the most conservative of Intelsat's performance criteria. However, we noted that the Intelsat V standard is not mandatory, but merely a guideline for standard facilities. The U.S. has no legal obligation to meet every Intelsat technical standard.

[4] It should be noted that the Intelsat V performance criteria consist of three technical performance specifications, two of which are satisfied by the single Etam facility. It is only the third and most stringent performance criterion which is at issue here.

[5] This data has been adjusted to reflect the different elevation angle and height of ground level at Etam, West Virginia.

now amounts to about $10 million for the Lenox and DIL facilities.[6]

7. The Comsat amendment also argues that our analysis in the deferral order was faulty. It asserts that the Intelsat outage standard is not merely a guideline, as we suggested, but a clear international criterion which it feels obliged to meet. Comsat then implies that a standard of 10dB carrier-to-noise ratio (C/N) for no more than 0.02% of the time in any given year (the Intelsat V criterion) is the correct measuring standard, not the 50,000 pWOp figure used in our order.[7] In addition, Comsat states that its year of measured radiometer data shows there is no set time of day when heavy rains are likely to occur at Etam. This means, according to Comsat, that one may not predict that degradation will occur mainly during non-peak traffic hours. Finally, Comsat contends our Order seemed to conclude that, since only light traffic would be placed on Intelsat V, performance standards could be relaxed. Comsat states that this is no longer a viable notion since its revised loading information shows that the traffic on Intelsat V will be quite heavy. For the reasons given below, we do not believe any of these points are of decisional significance.

8. In addition to its earlier arguments, Comsat submits two new justifications for the diversity antenna. First, it asserts that the facility would provide redundancy for the system, and thus a quick restoral capability in the event of equipment failure, as well as an immediate restoral capability in case some catastrophic occurence affects the Etam 14/11 GHz antenna system.[8] Second, Comsat draws support for its plan from AT&T which argues that outage at the 14/11 GHz facility could restrict service in some eastern European and African countries and cause network congestion.

Discussion

A. Regulatory Purpose

9. For a rate base-regulated carrier with little or no effective competition, the cost of a new facility, such as the one proposed in this application, is added to the carriers's rate base and must be supported by higher revenues. If the facility does not generate new business or improve efficiency, its revenue requirement must be borne by consumers in the form of higher rates than they would ordinarily pay. Our function, as a regulatory agency in such instances, is to guard against unnecessary expenditures by the carrier so that the public may enjoy quality communications service at lower rates. Congress specifically directed us to consider international satellite facility investments in the Communications Satellite Act of 1962 where we were instructed to "insure that no substantial additions are made by the corporation or carriers with respect to facilities of the system or satellite terminal stations unless such additions are required by the public interest, convenience and necessity." 47 U.S.C. § 721(c)(9). When this provision was presented to the Congress, it was described as a supplement to Section 214(a) of the Communications Act of 1934 which would enable the FCC to oversee "proper development of space communications in a manner consistent with national policy [by placing the Commission] in a position to closely scrutinize and control proposed additions to facilities if they are of a substantial nature." 108 Cong. Rec. 9874 (1962). More generally, the Communications Act of 1934 directs us to see that the common carrier facilities investments of rate base-regulated carriers are required by the public convenience and necessity. 47 U.S.C. § 214.

10. In light of the above, we believe we have a duty to determine whether the proposed investment for a diversity facility and interconnecting microwave link will result in benefits to the public and if so, whether that benefit is so substantial that we may conclude that the public interest requires the investment. We believe that this decision must be based on an evaluation of costs (both monetary and radio spectrum utilization) vis a vis quantifiable benefits to the public (service quality and reliability).

11. We are unable to conclude that construction of the diversity facility will serve the public interest on the basis of the facts before us. For the purposes of our discussion herein, we accept all Comsat's calculations and assertions;[9] yet we cannot find that the requisite public interest showing has been made. We believe that the significant costs associated with this construction exceed the benefit alleged by Comsat. Moreover, as discussed below, we cannot accept Comsat's assertion that there is an international obligation which requires the construction of what appears to be an unnecessary facility. We believe that Congress intended that we exercise our best judgement in these matters on the ratepayers behalf.

B. Predicted Performance at the Etam Complex

12. Comsat states that, under the governing Intelsat V performance specifications, an outage occurs when the C/N falls below 10dB. Thus, it assumes that a singled facility at Etam will provide an unacceptable grade of service if the C/N falls below 10dB for more than a specified percentage of time per year. Tables 1 and 2 of the amendment, which are reproduced below summarize Comsat's predictions for the percentage of time, in any given year, when the C/N for the single 14/11 GHz facility at Etam will fall below 10dB for both the cross-strap links and the straight-through links.[10] Comsat concludes that the unsatisfactory performance level which it predicts can only be cured by the diversity antenna at Lenox.

Table 1.—Cross-Strapped Links 14/4 GHz and 6/11 GHz

INTELSAT Requirement—0.017% = 89 min/yr—Max.
Comsat Analysis: [11]
  11 GHz to Etam—0.044% = 230 min/yr—Avg.
  14 GHz from Etam—0.036% = 189 min/yr—Avg.
AT&T Analysis:
  11 GHz to Etam—0.055% = 290 min/yr—Avg.

[6] Comsat estimated that if we authorized the diversity facility in December, 1979, the cost of diversity would be $10,096,000.00 while the main 14/11 GHz antenna would cost $6,687,000.00. Amendment, p. 29.

[7] The term, pWOp, is defined as the noise in picowatts (pW) at a point of zero level (0) psophometrically weighted (p) in any telephone channel.

[8] Catastrophic destruction of the entire Etam complex would negate any restoral capability of the diversity facility because the ground communication equipment and the interconnect to terrestial communications are located only at the Etam complex.

[9] We emphasize that our uncritical acceptance of the results of Comsat's technical analysis is limited to this order only, and is not intended to imply acceptance of the technical assumptions and methodologies employed if presented in any future applications.

[10] A "cross-strap" satellite transponder may receive a carrier at 6 GHz and transmit it at 11 GHz, or it may receive a carrier at 14 GHz and transmit it at 4 GHz. A "straight-through" satellite transponder works entirely in the new frequency band, receiving at 14 GHz and transmitting at 11 GHz.

[11] These values assume that the 14/11 GHz west spot beam provides "nominal" coverage which includes the U.S. and Canada. Comsat recognizes that Canada has no plans to build a 14/11 GHz station at the present time (Amendment, p.12, fn**) and that the Intelsat Board of Governors has authorized the initial repointing of the satellite west spot beam to yield higher values of satellite gain-to-temperature ratio (G/T) and power towards Etam. (Amendment, Appendix 1, p. 15.) Comsat calculated the performance shortfall which could be expected under these conditions. It states that an outage of 160 minutes/yr. for the cross-strap mode and 106 minutes/yr. for the straight-through mode may be expected. The shortfall from the Intelsat V standard in this instance, is 71 minutes/yr. for the cross-strap mode and 53 minutes/yr. for the straight-through mode.

Table 2.—Straight-Through Links 14/11 GHz

INTELSAT Requirement—0.01% = 53 min/yr—Max.

Comsat Analysis:

11 GHz to Etam—0.028% = 148 min/yr—Avg.

14 GHz from Etam—0.027% = 142 min/yr—Avg.

13. We believe it appropriate to place this predicted performance analysis and the Intelsat V criteria into perspective by comparing them to the actual performance of other Intelsat facilities. Although direct comparison is not possible since data available on current Intelsat operations was measured for operation in the 4/6 GHz bands, which is less susceptible to propagation impairment, we believe that this comparison shows that the predicted performance of a single 14/11 GHz facility at Etam is not out of line with overall earth station performance in the Intelsat system. Intelsat's Annual Report for 1979 shows that the average earth station-to-earth station continuity of service for Intelsat facilities in 1978 was 99.877%. This means that the average outage time for downlink performance at any given earth station complex operating in the 4/6 GHz bands was approximately 323 minutes/year. Thus, for even the most pessimistic performance prediction (290 minutes per year given on Table 1 above), the overall performance of a single 14/11 GHz antenna at the Etam facility operating with an Intelsat V satellite is comparable to the average Intelsat facility performance.

C. Benefits of Diversity

14. Comsat asserts that the public will benefit from the installation of this diversity facility because the communications services provided through the Etam earth station complex will be more reliable. We fully recognize that reliability is an important feature which much be built into any communications system. We will therefore consider the data concerning the predicted performance at the Etam earth station very closely. Comsat predicts that the primary facility will meet Intelsat V circuit performance criteria between 99.945 and 99.973% of the time in any given year, but argues that this is not good enough. It states that use of the diversity facility will enable it to meet the Intelsat V criteria, implying that there is a quantifiable public benefit to be derived from conformity with Intelsat V standards. It asserts that there will be up to 201 minutes/year of increased reliability (71 minutes/year if one assumes the Intelsat Board of Governors will not reconsider its decision to point the Intelsat V antenna at Etam). We do not believe that an increase of this magnitude makes the facility so much more reliable that the expenditure necessary to achieve it would be in the public interest. We place great weight, in coming to this conclusion, on the fact that even without the proposed investment, the public will not be forced to tolerate a very unreliable facility, but will be served by a facility that will be as good or better than the average Intelsat earth station as described in paragraph 13 above.

15. AT&T argues that the predicted outages for the single Etam facilities are likely to cause network congestion and service disruptions. We will not rely heavily on these points in the course of our analysis, since they are very general and highly speculative. Moreover, we note that the improvements suggested in paragraph 20 should alleviate some of AT&T's concerns.

16. The arguments presented in Comsat's amendment imply that because it predicts that performance at a single 14/11 GHz facility at Etam will fall short of the Intelsat V standard, the facility must be authorized. Comsat never supplies a legal basis for this implication, but merely asserts "[t]here *are* detailed international transmission standards, carefully worked out by CCIR and CCITT for each segment of an international communications link and agreed to by each country, and Comsat and all other [Intelsat] members view these standards as obligatory" (Amendment, p. 16). Comsat never links this statement to the Intelsat V criteria, which are not CCIR or CCITT criteria. While we give due weight to considerations of the multilateral characteristics of communications among nations, we cannot find any legal obligation to authorize every facility merely because it is asserted that the predicted performance does not meet every international criterion. In fact, we believe that to do so would be contrary to our Congressional mandate.

17. Comsat argues that diversity may also be justified by its inherent redundancy in equipment which insures greater link availability and provides an immediate restoral capability in the event of catastrophic events or equipment failures affecting the Etam 14/11 GHz antenna system. Redundancy of all equipments except for the antenna can be implemented at Etam and Comsat would be expected to provide that redundancy if Etam is to be a viable facility. A diversity site is not required to obtain equipment redundancy. We recognize that a single 14/11 GHz facility at Etam would not provide an immediate restoral capability in the event of a catastrophy, but the risk associated with using only the Etam antenna is acceptable since restoral is obtainable within a relatively short period of time. This slight delay in restoration of the 14/11 GHz antenna at Etam would not be unreasonable since a catastrophic event is unlikely and the cost of the diversity facility is so high. It would appear that the reliability of the Etam facility can be improved to practically that which would be obtained by the requested diversity facility by installing the redundant Low Noise Amplifier (LNA) at Etam along with high power amplifiers. INTELSAT-V 14/11 GHz facilities for INTELSAT members in Europe are employing single antenna facilities and would experience the same type of delay in restoral if a catastrophic antenna failure occurred at their facility. Installation of redundant high power amplifiers at Etam would also provide additional operating capability during propagation impairments since such amplifiers can be operated in parallel to double the available additional power to the uplink.

D. Costs of Diversity

18. There are significant disadvantages associated with diversity. The most significant problem is, of course, the cost of the diversity facility and the interconnecting microwave link, estimated at $10 million compared to $7 million for the primary facility. In addition to these costs, one must also consider the cost in terms of spectrum utilization. Both the diversity station and the interconnect link must be frequency coordinated with terrestial operations. At a minimum, we note that the 14.0–14.5 GHz band, which Comsat would use for the interconnect link, is not allocated to terrestial fixed service by the Table of Frequency Allocations in Section 2.106 of our Rules and Regulations, and the facilities of each of the four DIL frequency paths do not conform to the bandwidth and emission limitations of Section 21.703, the channel loading requirements of Section 21.710 and the equipment type acceptance requirements of Section 21.120.[12] Thus, waivers of several sections of our rules and regulations would be required for this construction. While grant of these waivers in this specific case might be warranted because of a lack of frequency congestion in this area, we would not want to set an unwise

[12] Comsat considers the DIL to be an integral part of international earth-station-to-satellite operations, rather than a domestic microwave link. We do not believe this result can be reached at the present time, and thus we treat the DIL as point-to-point microwave links under Part 21 of our rules.

precedent for such inefficient spectrum use in other areas where the frequency bands are more congested. In particular, we would not permit the 14.0–14.5 GHz frequency path to preclude uplink earth station operations in the area should actual customer requirements for such service arise in the future. We do not reach the question of waiver here, however, since we cannot conclude that the public interest requires the proposed construction.

E. Alternatives to Diversity

19. We note that an alternative means of improving performance without construction of a diversity earth station apparently exists. We believe Comsat could use higher quality components at the primary facility.[13] Our staff suggested this approach, and asked Comsat to provide an analysis which would reflect the improvements afforded by such a change. Comsat responded by supplying the operating improvement factors that accrue when upgraded equipments such as LNAs and receivers employing threshold extension are used, but did not incorporate these improvements into a revised analysis to show the amount of shortfall from the Intelsat V criteria that would exist if the improvements were installed.[14]

20. The Commission staff performed an analysis using Comsat's methodology and the operating improvement factors provided by Comsat for the upgraded LNA and threshold extension. Since the radiometer did not provide measured propagation measurements into the region of operation desired by the INTELSAT–V criteria, the propagation impairments were adjusted to predict the amount of impairment that would be experienced. Comsat had applied two methods for adjustment of the data. The chart below shows the performance level which might be expected under this analysis if upgraded equipment such as the improved LNA, threshold extension and the operating characteristics that are representative of commercially available receiver-demodulators, are used, as corrected under both methodological approaches for adjusting radiometer data and repointing the satellite antenna towards Etam.[15]

Cross-Strapped Links 14/4 GHz and 6/11 GHz.

INTELSAT V Requirement—0.017% = 89 min/yr
Comsat Analysis:
11 GHz to Etam—0.012% = 64 min/yr
14 GHz from Etam—0.0178% = 94 min/yr
AT&T Analysis:
11 GHz to Etam—0.015% = 79 min/yr
14 GHz from Etam—0.02% = 105 min/yr

Straight-Through Links 14/11 GHz

INTELSAT V Requirement 0.01% = 53 min/yr
Comsat Analysis:
11 GHz to Etam—0.009% = 48 min/yr
14 GHz from Etam—0.012% = 71 min/yr
AT&T Analysis:
11 GHz to Etam—0.013% = 69 min/yr
14 GHz from Etam—0.017 = 89 min/yr

The analysis thus predicts that with the use of upgraded equipment, the maximum predicted downlink shortfall is 16 minutes and the uplink shortfall is 36 minutes, when the more pessimistic AT&T analysis adjusted propagation data is used for the straight-through mode. The criteria are essentially satisfied for all other conditions.

Conclusion

21. In summary, Comsat is asking us to authorize a very significant investment on the basis of speculative adverse effects on service reliability. The rain propagation data is not conclusive, and the models used to analyze and predict performance can be further improved. Aside from an expected rise in the dollar cost of the facility due to inflation and some additional traffic congestion which might occur if there is an outage, Comsat gives no new reasons why this facility should be constructed before actual measured data showing a real need is available. Comsat argues that it should be allowed to expend large sums of money to satisfy a technical standard which appears to be very stringent and, far in excess of current Intelsat operating experience with existing stations. Based on the record before us, we see no reason to do so. Accordingly, we conclude that we cannot find that the public interest will be served by a grant of this application.

22. We believe that another deferral of this application is unnecessary since we indicate herein that Comsat may refile it at a later time when it is able to show, through actual measured data, that there is a clear need for the facility in terms of quantifiable detriments to the rate-paying public. The only issue which remains after the analysis we have performed in our previous order and above is one of policy: should we allow Comsat to spend $10 million so that it will have increased quality of service for certain small periods of time in any given year. We believe that because of the limited nature of this issue, it is appropriate to confine the hearing procedure on the questions specified below to written submissions alone. *See United States v. Florida East Coast Railway Co;* 410 U.S. 224 (1973). As indicated herein, we do not believe that the current record shows a need for the proposed facility. Nonetheless, we will give Comsat and any other interested party an opportunity to show that the benefits which the facility will provide to the public are worth the cost.

23. Accordingly, it is hereby ordered, that pursuant to Sections 4(i), 4(j), 214(a) and 309(e) of the Communications Act of 1934, as amended, and Section 201(c)(9) of the Communications Satellite Act of 1962, those portions of Application File No. 291–CSG–P–78 which have not been previously decided, are designated for hearing on a written record on the following issues:

1. Has the analysis delineated above accurately assessed the costs and benefits of the proposed diversity antenna and interconnect link?

2. What would be the systemic impact of implementation of the alternatives to diversity described in paragraphs 19 and 20 above?

3. Does the United States interest in adherence to the Intelsat V technical standards warrant authorization of this facility without any clear showing of an independent need?

4. Based upon the above issues, does the public interest require that the application be granted or denied?

24. It is further ordered that Communications Satellite Corporation, American Telephone and Telegraph Company, ITT World Communications, Inc., RCA Global Communications, Inc., and Western Union International, Inc., are made parties to this proceeding.

25. It is further ordered, that the parties above shall submit their direct case on the above issues within 45 days of the release date of this order. Response may be filed by any other interested parties within 20 days thereafter.

26. It is further ordered, that a trial staff of the Common Carrier Bureau will participate in this proceeding and shall be separated from both the Commission and the Chief, Common Carrier Bureau.

[13] We do not wish to imply that Comsat deliberately chose to make the primary facility less reliable. The components chosen for the primary antenna are entirely appropriate if one assumes, as Comsat did, that a diversity antenna will be built.

[14] Such upgraded equipment as contemplated would use a 90°K LNA providing 0.35 dB gain and receivers using threshold extension providing 1.5dB gain. The additional estimated costs of the LNA is $60,000 and threshold extension incorporation in a receiver is $1000.

[15] When the percentage of time for which attenuation is exceeded is less than 0.033 (the measurement limit of the radiometer) the attenuation is extrapolated in both the Comsat and AT&T methods. For greater than 0.033, actual radiometer measurements are applied and therefore the Comsat and AT&T analysis are identical and are given as "Comsat analysis" in Tables 1 and 2 of paragraph 12.

27. It is further ordered that the Chief, Common Carrier Bureau is delegated authority to require the submission of additional information, make further inquiries, and modify dates and procedures, if necessary, to provide for a fuller record and more efficient proceeding.

28. It is further ordered that the Chief, Common Carrier Bureau is designated as decision-making personnel within the meaning of Section 1.1205 of our Rules and Regulations, for the purposes of this proceeding.

Federal Communications Commission,*

William J. Tricarico,

Secretary.

February 28, 1980.

Separate Statement of Commissioner Abbott Washburn

Re: Communications Satellite Earth Station—Lenox, West Virginia. There are certain unresolved facts in this case that the expedited paper hearing should resolve. In the final analysis, however, the Commission's decision will be a judgment call. The staff says "the significant costs associated with this construction exceed the benefit. * * *"[1] The best operational and engineering judgment available in the private sector and throughout the world—which evolved the CCIR, CCITT, Intelsat and Bell System performance standards—is in disagreement with this FCC staff assessment. In similar cases in the past, it has been extremely useful for the Commissioners to be able to question the parties directly. Therefore I am pleased with the assurances of the Chairman and the Chief of the Bureau that should the situation warrant, we will hold an oral argument at the conclusion of the paper proceeding.

I am also grateful for the assurances that the paper hearing will proceed on an expedited schedule. The estimated cost of this facility has already increased by more than $3.4 million during the two years the Commission has thus far spent reviewing it. The axiom: "Time is money" was never more true. The public should not be billed for any more regulatory delay than is absolutely essential.

[FR Doc. 80-8028 Filed 3-14-80; 8:45 am]

BILLING CODE 6712-01-M

* See attached Separate Statement of Commissioner Abbott Washburn.

[1] Order para 11.

FEDERAL MARITIME COMMISSION

[Docket No. 80-14]

Compensation of Independent Ocean Freight Forwarders; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by Kuehne & Nagel, Inc., a licensed independent ocean freight forwarder. Petitioner seeks an order declaring the following: 1) receipt of a payment or payments from an ocean common carrier by an independent ocean freight forwarder licensed under section 44 of the Shipping Act, 1916, as amended, at a rate different from that published in that carrier's tariff does not place the licensed forwarder in violation of any section of that Act or any regulations lawfully implementing that Act, nor in itself reflect upon the forwarder's "fitness" under Section 44 of the Act, 2) receipt of a payment or payments from an ocean common carrier by an independent ocean freight forwarder licensed under section 44 of the Shipping Act, 1916, as amended, at a rate different from that published in the carrier's tariff does not, in itself, give rise to an agreement required to be filed under section 15 of that Act, 3) receipt of a payment or payments in any amount from an ocean common carrier by a persons who is not an independent ocean freight forwarder licensed under section 44 of the Shipping Act, 1916, as amended, which payment or payments are solely for the securing or booking of cargo and not for any services connected with dispatching or forwarding of cargo is not payment for "carrying on the business of forwarding" as defined in section 1 of the Shipping Act, 1916, as amended, and does not violate any section of that Act; nor does any such payment give rise to an agreement which must be filed for approval under section 15 of that Act.

Interested persons may inspect and obtain a copy of the petition and memorandum in support thereof at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101 or may inspect the petition and memorandum at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit replies to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before April 7, 1980. An original and fifteen copies of such replies shall be submitted and a copy thereof served on petitioner. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition.

Francis C. Hurney

Secretary.

[FR Doc. 80-8027 Filed 3-14-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Hereford Investment Co.; Formation of Bank Holding Company

Hereford Investment Co., Hereford, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.31 per cent of the voting shares of Hereford State Bank, Hereford, Colorado. 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)).

Hereford Investment Co., Hereford, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Hereford Insurance Agency, Hereford, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of acting as insurance agent or broker for multiple-line insurance, primarily fire, crop, general casualty and automobile insurance sold in a community with a population not exceeding 5,000, and acting as underwriter for credit life insurance directly related to extensions of credit by Applicant's subsidiaries. These activities would be performed from the offices of Hereford State Bank in Hereford, Colorado, and the geographic area to be served is the area within a 50 mile radius of Hereford, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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 interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by 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 the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 7, 1980.

Board of Governors of the Federal Reserve System, March 7, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8082 Filed 3-14-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 10, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 4, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests clearance of the filing requirements contained in Part 231 of the Board's Economic Regulations, "Transportation of Mail, Mail Schedules." Part 231 requires each certificated air carrier to file copies of its flight schedules prior to engaging in scheduled service and subsequent changes thereto. Adherence to Part 231 is mandatory under section 405(b) of the Federal Aviation Act of 1958, as amended. The CAB estimates respondents will number approximately 74 and that reporting time will average 15 minutes per schedule filed.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-8041 Filed 3-14-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

SES Performance Review Boards for Small Client Agencies Serviced by GSA; Names of Members

Sec. 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive.

As provided under section 601 of the Economy Act of 1932, as amended, 31 U.S.C. 686, the General Services Administration, through its Agency Liaison Division personnel office, provides various personnel management services to a number of diverse Presidential commissions, committees, and other small agencies and boards through reimbursable administrative support agreements. This notice is processed on behalf of these client agencies. Because of their small size, a Performance Review Board register has been established composed of members appointed by the heads of the various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve the particular client agency.

The members whose names appear on the Performance Review Board register to serve client agencies are:

Francis B. Tenny, Executive Director, Japan-United States Friendship Commission
Thomas C. Woodruff, Executive Director, President's Commission on Pension Policy
Barbara Boyle Torrey, Deputy Executive Director, President's Commission on Pension Policy
Stephen L. Babcock, Executive Director, Administrative Conference of the United States
Richard K. Berg, Executive Director, Administrative Conference of the United States
James V. DeLong, Research Director, Administrative Conference of the United States
Daniel E. Shaughnessy, Executive Director, Presidential Commission on World Hunger
Arthur D. Levin, Financial Manager, Board for International Broadcasting
Anatole Shub, Foriegn Information Officer, Board for International Broadcasting
Malcolm E. O'Hagan, Executive Director, United States Metric Board
Stanley Parent, Director, Research, Coordination and Planning, United States Metric Board
John R. Twiss, Jr., Executive Director, Marine Mammal Commission

For further information, contact Betty R. Bruce, Agency Liaison Division (202-472-9214); mailing address: General Services Administration (WXL), Washington, DC 20407.

Dated: March 7, 1980.

W. M. Paz,

Assistant Administrator for Human Resources and Organization.

Performance Review Board membership approved by:

John W. Hall, Chairman, Japan-United States Friendship Commission
Thomas C. Woodruff for C. Peter McColough, Chairman, President's Commission on Pension Policy
Stephen L. Babcock for Margaret A. McKenna, Acting Chairman, Administrative Conference of the United States
Sol M. Linowitz, Chairman, Presidential Commission on World Hunger
Walter R. Roberts for John A. Gronouski, Chairman, Board for International Broadcasting
Louis F. Polk, Chairman, United States Metric Board
Douglas G. Chapman, Chairman, Marine Mammal Commission

[FR Doc. 80-8025 Filed 3-14-80; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee; Filing of Annual Report

Notice is hereby given that pursuant to Section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), the Annual Report for the Rape Prevention and Control Advisory Committee has been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, S.E., Washington, D.C., and on weekdays 9

a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245–6791. Copies may be obtained from the Committee Management Officer, National Institute of Mental Health, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–4333.

Dated: March 11, 1980.

Gerald L. Klerman, M.D.,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-8040 Filed 3-14-80; 8:45 am]

BILLING CODE 4110-88-M

Office of the Assistant Secretary for Health

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463) notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) established pursuant to 42 USC 242K, section 306(K)(2) of the Public Health Service Act, as amended, will convene on Wednesday, April 2, 1980, at 9:30 a.m. and Thursday, April 3 at 9:00 a.m. in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The first day, April 2, will be devoted to meetings of the subcommittees of the NCVHS including data Concepts and Methodology; Environmental Health Statistics; Cooperative Health Statistics System; and International Health Statistics. Room assignments for subcommittee meetings will be posted in Room 800 of the Humphrey Building.

Among the agenda items for discussion by the full Committee on April 3 include: data standardization and statistical planning; overview of research and statistical programs of Health Care Financing Administration; International Health activities of the Department; the National Death Index; and the Health and Nutrition Examination Survey.

These meetings are open for public observation and participation. Agenda items are subject to change as priorities dictate.

Further information regarding the Committee may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Office of Health Research, Statistics, and Technology, Room 17A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301–443–2660.

Dated: March 11, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-8032 Filed 3-14-80; 8:45 am]

BILLING CODE 4110-85-M

National Institute of Education

Program of Research Grants on Knowledge Use and School Improvement; Closing Date for Receipt of Applications

Notice is given that applications are being accepted for grants in the Program of Research Grants on Knowledge Use and School Improvement according to the authority contained in Section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

This announcement covers applications for new awards that are to be considered in Fiscal Year 1980. Awards will be made for research focused on how schools modify existing operations and how knowledge is employed in such changes.

Any institution of higher education, State, local or intermediate educational agency, public or private non-profit or for-profit agency, organization, group, individual, or any combination of these is eligible to apply for a grant under this program.

Closing Date: May 13, 1980.

A. *Application and Program Information:* Persons who wish to receive the program announcement may request one by sending a self-addressed mailing label to the Research and Educatinal Practice (REP) Program on Dissemination and Improvement of Practice, STOP 24, National Institute of Education, Washington, D.C. 20208 (202–254–6050).

The program announcement includes the guidelines governing the program, eligibility and review criteria, evaluation and review processes, and instructions on how to apply. Persons who have previously requested that their names be placed on the mailing list for the program announcement will be sent copies of it as soon as possible.

This program is initially scheduled for a three-year period, but may be extended following a review of its activities through 1982. However, this competition covers only the initial year of the program in which a single review and funding cycle will be completed. Preliminary proposals are not required for this first review cycle. Only full proposals will be considered. In subsequent years, proposals will be reviewed, and awards announced twice annually. Funds will be set aside to support new work in both small and major grant categories and to continue support of satisfactorily conducted, previously approved multi-year projects without requiring the latter to recompete for funds.

This program will award major and small grants. A major grant may support a project whose direct costs exceed $15,000. A project supported by a major grant under this program may take several years to complete, with multi-year work to be funded in 12-month increments. However, initial funding for major grants will, in most cases, not exceed 12 months. Applications for major grants that propose a multi-year project must be supported by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and the budget estimates necessary to attain the objectives in any years subsequent to the first year of the project.

A small grant supports a project for a duration of up to 12 months whose direct costs do not exceed $15,000.

B. *Estimated Distribution of Program Funds:* Current estimates are that approximately $500,000 will be available in FY 1980 to fund projects under this program. However, only projects of the highest quality will be supported, whether or not the resources of the program are exhausted. Further, nothing in the program announcement should be construed as committing NIE to award any specific amount. Before the end of September 1980, we expect to announce the award of 6 major grants and 8 small grants, with the amounts of support averaging about $65,000 and $10,000, respectively, for each 12-month award. The total amount allocated to these grants may be increased or decreased by the Director of NIE, based on the merits of grants applications received.

C. *Applications Delivered by Mail:* Applications may be submitted at any time up to the deadline for the particular review cycle. For the current review cycle, the deadline date for submitting small grant applications and full proposals for major grants is May 13, 1980. Application packages will be accepted only by the Proposal Clearinghouse, Room 813, National Institute of Education, 1200 19th Street, NW, Washington, D.C. 20208. The use of certified mail for which a receipt can be obtained is strongly recommended for mailed application packages. The packages should be securely wrapped and in the lower left hand corner of the packages include the words Knowledge Use and School Improvement—Small

Grant or Full Proposal. Applications will be accepted only if they are mailed on or before the closing date and the following proof of mailing is provided: a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Each applicant whose application does not meet the deadline date described above will be notified that the late application will not be considered in the current competition, but will be held over for the consideration in the next one or returned at the applicant's request.

D. *Applications Delivered by Hand:* An application that is hand-delivered must be taken to the Proposal Clearinghouse, National Institute of Education, Room 813, 1200 19th Street, NW., Washington, D.C. the Proposal Clearinghouse will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications for new awards that are hand-delivered will not be accepted after 4:30 p.m. on May 13, 1980, for the current review cycle, but will be considered in the next round of the competition or returned at the applicant's request.

E. *Applicable Regulations:* The regulations applicable to this program include the Education Division General Administrative Regulations (EDGAR) and the proposed regulations for the Research Grants Program on Knowledge Use and School Improvement (the latter was published in the **Federal Register** on February 28, 1980, 41 FR 13135), both of which are expected to be published as final regulations by the time any awards will be made under this program.

(Catalog of Federal Domestic Assistance Number 13.950, Educational Research and Development)

Dated: March 11, 1980.

Michael Timpane,

Acting Director, National Institute of Education.

[FR Doc. 80-8046 Filed 3-14-80; 8:45 am]

BILLING CODE 4110-39-M

Office of Education

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: Office of Education, National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policies, Practices, and Programs, Civil Rights and WEEA Program Committees. It also describes the functions of the Council. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: April 7, 1980, 7:30 p.m. to 9:30 p.m.; April 8, 8:30 a.m. to 5:00 p.m.; and April 9, 1980, 8:30 a.m. to 5:00 p.m.

ADDRESS: 1832 M Street, N.W., #821, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Dauito, National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., #821, Washington, D.C. 20036 (202) 653-5846.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95-561. The Council is mandated to (a) advise the Secretary, Assistant Secretary, and the Commissioner on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to the Act including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The meeting of the Executive Committee will take place on April 7, 1980 from 7:30 to 9:30 p.m. The agenda will include plans for the Council meeting as well as internal personnel matters. From 9:00 p.m. to 9:30 p.m. the meeting will be closed to the public for the personnel matters. This portion of the meeting will touch upon matters which would constitute a serious invasion of privacy if conducted in an open session. Such matters are protected by exemptions (2) and (6) of Section 552b(c), Title V, U.S.C. The 9:00 p.m. to 9:30 p.m. session will therefore be closed to the public as provided in Section 10(d) of the Federal Advisory Committee Act.

The meeting of the Federal Policies, Practices, and Programs Committee, the Civil Rights Committee, and the WEEA Program Committee will take place on April 8, 1980 from 8:30 a.m. to 3:00 p.m.

The agenda for the Federal Policies, Practices, and Programs Committee will include a review of the status of pending legislation on higher education and on youth employment and education, review of the progress of the study of implementation of the sex equity provisions in vocational education programs, and a consideration of actions for responding to recommendations received at three recent Council public hearings on educational needs of women.

The agenda for the Civil Rights Committee will include discussion of matters concerning the implementation of Title IX, 1972 Education Amendments, and other non-discrimination initiatives.

The agenda for the Program Committee will include plans for future site visits to WEEA projects and a status report on WEEAP regulation and grant activities for FY 1980.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 3:00 p.m. to 5:00 p.m. on April 8, and from 8:30 a.m. to 5:00 p.m. on April 9, 1980. The agenda will include reports of the Executive Director and the Women's Educational Equity Act Program; recommendation of the Council's standing Committees; and a presentation of WEEA products by the Educational Development Center.

The meetings of the Council will be open to the public except for the 9:00 p.m. to 9:30 p.m. session of the Executive Committee on April 7. Records will be kept of the proceedings and will be available for public inspection. A summary of the activities of the closed session which are informative to the public consistent with the policy of Title V, U.S.C. 552b(c) will be available to the public within fourteen days of the April 7 closed session.

Signed at Washington, D.C., on March 11, 1980.

Joy R. Simonson,

Executive Director.

[FR Doc. 80-8072 Filed 3-14-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration

[Docket No. N-80-984]

Annual Review of National Mobile Home Advisory Council; Invitation for Public Comment

AGENCY: Department of Housing and Urban Development.

ACTION: Notice Requesting Public Comment.

SUMMARY: The National Mobile Home Advisory Council is annually reviewed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, to evaluate its functions and effectiveness. As part of the review process, public comment is invited, in accordance with Office of Management and Budget Circular A-63, and will be considered in the formulation of HUD's final recommendations. As part of the review process, HUD's Office of Mobile Home Standards has prepared a report on the council's performance and is recommending that the council be continued as a unique, valuable and cost-effective source of information and advice. This report appears below in the Supplementary Information section of this Notice.

DATE: Comment due April 15, 1980.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451—7th Street, SW., Washington, D.C. 20410.

FOR ADDITIONAL INFORMATION CONTACT: Norma Austin, Office of Organization and Management Information, (202) 755-5202 (Not a toll free number).

SUPPLEMENTARY INFORMATION: The recommendations in HUD's annual review are based on considerations of the following factors:

(1) The number of times the council has met in the past year and the relevance of that number to its continuation.

(2) The number of reports submitted by the council in the past year.

(3) A description of how the council's report, recommendations, or advice have been used in HUD policy formulation, program planning, decision-making, achieving economies, etc.

(4) An explanation of why the recommendation or information cannot be obtained from other sources, elsewhere within HUD, from other agencies or existing committees, public hearings, consultants, etc.

(5) An explanation of any degree of duplication of functions, purpose, etc., with other committees, or within HUD, or with other agencies.

(6) The relationship of the cost of the council to the reports, recommendations, or information provided.

(7) The functions to be performed by the Council.

(8) The points of view to be represented, *specifically* how the membership is balanced—the views, areas of expertise, etc.,

The text of the Department's report follows:

Department of Housing and Urban Development, Office of Mobile Home Standards, National Mobile Home Advisory Council

Review

(1) The Advisory Council had two meetings in full session during 1979, in accordance with provisions of the Council Charter, which permits a maximum of two meetings per year. This meeting level is deemed both adequate and optimum to deal with the major issues expected to be considered by the Council. However, the Council was established to meet "as required" rather than on a prescribed schedule.

(2) In 1979, the Council submitted approximately 15 reports to the Department.

(3) The Advisory Council made recommendations to HUD on issues involving the Federal Mobile Home Standards Program as well as on its operations as an advisory committee. Examples of such recommendations are set forth below:

A. The Council recommended that its term be extended one year in order to maintain the continuity of the review of research as it relates to proposed changes in the Federal Mobile Home Standards. As a result of this recommendation, the Secretary approved an extension to August 21, 1981.

B. The Council, as presently constituted, has been deeply involved in the ongoing research activities that will lead to changes in the Federal standards, and has been presented with an analysis of the comments received in response to the Advance Notice of Proposed Rulemaking on revisions to the Federal Mobile Home Construction and Safety Standards. As a result of discussions held with the Council, additional information will be evaluated by the mobile home standards' staff to assure that any changes incorporated into the standards, on an interim basis, will cause minimal disruption for all affected parties.

C. The Council recommended that the Department continue to research and study the indoor air quality (formaldehyde) question and report the results of that study to the Council for subsequent evaluation.

(4) The Department seeks diverse views on issues affecting the mobile home program. Alternative sources are not available within HUD and there are no other committees or agencies dealing with the same subject matter. Public hearings are an interesting possibility but do not provide for a continuing consensus of informed advice which is a strong feature of the advisory council. Also, since committee members are compensated for their time and travel expenses, we are able to obtain opinions and advice from persons who might not be able to attend a public hearing for economic reasons. Additionally, the public hearing does not provide the basis for balanced representation or follow through on recommendations which is inherent in an advisory council. Consultants offer considerable expertise within their speciality, but this alternative fails to provide balanced representation, particularly from the consumer segment.

(5) There is no duplication or overlap of function.

(6) The cost of the National Mobile Home Advisory Council is relatively insignificant when compared to its value to the Department in generating nationally representative recommendations, reports, and other information on the Federal Mobile Home Standards.

(7) The enacting legislation and the Council Charter require a balanced membership on the Council. Eight members are selected from among consumer organizations, community organizations and recognized consumer leaders; eight members are selected from the mobile home industry and related groups including at least one representative of small business; and eight members are selected from government agencies including State and local governments. Additionally, membership is weighed geographically according to the size of the industry and the number of mobile homes in each region. The government segment of the membership consists of non-Federal government employees.

The public is invited to comment on these or any other relevant factors for consideration in the final recommendations.

Issued at Washington, D.C., March 13, 1980.

(Sec. 605, National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.))

Vincent J. Hearing,

Acting Assistant Secretary for Administration.

[FR Doc. 80-8258 Filed 3-14-80; 8:45 am]

BILLING CODE 4210-01-M

Office of Environmental Quality

[Docket No. NI-12]

Intended Environmental Impact Statements for Certain Housing Projects

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Evergreen Park Housing Development, Fort Collins, Colorado; Park Meadows Subdivision, Tulare, California; Cheyenne Mountain Ranch, Master Plan, Cheyenne, Wyoming; The Fairfield Addition, Arlington, Tarrant

County, Texas; Colby Lake Planned Development, Woodbury, Minnesota, and the Cascade Sewer Trunkline, Redding, California. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C., March 7, 1980.

Richard H. Broun,

Director, Office of Environmental Quality.

Appendix

EIS on Evergreen Park Housing Development, Fort Collins, Colorado

The HUD Area Office in Denver, Colorado intends to prepare an EIS on Evergreen Park, described below, and requests information and comments for consideration in the EIS.

Description. Approximately 1250 dwelling units (Multi-family) will be constructed in north Fort Collins, Colorado. Construction will include streets and water and sewerage facilities.

Need. An EIS is required because the total number of dwelling units exceeds a HUD-established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the builder, participation in the development provided that HUD-required modifications are implemented by the builder, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Fort Collins, Colorado.

Comments. Comments should be forwarded on or before April 7, 1980, to: HUD, Region VIII, Attention: Carroll F. Goodwin, Area Office Environmental Clearance Officer, 1404 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

Appendix

EIS on Fairfield Addition, Arlington, Tarrant County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement for a proposed subdivision to be known as Fairfield Addition, located in Arlington, Tarrant County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description. The Crow Development Company, Dallas, Texas, proposes to develop a tract comprised of 501.23 acres of land which is located east of Matlock Road and south of Interstate Highway 20 and within the city limits of the City of Arlington, Texas. The developer proposes a residential housing development which will consist of approximately 1,473 single family residences. When fully developed, it is anticipated the development will accommodate a population of approximately 5,150 persons. The developer has requested an early start on 199 lots.

Need. Due to the size and scope of the total proposed project the Dallas Area Office has determined that an environmental impact statement will be prepared pursuant to Pub. L. 91–190, the National Environmental Policy Act of 1969.

Alternatives. The alternatives available to the Department are (1) find the project acceptable for mortgage insurance as submitted, (2) find the project acceptable for mortgage insurance with modifications, or (3) reject the project.

Scoping. No formal scoping meeting is anticipated for this project. This Notice is part of the process used for scoping the environmental impact statement. Any response to this Notice will be used to help (1) determine significant environmental issues and (2) identify data which the EIS should address.

Contact. Comments should be sent on or before April 7, 1980, to I. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing and Urban Development, 2001 Bryan Tower, Dallas, Texas 75201. The commercial telephone number of this office is 214–767–8347 and the FTS number is 729–8347.

Appendix

EIS on Colby Lake Planned Development, Woodbury, Minnesota

The HUD Area Office in Minneapolis, Minnesota intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Discription. The proposal calls for the phased construction of a maximum of 8926 residential units in Woodbury (Washington County) Minnesota by Orrin Thompson Construction Corporation (Division of U.S. Homes) and Minnesota Mutual Life Insurance Company. The Project is expected to begin in March, 1980. Construction will include all necessary streets, water and sewerage facilities and provide appropriate open space and recreation areas. The site is located South of Valley Creek Road, North of Bailey Road, and bounded along the west by Pioneer Drive with the eastern boundary parallel with Woodbury Drive. Total project area is 2,285 acreas. The developer has requested an early start on this project pursuant to HUD regulations which permit approval of a first segment of a large scale project which is found to be financially and functionally separate and meets specific criteria.

Need. An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: water resources, energy, transporation systems and community services.

Alternatives perceived. At this time the HUD alternatives include: no project, accept project as proposed, accept project with conditions, or modification of project.

Scoping. A scoping meeting to determine significant issues to be addressed will be held at 9:00 a.m. on Tuesday, April 15, 1980, in the Fort Snelling Federal Building, Fort Snelling (St. Paul) Minnesota. Additional information regarding the project will be sent to interested agencies in advance of the meeting.

Comments. Comments regarding this proposal should be sent on or before April 7, 1980, to: Thomas T. Feeney, Area Manager, Attention: William Middleton, Environmental Clearance Officer, HUD Area Office, 6400 France Avenue South, Minneapolis, Minnesota 55435 (or call (612) 725–4724)

Appendix

EIS on Park Meadows Subdivision Proposal, Tulare, California

The San Francisco Area Office of the U.S. Department of Housing and Urban

Development proposes to publish and distribute a Draft EIS in the summer of 1980 on the project described below and solicits information and comments for consideration in the EIS. This EIS will be developed pursuant to 24 CFR Part 50.

Discription. This is a proposal to develop 599 dwelling units on a 110 acre parcel in the southwest part of the City of Tulare, California. The parcel has frontage of one-fourth mile along the south side of Bardsley Avenue at "E" Street and extends southerly approximately three-fourths of a mile. It is one-fourth mile east of Pratt Avenue and borders the Tulare High School Farm on its westerly side.

The project will consist of approximately 265 single family homes and 334 duplex and apartment units, 8 acres of parks and meandering walkways, and a 3 acre commercial site. Development will be in 6 phases and take 4 years to complete. The first phase of 200 lots will start in March, 1980 under a special Early Start approval granted by HUD.

The sponsor has requested HUD analysis under Section 203b of the Mortgage Insurance Program in order to make HUD mortgage insurance available to eligible home buyers. Some of the apartments will be constructed under the Farmers Home Administration (FmHA) Section 515 of the Rural Housing Act. The project has been approved by the City of Tulare.

Need. An EIS is required on this proposal because the proposed number of units exceeds the allowable threshold under which a project can be approved without an EIS.

Alternatives perceived. At this time, known HUD alternatives are (1) to approve the project for insurability, (2) to approve the project partially for insurability, or (3) to disapprove the project.

Scoping. This notice is part of the process for scoping the EIS. Accordingly you are invited to submit a list of the significant issues which you or your agency believes should be analyzed in depth in this EIS. If any of the significant issues listed by you or your agency involve an area of expertise not generally known to be part of HUD's interdisciplinary capability, your assistance may be requested in preparing the environmental analysis in accordance with 40 CFR 1501.6. Please submit the name, address and telephone number of the designated person whom we may contact, if necessary, concerning the issue or the need for assistance. HUD also requests your assistance in providing, on permanent or loan basis, any documents pertaining to issues you may have listed, or in identifying any individual or agency (with address and telephone number) able to provide information concerning the issues.

Comments. Please submit the requested information on or before April 7, 1980, and direct any questions about the proposed action and the Environmental Impact Statement to: Edward Handschin, EIS Manager (415) 556–6642, HUD Area Office, 16th Floor, 1 Embarcadero Center, San Francisco, California 94111.

Appendix

EIS on Master Plan for Cheyenne Mountain Ranch; Cheyenne, Wyoming

Notice is hereby given that the Denver Area Office of the U.S. Department of Housing and Urban Development is preparing an Environmental Impact Statement (EIS) on the master plan described below.

Description. The master plan for Cheyenne Mountain Ranch will consist of approximately 10,025 units on 2827.9 acres. The initial project, Cheyenne Meadows Filing No. 3 and 4 within the master plan, will consist of 250 units on 87 plus acres. The project is located at East Meadows Drive and Cheyenne Meadows Road. Anticipated publication date of the draft EIS for public comment is April, 1980. The developer has requested early start of 199 units pursuant to HUD regulations which permit approval of a first segment of a large scale project which is found to be financially and functionally separate and meets specific criteria.

Need. The number of units exceeds the threshold established pursuant to HUD Handbook 24 CFR, Part 50, dated November 27, 1979. HUD anticipates approval of construction of 199 housing units of the proposed 250 units in Cheyenne Meadows Filing No. 3 and 4 not less than 15 days from the first printing of this notice.

Scoping. A Scoping meeting will not be held. All comments will be considered for inclusion in the Draft Environmental Impact Statement.

Comments. All interested parties are invited to comment on the envionmental impacts of the Cheyenne Mountain Ranch master plan by addressing their comments to: Mr. Carroll F. Goodwin, Environmental Clearance Officer, HUD Area Office, 1405 Curtis Street—Executive Towers Inn, Denver, Colorado 80202. Comments should be in writing, be specific, and submitted not more than 21 days after the first printing of this notice in the **Federal Register.** (April. 7, 1980).

Appendix

EIS on Cascade Sewer Trunkline, Redding, California

The City of Redding, as Community Development Block Grant recipient, intends to prepare an Environmental Impact Statement (EIS) on the project described below and solicits comments and information for consideration in the EIS.

Description. The project involves the construction of two major sewer trunk lines located in the southern region of Redding in Shasta County. The first would connect into the existing line at Westside Road and extend 1,000 feet south to Kenyon Drive and 70 feet west on Kenyon Drive with a 15-inch diameter line. The Second sewer line would connect into the existing line along South Bonnyview Road, run under the Southern Pacific Railroad Tracks and Highway 273, extend along Cedar Road and end at Branstetter Lane. The trunk line extension will have the capacity to accommodate 2,600 household equivalents, which will permit the creation of parcels with less than one-half acre.

At present there are no public sewers in South Redding, except for an 18-inch collector and a 42-inch interceptor pipeline. Sewage tretment and disposal are accomplished by individual spetic tanks and drain fields, thus requiring larger lots per household. It has been determined by county health officials that poor drainage and a high groundwater table, along with an increasing population density, have led to spetic tank failures. Due to poorly- or nonfunctioning septic systems, sewage has collected around valves and pipelines and in some areas is lying on the surface of the ground. This causes potential health hazards for the residents of the Redding-Cascade neighborhood. completion of the Cascade sewer trunkline will make it possible for the formation of sewer assessment districts, which in turn will remedy the existing potential health hazard.

Project construction is estimated to take three to five months to complete, with a project completion date of June, 1981.

Need. Redding is located in Shasta County, which is clssified by HUD as an SMSA County (pop. 110,000). The household equivalent capacity of the proposed sewer line is 2,600 (H.H.E.). This exceeds the "automatic threshold limit" of 700 units established by HUD in § 58.25, Part III of the Federal Register, thus requiring the preparation of an Environmental Impact Statement.

Alternatives. The no-project alternative would increase the number of septic tank failures, and result in the State Health Department declaring a moritorium on building activity and the closure of non-functioning septic tank systems. Another alternative would be to require the replacement of existing failing septic tank systems and to require larger parcel sizes for new septic tank systems. The third alternative relates to two different routes for the sewer trunk line.

Scoping. The City of Redding does not intend to hold a scoping meeting unless one is requested by any affected agency. Significant issues and selected data will be incorporated into the EIS through written response by affected agencies.

Comments. Comments should be forwarded on or before April 7, 1980, to Jim King, 760 Parkview Avenue, Redding, California (916) 246–1151.

[FR Doc. 80–8058 Filed 3–14–80; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–16670]

Alaska Native Claims Selection

On February 17, 1978, Cook Inlet Region, Inc., filed an application for title to oil, gas and coal pursuant to Sec. 12(b)(2) of the act of January 2, 1976, 89 Stat. 1145, 1151; 43 U.S.C. 1601, 1611(e) (1976), and Sec. I.B.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified on August 31, 1976, 90 Stat. 1935. Section 12(b)(2) of the act of January 2, 1976, authorizes conveyance to Cook Inlet Region, Inc., of title to oil, gas and coal within certain lands in the Kenai National Moose Range.

Section 12(a)(1) of the Alaska Native Claims Settlement Act (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (ANCSA), provides that when a village corporation selects the surface estate to lands within the National Wildlife Refuge System, the Regional Corporation for that region may select the subsurface estate in an equal acreage from other lands withdrawn by subsection 11(a) within the region. Section I.B.(2) of the Terms and Conditions further provides that to the extent that Cook Inlet Region, Inc., is or becomes entitled to subsurface rights as a result of valid Sec. 12(a) of ANCSA selections by village corporations within the Kenai National Moose Range, Cook Inlet Region, Inc. shall take in lieu thereof an equal acreage of the subsurface estate to oil, gas and coal in certain lands including those described in Appendix B–2 of the Terms and Conditions.

To date, the surface estate of 32,938 acres in the Kenai National Moose Range has been conveyed to the Tyonek Native Corporation; therefore, Cook Inlet Region, Inc. has a current in-lieu subsurface entitlement of 32,938 acres. The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the subsurface estate of the oil, gas and coal in the following described lands as described in Appendix B–2 of the Terms and Conditions, aggregating approximately 32,938 acres, is considered proper for acquisition by Cook Inlet Region, Inc., and is hereby approved for conveyance pursuant to Sec. 12(b)(2) of the act of January 2, 1976, *supra*, and the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area:

Seward Meridian, Alaska (Surveyed)

T. 4 N., R. 11 W., Seward Meridian, Alaska
Sec. 25, E½, E½W½.
Containing approximately 480 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 4 N., R. 10 W., Seward Meridian, Alaska
Secs. 13 to 36, inclusive, all.
Containing approximately 15,226.00 acres.
T. 6 N., R. 9 W., Seward Meridian, Alaska
Secs. 1 to 17, inclusive, all; Sec. 20, all;
Secs. 22 to 29, inclusive, all;
Sec. 34, N½, SW¼, W½SE¼,
W½SE¼SE¼, NE¼SE¼SE¼,
NE¼SE¼.
Containing approximately 17,232.00 acres.

Conveyance of the subsurface estate of the coal, oil and gas of the lands described above shall contain the following reservation to the United States:

All other minerals including but not limited to common varieties of minerals.

The grant of the above described estate shall be subject to: 1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)), that the above described lands which were withdrawn by Public Land Order No. 3400, on May 22, 1964, and are now a part of the Kenai National Moose Range, remain subject to the laws and regulations governing use and development of such Refuge;

4. The provisions of Sec. I.B.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area; namely the covenants that: The right to extract coal shall be conditioned upon the opening by the Secretary for the extraction of coal of that portion of the Range in which these lands are located: *And provided further,* That coal shall only be extracted in a liquid or gaseous state; all activities related to the extraction of oil, gas and coal which affect the surface of the Kenai National Moose Range shall be conducted in accordance with a surface use plan approved by the Secretary. Such extraction shall be undertaken in accordance with the most advanced technology commercially available at that time and causing the least practicable temporary and permanent harm to the fish and wildfish habitats of the Range; and any surface damage caused by the exercise of the rights herein must be repaired or reclaimed by Cook Inlet Region, Inc., its successors and assigns, as rapidly as practicable without unreasonable interference with the rights of extraction.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a porperty interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until April 16, 1980, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Judith Kammins Albietz,

Chief, Division of ANCSA Operations.

[FR Doc. 80–8047 Filed 3–14–80; 8:45 am]

BILLING CODE 4310–84–M

District Managers, Resource Area Managers, California; Redelegation of Authority by State Director

Pursuant to the authority contained in Section 1.1 of B.L.M. Order 701, dated July 23, 1964, as amended, authority is hereby delegated to California District Managers to take all listed action on: Section 3.9 Land Use.

(g) Material other than forest products not exceeding $10,000 and in accordance with 43 CFR, Part 3610.

The District Manager may recommend to the State Director that further redelegation to Resource Area Managers be obtained in accordance with Section 1.1.

This order will become effective March 17, 1980.

James B. Ruch,

State Director.

[FR Doc. 80–8078 Filed 3–14–80; 8:45 am]

BILLING CODE 4310–84–M

INTERNATIONAL COMMUNICATION AGENCY

[Delegation Order No. 79–2]

Delegation of Authority to the Associate Director for Programs

Pursuant to the authority vested in me as Director of the International Communication Agency by Reorganization Plan No. 2 of 1977, and by Executive Order 12048 of March 27, 1978, there is hereby delegated to the Associate Director for Programs the following described authority which heretofore had been vested in the Associate Director for Educational and Cultural Affairs.

16. The authority to direct cultural presentations.

Delegation Orders No. 78–2 and 78–3 (44 F.R. No. 65, April 4, 1978) are hereby amended accordingly.

This Order is effective as of publication.

Dated: March 12, 1980.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 80–8030 Filed 3–14–80; 8:45 am]

BILLING CODE 8230–01–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: March 11, 1980.

In our decisions of February 26, and March 4, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.2 percent, we are authorizing that the 13-percent surcharge remain in effect. All owner-operators are to receive compensation at the 13-percent level. At the same time, a 2.3-percent surcharge is authorized on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, and a 4.9-percent surcharge is authorized for bus carriers. No change will be made in the existing authorization of a 1.3-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivery a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m., March 14, 1980.

By the Commission Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Trantum absent and not participating in the disposition of this proceeding.

Agatha L. Mergenovich,

Secretary.

Appendix—*Fuel Surcharge*

Base Date and Price Per Gallon (Including Tax)

January 1, 1979 ..... 63.5¢

Date of Current Price Measurement and Price Per Gallon (Including Tax)

March 10, 1980 ..... 113.1¢

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1)	(2)	(3)	(4)
From transportation performed by owner-operators.	Other.	Bus carriers ...	UPS
(Apply to all truckload rated traffic.	(Including less-than-truckload traffic.		
16.9%	2.9% .	6.3%	3.3%

Percent Surcharge Developed

13.2%	2.3% .	4.9%	[1] 2.1%

Percent Surcharge Allowed

13.0%	2.3% .	4.9%	[2] 1.3%

[1] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 perecent).

[2] The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80–8084 Filed 3–14–80; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29277]

Escanaba & Lake Superior Railroad Co.—Acquisition and Operation of a Line of Railroad from Ontonagon to Iron Mountain, Mich.

Escanaba & Lake Superior Railroad Company, Wells, MI 49894, represented by Felhaber, Larson, Fenlon & Vogt, P.A., West 1080 First National Bank Building, St. Paul, MN 55101, hereby gives notice that on the 7th day of March, 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 11343(a)(2) and Section 5(b)(2) of the Milwaukee Railroad Restructing Act, for authority to purchase and operate from the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) a line of railroad from milepost 290.6 in the City of Iron Mountain, MI, to milepost 315.8 at Channing, MI (being the Escanaba & Lake Superior junction at Channing), and from milepost 315.3 at Channing, MI, to milepost 407.9 in Ontonagon, MI, together with all fixtures attached thereto, consisting of approximately 117.3 miles of right-of-way and approximately 1,534 acres of land.

This application is in furtherance of a report issued by the Commission on February 26, 1980, in docket No. AB–7 (Sub-No. 85) *Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific*

Railroad Company, Debtor-Abandonment Between Green Bay, WI, and Ontonagon, MI, that recommended to the MILW's Bankruptcy Court that the line should be sold to a financially responsible person.

The proposed transaction will improve the financial viability of applicant, substantially increase its markets, and ensure the continuation of rail service for those shippers on subject line. Specifically, applicant currently operates 66.00 miles of main and branch lines, from milepost 0.00 at Wells, MI, to the end of the main line at Channing, MI, a distance of 64.00 miles, as well as the Escanaba branch beginning at milepost 1.50 on the main line and extending for 4.00 miles to Escanaba, MI. Applicant is a short line carrier and derives a major portion of its revenue by a division of through rates for traffic which originates or terminates on other railroads. There are a few, if any, potential new customers for the applicant to solicit on its current line, and the present shippers cannot increase their shipments by any appreciable amount of substantially increase applicant's revenue.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4) *Implementation—National Environmental Policy Act, 1969,* 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra,* at p. 487.

The Commission has adopted the following Special Rules of Procedure for this proceeding:

Pursuant to 49 CFR 1111.29(c), verified comments supporting or opposing the application shall be filed no later than April 14, 1980. The Secretary of Transportation and Attorney General of the United States may file comments no later than April 23, 1980. The applicant's verified replies to comments shall be filed by May 23, 1980.

Decided: March 12, 1980.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8085 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 47)]

Illinois Central Gulf Railroad Co.—Abandonment Between Milepost 0.0 at Cherokee, Iowa, and Milepost 96.47 at Sioux Falls, S. Dak., in Cherokee, O'Brien, Sioux, and Lyon Counties, Iowa, Rock County, Minn., and Minnehaha County, S. Dak.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided August 24, 1979, a finding, which is administratively final, was made by the Commission, Division 1, stating that the present and future public convenience and necessity permits (1) Abandonment by the Illinois Central Gulf Railroad Company of its Sioux Falls District line of railroad extending between milepost 0.0 at Cherokee, IA, and milepost 96.47 at Sioux Falls, SD, in Cherokee, O'Brien, Sioux, and Lyon Counties, IA, Rock County, MN, and Minnehaha County, SD, subject to the conditions for the protection of employees set forth in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), and (2) Any certificate of abandonment issued by virtue of the authorization stated in paragraph (1) shall include and be subject to the following conditions: (a) the ICG shall notify the Iowa Historical Society at least 30 days prior to undertaking efforts to salvage track located in the vicinity of the Bastian Archeological site to allow the society to secure the services of a trained archeologist to monitor the salvage operations; (b) the ICG shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track located in the Bastian Archeological site, including all bridges and culverts, for a period of 120 days from August 24, 1979, unless this property is first offered, upon reasonable terms, to public authorities or other responsible persons interested in acquiring the property for public use; (c) the ICG shall include in any contract for sale of those portions of its right-of-way within which the Bastian Archeological site is located, a provision requiring the purchaser to notify the Iowa Historical Society of their plans for the property; (d) the ICG shall maintain the Sioux Falls passenger depot for a period of time not to exceed 180 days from the date of issuance of the certificate. During this time it shall take reasonable steps to prevent significant alteration or deterioration of the station and afford to any public agency or private organization wishing to acquire the station for public use the right of first refusal for its acquisition; (e) in the event that the ICG plans to demolish the Sioux Falls depot or sell it for a use which would adversely affect its historic qualities, it must document the building in accordance with the standards of the Historic American Buildings Survey. The extent and nature of such documentation is to be developed in consultation with the Historic American Buildings Survey. Copies of the documentation are to be provided to the Historic American Buildings Survey and the South Dakota State Historic Preservation Officer for inclusion in their respective archival collections; and (f) the ICG shall notify the South Dakota Department of Educational and Cultural Affairs, Historical Preservation Center (HPC), of its plans for the Sioux Falls depot. If the ICG sells the property, it shall include in its contract of sale a provision requiring the purchaser to notify the HPC of its plans for the structure. The purpose of this condition is to provide HPC with notice of any proposed plans. It does not subject any proposed plan to approval by HPC. A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice (April 16, 1980), unless within 30 days from the date of publication, the Commission further funds 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. 80-8066 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 28)]

Illinois Central Gulf Railroad Co.—Abandonment Between Freeport, Ill., and Madison, Wis.; Findings

Notice is given pursuant to 49 U.S.C. 10903 that by a decision decided November 14, 1979, a finding, which is administratively final, was made by the Commission, Division 2, 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 abandonment by the Illinois Central Gulf Railroad Company of its line of railroad beginning at milepost 2.50 near Freeport, Ill., and extending to milepost 61.37 at Madison, Ill., a distance of 58.87 miles in Stephenson County, Ill., and Green and Dane Counties, Wis., provided that the applicant shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, nor remove any of the railroad structure, except rails and ties, for a period of 180 days from November 14, 1979, unless it has first offered the property, upon reasonable terms, to responsible persons interested in acquiring the property for public use. A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice (April 16, 1980) 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. 80-8067 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 43)][1]

Illinois Central Gulf Railroad Co.—Abandonment Between Herscher and Barnes in Kankakee, Ford, Livingston, and McLean Counties, Ill; Findings

Notice is hereby given pursuan to 49 U.S.C. 10903 that by a decision decided October 4, 1979, the Commission, Division 1, stated that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railforad Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Company of the line of railroad extending from milepost 72 near Herscher, IL, to milepost 135 near Barnes, IL, a distance of 63 miles in Kankakee, Ford, Livingston, and McLean Counties, IL.

[1] This proceeding is pending on a petiiton for administrative review before the Commission.

A certificate of abandonment will not be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment until final determination of the proceeding by the Commission. During the interim, however, the proceeding specified in 10905 will otherwise be followed. Thus, the Commission will be in a position to issue a certificate of abandonment 30 days after publication of this notice (April 16, 1980) 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.

However, as previously indicated no such certificate will be issued until the pending petition for administrative review has been finally resolved. 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. 80-8088 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-103 (Sub-No. 4F)]

Kansas City Southern Railway Co., Abandonment in Jackson County, Mo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided January 18, 1980, 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 Kansas City Southern Railway Company of a portion of a line of railroad known as the Independence Airline Branch, extending from railroad milepost 8E+1874.3 to railroad milepost 9E+1896.5, a distance of approximately one mile, in Jackson County, MO. A certificate of abandonment will be issued to the Kansas City Southern Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice (April 16, 1980), 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. 80-8090 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. FF-451.

SUMMARY: Household Goods Carriers' Bureau, for and on behalf of Interstate International, Inc., seeks authority to publish released value rates between points in Maryland, Virginia and Washington, DC, on the one hand and points in the United States (excluding Alaska and Hawaii) on the other hand, with some restrictions, on used household goods tendered for transportation in freight forwarder service. The new rates will be based on increments of volume, as opposed to weight and will encompass three levels of service as well as three different levels of carrier liability.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Kenneth Morrissette, President, Interstate International, Inc., 5801 Rolling Road, Springfield, VA 22152.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, telephone: (202) 275-7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730, formerly Sections 20(11) and 413 of the Interstate Commerce Act, to publish released value rates based on volume, in the tariffs of Interstate International, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8083 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 53] [1]

Southern Pacific Transportation Co.-Abandonment Between Bonita Junction and Seagoville in Nacogdoches, Rusk, Cherokee, Anderson, Kaufman and Dallas Counties, Tex.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided October 12, 1979, the Commission, Division 2, stated 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 Southern Pacific Transportation Company of the Jacksonville Branch extending from milepost 154.56 near Bonita Junction to milepost 203.43 near Jacksonville, except between milepost 200.30 and milepost 202.70, and the Athens Branch extending from milepost 203.43 to milepost 298.70, except between milepost 240.66 and milepost 256.52, provided that prior to effecting abandonment of any portion of the line mentioned above, SP will obtain the necessary approval from the Commission and will implement agreements whereby the St. Louis Southwestern Railway Company of Texas will purchase the certain portions of the line mentioned above, *provided* that the applicant shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, nor remove any of the railroad structure, except rails and ties, for a period of 180 days from October 12, 1979, unless it has first offered the property, upon reasonable terms, to responsible persons interested in acquiring the property for public use.

A certificate of abandonment will not be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment until final determination of the proceeding by the Commission. During the interim, however, the proceeding specified in 10905 will otherwise be followed. Thus, the Commission will be in a position to issue a certifcate of abandonment 30 days after publication of this notice

[1] This proceeding is pending on a petition for administrative review before the Commission.

(April 16, 1980), 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 protion 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.

However, as previously indicated no such certificate will be ussued until the pending petition for administrative review has been finally resolved. 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. 80-8089 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. F-9]

The following applications were filed in Region 1.

Send protests to: Complaint/Authority Center, I.C.C., 150 Causeway Street, Room 501, Boston, MA 02114.

MC 59640 (Sub-1-1TA), filed March 5, 1980. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, New Jersey 07016. Applicant's representative: Michael A. Beam, 301 Blair Road, Woodbridge, New Jersey 07095. *Contract carrier,* irregular routes: *Pet foods and foodstuffs* between Jersey City, NJ, on the one hand, and, on the other, Canton, Norwood, Palmer, Springfield and Worcester, MA, and Henrietta and Rochester, NY. Restricted to traffic originating at or destined to facilities of Ralston-Purina Company, for the account of Ralston-Purina Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston-Purina Company, Checkerboard Square, St. Louis, MO.

MC 124151 (Sub-1-1TA), filed March 4, 1980. Applicant: VANGUARD TRANSPORTATION, INC., Lafayette Street, Carteret, NJ 07008. Representative: Dwight L. Koerber, Jr., Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. (1) *Liquid chemicals and petroleum products* (in bulk, in tank vehicles), from points in Bergen, Essex, Hudson, Middlesex and Union Counties, NJ to points in CT, DE, MA, MD, NY, NJ, RI, and PA; and (2) *silver slurry,* in bulk, in tank vehicles, from Bingham, NY to Linden, NJ. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 10 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, Massachusetts.

MC 148632 (Sub-1-1), filed March 4, 1980. Applicant: DIXON LEASING CO., INC., A Corporation, 2620 Old Egg Harbor Road, Lindenwold, NJ 08021. Applicant's representative: Robert B. Einhorn, Esquire, 3220 P.S.F.S. Building, 12 South 12th Street, Philadelphia, PA 19107. *Heating pipe, duct and fittings* as described in Item #51740 of the National Motor Freight Classification; from Philadelphia, PA, Medina, NY, Lithonia, GA, to all points east of the Mississippi River and all points in the State of TX. For 180 days. Supporting shipper: Acme Manfacturing, 7500 State Road, Philadelphia, PA 19136.

MC 141932 (Sub-1-2TA), filed March 5, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Applicant's representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. Such merchandise as is dealt in by grocers, food business houses, wholesale and retail chain department stores and food stores and materials, equipment and supplies used in the conduct of such business (except commodities in bulk) between the facilities and warehouses of, or used by, Statler Tissue Company at Augusta and Portland, ME and Lawrence, MA, on the one hand, and, on the other, points in the United States in or east of IL, MO, AR and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Statler Tissue Company, 300 Middlesex Avenue, Medford, MA 02155.

MC 138304 (Sub-1-1TA), filed March 4, 1980. Applicant: NATIONAL PACKERS EXPRESS, INC., 1600 Clinton Street, Hoboken, NJ 07030. Applicant's representative: Craig B. Sherman, Attorney at Law, Broad and Cassel, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. *Part (A):* Glass, and glass articles, flat glass, and glazing units from New York, NY; Charleston, SC; Wilmington, NC; New Orleans, LA; Jeanette, PA; to

all points in the Continental United States in and East of the States of MT, WY, CO, NM, and TX; and *Part (B):* Wood products from New York, NY to all points in the Continental United States in and East of the States of MT, WY, CO, NM, and TX, for 180 days. Supporting shipper: General Glass International Corp., 270 North Avenue, New Rochelle, NY 10801.

MC 145282 (Sub-1–1TA), filed March 4, 1980. Applicant: FALCON TRANSPORT, INC., 308 Hopkins Street, Buffalo, NY 14220. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Iron, steel and iron and steel articles* between the facilities of Gibraltar Steel Corporation located in Buffalo, NY, Rochester, NY and Niles, OH and points in MD, OH, PA, NJ, NY and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gibraltar Steel of Rochester, 635 South Park Avenue, Buffalo, NY 14240.

MC 145305 (Sub-1–1TA), filed March 3, 1980. Applicant: BEVTRANS, INC., P.O. Box 778, Hartford, CT 06101. Representative: William J. Boyd, William J. Boyd, P.C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines,* between the facilities of Heublein, Inc., at or near Hartford, CT, on the one hand, and, on the other, points in the US (except AL and HI) moving under continuing contract or contracts with Heublein, Inc. Restriction: The above authority is restricted to the movement of traffic originating at or destined to the named facilities, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Heublein, Inc., 300 New Park Avenue, Hartford, CT 06101.

MC 99136 (Sub-1–1TA), filed March 3, 1980. Applicant: CHARLES C. TOWNE & SONS, INC., 25 Hampshire Road, Methuen, MA 01844. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. (1) *Book pages,* from Westford, MA to Brattleboro, VT, and (2) *pallets and skids,* from Brattleboro, VT to Westford, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Murray Printing Company, Pleasant Street, Westford, MA 01886.

MC 149193 (Sub-1), Applicant: AUBRY TRANSPORTATION INC., P.O. Box 216, Yorkshire, NY 14173. Representative: William J. Hirsch, 43 Court St., Buffalo, NY. *Coke,* in bulk, in dump vehicles, from the Commercial zone of the City of Buffalo, NY, to all points in Pennsylvania and New York; *Pig iron,* in bulk, in dump vehicles, from the Commercial Zone of the City of Buffalo, NY, to all points in New Jersey, Pennsylvania and Maryland, for 180 days. Supporting shipper: (1) Donner-Hawna Coke Corp., Buffalo, NY (2) Benton Foundry, Inc., Benton, PA (3) Hawna Furnace Corp., Buffalo, NY (4) Hallstead Foundry, Inc., Hallstead, PA.

MC 4941 (Sub-1–2TA), filed February 29, 1980. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan, 1093 North Montello Street, Brockton, MA 02403. *Such commodities as are dealt in by retail department stores,* between the facilities of Zayre Corp., at points in MA, on the one hand, and, on the other, points in AL, FL, GA, IA, KS, KY, MI, MN, MS, MO, NC, SC, TN, WV, and WI, for 180 days. Supporting shipper: Zayre Corp., Rt. 6, Framingham, MA 01701.

MC 109825 (Sub-1–1TA), Feburary 29, 1980. Applicant: MASHKIN FREIGHT LINES, INC., 64 Oakland Avenue, East Hartford, CT 06108. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *General commodities except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment* between points in MA, RI, CT, NY, NJ and PA, for 180 days. An underlying ETA seeks 90 days authority.

MC 136250 (Sub-1–1TA), filed March 7, 1980. Applicant: ROBERT A. LIDDYCOAT, 142 Elgin Street, Thorold, Ontario, Canada. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, NY 14202. *Contract carrier:* irregular routes: *concrete poles,* from ports of entry on the International Boundary line between the U.S. and Canada located in NY and MI to San Diego, CA and Newark, NJ, under contract with Barratt Spun Concrete Poles Ltd., Niagara Falls, Ontario, Canada. Supporting shipper: Barratt Spun Concrete Poles Ltd., P.O. Box 372, 4536 Montrose Road, Niagara Falls, Ontario, Canada L2E 6T8.

MC 150230 (Sub-1–1TA), filed March 6, 1980. Applicant: BERNARD ALBERT Perreault, d.b.a. BERNIE'S TRANSPORT, Box 121, Jericho, VT 05465. Representative: Bernard A. Perreault (same address as applicant). Contract carrier: irregular routes: *Brick and clay products and materials, equipment and supplies used in the manufacture and distribution thereof,* from Coeymans, NY, East Windsor Hill, CT, Middleboro, MA, Waynesburg, OH, and Lebanan, NH to points in VT, for the account of Densmore Brick Co., Inc. Supporting shipper: Densmore Brick Co., Inc., Essex Junction, VT 05452.

MC 150059 (Sub-1–2TA), filed March 6, 1980. Applicant: ROBERTI-WHITE, INC., 38 Dike Street, Providence, RI 02909. Representative: Morris J. Levin, Levin & Toomey, 1050 Seventeenth Street, N.W., Washington, DC 20036. *Flour and baking mixes* (other than in bulk), from Buffalo, NY, to points in RI, MA, CT, NH, and ME, for 180 days. Supporting shippers: Robar Distributors, Inc., 36 Dike Street, Providence, RI; Nutmeg Bakers Supply Comp., P.O. Box 155, Breault Rd., Beacon Falls, CT.

MC 143127 (Sub-1–3TA), filed March 6, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). *Beverages* (except alcoholic beverages and except in bulk), from Austin, IN to points in IL, KS, KY, MO, and OH. Supporting shipper: Kolmar Products Corp., 1745 N. Kolmar Ave., Chicago, IL 60639.

MC 150224 (Sub-1–1TA), filed March 6, 1980. Applicant: PROUD SPIRIT REFRIGERATED EXPRESS, 51 Wrentham Road, Bellingham, MA 02019. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019. Contract carrier, irregular routes transporting *Frozen french fried onion rings and frozen french fried onion rings in mixed loads of fish.* From the facilities of Caribou Food Industries, Inc., Boston, MA to points in ME, NH, VT, RI, CT, NY, NJ, PA, DE, DC, VA, WV, NC, SC, GA, AL, FL, MS, TN, TX, KY, IN, OH, MI, LA, AZ, OK, AR, and CA, under continuing contract with Caribou Food Industries, Inc. Supporting shipper: Caribou Food Industries, Inc., Distribution Manager, 301 Northern Avenue, Boston, MA 02210.

MC 146006 (Sub-1–1TA), filed March 5, 1980. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Contract carrier,* irregular routes, transporting: *Stationery, office and school supplies and equipment,* between Springfield, MA and Meridian, MS, on the one hand, and, on the other, Orlando, FL. Restricted to service performed under a continuing contract or contracts with National Blank Book Company, 655 Page Boulevard, Springfield, MA 01104. Supporting shipper: National Blank Book Company, 655 Page Boulevard, Springfield, MA 01104.

MC 71593 (Sub-1–3TA), filed March 5, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076.

Representative: David W. Swenson, 1608 E. Second Street, Scotch Plains, NJ 07076. *Frozen packaged meat, meat products, and meat by-products and articles distributed by meat packing houses,* from the facilities utilized by Weinstein International Corp., at St. Paul, Buffalo Lake, MN; Sioux City, IA; St. Louis, MO; Chicago, IL; Cleveland, Cincinnati, OH; Columbus, IN; Plainwell, Detroit, MI; and points within PA, to ports within the commercial zones of New York, NY and Baltimore, MD. Supporting shipper: Weinstein International Corp., 5738 Olson Highway, Minneapolis, MN 55422.

MC 128343 (Sub-1–2), filed March 4, 1980. Applicant: C-LINE, INC., 340 Jefferson Blvd., Warwick, Rhode Island 02888. Representative: Ronald N. Cobert, Esquire, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier, irregular routes* transporting: *Bolts, nuts, washers,* and *fasteners,* from East Freetown, MA and South Norwalk, CT, to points in CA, IL, KS, MA, MN, NJ, NY, NC, PA, and TX between South Norwalk, CT and Pawtucket, RI. *Materials, equipment,* and *supplies,* used in the manufacture and distribution of bolts, nuts, washers, and fasteners, from points in CA, CT, MA, NJ, NY, OH, PA, RI, and TX to East Freetown, MA, between East Freetown, MA, and Pawtucket, RI. Restriction: The authority requested herein is limited to a transportation service to be performed under a continuing contract, or contracts, with Pawtucket Fasteners, Inc. of Pawtucket, RI, and Stillwater Fasteners, Inc. of East Freetown, MA. Supporting shippers: Pawtucket Fasteners, Inc. and Stillwater Fasteners, Inc.

MC 134404 (Sub-1–1TA), filed March 5, 1980. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier,* irregular route: *plumbing fixtures* and *fittings* and *accessory parts* and *supplies,* from Plainfield, CT to points in CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT and VA, under a continuing contract(s) with American Standard, Inc. of New Brunswick, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903.

MC 128343 (Sub-1–1), filed March 4, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, Rhode Island 02814. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street, N.W., Washington, D.C. 20036. *Contract carrier, irregular routes* transporting: *Plastic granules* from Madison, CT to the facilities of The Tupperware Co., located at or near North Smithfield, RI, Halls, TN, Hemingway, SC and Jerome, ID, and the international boundary line between the United States and Canada in Vermont for movement to the facilities of The Tupperware Company located at or near Cowansville, Quebec, Canada, for 180 days. Supporting shipper: The Tupperware, Traffic Manager, Woonsocket, RI 02895.)

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 68898 (Sub-2–1), filed March 4, 1980. Applicant: HANOVER TRANSFER CO., 409 East Hanover St., Hanover, PA 17331. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. *Common carrier: regular* route: *general commodities:* Between Hanover, PA, and Baltimore, MD, serving all intermediate points: From Hanover, PA, over PA Hwy 194 to Littlestown, PA, then over U.S. Hwy 140 to junction unnumbered highway (formerly portion U.S. Hwy 140), then over unnumbered highway via Westminster and Reese, MD, to junction U.S. Hwy 140, then over U.S. Hwy 140 to Baltimore, and return over the same route. From Hanover, PA, over Hwy 94 to the MD–PA State Line, then over MD Hwy 30 to Reisterstown, MD, then over U.S. Hwy 140 to Baltimore, and return over the same route. Supporting shippers: New Oxford Aluminum Co., R.D. #1, New Oxford, PA 17350; Fairfield Graphics, Inc., P.O. Box Drawer AN, North Miller Rd., Fairfield, PA 17320; Alloy Rods Div., Chemetron Corp., Member AL Metals Group, Alleghany Ludlum Industries, Inc., Karen La. & Wilson Ave., Hanover, PA 17331; Florida Texas Freight, 6330 Erdman Ave., Baltimore, MD 21205; and Cambridge Rubber, York St., Taneytown, MD 21787.

Note.—Applicant proposes to Tack all authority sought here with its existing operating authority in its lead and Sub 6 Dockets. In addition, applicant proposes to Interline at Hanover, PA, and Baltimore, MD.

MC 68898 (Sub-2–2), filed March 4, 1980. Applicant: HANOVER TRANSFER CO., 409 East Hanover St., Hanover, PA 17331. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. *Common carrier: regular* routes: *general commodities:* (1) Between Hanover, PA, and Spring Grove, PA, serving all intermediate points: From Hanover, PA, over PA Hwy 116 to Spring Grove, PA, and return over the same route. (2) Between Hanover, PA, and Taneytown, MD, serving all intermediate points: From Hanover, PA, over PA Hwy 194 to the PA–MD State Line, then over MD Hwy 194 to Taneytown, MD, and return over the same route. Serving Lineboro, MD, and Porters and Glenville, PA, as off-route points in connection with carrier's route between Hanover, PA, and Baltimore, MD. (3) Between Hanover, PA, and Fairfield, PA, serving all intermediate points: From Hanover, PA, over PA Hwy 94 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Cashtown, PA, then over unnumbered highway via Orrtanna, PA, to Fairfield, PA, and return over the same route. (4) Between Hanover, PA, and East Berlin, PA, serving all intermediate points: From Hanover, PA, over PA Hwy 194 to East Berlin, PA, and return over the same route. (5) Between Hanover, PA, and Fairfield, PA, serving all intermediate points: From Hanover, PA, over PA Hwy 116 to Fairfield, PA, and return over the same route. (6) Between Littlestown, PA, and Gettysburg, PA, serving all intermediate points: From Littlestown, PA, over PA Hwy 97 to Gettysburg, PA, and return over the same route. (7) Between Mt. Pleasant, MD, and Melrose, MD, serving all intermediate points: From Mt. Pleasant, MD, over MD Hwy 496 to junction, MD Hwy 30, south to Melrose, MD, and return over the same route. (8) Between Westminster, MD, and Manchester, MD, serving all intermediate points: From Westminster, MD, over MD Hwy 27 to Manchester, MD, and return over the same route. (9) Between Westminster, MD, and Baltimore, MD, serving all intermediate points: From Westminster, MD, over MD Hwy 482 to Hampstead, MD, then over MD Hwy 88 to junction, MD Hwy 25, north of Butler, MD, to Baltimore, MD, and return over the same route. (10) Between Hampstead, MD, and White House, MD, serving all intermediate points: From Hampstead, MD, over MD Hwy 137 to White House, MD, and return over the same route. (11) Between Reisterstown, MD, and Butler, MD, serving all intermediate points: From Reisterstown, MD, over MD Hwy 128 to Butler, MD, and return over the same route. (12) Between Abbottstown, PA, and the junction of U.S. 30 and PA Hwy 94, serving all intermediate points: From Abbottstown, PA, to said junction over U.S. Hwy 30 and return over same route. (13) Between Taneytown, MD, and Westminster, MD, serving all intermediate points. From Westminster, MD, over MD Hwy 97 to Taneytown, MD and return over same route. (14) Between Hampstead, MD, and Baltimore, MD, serving all intermediate points. From Hampstead, MD, over MD

Hwy 88, to junction MD Hwy 25, then over MD Hwy 25 to Baltimore, MD and return over same route. Supporting shippers: Fairfield Graphics, Inc., P.O. Box Drawer AN, North Miller Rd., Fairfield, PA 17320; Florida Texas Freight, 6330 Erdman Ave., Baltimore, MD 21205; Alloy Rods Div Chemetron Corp., Member AL Metals Group, Alleghany Ludlum Industries, Karen La. & Wilson Ave., Hanover, PA 17331; Cambridge Rubber, York St., Taneytown, MD 21787; and Con Fab, Inc., 359 Manchester Rd., Westminster, MD 21157.

Note.—Applicant proposes to Tack all authority sought here with its existing operating authority in its lead and Sub 6 Dockets. In addition, applicant proposes to Interline at Hanover, PA, and Baltimore, MD.

MC 140159 (Sub-2–1), filed March 4, 1980. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Coal, in bulk, in dump vehicles,* from Jefferson County, PA to Relay, MD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coal Hill Mining Co., P.O. Box 463, DuBois, PA 15801.

MC 150080 (Sub-2–2), filed March 4, 1980. Applicant: CONTROLLED CARRIERS, INC., 319 Pottstown Pk., Box 18, Exton, PA 19341. Representative: Joseph Seifrit (same as applicant). *Contract; irregular:* (1) *Juvenile furniture, broken down, in cartons,* from the facilities of Graco Children's Products at or near Blue Ball, Elverson and Hallam, PA, Rochester, NY and West Rutland, VT to points in the U.S. (except AK and HI) under continuing contract or contracts with Graco Children's Products. Supporting shipper(s): Graco Children's Products, Inc., Rt. 23, Elverson, PA 19520.

MC 4963 (Sub-2–1), filed March 3, 1980. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same as applicant). *Complete log homes, lumber and lumber products, metal and metal products* between the plantsite of Lincoln Log Homes at China Grove, NC and PA, SC, GA, TN, AL, MI, IN, IL, MO, NY, ME, VT, NH, KY, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lincoln Log Homes, Inc., 1908 N. Main St., Kannapolis, NC.

MC 118899 (Sub-2–4), filed March 3, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 Eight Ave., Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 424 13th St., NW, Suite 1032, Washington, DC 20004. *Alcohol, in bulk, in tank vehicles,* from Philadelphia, PA to points in MD and Washington, DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Motohaul Supply Corp., 1346 Connecticut Ave., NW., Washington, DC 20036.

MC 144188 (Sub-2–1TA), filed March 3, 1980. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. (1) *Paper and plastic bags and wrapping paper* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the above commodities, between the facilities of Terminal Paper Bag Co., Inc. at or near Yulee, FL on the one hand, and, on the other, points in NC, VA, WV, OH, IN, IL, DE, MD, PA, NJ, NY, CT, MA, RI, MI, WI, MN, IA, DC, MO and KY, restricted to the transportation of shipments originating at the indicated origins and destined to the indicated destinations. Supporting shipper: Terminal Paper Bag Co., Inc., P.O. Box 47, Yulee, FL 32097.

MC 128940 (Sub-2–1), filed March 3, 1980. Applicant: RICHARD A. CRAWFORD, d.b.a. R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21054. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract; irregular: Automotive parts, materials and supplies (except in bulk) used in the manufacture and distribution thereof* between Middletown, PA, on the one hand, and, on the other, points in the U.S. (except ME, VT, RI, MA, CT, NY, NH, AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mack Trucks, Inc., P.O. Box 6311, Bridgewater, NJ 08807.

MC 148570 (Sub-2–1), filed February 29, 1980. Applicant: N.A.T. TRANSPORTATION, INC., 229 N. Main St., Bradner, OH 43406. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Suite 406, Bradenton, FL 33507. *(1) plastic articles and plastic component parts and (2) parts, materials, accessories, equipment and supplies used in the manufacture or sale of commodities named in (1) above, except commodities in bulk,* between the facilities of Capitol Plastics of Ohio, Inc. at or near Bowling Green, OH on the one hand, and, on the other, points in the U.S. except AK and HI for 180 days. Supporting shipper(s): Capitol Plastics of Ohio, Inc., 333 Van Camp Rd., Bowling Green, OH 43402.

MC 148478 (Sub-2–1TA), filed March 3, 1980. Applicant: TIMBER EXPRESS CO., INC., 4601 North High St., Columbus, OH 43214. Representative: Jerry B. Sellman, 50 West Broad St., Columbus OH 43215. *Lumber and plywood* from Madison, GA to points in the U.S. in and east of MN, NE, KS, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Woodkraft, Inc. P.O. Box 2489, Peachtree City, GA 30269.

MC 143522 (Sub-2–1), filed March 3, 1980. Applicant: CONSOLIDATED CARRIERS, INC., 121 Sunrise Dr., Irwin, PA 15642. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Foodstuffs, except in bulk,* from the facilities of Bordon Foods at or near Waterloo and Syracuse, NY; Wellsboro, PA and Van Wert, OH to points in the US (except AK & HI) for 180 days. Supporting shipper(s): Borden Foods, 180 E. Broad St., Columbus, OH 43215.

MC 150203 (Sub-2–1), filed March 3, 1980. Applicant: HORWITH TRUCKS, INC., R.D. 1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Coal, in bags and in bulk,* from Minersville, Schuylkill County, Locust Summit and Treverton, Northumberland County, PA to Brimfield, Brockton, Cambridge, Danvers, Dedham, Duxbury, E. Long Meadow, Georgetown, Gloucester, Hadley, Holland, Lowell, Lynn, Milford, New Bedford, Palmer, Pittsfield, Salem, Turners Falls, West Stockbridge, Westfield, Whitman, and Worcester, MA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Reading Anthracite Coal Co., Pottsville, PA.

MC 109478 (Sub-2–2), filed March 3, 1980. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Rd., North East, PA 16428. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *Such commoditites as are used, manufactured, sold or distributed by manufacturers of baby food products (except commodities in bulk), and materials, supplies, and equipment used in the manufacture, sale or distribution of such commodities* from the facilities of Gerber Products Co. at or near Fremont, MI, to points in OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gerber Products Co., 445 State St., Fremont, MI.

MC 78228 (Sub-2–2), filed March 3, 1980. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Rd., Pittsburgh, PA 15220. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219 15219. *Iron and steel, and iron and steel articles, gaskets, and caulking and glazing compounds (except in bulk),* from West Mifflin, PA to points in AZ,

CA, CO, GA, OR, TX and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ductmate Industries, Inc., P.O. Box 10966, Pittsburgh, PA 15236.

MC 125825 (Sub-2–1), filed March 3, 1980. Applicant: RICHARD L. WESTON, P.O. Box 306, Tyrone, PA 16686. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Contract; irregular: high-stability granulated peanuts* from Tyrone, PA to Battle Creek, MI, San Leandro, CA, and Omaha, NB, under continuing contract with Flavored Nuts, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flavored Nuts, Inc., 10 W. 10th St., Tryone, PA 16686.

MC 107403 (Sub-2–5), filed March 3, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Salt and salt products, in bulk, in tank vehicles,* from Weeks, LA to points in FL, MS, TN, AL, GA, AR & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morton Salt Div. of Morton-Norwich Products, Inc., 111 N. Wacker Dr., Chicago, IL 60606.

MC 140294 (Sub-2–1), filed March 3, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg, Pk., Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. *Refrigerated equipment, materials and supplies (except in bulk) used in the manufacture and distribution thereof,* between the facilities of Frick, Inc., at or near Waynesboro, PA, on the one hand, and on the other, Baltimore, MD, Hagerstown, MD, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frick, Inc., 345 West Main Street, Waynesboro, PA 17268.

MC 141344 (Sub-2–1), filed March 3, 1980. Applicant: ALLEN TRANSPORT CORP., P.O. Box 9702, Richmond, VA 23228. Representative: Richard J. Lee, Suite 1222, 700 E. Main St., Richmond, VA 23219. *Commodities which because of size or weight requires the use of special equipment and/or handling;* between points in VA, on the one hand, and, on the other, points in VA, SC, NC, MD, WV, TN, and DC for 180 days. Supporting shipper(s): There are 10 supporting shippers. Their statements may be examined at the office listed above.

MC 112304 (Sub-2–5TA), filed February 29, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). *Iron and steel articles,* from the facilities of Dietrich Industries, at or near Ashville, AL, to all points in FL, GA, KS, LA, MN, MO, NY, OK, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dietrich Industries, P.O. Box 400, Ashville, AL 35953.

MC 147759 (Sub-2–1), filed February 22, 1980. Applicant: CAPITAL CITIES COACH CO., INC., 8800 Yellow Brick Rd., Baltimore, MD 21237. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. *Common; regular: Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Annapolis, MD and Rehoboth Beach, DE: from Annapolis over Rowe Blvd. to its junction with US Hwy 50, then over US Hwy 50 East to Ocean City, MD, then over MD Hwy 528 North to the MD–DE State Line, then over DE Hwy 1 to Rehoboth Beach, DE, and return over the same route serving all intermediate points betwen Ocean City, MD and Rehoboth Beach, DE for 180 days. Restricted against any passenger or traffic whose entire transportation is between Annapolis, MD and any point in the State of DE, including Rehoboth Beach, DE. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers. Their statements may be examined at the office listed above.

MC 146015 (Sub-2–1TA), filed January 7, 1980. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). Contract carrier, irregular routes: *Bottles, carboys, demijohns or jars NOI (Item No. 87700 Reference—ICC–NMFC–100E),* from Chambersburg, PA to points in the states of NY, NJ and MD, for 180 days. Supporting shipper(s): Chattanooga Glass Company, P.O. Box 968, Keyser, WV 26726.

MC 146015 (Sub-2–2TA), filed January 7, 1980. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). Contract carrier, irregular routes: *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution, and sale of products above (except in bulk)* from the plantsite and storage facilities of Ralston Purina Co. at or near Hampden Township, Cumberland County, PA to points in CT and VA, for 180 days. Supporting shipper(s): Ralston Purina Co., 6509 Brandy Lane, Mechanicsburg, PA 17055.

MC 109448 (Sub-2–1TA), filed December 31, 1979. Applicant: PARKER TRANSFER CO., Telegraph Rd., R.D. #1, Elyria, OH 44035. Representative: Robt. W. Gardier, 100 E. Board St., Columbus, OH 43215. *Steel, steel products, and brass stock* between Elyria, OH, and points in the states of IL, IN, MI, PA, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Standayne Distribution Center, 301 N. Taylor Rd., Garrett, IN 46738.

MC 119689 (Sub-2–2TA), filed January 28, 1980. Applicant: PEERLESS TRANSPORT CORP., 2701 Railroad St., Pittsburgh, PA 15222. Representative: Roert T. Hefferin (same address as applicant). *Fertilizers, fungicides, insecticides, plastic, plastic articles, and tree and weed killing compounds, and equipments, materials, and supplies used in the manufacture and distribution of the commodities above* between Danville, IL and points in MI, OH, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chevron Chemical Co., 1200 State St., Perth Amboy, NJ 08861.

MC 135616 (Sub-2–1TA), filed January 28, 1980. Applicant: PERRYSBURG TRUCKING CO., INC., 24892 Thompson Road, Perrysburg, OH 43551. Representative: Michael D. Bromley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. *Contract carrier-irregular routes: Uncrated flat glass,* from the facilities of Ford Motor Company at or near Tulas, OK to points in AL, AZ, CA, CO, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NJ, OH, OR, PA, SC, TN, TX, UT, VA and WA, restricted to transportation provided under a continuing contract(s) with Ford Motor Company, of Detroit, MI, for 180 days. Supporting shipper(s): Ford Motor Company, Glass Division, 300 Rennaissance Center, P.O. Box 43343, Detroit, MI 48243.

MC 143324 (Sub-2–1TA), filed January 16, 1980. Applicant: PHILLIPS BROTHERS WAREHOUSING & DISTRIBUTING CORPORATION, 25 Thomas Ave., Baltimore, MD 21225. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *General commodities (except those of unusual value, Classes A & B explosives, commodities in bulk and those requiring special equipment) in containers or trailers having a prior or subsequent movement by water, (2) general commodities (except those of unusual value, Classes A & B explosives, commodities in bulk and*

those requiring special equipment) with a prior or subsequent movement by water, and (3) empty containers or trailers, between points in the Baltimore, MD commercial zone, on the one hand, and, on the other, points in DE, MD, NJ, PA VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 11 supporting shippers. Their statements may be examined at the office listed above.

MC 114969 (Sub-2–2TA), filed January 28, 1980. Applicant: PROPANE TRANSPORT, INC., 1734 St. Rt. 131, P.O. Box 232, Milford, OH 45150. Representative: James Roudebush (same address as applicant). *Liquefied petroleum gasses,* in bulk, in tank vehicles, from the refineries of Ashland Oil at or near Cattlesburg, KY to points in OH, PA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ashland Petroleum Company, Division of Ashland Oil, Inc., P.O. Box 391, Ashland, KY 41101.

MC 119632 (Sub-2–2TA), filed December 5, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). *Foodstuffs: Viz, fruit juices, natural or artificially flavored, corn starch, syrups, not medicated (except frozen, or in bulk),* from the facilities of A. E. Staley Mfg. Co. at Chicago, IL commercial zone to points in states of CT, DC, DE, IN, KY, MD, MA, lower peninsula of MI, NJ, NY, OH, PA, VA, WV, restricted to traffic originating at the named origin and destined to the named states for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): A. E. Staley Mfg. Co., 2222 Kensington Ct., Oak Brook, IL 60540.

MC 69052 (Sub-2–1TA), filed January 14, 1980. Applicant: REED TRUCKING CO., INC., P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Washington, DC 20004. *Foodstuffs* (except in bulk) from points in Sussex County, DE to points in NY (except Albany, New York City, and Schenectedy), CT (except New Haven), MA (except Boston and Springfield), RI, VT, NH, and ME, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the office listed above.

MC 50069 (Sub-2–3TA), filed January 18, 1980. Applicant: REFINERS TRANSPORT & TERMINAL, 445 Earlwood Ave., Oregon, OH 43616. Representative: William P. Fromm (same address as applicant). *J.P. 4, jet fuel,* in bulk, in tank vehicles, from Cincinnati, OH to Grand Forks AFB, Grand Forks, ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Army Legal Services Agency, Department of the Army, Falls Church, VA 22041.

MC 146964 (Sub-2–3TA), filed December 4, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant). *Paper and paper products* between Erie and Lock Haven, PA and Oswego, NY and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hammermill Paper Co., Box 1440, Erie, PA 16533.

MC 146964 (Sub-2–4TA), filed January 17, 1980. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant). *Retail stores freight all kinds,* from the facilities of McCrory Corp., York, PA to points in FL, for 180 days. Restricted to traffic originating at the above origin and destined to the above destination. An underlying ETA seeks 90 days authority. Supporting shipper(s): McCrory Stores Division of McCrory Corporation, 2955 East Market Street, York, PA 17402.

MC 148188 (Sub-2–2TA), filed January 25, 1980. Applicant: RETAIL LEASING CORP., d.b.a. RETAIL TRANSPORTATION CO., 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., Washington, DC 20036. *Contract carrier, irregular routes: Computer addressed forms* between all points in the states of AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NY, NH, NJ, NM, NC, NV, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fulfillment Corp. of America, 205 W. Center, Marion, OH 44302.

MC 148188 (Sub-2–3TA), filed December 18, 1979. Applicant: RETAIL LEASING CORP., d.b.a. RETAIL TRANSPORTATION CO., 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., Washington, DC 20036. Contract carrier, irregular routes: *Boots, shoes, soles, heels and raw materials used in the manufacture of boots, shoes, and soles,* between Columbus, OH, on the one hand, and, on the other, points in MA and Cuba, MO, under continuing contract(s) with R. G. Barry Corporation, for 180 days. Supporting shipper(s): R. G. Barry Corp., 831 Greencrest Dr., Columbus, OH 43216.

MC 147627 (Sub-2–1TA), filed January 29, 1980. Applicant: ROADRUNNER DELIVERY SERVICE, INC., BWI Airport, Baltimore, MD 21240. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *General commodities (except Classes A & B explosives, commodities in bulk, household goods and commodities requiring special equipment),* (1) between Baltimore, MD, on the one hand, and Washington, D.C. on the other, including their respective commercial zones, and (2) between Washington, D.C., Baltimore, MD, and Philadelphia, PA, on the one hand, and New York, NY on the other hand, including their respective commercial zones. The movement of traffic in (1) and (2) above is restricted to traffic having a prior or subsequent movement by air or water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Imperial Air Freight Service Inc., 57 Freeman Street, Newark, NJ; Air Freight International, Inc., P.O. Box 8718—BWI Airport, Baltimore, MD 21240; Five Star Air Freight, 625 North Gov. Printz Bldg., Essington, PA 19029; Horizon Air Freight, Inc., 152–15 Rockaway Blvd., Jamaica, NY 11434; and Summit Airlines Inc., Scott Plaza Two, Philadelphia, PA 19153.

MC 138960 (Sub-2–1TA), filed January 9, 1980. Applicant: ROKO EXPRESS, INC., P.O. Box 169, Columbus, OH 43216. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. (1) *Paper and paper products and plastic articles,* from the facilities of International Paper located at or near Mobile, AL and Jackson, TN, to points in IL, IN, KY, MI and OH; (2) *Paper and paper products and plastic articles,* from the facilities of International Paper located at or near Jackson, TN to points in FL, for 180 days. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017.

MC 144859 (Sub-2–1TA), filed January 16, 1980. Applicant: SCOTT PALLETS, INC., Box 341, Amelia, VA 23002. Representative: Calvin F. Major, Atty., 200 W. Grace St., Richmond, VA 23220. Contract carrier, irregular routes: *Steel coils and related steel products* from Irwin, Allenport, Aliquippa, Fairless Hills, PA; Wheeling, WV; Yorkville, OH; and Sparrows Point, MD, to the facilities of Hon Industries near Chester, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hon Industries, Chester, VA 23831.

MC 149258 (Sub-2–1TA), filed January 17, 1980. Applicant SELCO TRUCKING CO., P.O. Box 8801 Canton, OH 44711. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of leather and leather products, chemicals and coated fabrics,* except commodities in bulk, between the facilities of Seton Company and its subsidiaries located at or near Newark, NJ; Wilmington, DE; Canton, OH; and Malvern and Saxton, PA, on the one hand, and, on the other, points in the United States, restricted to the transportation of shipments originating at or destined to the origins indicated, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seton Company, P.O. Box 8801, Canton, OH 44711.

MC 114569 (Sub-2–3TA), filed January 21, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Books, with flexible covers, and magazines, bundled, dated and perishable* from Canton, OH, to WA, OR, CA, AZ, NV, UT, CO, NM, TX, OK, KS, MN, AR, MO, IL, WI, IN, PA, MD, and LA, for 180 days. Supporting shipper(s): Danner Press Corp., 1250 Camden Avenue SW, Canton, OH 44711.

MC 114569 (Sub-2–4TA), filed December 6, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Olemargarine* (except in bulk) from facilities of Osceola Foods, Inc., at or near Osceola, AR to points in NY, NJ, MA, CT, RI, PA, VA, MD, DE, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Osceola Foods, Inc., P.O. Box 368, Osceola, AR 72370.

MC 114569 (Sub-2–5TA), filed December 26, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Canned and preserved foodstuffs* from Wenatchee, WA to the facilities of Heinz USA at or near Grand Prairie, TX; Greenville, SC; Harrison, NJ; Iowa City, IA; Jacksonville, FL; Mechanicsburg, PA; Pittsburgh, PA; and Toledo, OH; and in each case restricted to traffic originating at the named origin and destined to the named facilities, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, P.O. Box 57, Pittsburgh, PA 15230.

MC 146015 (Sub-2–3TA), filed January 30, 1980. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). *Contract carrier, irregular routes: Plastic materials, o/t expanded groups: Flakes, NOI Granules, Lumps, Pellets; Powder or solid mass, NMFC Item No. 156200,* from the plantsite and storage facilities of Arco/Polymees Inc., Monaca, PA or Kubuta, PA to plantsites and storage facilities of Dart Container Corp., Lithonia, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dart Container Corp., Mason, MI 48854.

MC 135364 (Sub-2–1TA), filed January 4, 1980. Applicant: MORWALL TRUCKING, INC., R.D. #3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract carrier, irregular routes: Such commodities as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers and converters of paper and paper products (except commodities in bulk),* between facilities of Paper, Printing and Forms Group of Litton Business Systems, Inc., at Lockport, LA, on the one hand, and, on the other, Birmingham, AL, Camden and Little Rock, AR, Washington, DC, Jacksonville and Pensacola, FL, Atlanta, Chamblee, and Cummins, GA, Chicago, Effingham, and Elk Grove Village, IL, Plainfield, IN, Shepherdsville, KY, Fort Meade, MD, Columbia, Kansas City, and St. Louis, MO, New York, NY, Riegelswood, NC, Wilkes-Barre, PA, Dallas and Houston, TX, and Franconia and Herndon, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Paper, Printing and Forms Group of Litton Business Systems, Inc., 601 River St., Fitchburg, MA 01420.

MC 140201 (Sub-2–1TA), filed December 21, 1979. Applicant: SONELL, INC., Neshaminy Plaza Bldg. Cornwells Hts., PA 19020. Representative: Steven M. Tannenbaum, 133 N. 4th St., Philadelphia, PA 19106. *Candy and confectionery, chocolate, cocoa and foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration,* (1) between the facilities of or utilized by the Hershey Chocolate Co., at Hershey and Derry Township, Dauphin County, PA; Y&S Candies, Inc., in E. Hempfield Township, Lancaster County, PA; Dauphin Distribution Services, Inc., in Hampden Township, Cumberland County, PA; Mechanicsburg, PA and their respective commercial zones (a non-radial movement) and (2) from the facilities of or utilized by the Hershey Chocolate Co., at Hershey and Derry Township, Dauphin County, PA; Y&S Candies, Inc., in E. Hempfield Township, Lancaster County, PA; Dauphin Distribution Services, Inc., in Hampden Township, Cumberland County, PA; Mechanicsburg, PA; and their respective commercial zones, to New York, NY and its commercial zone, points in Suffolk and Westchester Counties, NY and points in Bergen, Middlesex and Somerset Counties, NJ, for 180 days. Supporting shipper(s): Hershey Chocolate Co., 19 E. Chocolate Ave., Hershey, PA 17033.

MC 14215 (Sub-2–1TA), filed January 10, 1980. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. (1) *Coal carbon pitch* from Cleveland, OH to the facilities of Eastalco Aluminum Company at or near Buckeyestown, MD and (2) *aluminum skimmings and dross skimmings* in dump trucks from the facilities of Eastalco Aluminum Company at or near Buckeyestown, MD to points in OH, for 180 days. Supporting shipper(s): Eastalco Aluminum Co., 5601 Manor Woods Rd., Frederick, MD 21701.

MC 148443 (Sub-2–1TA), filed January 4, 1980. Applicant: SOUTH SHORE EQUIPMENT CORP., 1294 Miller Rd., Avon, OH 44011. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. (1) *Cleaning compounds, rust preventing compounds, proprietary electroplating additives, paint, paint products, metal and metal products, petroleum products, nickel, chemicals,* and (2) *materials and supplies used in the manufacturing, marketing, and distribution of commodities in (1) above* (except in bulk), between Cleveland, OH, CT, SC, FL, MI, MN, IL, MO, TX, LA, CO, AZ, CA, and WA, on the one hand, and, on the other, points in the continental U.S., for 180 days. Supporting shipper(s): R. O. Hull & Co., 23000 St. Clair Ave., Cleveland, OH 44117.

MC 114569 (Sub-2–6TA), filed December 5, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Printing paper* from the facilities of Penntech Papers, Inc., Johnsonburg, PA, to points in the U.S. in an west of ND, SD, NE, MO, AR, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Penntech Papers, Inc., 100 Center St., Johnsonburg, PA 15845.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30309.

MC 95540 (Sub-3–2TA), filed February 28, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road,

P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, General Traffic Manager, Watkins Motor Lines, Inc., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. *Foodstuffs* from El Paso, TX to Jefferson, LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Prepared Foods, Inc., P.O. Box 26918, El Paso, TX 79926.

MC 144946 (Sub-3–1TA), filed February 25, 1980. Applicant: BIG T TRUCK SERVICE, INC., 5878 Buford Highway, Suite 5, Atlanta, GA 30360. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Road, N.E., Atlanta, Georgia 30326. *Such commodities as are dealt in by retail and chain grocery and food business houses (except frozen foods and commodities in bulk),* from the facilities of The Clorox Company, Forest Park, GA, to points in KY, under continuing contract(s) with the Clorox Company. Supporting shipper: The Clorox Company, 17 Lake Mirror Rd., Forest Park, GA 30050.

MC 116778 (Sub-3–1), filed February 29, 1980. Applicant: FLOYD R. BEARD, P.O. Box 43, Denmark, SC 29042. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. *Fertilizer and fertilizer materials, except liquid fertilizer and liquid fertilizer materials in bulk, in tank vehicles,* from plant facilities of Farmers Mutual Exchange, Div. of Gold Kist, Inc., at or near Clio, GA to points in SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Farmers Mutual Exchange, Div. of Gold Kist, Inc., P.O. Box 928, Bamberg, SC 29003.

MC 146782 (Sub-3–1TA), filed February 25, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. (1) *Iron and steel articles* from the facilities of Northwestern Steel and Wire Company located at Sterling and Rock Falls, IL to points in AL, AR, GA, KY, LA, MS, NC, OH, OK, PA, SC, TN, TX, VA, WV and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk) from points in AL, AR, GA, KY, LA, MS, NC, OH, OK, PA, SC, TN, TX, VA, and WV to the facilities of Northwestern Steel and Wire Company located at Sterling and Rock Falls, IL. Supporting shipper: Northwestern Steel and Wire Company, 121 Wallace Street, Sterling, IL 61081.

MC 138157 (Sub-3–4TA), filed February 25, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9595, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). *Carpeting* from Columbus, GA to points in IL, MO, IN, AR, LA, MS, TX, OK, NM, AZ, NV, and CA. Supporting shipper: Columbus Mills, Inc., P.O. Box 1560, Columbus, GA 31902.

Note.—Applicant holds contract carrier authority in MC–134150 and subs thereunder, therefore, dual operations may be involved.

MC 124887 (Sub-3–2TA), filed February 25, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) Pre-cut log buildings and (2) materials, equipment and supplies used in the production and distribution of pre-cut log buildings between Claremore, OK and points in AL, FL, GA, MS. Supporting shipper: Beaver Log Homes, P.O. Box 458, Blountstown, FL 32424.

MC 146293 (Sub-3–1TA), filed February 19, 1980. Applicant: REGAL TRUCKING CO., INC., Post Office Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Plastic articles* (except commdities in bulk), between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Amoco Foam Products Co. Dual operations may be involved, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Amoco Foam Products Co., Suite 200, 2111 Powers Ferry Road., NW, Atlanta, GA 30339.

MC 124896 (Sub-3–1TA), filed February 26, 1980. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne & Ralston Streets, Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, Thompson, Hine, Caldwell & Greene, 900 17th Street, N.W., Washington, DC 20006. *Tires and tubes,* from Frazier, PA to Wilson and Charlotte, NC; Harrisonburg and Virginia Beach, VA; and Greenville, SC for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Interstate Tire Company, Inc., P.O. Box 141, Wilson, NC 27893.

MC 145560 (Sub-3–1), filed February 27, 1980. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Carpet,* from Chatsworth, Dalton, Ringgold, Calhoun, Rome and Eden, GA, and Dallas, TX, and points in their commercial zones, to City of Industry, Scramento, and Oakland, CA, and points in their commercial zones, for 180 days, restricted to transportation of shipments under a continuing contract(s) with L. D. Brinkman Co.—Greenbraun Division. Supporting shipper: L. D. Brinkman Co.—Greenbraun Division. Send protests to: Ms. Sara K. Davis, Interstate Commerce Commission, Post Office Box 7520, Atlanta, GA 30309.

MC 111548 (Sub-3–1TA), filed February 22, 1980. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St. NW., Washington, DC 20004. *Open drums of iron and steel screws or bolts, unfin., stems of cold heading wire and related materials used in production of same* from the facilities of Southern States Fasteners, Inc. at Addison, Wheaton and Chicago, IL, to the facilities of Southern States Fasteners, Inc. at Hickory, NC. Supporting shipper: Southern States Fasteners, Inc., P.O. Box 2632, Hickory, NC 28601.

MC 124306 (Sub-3–1TA), filed February 21, 1980. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, North Carolina 27514. Representative: W. David Fesperman, P.O. Box 2729, Chapel Hill, North Carolina 27514. *Fuel Oil, in bulk, in tank vehicles,* from Lexington, SC to Whiting, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fluids Engineering Corporation, 2500 New York Avenue, Whiting, IN 46394.

MC 146993 (Sub–3–1TA), filed February 27, 1980. Applicant: RAYMOND L. VAUGHAN, d.b.a. VAUGHAN CARTAGE COMPANY, P.O. Box 1798, LaGrange, Georgia 30241. Representative: C. E. Walker, P.O. Box 7381, Columbus, Georgia 31908. *General commodities, except commodities in bulk, in shipper or railroad-owned trailers, having prior or subsequent movement by railroad,* between railroad ramps located at Montgomery and Lanett, AL, and Atlanta, GA, on the one hand, and on the other, Heard, Troup and Meriwether Counties, GA, and Randolph, Chambers, Lee and Tallapoosa Counties, AL. Supporting shippers: Milliken and Company, 1 Dallis St., LaGrange, GA; Seamco Sporting Goods, Forrest Avenue, LaGrange, GA 30240; Jambs Louvered

Products Moulding Co., P.O. Box 208, Roanoke, AL 36274; Carpets International Georgia, Inc., Orchard Hill Rd., LaGrange, GA 30240.

MC 149250 (Sub-3–1TA), filed February 27, 1980. Applicant: H. H. SMITH FARMS, INC., 3325 Thomas Avenue, Montgomery, Alabama 36106. Representative: James D. Harris, Jr., Harris & Harris, P.A., 200 S. Lawrence Street, Montgomery, Alabama 36104. *Poultry and animal feed, and feed ingredients from residuary by-products of milling processes, such as, but not limited to, soy bean meal, cotton seed meal, and fish meal,* in bulk, in hopper type vehicles with gravity or auger unloading from the bottom only, between all points and places in AL, AR, FL, GA, LA, MS, and TN. Supporting shipper: Cargill, Inc., Nutrena Feeds, 3250 Fitzpatrick Avenue, Montgomery, AL 36108.

MC 139958 (Sub-3–2TA), filed February 27, 1980. Applicant: R. T. TRUCK SERVICE, INC., 4319 Campground Road, Louisville, Kentucky 40216. Representative: Rudy Yessin, 314 Wilkinson Street, P.O. Drawer B, Frankfort, Kentucky 40602. *Communication cable, brass, bronze or copper; wire, iron or steel, and materials, supplies and equipment used in the manufacture thereof (except commodities in bulk):* Between the facilities of Anaconda Wire and Cable locafed at LaGrange, KY, and points in KY, IN, IL, OH, WV, MI, MO, TN, GA, NC, LA, AL, SC, VA, PA, AR, TX, NY, MN, WI, NJ and MS. Supporting shipper: Anaconda Wire & Cable, LaGrange, KY.

MC 150187 (Sub-3–1TA), filed February 27, 1980. Applicant: D & L TRUCKING SERVICES, INC., 2080 S. 9th Street, Louisville, KY 40208. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Used barrels,* from Owensboro, Louisville, Frankfort, and Bardstown, KY to the facilities of General Cooperage, Inc., at or near Overpeck, Butler County, OH, for 180 days. An underlying ETA has been filed. Supporting shipper: General Cooperage, Inc. (P.O. Box 121), 4224 Hamilton-Trenton Road, Overpeck, OH 45055.

MC 125368 (Sub-3–2TA), filed: February 27, 1980. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, North Carolina 28445. Representative: C. W. Fletcher, President, same as above. *Meat, meat products, foodstuff and supplies used by Hardee's Food, Inc.,* between Hardee's Food, Inc., Rocky Mt., NC and Distribution Centers in MO, IA, GA, PA, KY, on the one hand, and, on the other, points in AL, AR, FL, IL, IN, KS, ME, MD, MI, MN, NE, NJ, SD, TX, VA, WV and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hardee's Food, Inc., P.O. Box 1241, Rocky Mount, NC 27801.

MC 146251 (Sub-3–1TA), filed: February 27, 1980. Applicant: CLAXTON TRANSPORT, INC., Route #3, Box 135, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 333 N. Fairfax St., Suite 202, Alexandria, VA 22314. (1) *Malt beverages and related advertising materials;* and (2) *Equipment materials and supplies used in the sale, manufacture and distribution of malt beverages,* (1) from the facilities of the Pabst Brewing Co., Pabst, GA to points in MD; (2) from points in MD to the facilities of the Pabst Brewing Co., Pabst, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pabst Brewing Co., Pabst, GA.

MC 135646 (Sub-3–1TA), filed February 19, 1980. Applicant: DERVAN CARTAGE SERVICE, P.O. Box 123, 1020 Coastline Ave., Albany, GA 31702. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Altanta, GA 30349. *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 Cordele, GA on the one hand and on the other points in Atkinson, Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Coffee, Colquitt, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Irwin, Lanier, Lee, Lowndes, Macon, Miller, Mitchell, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Telfair, Terrell, Thomas, Tift, Turner, Webster, Wilcox, Worth, Jeff Davis, and Peach Counties, GA. Restricted to the transportation of shipments having a prior or subsequent movement by rail in trailer-on-flat car service. There are 11 statements in support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 150200 (Sub-3–1TA), filed: March 3, 1980. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Room 100, Atlanta, GA 30315. Representative: Alan E. Serby, Bruce E. Mitchell, Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Contract carrier, irregular routes, *iron and steel articles* from the facilities of Atlantic Steel Co. located at or near Atlanta and Cartersville, GA to points in the US on and east of US Hwy 85, and to points in CA, UT, NV, and CO, for 180 days. Supporting shipper: Atlantic Steel Co., P.O. Box 1714, Atlanta, GA 30301.

MC 149140 (Sub-3–1TA), filed February 22, 1980. Applicant: OVERLAND, INC., 4121 Augusta Rd., Garden City, GA 31408. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. *Granulated slag* from the facilities of Coastal Abrasives and Filter Sand Co. in Jasper County, SC to points in GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coastal Abrasives and Filter Sand Co., P.O. Box 158, Hardeeville, SC 29927.

MC 135985 (Sub-3–1TA), filed February 22, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) wood furniture, (2) plastic and plastic articles, (3) rough steel forging, (4) metal products, and (5) equipment, materials and supplies used in the manufacture, distribution and sale of commodities described in (1) through (4) above (except commodities in bulk and those requiring special equipment) between the facilities of Piper Industries, Inc. at or near Jackson, MS, Collierville, TN, Clarendon, AR, and Salt Lake City, UT, on the one hand, and, on the other, points in the United States except AK and HI, for 180 days. Supporting shipper: Piper Industries, Inc., P.O. Box 9226, Jackson, MS 39206. Corresponding ETA for 90 days sought. No tacking or joinder sought.

MC 149218 (Sub-3–1TA), filed February 22, 1980. Applicant: SUNBELT EXPRESS INC., 118 Hamilton Circle, Bremen, Georgia 30110. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, Georgia 30328. Authority is sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *such merchandise as is dealt in by wholesale and retail grocery houses, retail chain department stores, and drug stores.* From the facilities of Colgate-Palmolive Company, Inc. at or near Jeffersonville, IN to Atlanta, GA; Birmingham, AL; and Jacksonville, FL. Supporting shipper: Colgate-Palmolive Company, Inc. State and Woerner Streets, Jeffersonville, IN 47130. Send protest to: Interstate Commerce Commission, Regional Complaint and Authority, 1766 Peachtree St. N.W. 3rd Floor Atlanta, Georgia 30309.

MC 148057 (Sub-3–2TA), filed February 22, 1980. Applicant: BLAZER EXPRESS, INC., Route 2, Pelham Rd., Greenville, SC 29607. Representative:

Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *wheels and axles used in the manufacture of railroad cars* from Charleston, SC to Pickens, SC; and from Pickens, SC to Ashland City, TN and Atlanta, GA for 180 days. Supporting shipper: Creusot-Loire Steel Corporation, 400 Broadacre Drive, Bloomsfield, New Jersey 07003. Send protests to: Ms. Sara Davis, Transportation Assistant, Interstate Commerce Commission, P.O. Box 7520, Atlanta, GA 30309.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 146303 (Sub-6–1TA), filed: March 4, 1980. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Avenue, Englewood, Colorado 80110. Representative: Wm. Fred Cantonwine, 6785 E. 50th Avenue, Suite 201, Commerce City, Colorado 80022. *Meat, meat by-products and articles distributed by packing houses, except hides and commodities in bulk in tank vehicles,* from Ford and Finney Counties, Kansas to points in: AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and WI for 180 days. An underlying ETA seeks 90 day authority. Supporting shippers: High Plains Dress Beef, Inc., P.O. Box 539, Dodge City, Kansas 67801, and Farmland Industries, P.O. Box 957, Garden City, Kansas 67846.

MC 125433 (Sub-6–7TA), filed: March 5, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, same as applicant. (1) *Batteries, and accessories and supplies used in connection with batteries,* from Allentown, PA; Atlanta, GA; Buffalo, NY; Burlington, IA; Columbia and Sumter, SC; Dallas, and Texarkana, TX; Denver, CO; Fairfield, CT; Indianapolis and Beech Grove, IN; Kansas City, MO; Logansport and Memphis, TN; Los Angeles, and San Jose, CA; Minneapolis, MN; Omaha, NE; Portland, OR; Richmond, VA; Seattle and Spokane, WA; Richmond, KY; Wausau and Racine, WI; Cleveland, OH; Clark and Trenton, NJ and Jacksonville, FL to points in the United States (except AK and HI); and (2) *material, equipment and supplies used in the manufacture and distribution of batteries,* from points in the United States (except AK and HI) to Allentown, PA; Atlanta, GA; Buffalo, NY; Burlington, IA; Columbia and Sumter, SC; Dallas and Texarkana, TX; Denver, CO; Fairfield, CT; Indianapolis and Beech Grove, IN; Kansas City, MO; Logansport and Memphis, TN; Los Angeles, and San Jose, CA; Minneapolis, MN; Omaha, NE; Portland, OR; Richmond, VA; Seattle and Spokane, WA; Richmond, KY; Wausau and Racine, WI; Cleveland, OH; Clark and Trenton, NJ and Jacksonville, FL. Restricted to traffic originating at or destined to the facilities of ESB Incorporated Division of Exide Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: ESB Incorporated Division of Exide Corporation, 101 Gibraltar Road, Horsham, PA 19044

MC 730 (Sub-6–1TA), filed: March 5, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598, (Mailing address: P.O. Box 8004, Walnut Creek, CA 94596). Representative: R. N. Cooledge (same as applicant). *Chemicals,* in bulk, in tank vehicles, from the plant site of Sandoz, Colors and Chemicals, at or near Martin, SC (Allendale County) to Vernon, CA, for 180 days. Supporting shipper: R. C. Walker, Distribution Planner, Sandoz Colors and Chemicals, 59 Route 10 Bldg. 501, E. Hanover, NJ 07936.

MC 150219 (Sub-6–1TA), filed: March 5, 1980. Applicant: SILVER EAGLE SERVICES, INC., 577 Meadowlark Lane, Grand Junction, CO 81503. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. *Contract carrier:* Irregular routes: *commodities dealt in by drug and pharmaceutical supply houses,* between Grand Junction, CO, on the one hand, and, on the other, San Juan, Grand, Emery, Carbon, Duchesne, Uintah, and Daggett Counties, UT, San Juan County, NM and Uinta, Sweetwater and Carbon Counties, WY, for the account of C. D. Smith Company, for 180 days. Supporting shipper: C. D. Smith Company, Box 728, Grand Junction, CO 81501.

MC 150220 (Sub-6–1TA), filed March 5, 1980. Applicant: MICHAEL T. SPENCER, d.b.a. MIKE SPENCER TRUCKING, 3988 Railroad Avenue, (P.O. Box 996), Yuba City, CA 95991. Representative: Walter H. Walker III, Handler, Baker, Greene & Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Lumber and lumber products* from points in CA to points in WA, OR, NV and CO; and from points in OR to points in CA and NV, for 180 days. There are 7 supporting shippers. Their statements may be examined at the office listed.

MC 95920 (Sub-6–1TA), filed March 5, 1980. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2nd Avenue, Portland, Oregon 97211. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Washington 98104. *Chemicals and plastic materials and other than tanker hopper vehicles:* from the plant site facilities of Union Carbide Corporation at Torrance, California to points in Oregon and Washington, for 180 days. Supporting shipper: Union Carbide Corporation, 1 California Street, San Francisco, CA 94111.

MC 126514 (Sub-6–1TA), filed March 6, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Ink materials, toner and developers used in copying machines, copying machines and sorter machines,* from the plant sites of Nashua Corp. at Nashua and Merrimack, NH and Chelmsford, MA to all points within the state of CA, for 180 days. Supporting shipper: Nashua Corp., 44 Franklin St., Nashua, NH 03061.

MC 124160 (Sub-6–1TA), filed February 19, 1980. Applicant: SAVAGE BROTHERS, INCORPORATED, 585 South 500 East, American Fork, Utah 84003. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. *Sodium tripolyphosphate,* from Long Beach, CA, to Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Huish Distributing Company, 3540 West 198 South, Salt Lake City, Utah 84125.

MC 124160 (Sub-6–2TA), filed February 19, 1980. Applicant: SAVAGE BROTHERS, INCORPORATED, 585 South 500 East, American Fork, Utah 84003. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. *Coke, in bulk,* from Salt Lake City, UT, to Sweetwater Resources Plant of Monsanto Chemical at or near Rock Springs, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: ICM Corporation, 660 County Court, Grand Junction, CO 81501.

MC 141097 (Sub-6–1TA), filed March 6, 1980. Applicant: CAL–TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Contract carrier,* irregular routes, *(1) synthetic yarn and fiber, and chemical products (except in bulk); and (2) materials and supplies used in the manufacture and sale thereof,* between points in the United States, restricted to

shipments originating at or destined to the facilities of Badische Corporation, under a continuing contract(s) with Badische Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Badische Corporation, P.O. Drawer D, Williamsburg, VA 23185.

MC 125433 (Sub-6–9TA), filed March 5, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Insulation in bags,* from Pueblo, CO to points in NM for the account of Rockwool Industries, Inc. for 180 days. Supporting shipper: Rockwoll Industries, Inc., 7400 Alton Way, Englewood, CO 80112.

MC 52709 (Sub-6–2TA), filed March 6, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Common carrier:* regular route: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, and materials, equipment and supplies used in the business of meat packinghouses,* serving the facilities of Sterling Colorado Beef Co., at or near Fort Morgan, CO, in connection with carrier's presently authorized regular route operations between Denver, CO and Omaha, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sterling Colorado Beef Co., 1500 Right of Way Rd., Sterling, CO 80751.

MC 134548 (Sub-6–1TA), filed March 6, 1980. Applicant: ZENITH TRANSPORT, LTD., 2381 Rogers Avenue, Coquitlam, B.C., Canada V3K 5Y2. Representative: George R. Labissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier:* irregular routes: *Rubber Mats,* from ports of entry on the International Boundary line between the U.S. and Canada located in WA to points in CA and AZ for 180 days. Supporting shipper: Northwest Rubber Mats, Ltd., 1790 Kennedy Road, Pitt Meadows, B.C., Canada V0M 1PO.

MC 139906 (Sub-6–4TA), filed March 6, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84127. Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Toilet preparations, hair care products and personal appliances,* (except in bulk), Between the facilities of Clairol, Inc., a division of Bristol Myers, Inc., at or near Camarillo, CA, and the facilities of Bristol Myers, Inc., at or near La Mirada, CA, on the one hand, and, on the other, the facilities of Bristol Myers, Inc., at or near Dallas, TX. for 180 days. supporting shipper: Clairol, Inc., a Division of Bristol Myers, Inc., 1 Blachley, Stamford, CT 06902. An underlying ETA seeks 90 days authority.

MC 79577 (Sub-6–1TA), filed March 6, 1980. Applicant: OILFIELDS TRUCKING COMPANY, 1601 S. Union Ave. (P.O. Box 751), Bakersfield, CA 93302. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Gasoline and distillate fuel oils,* from the pipeline terminal of Calnev Pipeline Co. at or near Daggett, CA to points in AZ, NV and UT, for 180 days. Supporting shipper: Union Oil Co. of CA, 461 S. Boylston, Los Angeles, CA 90017; Chevron USA, Inc., 575 Market St., San Francisco, CA 94105.

MC 149195 (Sub-6–1TA), filed March 6, 1980. Applicant: ARCADIAN MOTOR CARRIERS, 1831 Simpson, Kingsburg, CA 93631. Representative: James F. Hauenstein (same address as applicant). *Recreation equipment and sporting goods and the material, supplies and equipment used in manufacture of same.* (Restricted to traffic originating from the facilities of Kransco Manufacturing, Inc.) From Tijuana, Mexico via San Ysidro, CA to Oceanside, CA, South San Francisco, CA and Virginia Beach, VA and from South San Francisco, CA, to points in AZ, TX, OK, LA, KS, MO, and IL for 180 days. Supporting shipper: Kransco Manufacturing, Inc., 501 Forbes Blvd., P.O. Box 2746, South San Francisco, CA 94080.

MC 109584 (Sub-6–4TA), filed March 7, 1980. Applicant: ARIZONA–PACIFIC TANK LINES, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Spent caustic sulfide,* in bulk, in tank vehicles, from El Paso, TX to Sahuarita, AZ and Artesia, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Kerley Chemical Co., 2801 W. Osborn Rd., Phoenix, AZ 85017

MC 147883 (Sub-6–1TA), filed March 7, 1980. Applicant: TRANSPORT IMPROVERS, INC., 7350 S.E. 87th, Portland, OR 97266. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. *Contract carrier,* irregular routes, *lubricating oil, grease, antifreeze and undercoating,* between the facilities of Quaker State Oil Refining Corporation at Portland, OR, on the one hand, and points in WA and ID, on the other hand for 180 days. Supporting shipper: Quaker State Oil Refining Corp., Municipal Terminal No. 4, Foot of Lombard Street, Portland, OR 97203.

MC 117786 (Sub-6–3TA), filed March 7, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Foodstuffs including cookies and crackers,* from Louisville, KY to Phoenix and Flagstaff, AZ; Salt Lake City, UT; Lubbock, San Antonio, Houston and Dallas, TX; Oklahoma City, OK; Topeka, KS; Kansas City, Joplin and Springfield, MO for 180 days. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. An underlying ETA seeks 90 days authority.

MC 2862 (Sub-6–2TA), filed February 19, 1980. Applicant: ARROW TRANSPORTATION CO. OF DE, d.b.a. ARROW TRANSPORTATION COMPANY, 3125 N.W. 35th Avenue, Portland, OR 97210. Representative: Jerry Woods, Suite 1440, 200 Market Street, Portland, OR 97201. *Jet fuel, in bulk, in tank vehicles,* from the facilities of West Aire, Inc., at or near Hayden Lake, ID to Walla Walla, WA, for 180 days. Supporting shipper: West Aire, Inc., Box 26, Hayden Lake, ID 83835

MC 15004 (Sub-6–1TA), filed February 8, 1980. Applicant: PRIDE TRANSPORT, INC., 1005 Jewell St., Salt Lake City, UT 84104. Representative: James Faust, Kearns Building, Salt Lake City, UT 84111. *Juvenile furniture, broken down, in cartons;* from the facilities of Graco Children's Products, Inc., located at or near Blue Ball, Elverson and Hallam, PA, Rochester, NY and West Rutland, VT to points in and west of CO, MT, MN, and WY for 180 days. Supporting shipper: Graco Children's Products, Inc., Elverson, PA 19529.

MC 148158 (Sub-6–4TA), filed February 29, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., Post Office Box 1299, City of Industry, California 91749. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Bldg., Los Angels, California 90017. *General commodities (except commodities of unsual value, household goods as defined by the Commission, commodities in bulk, class A and B explosives, and livestock)* between Cache, Davis, Salt Lake, Tooele, and Weber Counties, UT, on the one hand, and on the other points in CA, GA, IN, KY, and TX. Supporting shipper: William E. Bird, General Manager, Wasatch Shippers Association, 278 North 1275 East, Layton, Utah 84041.

MC 141867 (Sub-6–1TA), filed February 29, 1980. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma,

WA 98421. Representative: Ronald R. Brader, 2301 Milwaukee Way, Tacoma, WA 98421. (1) *Items dealt in or used by the manufacturers of insulation,* between ports of entry on the International Bounday Line between the United States and Canada located in WA, ID, MT, on the one hand, and, on the other, points in WA, ID, MT, OR and CA, and (2) *Sand,* from ports of entry on the International Boundary Line between the United States and Canada located in WA to points in WA and OR.

MC 26396 (Sub-6–7TA), filed February 29, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. *Dry fertilizer and dry fertilizer materials,* from ports of entry on the International Boundary line between the United States and Canada located in MT to points in ID, MT, OR, UT and WA, for 180 days. Supporting shipper: Occidental Chemical, Inc., 8700 Southwest 26th Avenue, Portland, OR 97219.

MC 141804 (Sub-6–11TA), filed February 29, 1980. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Wearing apparel and shoes,* from Portland and Longview, WA to Indianapolis, IN. Restricted to traffic having a prior movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lawrence R. Gonia, Traffic Manager, Lane Bryant, Inc., 2300 Southeastern Avenue, Indianapolis, IN 46201.

MC 148966 (Sub-6–1TA), filed February 29, 1980. Applicant: DROTZMANN, INC., P.O. Box 10176, Yakima, WA 98909. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Frozen bagels,* from the facilities of Abel's Bagels, Inc. at Buffalo, NY to points in CA, CO, NV, OR, UT and WA. Supporting shipper: Abel's Bagels, Inc., Division of Lender Bagels, Inc., 75 Empire Drive, Buffalo, NY 14224.

MC 141532 (Sub-6–2TA), filed February 29, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Iron and steel pipe fittings,* from the facilities of Wheeling-Pacific Division of Wheeling Machine Products Co. at or near Woodlake, CA to points in CO, KS, LA, MO, OH, OK, TX and WV, for 180 days. Supporting shipper: Wheeling-Pacific Division of Wheeling Machine Products Co., Box 6463, Wheeling, WV 26003.

MC 148137 (Sub-6–1TA), filed February 29, 1980. Applicant: STANTON SALES & TRANSPORTATION COMPANY, 11135 S.W. Industrial Way, Tualatin, OR 97602. Representative: Thomas Y. Higashi, Attorney at Law, 2075 S.W. First Avenue—#2–N, Portland, OR 97201. Contract carrier; irregular routes; *new mattresses, beds and bed springs,* between the facilities of Van Vorst-Englander at or near: (a) Los Angeles, CA and points and places in AZ, CO, ID, MT, NM, NV, OK, OR, TX, UT and WA. (b) Denver, CO and points and places in AZ, CA, ID, MT, NM, NV, OK, OR, TX, UT and WA. (c) Dallas and Houston, TX and points and places in AZ, CA, CO, ID, MT, NM, NV, OK, OR, UT and WA. (d) Seattle, WA and points and places in AZ, CA, CO, ID, MT, NM, NV, OK, OR, UT, and TX. For the account of Van Vorst-Englander for 180 days. Supporting shipper: Van Vorst-Englander, 415 Boren Avenue, N., Seattle, WA 98109.

MC 113678 (Sub-6–2TA), filed February 29, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). *Empty wire baskets* from Milpitas, CA, to Pueblo, CO; and La Habra, CA, to Pueblo, CO. Supporting shipper: Alpha Beta Packing Co., 303 So. Santa Fe, Pueblo, CO.

MC 128333 (Sub-1TA), filed February 29, 1980. Applicant: LES CALKINS TRUCKING, INC., 19501 North Highway 99, Acampo, CA 95220. Representative: Alan F. Wholstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Rock, sand and gravel,* from Dayton, Nevada to the facilities of Basalite Company, Napa, California, for 180 days.

MC 141804 (Sub-6–12TA), filed March 3, 1980. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Paper and paper products* from the facilities of Champion International Corporation at or near Hamilton, OH to San Diego, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jeanne H. Sisson, Traffic Analyst—Pricing, Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 148281 (Sub-6–1TA), filed March 3, 1980. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Mandel & Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Automobile parts, supplies, and accessories (except in bulk);* from points in CA, Boulder, CO, Davenport and Des Moines, IA, St. Louis, MO, Warren, OH, and Salt Lake City, UT, to points in OR and WA for 180 days. Supporting shipper(s): Willamette Wheel, Inc., and Willamette Distributing, 1205 S.E. Grand Ave., Portland, OR 97208.

MC 117786 (Sub-6–2TA), filed February 29, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)* (1) from Reno, NV to Oakland and Fairfield, CA; (2) from Houston, TX to Louisiana and NM; (3) from Los Angeles, CA to AZ; (4) from Oakland and Fairfield, CA to OR and WA; and from Kansas City, MO to CO, *restricted to shipments originating at the facilities of The Clorox Company.* Supporting shipper(s): The Clorox Company, P.O. Box 24305, Oakland, CA 94612.

MC 111434 (Sub-6–1TA), filed February 15, 1980. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, CO 80216. Representative: J. Albert Sebald, 1700 Western Federal Savings Building, Denver, CO 80202, Phone: 303–825–5111. *Liquid concrete admixtures,* in bulk, from points in Seattle, WA to points in CA, OR, NV, ID, UT, WY, MT., for 180 days.

MC 150204 (Sub-6–1TA), filed March 3, 1980. Applicant: CAL RENTAL TOOL & SUPPLY, INC., 4557 West Yellowstone, P.O. Box 1360, Mills, WY 82644. Representative: Ciro G. Cerullo (same as applicant). *Machinery, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by products, restricted against the transportation of complete oil drilling rigs, between points in WY, CO, UT, MT and ND for 180 days. There are 5 shippers. Their statements may be examined at the S.F., CA office.

MC 75623 (Sub-6–1TA), filed March 4, 1980. Applicant: STEWART-STILES TRUCK LINE, INC., Route 2, Box 415A, Forest Grove, OR 97116. Representative: John A. Anderson, Attorney, Suite 1440, 200 S.W. Market St., Portland, OR 97201. *Pharmaceuticals, proprietaries, toiletries, sundries and such commodities as are dealt in by drug stores,* (1) from Portland, OR to points in

Washington, Payette, Gem, Canyon and Ada Counties, ID, and (2) from points in Washington, Payette, Gem, Canyon and Ada Counties, ID to Ontario, Baker, LaGrande, Pendleton and Portland, OR, for the account of McKesson-Robbins Drug Co. (a division of Foremost-McKesson, Inc.) 630 NW 14th, Portland, OR, for 180 days.

MC 142686 (Sub-6–1TA), filed March 3, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 90670. Commodity: *Beverages, Alcoholic (except in bulk).* Territory: Between the Counties of Alameda, Contra Costa, Fresno, Imperial, Los Angeles, Marin, Mendocino, Napa, Orange, Riverside, San Bernadino, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, and Sonoma, California, on the one hand, and, on the other, Atlanta, GA; Baltimore, MD; Boston, MA; Clermont, KY; Dallas, TX; Detroit, MI; Dundalk, MD; Elizabethport, NJ; Houston, TX; Lawrenceburg, KY; Louisville, KY; Miami, FL; Melville, MI; New York, NY; Philadelphia, PA; Relay, MD; San Antonio, TX, points within the states of OH, IL, IN, MN, MO and WI.

MC 135803 (Sub-6–1TA), filed March 3, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy. 140 (P.O. BOX 67), Planada, CA 95365. Representative: Donald M. Fennel, (same address as above). *Such merchandise as is dealt with by wholesale, retail, chain grocery and food business houses, and materials, ingredients, and supplies used in manufacture and sale of such merchandise,* between the facilities of Ralston Purina Co. at or near Sparks, NV and points in CA, for 180 days. Supporting shipper: Ralston Purina Co., P.O. Box 2150, Sparks, NV 89431.

MC 119390 (Sub-6–1TA), filed February 26, 1980. Applicant: MAIRS TRANSPORT, LTD., 976 Adair Ave. (P.O. Box 1188), Coquitlam, B.C., Canada V3J 6Z9. Representative: Wallace Aiken, Attorney at Law, 1215 Norton Bldg., Seattle, WA 98104. *Gypsum wallboard and allied products; roofing materials; lumber and lumber products,* between ports of entry on the International Boundary line between the U.S. and Canada located in WA; and points in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Vernon Young, Traffic Co-Ordinator, Domtar Construction Materials Group of Domtar Inc., 2001 University St., Montreal, Quebec, Canada; Keith Reynolds, U.S. Traffic Manager, Doubletree Forest Products Ltd., Ste. 1–4649 E. Hastings, N. Burnaby, B.C., Canada.

MC 144040 (Sub-7–1TA), filed February 26, 1980. Applicant: PINETREE TRANSPORTATION COMPANY, 6400 Westminister Avenue, Westminister, CA 92683. Representative: Robert J. Corber, Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036. *Passengers and their baggage, in the same vehicle with passengers,* in *charter operations,* beginning and ending at points and places in Los Angeles and Orange Counties, CA, and extending to points and places in the United States including AK and excluding HI. Supporting shipper: there are 13 statements in support attached to this application which may be examined in Washington, D.C. or copies of which may be examined in the field office named.

MC 121641 (Sub-16–1TA), filed March 3, 1980. Applicant: SHAMROCK TRUCK LINES, 2233 So. 7th St., San Jose, CA 95112. Representative: E. L. Scott (same address as above). *Foodstuffs* from Santa Clara and Stanislaus Counties, CA to Phoenix, AZ and its Commercial Zone, for 180 days. Supporting shipper(s): Cal-Grower Assn., 447 N. 1st St., San Jose, CA.

MC 135082 (Sub-6–2TA), filed March 4, 1980. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Boulevard N.E., Post Office Box 26748, Albuquerque, NM 87125. Representative: J. B. Martin (same address as applicant). *Iron and steel, from Pueblo, CO to NM, AZ, UT, TX, OK, LA, AR, KS, WY, MT, ID, NV, CA, OR, and WA for 180 days.*

MC 139906 (Sub-6–3TA), filed March 4, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, Utah 84127. Representative: Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in by retail and department stores and equipment, materials, and supplies used in the conduct of such business (except foodstuffs and commodities in bulk);* From the facilities of J. C. Penney Company, Inc., at or near Jersey City, NJ and points in its commercial zone to Reno, NV and points in its commercial zone, for 180 days. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 42487 (Sub-6–7TA), filed February 29, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. A *common carrier* regular routes *General commodities, (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* (1) Between Atlanta, GA and Gainesville, GA, serving all intermediate points: From Atlanta over U.S. Hwy 23 to Gainesville, and return over the same route. (2) Between Atlanta, GA and Greenville, SC, serving no intermediate points: From Atlanta over Interstate Hwy 85 to Greenville, and return over the same route. Applicant intends to tack the authorities described above. Applicant also intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will tack with present authority of Applicant at Atlanta, GA and Greenville, SC. Present authority at these points is found in Docket No. MC 42487 Sub 744. Authority at Atlanta, GA is also found in Docket No. MC 42487 Sub 872. Authority at Greenville, SC is also found in Docket No. MC 42487 Subs 863 and 905F. These authorities, in turn, will be joined with other authorities of Applicant at common service points to permit service throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): There are 56 shipper support statements filed with this application which may be inspected at the offices of the Interstate Commerce Commission, for 180 days.

MC 84690 (Sub-6–2TA), filed March 5, 1980. Applicant: BN TRANSPORT INC., 6775 East Evans Avenue, P.O. Box 22695, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. *Rubber hose and couplings* from Galesburg, IL to Iola, KS, for 180 days.

MC 98964 (Sub-6–1TA), filed March 5, 1980. Applicant: PBI FREIGHT SERVICE, 960 North 1200 West, P.O. Box 37, Orem, UT 84057. Representative: Rick J. Hall, Post Office Box 2465, Salt Lake City, UT 84110. *Contract Carrier:* Irregular routes: *Crushed lava rock (tufa),* from the mine site of Magic Mountain Mining Company at Kirkland, AZ, to the States of CA, NV, UT and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Magic Mountain Mining Company, 215 Main St., Sausalito, CA 94965.

MC 135518 (Sub-6–1TA), filed March 5, 1980. Applicant: WESTERN CARRIERS, INC., 53 S. Dawson, Seattle, WA 98124. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Frozen potato*

products, from Pasco, WA and Boardman and Metolius, OR to points in CA, restricted to traffic moving from the facilities of U & I, Inc., for 180 days. Supporting shipper: U & I, Inc., P.O. Box 2308, Tri-Cities, WA 99302.

MC 138026 (Sub-No. 6–1TA), filed March 5, 1980. Applicant: LOGISTICS EXPRESS, INC., d.b.a. LOGEX, 1890 South Chris Lane, Anaheim, California 92805. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, California 90017. *helium* from Elkhart, Liberal, Ulysses, KS and Keyes, OK to Los Angeles, Santa Clara, San Mateo Counties, CA; Platteville, CO; Bladensburg, MD; Camden, NJ; Hightstown, NJ; and Renton, WA. An underlying ETA seeks 90 days authority. Supporting shipper: Mr. William G. Walker, Regional Distribution Manager, Air Products and Chemicals, Inc., 2021 East Rosecrans Boulevard, El Segundo, California 90245.

W-587 (Sub-6–1TA), filed February 6, 1980. Applicant: FOSS L & T CO, a corporation, 660 West Ewing Street, Seattle, WA 98119. Representative: Thomas E. Kimball and Richard C. Jones, Attorneys at Law, Two Embarcadero Center, San Francisco, CA 94111. By decision entered February 15, 1980, the Region 6 Motor Carrier Board granted applicant 60-day temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of a *nuclear steam generator*, from the facility of Surry Reactor, at or near Surry, VA to Port of Benton, Richland, WA via James River, Straits of Florida, Yucatan Straits, Panama Canal and Columbia River, under a contract with Battelle Memorial Institute for the U.S. Department of Energy, and the U.S. Nuclear Regulatory Commission, Richland, WA. Any interested person may file a petition for reconsideration with the Regional Motor Carrier Board, Interstate Commerce Commission, Post Office Box 7413, San Francisco, CA 94120 within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

By the Commission,

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–8080 Filed 3–14–80; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

Institution of Final Antidumping Investigation and Scheduling of Hearings, 731–TA–16 (Final): Melamine in Crystal Form, Provided for in TSUS Item 425.10, From the Netherlands

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation under section 735(b) of the Tariff Act of 1930 to determine whether with respect to melamine in crystal form (provided for in TSUS item 425.10) from the Netherlands there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise allegedly sold or likely to be sold at less then fair value.

EFFECTIVE DATE: February 26, 1980.

FOR FURTHER INFORMATION, CONTACT: John MacHatton (202) 523–0439, the supervisory investigator.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, section 735(b)(2), requires that the Commission make a final antidumping determination in cases where the administering authority has issued an affirmative preliminary determination under section 733(b) as to the question of less-than-fair-value sales. Accordingly, the Commission hereby gives notice that, effective as of February 26, 1980, it is instituting Investigation No. 731–TA–16 (final) pursuant to section 735(b) of the Tariff Act of 1930, as added by Title I of the Trade Agreements Act of 1979. This investigation will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457) and, particulary, Subpart B thereof, effective January 1, 1980.

WRITTEN SUBMISSIONS: Any person may submit to the Commission by April 8, 1980 a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen true copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of sec. 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

HEARING: The Commission has scheduled a hearing in this investigation beginning at 10:00 a.m., e.s.t. on April 11, 1980, in the Hearing Room, U.S. International Trade Commission Building. Parties wishing to participate in the Hearing should notify the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. A preliminary staff report will be available to all interested parties on March 25, 1980. Any person's prehearing statement must be filed by April 8, 1980. All parties who desire to appear at the hearing and make oral presentations must file prehearing statements. For further information consult the Commission's rules of practice and procedure, Part 207, Subpart C (44 FR 76457), effective January 1, 1980.

Issued: March 13, 1980.

By order of the Commission.

Kenneth R. Mason.

Secretary.

[FR Doc. 80–8259 Filed 3–14–80; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

National Institute of Justice

Solicitation; Competitive Research Cooperative Agreement

The National Institute of Justice announces a competitive research cooperative agreement program to evaluate Jail Pretrial Release Recommendation/Decision Systems. The purpose of this evaluation award is to assess the operations and effectiveness of these systems. Key Research questions in this evaluation are:

1. Have Jail Pretrial Release Recommendation/Decision Systems been effective and, if so, what factors have contributed to their effectiveness?
2. Are Jail Pretrial Release Recommendation/Decision Systems able to impact jail population levels?
3. Are Jail Pretrial Release Recommendation/Decision Systems cost effective?

The solicitation asks for the submission of draft proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than April 15, 1980. This cooperative agreement is planned for award in June, 1980 with funding support not to exceed

$300,000 or 18 months in duration for individual grants. To maximize competition for the award, both profit making and non-profit organizations are eligible to apply; however, a fee will not be paid.

Note.—This announcement originally appeared in the **Federal Register** on February 27, 1980. This announcement is only to extend the due date for papers from April 1, 1980 to April 15, 1980.

Further information and copies of the solicitation can be obtained by contacting Richard S. Laymon, Office of Program Evaluation, NIJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or phone (301) 492–9085.

Dated: March 7, 1980.

Harry M. Bratt,

Primary and Principal Assistant, to the Acting Director, National Institute of Justice.

[FR Doc. 80–8026 Filed 3–14–80; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Meeting

The Twenty-Third meeting of the National Commission on Unemployment Compensation is scheduled to be held at the Skirvin Plaza Hotel, Oklahoma City, Oklahoma. The meeting will begin at 9:00 A.M., on Thursday, March 27, and conclude at 12 Noon on Saturday, March 29. The agenda is as follows:

Thursday, March 27

1. 9:00 A.M.—12:30 P.M.
   Report on Legislative Developments.
   Report on Administrative Financing.

Break 12:30

2. 2:00 P.M.—4:00 P.M.
   Commission discussion: Federal Role in Financing of Reinsurance and Extended Benefits.
3. 4:00 P.M.—5:P.M.
   Presentation by Oklahoma Employment Security commission.

Friday, March 28

4. 9:00 A.M.—10:00 A.M.
   Commission discussion: Special Unemployment Programs.
5. 10:00 A.M.—12:30 P.M.
   Commission discussion: Provisions of a State Law (Suitable Work and Dependents Benefits).
6. 2:00 P.M.—4:00 P.M.
   Continuation of Commission discussion.
7. 4:00 P.M.—6:00 P.M.
   Public Testimony.

Saturday, March 29

8. 8:00 A.M.—9:00 A.M.
   Commission discussion: Agendas for Future Meetings.
9. 9:00 A.M.—10:00 A.M.
   Commission discussion: Interstate Claims Proposals.
10. 10:00 A.M.—12 Noon
    Commission discussion: Further Consideration of Draft of Proposed Report.

Adjourn (12 Noon)

Telephone inquires and communications concerning this meeting should be directed to: Roger Webb, Deputy Executive Director, National Commission on Unemployment Compensation, 1815 N. Lynn Street, Room 440, Rosslyn, Virginia 22209 (703) 235–2782.

Signed at Washington, D.C., this 11th day of March 1980.

Roger Webb,

Deputy Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 80–8133 Filed 3–14–80; 8:45 am]

BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Action Plan; Meeting

The ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident Action Plan will hold a meeting on April 1–2, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555 to continue its consideration of Draft 3 of NRC NUREG–0660, "Action Plans Developed as a Result of the TMI–2 Accident."

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday, April 1 and 2, 1980 8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the nuclear industry, various utilities, and their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley (telephone 202/634–3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 10, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80–7971 Filed 3–14–80; 8:45 am]

BILLING CODE 7590–01–M

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 February 11 through March 1, 1980. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street., NW., Washington, D.C.

Dated this day March 3, 1980, 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		
Exxon Nuclear Co., 02/12/80, 02/20/80, XSNM01653.	3.8% enriched uranium	33,660	1,010	Multiple reloads for Barsebaeck I	Sweden.
General Electric, 02/19/80, 02/25/80, XSNM01654.	3.06% enriched uranium	33,665	921	Reload for Fukushima 1, Unit 2	Japan.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Electric, 02/19/80, 02/25/80, XSNM01655.	3.65% enriched uranium	55,125	1,494	Reload for Fukushima 1, Unit 6	Japan.
General Electric, 02/22/80, 02/26/80, XSNM01656.	3.65% enriched uranium	36,730	1,002	Reload for Tokai 2	Japan.
Exxon Nuclear Co., 02/15/80, 02/27/80, XSNM01657.	3.5% enriched uranium	55,440	1,940	Multiple reloads for Tihange	Belgium.
Exxon Nuclear Co., 02/15/80, 02/27/80, XSNM01658.	3.1% enriched uranium	68,000	2,110	Multiple reloads for Biblis B	West Germany.
Transnuclear, 02/29/80, 03/03/80, XSNM01661.	93.3% enriched uranium	14.3	13.342	Fuel elements for FRJ-1 reactor and samples for MOL, Petten, Grenoble, Studsvik, Julich.	West Germany plus the Netherlands, Sweden, France, Belgium.

[FR Doc. 80-8065 Filed 3-14-80; 8:45 am]

BILLING CODE 7590-01-M

Availability of Report Relating to Activities, Effects, and Impacts of the Coal Fuel Cycle for a 1,000-MWE Electric Power Generating Plant

The Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, has issued a report entitled, "Activities, Effects and Impacts of the Coal Fuel a Cycle for 1,000-MWe Electric Power Generating Plant," prepared under contract to the NRC by Teknekron Research, Inc. The report, NUREG/CR-1060 includes considerations of coal fuel cycle activities such as resource extraction and coal pretreatment, transportation, storage, power production, and waste disposal. The impacts and effects of each of these fuel cycle activities are discussed and include air and water pollution effects, mining and transportation accidents, land use effects, radiological effects and health impacts.

Preparation of the report involved review of current literature supplemented by recent research results of other Federal agencies. The report provides a summation of the adverse societal impacts of all segments of the coal fuel to support the operation of a 1,000-MWe powerplant.

Copies of NUREG/CR-1060 may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161 (703) 577-4650.

Final unclassified NUREG Series documents are also available directly from the NRC to those with deposit accounts with the Superintendent of Documents, U.S. Government Printing Office. To place orders, call (301) 492-7333 or write Division of Technical Information and Document Control, ATTN: Publications Sales Manager, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 29th day of February 1980.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Acting Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 80-8066 Filed 3-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 42 and 25 to Facility Operating Licenses Nos. DPR-53 and DPR-69 issued to Baltimore Gas & Electric Company, which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facility) located in Calvert County, Maryland. The amendments are effective as of the date of issuance.

The amendments: (1) delete satisfied License Condition 2.C.(3). "Steam Generator Water Level Rise Rate", for Unit No. 2, and (2) delete satisfied license conditions concerning Liquefied Natural Gas (LNG) traffic at Cove Point Terminal for both units.

The application for 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 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 November 13, 1978, as supplemented March 15, 1979, and October 15, 1979, (2) Amendments Nos. 42 and 25 to Licenses Nos. DPR-53 and DPR-69, (3) the Commission's concurrently issued Safety Evaluation on Steam Generator Water Hammer, and (4) the Commission's June 13, 1978, Safety Evaluation on LNG traffic at the Cove Point Terminal. 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 Calvert County Library, Prince Frederick, Maryland. A copy of items (2), (3), and (4) 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, Maryland, this 10th day of March.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4 Division of Operating Reactors.

[FR Doc. 80-8071 Filed 3-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 SP and 50-304 SP]

Commonwealth Edison Co. (Zion Station, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 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 spent fuel proceeding to consist of the following members: Richard S. Salzman, Chairman; Dr. John H. Buck; and Dr. W. Reed Johnson.

Dated: March 7, 1980.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-8068 Filed 3-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-2623]

Duke Power Co. (Amendment to Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station); Resumed Evidentiary Hearing

March 7, 1980.

Please take notice that the evidentiary hearing in this proceeding will be resumed on Monday, April 28, 1980 commencing at 9:00 a.m., local time, at the Commissioners' Board Room, Mecklenburg County Office Building, 4th Floor, 720 East Fourth Street, Charlotte, North Carolina 28202.

The reconvened hearing will address routing issues. The routing issues which will be raised to include further examination of the impacts on the public of the proposed transportation of spent fuel, giving consideration to physical security during transportation including the likelihood of sabotage. The proposed transportation routes are:

Route No. 1—From Oconee South on South Carolina (SC) 130 to US 123, East to SC 153, South to I-85, North to North Carolina (NC) 273, North to NC 16, North to NC 73 and on to McGuire.

Route No. 2—From Oconee South on SC 130 to US 123, East to SC 153, South to I-85, North to SC 18, North on SC 18 and NC 18 to NC 180, then Northeast to NC 150-US 321, North to NC 27, East to NC 73 and on to McGuire.

Route No. 3—From Oconee North on SC 130 to SC 183, West to SC 11, East to I-85, and the rest of the way to McGuire using Routes 1 or 2.

Route No. 4—From Oconee South on SC 130 to US 123, East to SC 153, South to I-85, North to I-77, North to NC 73, and on to McGuire.

Route No. 4 has been the subject of the prior phases of this proceeding.

Routes 1-3 are those routes which have been approved by the NRC Staff.

In addition, the record will be updated with regard to the status of spent fuel storage options available to the Applicant.

The Parties have agreed to explore these matters among themselves prior to the hearing with a view toward developing a full and complete record in the most expeditious fashion.

Limited appearance statements may be made from 9-10 a.m., local time, on April 28 and 29, 1980. Written limited appearance statements may be made at any time during this proceeding. Both oral and written limited appearance statements will be made a part of the record. A person permitted to make a limited appearance does not become a party, but may state his, her or its position and raise questions which should be answered to the extent that they are within the scope of this hearing. The public is invited to attend the hearing, but a member of the public does not have the right to participate unless granted the right of limited appearance.

Dated at Bethesda, Maryland, this 7th day of March 1980.

It is so ordered.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman.

[FR Doc 80-8069 Filed 3-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility), located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to support operation of the facility at full rated power during Cycle 5.

The application for 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 issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 5, 1979, as supplemented February 15, 1980, (2) Amendment No. 48 to License No. DPR-36, 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, DC and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of March.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 80-8067 Filed 3-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-486]

Union Electric Co.; Issuance of Interim Decision Under 10 CFR 2.206

By petition dated August 14, 1979, the Public Service Commission of the State of Missouri (PSC) pursuant to 10 CFR 2.206 of the Commission's regulations requested the Director of Nuclear Reactor Regulation to issue a show cause order to suspend the construction permit granted to Union Electric Company for Callaway Plant, Unit 2.

Upon consideration of the information submitted by the PSC, I have determined that a decision on its proceedings on the generation expansion program of Union Electric Company. The reasons for this decision are fully described in an "Interim Decision Under 10 CFR 2.206" which is available for public inspection in the Commission's Public Document Room at 1717 H Street NW, Washington, DC 20555 and in the local public document rooms for the Callaway Nuclear Plant, Unit 2, Located at Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Dated at Bethesda, Maryland, this 10th day of March, 1980.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-8070 Filed 3-14-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms under Review; Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them cut rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available):

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from subsitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washingotn, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

New Forms

Economics, Statistics, and Cooperatives Service
Petroleum operation of farmer cooperatives
Single time
Farmer cooperatives selling petroleum products, 30 responses; 45 hours
Office of Federal Statistical Policy and Standard, 673–7974

New Forms

Forest Service
Study plan—N. H. campground growth
Single time
Campground owners, 300 responses; 100 hours
Charles A. Ellett, 395–5080

Revisions

Economics, Statistics, and Cooperatives Service
Multiple frame hog and cattle survey
Quarterly
Cattle and hog producers, 213,500 responses; 52,782 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

Revisions

Bureau of the Census
Marital and fertility history—June 1980
CPS–1
Annually
68,000 interviewed H'Holds in June 1980 CPS sample, 79,300 responses; 8,562 hours
Office of Federal Statistical Policy and Standard, 673–7974
Bureau of the Census
Housing vacancy survey
HVS–1; HVS–1(R)
Monthly
Eligible vacant housing units in monthly smaple of 86,000 units, 72,000 responses; 3,600 hours
Office of Federal Statistical Policy and Standard, 673–7974

Reinstatements

National Oceanic and Atmospheric Administration
Capital construction fund—Deposit/ withdrawal report
NOAA 34–82
Annually
U.S. citizens owning or leasing fishing vessels, 2,000 responses; 500 hours
William T. Adams, 395–4814

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697–1195

New Forms

Departmental and other college market study
Single time
College youth, 6,750 responses; 3,875 hours
Kenneth B. Allen, 395–3785

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strand—245–6511

New Forms

Office of the Secretary
Testing of the vocational rehabilitation evaluation standards
Single time
VR clients and counselors, 10, 947 responses; 7,690 hours
Barbara F. Young, 395–6132
Public Health Service
Population based case-control study of respiratory cancer and employment history
Single time

Respiratory cancer cases and controls, 10,400 responses; 1,387 hours
Richard Eisinger, 395–3214

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

New Forms

U.S. Fish and Wildlife Service
1980 National survey of fishing, hunting, and wildlife association recreation
Single time
Households of Nation and identified fishermen and hunters
Charles A. Ellett, 395–5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

New Forms

Immigration and Naturalization Service
Inquiry concerning status of I–551 alien registration receipt card
G–731
Single time
Aliens who have not received their registration card, 39,000 responses; 6,500 hours
Andrew R. Uscher, 395–4814

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Paul Elston—755–2744

New Forms

Municipal survey of centralized waste treatment (metal finishing wastes)
Single time
Municipal Governments and their sanitary districts, 50 responses; 25 hours
Edward H. Clarke, 395–5867

PENSION BENEFIT GUARANTY CORPORATION

Agency Clearance Officer—Charles P. Paul—254–4765

New Forms

Reporting and notification requirements for reportable events
On occasion
Plan administrators of defined benefit pension plans, 500 responses; 250 horus
Arnold Strasser, 395–5080

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–8174 Filed 3–14–80; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11078; Admin. Proceeding File No. 3–5889; 812–4593]

Fidelity Daily Income Trust, and Walter Untermeyer, Jr., Application

March 12, 1980.

In the matter of Fidelity Daily Income Trust, 82 Devonshire Street, Boston, Massachusetts 02109 and Walter Untermeyer, Jr., c/o Silverman and Harnes, 75 Rockefeller Plaza, New York, New York 10019.

Notice and order for hearing on application for order pursuant to sections 2(a)(9) and 2(a)(19) of the act, and notice and order of temporary exemption pursuant to section 6(c) of the act from the provisions of section 2(a)(9) of the act.

Notice is hereby given that Walter Untermeyer, Jr. ("Applicant"), a shareholder of Fidelity Daily Income Trust ("the Fund"), filed an application on January 14, 1980, and an amendment thereto on February 19, 1980, for an order, pursuant to Sections 2(a)(9) and 2(a)(19) of the Investment Company Act of 1940 ("Act") or, alternatively, pursuant to Section 554(e) of the Administrative Procedure Act ("APA"), determining that Messrs. George K. McKenzie and William R. Spaulding, trustees of the Fund, are controlled and interested persons of Fidelity Management and Research Company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fidelity Management and Research Company ("Adviser") is the Fund's investment adviser; FMR Corporation ("FMR Corp.") is the parent company of the Adviser; Fidelity Distributors Corporation ("Distributor") is the Fund's principal underwriter; and FMR Service Company ("Service") is the Fund's transfer agent. The application states that the Fund is a Massachusetts Business Trust, registered as a no-load, diversified, open-end management investment company, and that the Fund is one of a relatively new breed of mutual funds commonly known as "liquid asset funds". Applicant alleges generally that the performance of Messrs. McKenzie and Spaulding as trustees of the Fund, and their compensation from other funds under contract with the same investment adviser ("the Fidelity Group"), indicates that they are controlled and interested persons of the Adviser. The application also states that the Applicant, Walter Untermeyer, Jr., is a plaintiff in a shareholder derivative action pending in the United States District Court for the District of Massachusetts, entitled *Walter Untermeyer, Jr.* v. *Fidelity Daily Income Trust*, Civil Action No. 76–1802–N. Applicant describes the complaint in that action as alleging three claims: one based on the alleged improper pricing of the Fund's portfolio; the second seeking to recover excessive compensation received by the Adviser contrary to the fiduciary duty of such Adviser under Section 36(b) of the Act; and the third asserting a claim for the alleged failure of the Fund's trustees to make an informed evaluation of the terms of the advisory contract, as required by Section 15(c) of the Act.

To support his request for Commission determinations of control and interested person status, Applicant alleges that: (1) the Fund, since its inception in 1974, has entered and renewed each year an advisory service contract with its Adviser, that such contract has been renewed annually by the vote of Messrs. McKenzie and Spaulding and that the Adviser performs little, if any, of the functions provided for in that contract; (2) each shareholder pays a monthly fee to Service, such fee is not in the Fund's reported yield, making that yield misleading; (3) Service, though designated transfer agent, dividend disbursing agent and shareholders' servicing agent in its contract with the Fund, merely performs an accounting function; (4) the designated principal underwriter of the Fund is a shell company with no income or employees, and performs no functions for the Fund; (5) although the Fund is advertised as a no-load fund, all selling expenses are borne directly and indirectly by the Fund and the Fund shareholders are charged a continuing load; and (6) fees charged to the Fund under contracts with the Adviser, Service and Distributor are generally unfair and the terms of such contracts are viewed in favor of FMR Corp.

Messrs. McKenzie and Spaulding have filed a Statement in Opposition to the Untermeyer request for relief requesting that the Commission: (1) decline to exercise jurisdiction over the application for a Commission order as a matter of comity because, they allege, the issues presented by such request are currently pending before a court of competent jurisdiction; (2) deny Applicant's request for a Commission order on its merits within sixty days after the filing thereof for failure to establish valid legal or factual grounds for an affirmative determination; or (3) in the absence of (1) or (2) above, grant an exemption pursuant to Section 6(c) of

the Act from the provisions of Section 2(a)(9) of the Act, to the extent that such section provides that if an application filed thereunder is neither granted nor denied by the Commission within sixty days after the filing thereof, the determination sought by such application shall be deemed to have been temporarily granted pending the final determination of the Commission. Messrs. McKenzie and Spaulding state that such exemption would not adversely affect the interests of the Fund's shareholders, but would only serve to maintain the status quo for the period it remains in effect.

Section 2(a)(9) of the Act defines "control" as "the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company". Section 2(a)(9) also grants a presumption to a natural person not to be a controlled person, and states that such presumption shall continue until a determination to the contrary is made by the Commission by order on its own motion, or upon filing of an application by an interested person. Finally, Section 2(a)(9) states that if an application filed thereunder is not granted or denied by the Commission within sixty days after the filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination by the Commission.

Section 2(a)(19) of the Act defines "interested person of another person", with respect to an investment adviser of or principal underwriter for any investment company as, *inter alia*, "any affiliated person of such investment adviser or principal underwriter". Section 2(a)(3) of the Act defines "affiliated person of another person" to include "any person directly or indirectly controlling, controlled by, or under common control with, such other person." Section 2(a)(19) of the Act further defines "interested person of another person", with respect to an investment adviser of or principal underwriter for any investment company, as ". . . any natural person whom the Commission by order shall have determined to be an interested person by reason of having had . . . a material business or professional relationship with such investment adviser or principal underwriter or with the principal executive officer or any controlling person of such investment adviser or principal underwriter". Finally, Section 2(a)(19) of the Act defines "interested person of another person", with respect to an investment company as, *inter alia*, "any interested person of any investment adviser of or principal underwriter for such company."

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities or transactions from any provision of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that the Commission has determined that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to issue a temporary order exempting the trustees of the Fund, named in the application filed by Walter Untermeyer, Jr., from the provisions of Section 2(a)(9) of the Act to the extent that such section provides that if an application filed thereunder is not granted or denied by the Commission within 60 days after filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon. In granting the requested temporary order the Commission takes no position on any issue raised by the Untermeyer application.

Notice is further given that the Commission has determined that it is appropriate in the public interest and in the interest of investors that a hearing be held, limited to written briefs with respect to the application filed by Walter Untermeyer, Jr. requesting determinations of control and interested person status under Sections 2(a)(9) and 2(a)(19) of the Act, to resolve certain jurisdictional issues raised by such application. It appears that the jurisdictional issues raised in this matter are legal issues, and not factual issues, and therefore an evidentiary proceeding to consider them is not warranted. Accordingly,

It is ordered, pursuant to Section 6(c) of the Act that, pending final determination of the Commission on the application filed by Walter Untermeyer, Jr., the trustees named in such application be, and they hereby are, exempted from the provisions of Section 2(a)(9) of the Act to the extent that such section provides that if an application filed thereunder is not granted or denied by the Commission within 60 days after filing thereof, the determinations sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon, provided that such temporary order is not intended nor should be construed to restrict the ability of the courts to take such action as they may deem appropriate on the above shareholder derivative action.

It is further ordered, pursuant to Section 40(a) of the Act, that a hearing, limited to written briefs on the following jurisdictional issues, under the applicable provisions of the Act and the Rules of the Commission thereunder, be held pursuant to a schedule to be determined by the Secretary of the Commission.[1]

(1) Are the issues pending before the Commission in the Untermeyer application so closely related to those raised in the Untermeyer lawsuit that the Commission should decline to exercise its jurisdiction under the Act and defer to the federal district court on the basis of comity?

(2) Does the doctrine of primary jurisdiction require the Commission to exercise its jurisdiction over the Untermeyer application?

It is further ordered, that the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this Notice and Order by certified mail to Walter Untermeyer, Jr., at the address noted hereinabove, and to George K. McKenzie and William R. Spaulding, c/o Fidelity Daily Income Trust, at the address noted hereinabove, and that notice to all other persons be given by publication of this Notice and Order in the **Federal Register**, that a copy of the Notice and Order shall be published in the "SEC Docket" and that an announcement of the aforesaid hearing shall be included in the "SEC Digest."

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8134 Filed 3-14-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1744, Amendment No. 2]

Texas; Declaration of Disaster Loan Area

The above number Declaration (See 45 FR 1465) and amendment No. 1 (See

[1] Since the Commission is requesting the submission of briefs on certain jurisdictional issues raised by Applicant's request for an order pursuant to Sections 2(a)(9) and 2(a)(19) of the Act, there is no need for the Commission to consider this request under the APA.

45 FR 7666) are amended by adding the following counties:

County, Natural Disaster(s), and Date(s)

Hudspeth, adverse weather, 4/1/79–4/30/79 and 8/1/79–9/30/79.
Pecos, drought, 9/1/79–11/14/79.

and adjacent counties within the State of Texas as a result of natural disaster as indicated. All other information remains the same: i.e., the termination date for filing applications for physical damage is close of business on June 26, 1980, and for economic injury until the close of business on September 26, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 7, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-8098 Filed 3-14-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airbone Equipment to be held on April 8–10, 1980 in Building 11 Conference Room, Federal Aviation Administration, National Aviation Facilities Experimental Center, Atlantic City, N.J. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Third Meeting Held on January 22–23, 1980; (3) Discussion of Draft DABS National Aviation Standard and development of Consensus Comments as Required; (4) Report of Working Group on Technical Requirements; (5) Report of Working Group on Operational Requirements; (6) Report on Air-to-Air Antenna Diversity Requirements; (7) Discussion of Test Procedures and Equipment; (8) Identification of Remaining Work to be Accomplished and Schedule to Complete Committee Activities; (9) Assignment of Tasks; and (10) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 6, 1980

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-8029 Filed 3-14-80; 8:45 am]

BILING CODE 4910-13-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in December 1979. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals		
3630-X	DOT-E 3630	Allied Chemical Corp., Morristown, N.J.	49 CFR 177.839(a), (b)	To ship a corrosive liquid in DOT-Specification 33A polystyrene case with four 5-pint glass bottles of nitric acid. (mode 1)
4354-X	DOT-E 4354	Minerec Corp., Baltimore, Md.; Pennwalt Corp., Buffalo, N.Y.	49 CFR 173.119(m), 173.245, 173.268(d), (e).	To ship certain corrosive liquids and flammable liquids in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (modes 1, 2, 3)
5022-X	DOT-E 5022	U.S. Department of Defense, Washington, D.C.; The Boeing Co., Seattle, Wash.; United Technologies, Sunnyvale, Calif.	49 CFR 174.86, 174.101(L), 174.104(d), 174.112(a).	To ship certain Class A and Class B explosives in temperature controlled equipments. (modes 1, 2)
5248-X	DOT-E 5248	Lawrence Livermore Lab., Livermore, Calif.	49 CFR 173.389(g), 175.3	To ship certain quantity of polonium-210 in any DOT approved Type A packaging. (modes 1, 2, 4, 5)
5876-X	DOT-E 5876	FMC Corp., Philadelphia, Pa	49 CFR Part 107 Appendix B, 173.365, 178.241.	To ship a Class B poison in DOT Specification 44D multiwall paper bag. (modes 1, 2, 3)
6232-X	DOT-E 6232	U.S. Department of Defense, Washington, D.C.; McDonnell Douglas Corp., St. Louis, Mo.	49 CFR 172.101, 173.87, 173.102, 173.108, 173.176, 175.3.	To ship certain mixed hazardous materials in a rucksack containing a DOT specification cylinder. (modes 1, 3, 4)
6762-P	DOT-E 6762	Texo Corp., Cincinnati, Ohio	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (modes 1, 2, 4)
6806-X	DOT-E 6806	Analytical Instruments Development Inc., Avondale, Pa.; Barnebey-Cheney Co., Columbus, Ohio.	49 CFR 173.302(a), 175.3	To ship a certain flammable gas in a DOT Specification 3E1800 cylinder. (mode 5)
6923-X	DOT-E 6923	El Paso Products Co., Odessa, Tex.	49 CFR 172.101, 173.315(a)(1)	To ship a flammable gas in non-DOT Specification insulated cargo tank. (mode 1)
7052-P	DOT-E 7052	Raytex, Mountain View, Calif.; Industrial Solid State Controls, Inc., York, Pa.; Wilson Greatbatch Ltd., Clarence, N.Y.; Electrochem Industries, Inc., Clarence, N.Y.; Sonatech, Inc., Goleta, Calif..	49 CFR 172.101, 173.206(e)(1), 175.3.	To become a party to Exemption 7052. (modes 1, 2, 3, 4)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals—Continued		
7274-X	DOT-E 7274	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 172.101, 173.315(a)	To ship nonflammable gases in non-DOT specification vacuum insulated portable tanks. (mode 3)
7605-X	DOT-E 7605	General Dynamics, Fort Worth, Tex.	49 CFR 173.87, 173.92, 173.101, 173.102, 173.113, 175.3, 176.83, 177.848.	To ship certain explosives contained in a partially dis-assembled aircraft or canopy assembly. (modes 1, 3, 4)
7840-X	DOT-E 7840	Douglas Aircraft Co., Long Beach, Calif.	49 CFR 173.87, 175.3, 176.83	To transport Class C explosive and a nonflammable compressed gas in the same package. (modes 1, 2, 3, 4, 5)
7929-X	DOT-E 7929	CIL Chemicals, Inc., Plattsburg, N.Y.	49 CFR 173.65	To transport flaked or pelletized trinitrotoluene (TNT) in non-DOT woven plastic bags with plastic film liners. (modes 1, 2)
8012-X	DOT-E 8012	Bignier Schmid-Laurent, Paris, France.	49 CFR 173.266	To ship hydrogen peroxide in non-DOT specification portable tanks. (modes 1, 2, 3)
8012-P	DOT-E 8012	Degussa Corp., Frankfurt, West Germany.	49 CFR 173.266	To become a party to Exemption 8012. (modes 1, 2, 3)
8110-X	DOT-E 8110	Fauvet-Girel, Paris, France	46 CFR 90.05-35;; 49 CFR Part 173.	To ship certain hazardous materials in non-DOT specification intermodal portable tanks with bottom outlets. (modes 1, 2, 3)
8110-P	DOT-E 8110	SLEMI, Paris, France	46 CFR 90.05-35, 49 CFR Part 173.	To become a party to Exemption 8110. (modes 1, 2, 3)
8146-X	DOT-E 8146	Thiokol, Bringham City, Utah	49 CFR 173.375	To ship a poison B solid materials in a DOT Specification 56 portable tank described as Flo-Bin or a non-DOT specification collapsible flexible container decribed as Super Sack. (modes 1, 2)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		New Exemptions		
8199-N	DOT-E 8199	Dow Corning Corp., Midland, Mich.	49 CFR 172.101, 173.315(a), 178.337-11(c).	To ship liquefied anhydrous hydrogen chloride in DOT Specification MC-331 cargo tanks. (mode 1)
8221-N	DOT-E 8221	Applied Environments Corp., Van Nuys, Calif.	49 CFR 173.302(a), 175.3	To ship nonflammable compressed gases in non-DOT specification high pressure cylinders of welded construction for military missile systems use only. (modes 1, 2, 4)
8232-N	DOT-E 8232	ANF Industries, Paris, France	49 CFR 173.315(a)	To ship certain compressed gases in a non-DOT specification portable tank. (modes 1, 2, 3)
8232-P	DOT-E 8232	GRP Cisterne SA, Chiasso, Switzerland; Eurotainer, Paris, France; Societe Auxilianine de Transports et d'Industries, Paris, France; Compagnie des Containers Reservoirs, Neuilly-sur-Seine Cedex, France; G.C.S. Container Service, Chiasso, Switzerland.	49 CFR 173.315(a)	To become a party to Exemption 8232.
8243-N	DOT-E 8243	Degussa Corp., Frankfurt, West Germany.	49 CFR 173.370(a)(6), 173.370(a)(9).	To ship a poison B, solid in a non-DOT specification portable tank. (modes 1, 2, 3)
8253-N	DOT-E 8253	Allied Drum Service Inc., Louisville, Ky.	49 CFR 173.28(o), 178.118-10(a)	To recondition, convert, mark and sell non-DOT specification 55-gallon steel drums for shipment of certain hazardous materials. (modes 1, 2, 3)
8260-N	DOT-E 8260	Bayonne Barrel & Drum Co., Newark, N.J..	49 CFR 173.28(o), 178.118-10(a)	To recondition, convert, mark and sell non-DOT specification 55-gallon steel drums for shipment of certain hazardous materials. (modes 1, 2, 3)
8266-N	DOT-E 8266	Industrial Plastic Container Co., Long Beach, Calif.	49 CFR Part 173, 178.24, 178.211.	To manufacture, mark and sell DOT Specification 12P packaging having inside two 2½ gallon Specification containers for ship-of various hazardous materials. (modes 1, 2, 3)
8269-N	DOT-E 8269	M-D Trailer Co., Fortworth, Tex.	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks for shipment of waste, classed as flammable liquids, and corrosive liquids. (mode 1)
8278-N	DOT-E 8278	Maintenance Mechanical Corp., Houston, Tex.	49 CFR 173.119, 173.304,173.315.	To manufacture, mark and sell non-DOT specification containers for shipment of flammable liquids and gases. (mode 1)
8290-N	DOT-E 8290	Mobil Chemical Co., Richmond, Va.	49 CFR 173.271	To ship phosphorus trichloride in DOT Specification 51 phenolic lined portable tanks. (modes 1, 3)
		Emergency		
EE2805-P	DOT-E 2805	Publicker Industries Greenwich, Conn.	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 2805. (mode 1)
EE8333-N	DOT-E 8333	Global International Airways, Kansas City, Mo.	49 CFR 172.101, table column (6)(b).	To transport packages of various explosives prescribed in 49 CFR Part 173, Subpart C, as appropriate. (mode 4)

DENIALS

7052-P—Request by Sonatech, Inc., Goleta, Calif.—To become a party to Exemption 7052 to ship certain transponders containing lithium batteries of various sizes, denied December 26, 1979.

7983-P—Request by ESB Inc., Madison, Wis.—To become a party to Exemption 7983 to ship minature batteries containing lithium metal without compliance with the hazardous materials regulations, denied December 27, 1979.

8190-P—Request by Stauffer Chemical Co., Westport, Conn.—To become a party to Exemption 8190 for shipment dimethyl chlorothiophosphate as a corrosive liquid n.o.s. in DOT Specification 105 A300 W tank Cars, denied December 13, 1979, as being unnecessary.

WITHDRAWALS

8270-N—Request by 3M Company, St. Paul, Minn.—To ship pyrophoric solids in solvents, classed as flammable liquids in DOT Specification 6A, 6B or 6C drums, withdrawn December 13, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc.80-7892 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-60-M

Technical Pipeline Safety Standards Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1), notice is hereby given of a meeting of the Technical Pipeline Safety Standards Committee on April 15-17, 1980, at 9 a.m. in Room 2230, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

The purpose of the meeting is to discuss the following notices of proposed rulemaking:

1. Docket PS-57, Notice 1, "Monitoring Gas Odor Levels," (44 FR 10604, February 22, 1979).

2. Docket PS-58, Notice 1, "Temperature Limits on Cold Expanded Steel Pipe," (44 FR 53185, September 13, 1979).

3. Docket PS-59, Notice 1, "Damage Prevention Program," (44 FR 65792, November 15, 1979).

4. Docket PS-60, Notice 1, "Hot Taps in Gas Pipelines," (44 FR 68491, November 29, 1979).

5. Docket PS-62, Notice 1, "Leakage Surveys," (44 FR 72201, December 13, 1979).

Attendance is open to the public, but limited to the space available. With approval of the chairman of the Committee, members of the public may present oral statements on any item scheduled for discussion. Due to the limited time available, each person who wants to make an oral statement is requested to notify Toni Reed, Room 8101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2392, of the topics to be addressed and the time requested to address each topic. The chairman may deny any request to present an oral statement and may limit the time of any oral presentation. Members of the public may present written statements to the Committee before or after any session of the meeting.

The opportunity for public participation at the meeting is intended to provide information for the Committee to consider in formulating its recommendations to the Materials Transportation Bureau, and not as an extension of the respective times allowed for public participation in the above proceedings.

Dated: March 10, 1980.

Cesar DeLeon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 80-8060 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

[Docket No. 80-F]

Rail Retrofit Reports; Availability; Correction

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Correction.

SUMMARY: In Part IV of the **Federal Register** of March 10, 1980 (45 FR 15462), the Urban Mass Transportation Administration announced the availability of Rail Retrofit Reports and established a 90-day comment period for the receipt of comments by organizations representing handicapped persons as required by Section 321(a) of the Surface Transportation Assistance Act of 1978. This Notice makes three corrections to the original published notice.

1. On page 15462, in the second column, the listing for UMTA Field Offices is revised by adding the following between the listing for Region I and the listing for Region III:

"UMTA Region II Office, Suite 14-130, 26 Federal Plaza, New York, New York 10007. (212) 264-8162, Hours: 9:00 a.m. to 4:00 p.m., Monday through Friday."

2. On page 15462, in the third column, the following is added at the end of the listing for the Regional Transportation Authority (RTA), Chicago, Illinois:

"Contact Susan Sloan at (312) 793-3464 for additional locations where reports can be viewed."

3. On page 15464, in the third column, the information concerning the March 28, 1980 briefing in Boston, Massachusetts is revised to read as follows:

"Boston, Massachusetts (MBTA), McCormack Building, Conference Room, One Ashbenton Place, Boston, Massachusetts 02108, Time: 9:30 a.m. to 1:30 p.m.; Patricia White Building Community Room, 20 Washington Street, Brighton, Massachusetts 02108, Time: 4:30 p.m. to 8:30 p.m."

Dated: March 12, 1980.

Theodore C. Lutz,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 80-8077 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 10-80]

Treasury Notes of March 31, 1982, Series Q-1982

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,500,000,000 of United States securities, designated Treasury Notes of March 31, 1982, Series Q-1982 (CUSIP No. 912827 KN 1). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 31, 1980, and will bear interest from that date, payable on a semiannual basis on September 30, 1980, and each subsequent 6 months on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1982, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000.

Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, March 20, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, March 19, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, March 31, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) matured on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, March 26, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, March 25, 1980, of the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit

submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-8260 Filed 3-13-80; 4:58 pm]

BILLING CODE 4810-40-M

[Dept. Circular; Public Debt Series—No. 11-80]

Treasury Notes of March 31, 1984; Series D-1984

March 13, 1980.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,500,000,000 of United States securities, designated Treasury Notes of March 31, 1984, Series D-1984 (CUSIP No. 912827 KP 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securites and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 31, 1980, and will bear interest from the date, payable on a semiannual basis on September 30, 1980, and each subsequent 6 month on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1984, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the secuities is subject to all taxes imposed under the Internal Revene Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the prinicpal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, March 25, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 24, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, March 31, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, March 28, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, March 28, 1980, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriated identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assisgnment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risks of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed

by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-8261 Filed 3-13-80; 4:58 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 53
Monday, March 17, 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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[M-273 Amdt. 2; March 12, 1980]

CIVIL AERONAUTICS BOARD.

Notice of cancellation of the March 13, 1980 board meeting.

TIME AND DATE: 9:30 a.m., March 13, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: See M-273 dated March 7, 1980.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Due to unforeseen circumstances, George A. Dalley, who has been confirmed by the Senate for Board Membership, will not be sworn in this week as expected, so it is necessary to cancel the Meeting scheduled for March 13, 1980, as the Board will not have a quorum present. Accordingly, the following Members have voted that agency business requires the cancellation of the March 13, 1980 meeting and that no earlier announcement of this change was possible:

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.

[S-517-80 Filed 3-12-80; 4:42 pm]

BILLING CODE 6320-01-M

2

[273 Amdt. 1; March 11, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the March 13, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., March 13, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2a. Docket 37072, Petition to review Order 79-11-52, November 7, 1979, award of unused authority in the Fort Meyers-West Palm Beach market to TWA.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Due to processing delays, the staff did not submit this item before the deadline for the March 13, 1980 meeting agenda. The draft order concerns a petition for review of Order 79-11-52 in which TWA was awarded unused authority under section 401(d)(5)(a) in the West Palm Beach-Fort Meyers market. The award is contested on environmental grounds. The Board's immediate consideration of this matter is necessary to resolve the issue of the staff's authority to defer or deny unused authority applications for environmental reasons. Accordingly, the following Members have voted that this Item be added to the March 13, 1980 meeting and that no earlier announcement was possible:

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.

[S-518-80 Filed 3-12-80; 4:42 pm]

BILLING CODE 6320-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, March 18, 1980.

PLACE: Commission Conference Room No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public

1. Freedom of Information Act Appeal No. 80-1-FOIA-30, concerning a request for the presentation memorandum on Commission intervention in Lola Kouba v. Allstate Insurance Co.

2. Proposed contract for services needed in connection with a court case.

3. Report on Commission Operations by the Executive Director.

Closed to the public

Litigation authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued March 11, 1980.

[S-520-80 Filed 3-13-80; 10:36 am]

BILLING CODE 6570-06-M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, March 19, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Common Carrier—1—*Title:* Reallocation of the 2500-2690 MHz band for additional Multipoint Distribution Service channels. *Summary:* The Commission is considering reallocation of channels in the 2500-2690 MHz band to provide additional channels for use in the Multipoint Distribution Service and the Operational Fixed Service.

Common Carrier—2—*Title:* Amendment of Parts 21, 74 and 94 of the Commission's Rules with regard to the technical requirements applicable to the Multipoint Distribution Service (MDS), the Instructional Fixed Service (ITFS) and Operational Fixed Service (OFS). *Summary:* This is a two part Item. The first is a *Notice of Proposed Rulemaking* whereby technical standards for acceptable interference and geographic spacing between MDS sites operating in the 2150-2162 MHz band are proposed. The second part is a *Notice of Inquiry* seeking comments for the establishment of similar technical standards for MDS, ITFS and OFS operation in the 2500-2690 MHz band.

Common Carrier—3—*Title:* Application of R. L. Mohr d.b.a. RadioCall Corporation for construction permit in Multipoint Distribution Service for a new station at San Pedro, California. *Summary:* The Commission is considering RadioCall's

request to construct an MDS station at San Pedro, California, which will serve an area along the Pacific Coast that is not presently served by the Los Angeles area's other two licensed MDS stations. The application is opposed by Microband Pacific Corporation and Metrotel Corporation, which are MDS licensees at Los Angeles and Anaheim respectively. Both opposing parties allege that if RadioCall is allowed to construct an MDS station at San Pedro it will cause unacceptable co-channel interference with their service areas.

Common Carrier—4—*Title:* Applications of Frank K. Spain, d.b.a. Microwave Service Co. and Comcast Corp. for construction permits in the Multipoint Distribution Service for a new station at Meridian, Mississippi. *Summary:* The Commission will consider the designation for hearing of the mutually exclusive applications of Frank K. Spain, d.b.a. Microwave Service Co. and Comcast Corp. for construction permits in the Multipoint Distribution Service for a new station at Meridian, Mississippi. Part of said designation will be a reexamination of the *Peabody* MDS issues.

Common Carrier—5—*Title:* Notice of Inquiry Proposed Rulemaking to Use Alternative Procedures in choosing Applicants for Radio and Authorizations in the Multipoint Distribution Service. *Summary:* The Commission is inquiring into amending its procedures for processing competing applications in the Multipoint Distribution Service to permit the use of alternative procedures in determining who shall receive an authorization where mutually exclusive applications are involved.

Common Carrier—6—*Subject:* Application (BPIF-376) of the Richardson Independent School District for changes in the facilities of instructional television fixed station WEF-79. *Summary:* Applicant proposes to operate station WEF-69 omnidirectionally with a transmitter power output of 50 watts. The issue before the Commisssion is whether applicant has justified its high power ITFS proposal.

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: March 12, 1980.

S-523-80 Filed 3-13-80; 8:45 am]

BILLING CODE 6712-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that, during the course of its open meeting held by telephone conference called at 9:30 a.m. on Wednesday, March 12, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Village Bank of Elm Grove, a proposed new bank, to be located at 930 Elm Grove Road, Elm Grove, Wisconsin, for Federal deposit insurance.

A personnel action with respect to which the name of the employee is authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The Board further determined, by the same majority vote, that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), and (c)(8), of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), and (c)(8)); and that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: March 12, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-522-80 Filed 3-13-80; 11:08 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 2:35 p.m. on Friday, March 7, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider final amendments to Part 329 of the corporation's rules and regulations entitled "Interest on Deposits".

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required its consideration of the matter 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 matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(9)(A)(i) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(A)(i).

Dated: 7, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-521-80 Filed 3-13-80; 11:08 am]

BILLING CODE 6714-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION

March 12, 1980

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 10 a.m., March 19, 1980.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

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.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public information may be examined in the Office of Public Information.

Power Agenda—443d Meeting, March 19, 1980, Regular Meeting— (10 a.m.)

CAP-1. Docket No. ER80-227, Ohio Valley Electric Corp.

CAP-2. Docket No. ER80-213, Iowa Electric Light & Power Co.

CAP-3. Docket No. ER78-414, Delmarva Power & Light Co.

CAP-4. Docket No. ER78-355, Lockhart Power Co.

CAP-5. Docket No. E-7631 and E-7633, *City of Cleveland, Ohio* v. *Cleveland Electric Illuminating Co.* Docket No. E-7713, city of Cleveland, Ohio.

Miscellaneous Agenda—443d Meeting, March 19, 1980, Regular Meeting

CAM-1. Docket No. GP80- , NGPA well category determination, L & B Oil Co., Inc., JD80-14668.

Gas Agenda—443d Meeting, March 19, 1980, Regular Meeting

CAG-1. Docket No. TA80-1-22 (PGA80-2 and PGA80-2a), (IPR80-2), (RD&D80-1), (LPUT80-1), Consolidated Gas Supply Corp.

CAG-2. Docket No. TA80-1-50 (PGA80-1 and PGA 80-1a), Locust Ridge Gas Co.

CAG-3. Docket Nos. RP76-136 and RP77-26, Transcontinental Gas Pipe Line Corp.

CAG–4. Docket No. RP73–3, Transcontinental Gas Pipe Line Corp.
CAG–5. Docket No. RP73–43, Mid-Louisiana Gas Co.
CAG–6. Docket No. RP72–136 (PGA79–2), Florida Gas Transmission Co.
CAG–7. Docket Nos. C72–883 et al., Tommy Bolack and Terry Bolack, Co-Personal Representatives of the Estate of Alice N. Bolack deceased and Tom Bolack—Docket No. CI76–629, Conoco Inc.; Docket No. CI79–447, Tenneco Oil Co.; Docket No. CI79–519, Texaco, Inc.; Docket No. CI77–577 et al., Gulf Oil Corp. et al.; Docket Nos. G–6837 et al., Sun Oil Co. et al.; Docket No. G–7526 et al., Amoco Production Co. et al.; Docket No. CI79–628, Marathon Oil Co.; Docket No. CI79–633, Cotton Petroleum Co.; Docket No. CI79–635, CNG Producing Co.; Docket No. CI79–671, Amoco Production Co.; Docket No. CI64–349, Exxon Corp.; Docket Nos. CI75–522 et al., Gulf Oil Corp. et al.; Docket No. CI79–587 (CS69–25), Anadarko Production Co.; Docket No. CI79–626, Chevron U.S.A. Inc.; Docket No. CI79–299, Trans Ocean Oil, Inc.; Docket Nos. CI78–688, and CI79–470, Cities Service Co.; Docket No. CI78–1158, Cotton Petroleum Corp.; Docket Nos. CI79–346 and CI79–505, American Natural Gas Production; Docket No. CI79–450, Marathon Oil Co.; Docket Nos. CI79–472, and CI79–473, Mesa Petroleum Co.; Docket No. CI79–490, General Crude Oil Co.; Docket No. CI80–161, American Petrofina Co. of Texas; Docket No. CI79–363, Multistate Oil Properties, N.V.; Docket No. CI78–282, Highland Resources, Inc.; Docket No. CI79–185, Continental Oil Co.; Docket No. CI79–178, Exxon Corp.; Docket No. CI78–1268, Exxon Corp.; Docket No. CI75–61, Continental Oil Co.; Docket No. CI78–1008, Kerr-McGee Corp.; Docket No. CS72–950, Maurice L. Brown Co.; Docket No. CI79–255, Forest Oil Corp.; Docket No. CI79–259, Cabot Corp.; Docket No. CI79–261, CIG Exploration; Docket No. CI77–483, CIG Exploration, Inc.; Docket No. CI79–147, Exxon Corp.; Docket Nos. CI65–453 et al., Atlantic Richfield Co.; Docket No. CI76–68, (CS70–5), Phillips Petroleum Co.; Docket No. CI79–417, Marathon Oil Co.; Docket No. CI79–457, VSEA, Inc.; Docket No. CI79–458, Pinto, Inc.
CAG–8. Docket Nos. CS71–697 et al., Burk Royalty Co. et al.
CAG–9. Docket Nos. CI72–255, Getty Oil Co.; Docket No. CI72–398, Transocean Oil, Inc.; Docket No. CI77–137, Placid Oil Co.; Docket No. CI77–165, Highland Resources, Inc.; Docket No. CI77–263, Gulf Oil Corp.; Docket No. CI77–315, Hunt Oil Co.; Docket No. CI77–326, The Superior Oil Co.; Docket No. CI77–354, Hunt Petroleum Corp.; Docket No. CI77–420, Canadian Superior Oil (U.S.), Ltd.
CAG–10. Docket Nos. CI79–644 and CI79–662, Texaco Inc.
CAG–11. Docket No. SA80–8, Wallace Energy Corp.
CAG–12. Docket No. TC80–30, Texas Gas Transmission Corp.
CAG–13. Docket No. CP78–237, Northern Natural Gas Co.
CAG–14. Docket No. CP77–478, Panhandle Eastern Pipe Line Company and Trunkline Gas Co.
CAG–15. Docket No. CP79–471, Florida Gas Transmission Co.; Docket No. CP79–479, Natural Gas Pipeline Co.
CAG–16. Docket No. C75–71, Natural Gas Pipeline Co. and Transwestern Pipeline Co.
CAG–17. Docket No. CP80–182, East Tennessee Natural Gas Co.; Docket No. CP80–186, Texas Gas Transmission Corp.
CAG–18. Docket No. CP75–127, Texas Eastern Transmission Corp. and Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Docket No. CP80–30, Tennessee Gas Pipeline Co., division of Tenneco Inc., Texas Eastern Transmission Corp. Trunkline Gas Co. and Natural Gas Pipeline Co. of America; Docket No. CP78–379, Trunkline Gas Co.; Docket No. CP78–458, Columbia Gulf Transmission Co. and Columbus Gas Transmission Corp.; Docket No. CP80–195, Truckline Gas Co.
CAG–19. Docket No. CP76–254, Michigan Consolidated Gas Co.
CAG–20. Docket No. CP80–112, Northern Natural Gas Co.
CAG–21. Docket No. CP79–452, Forida Gas Transmission Co.

Power Agenda—443d Meeting, March 19, 1980, Regular Meeting

Electric Rate Matters

ER–1. Docket Nos. ER80–214 and ER80–215, Pacific Gas & Electric Co.
ER–2. Docket No. ER80–220, New England Power Co.
ER–3. Docket No. ER80–202, public Service Co. of Indiana, Inc.
ER–4. Docket No. ER80–112, Upper Peninsula Power Co.
ER–5. Docket Nos. ER78–229, ER78–292, ER78–313, ER78–242, ER79–245, ER79–247, ER79–250, ER79–254 and ER79–269, Indiana and Michigan Electric Co. et al.; Docket No. ER78–107, ER78–108, ER78–109, and ER78–219, Pennsylvania-New Jersey-Maryland Interconnection. et al.; Docket No. ER78–249, Appalachian Power Co., et al.; Docket No. ER78–252, Ohio Power Co., Et al.; Docket No. ER78–335, New England Power Pool et al.; Docket No. ER79–218, Dayton Power & Light Co. et al.; Docket No. ER80–1, Indiana & Michigan Electric Co. and Central Illinois Public Service Co.; Docket No. ER79–80–6, Ohio Power Co. & Dayton Power and Light; Docket Nos. ER78–229 et al., Indiana & Michigan Electric; Docket No. ER79–456 and ER79–458, Ohio Power Co. et al.
ER–6. Docket Nos. E–9520 and ER77–531, Illinois Power Co.
ER–7. Docket Nos. ER77–23 et al., and ER77–411 et al., Illinois Power Co.
ER–8. Docket No. EL78–13, *Central Virginia Electric Cooperative, Inc, Craig-Botetourt Electric Cooperative, Inc., and Southside Electric Cooperative, Inc.*, v. *Appalachian Power Co.*

Power Agenda—443d Meeting, March 19, 1980, Regular Meeting

M–1. Reserved.
M–2. Reserved.
M–3. Docket No. RM79–78, final rule under the NGPA defining the term new well.
M–4. Docket No. RM79–32, procedures for adjustments of rules and orders issued by the Federal Energy Regulatory Commission under the NGPA.
M–5. Docket No. RM80–33, final regulations, part 270, subpart B, sections 270.201, 202 and 204.
M–6. Docket No. GP80– , NGPA well category determination, Ladd Petroleum Corp., JD80–3569 and JD80–3571.
M–7. Docket No. RA78–5, Young Refining Corp.

Gas Agenda—443d Meeting, March 19, 1980, Regular Meeting

I. Pipeline Rate Matters

RP–1. Reserved.

II. Pipeline Certificate Matters

CP–1. Docket Nos. CP75–81 and CP75–104, High Island Offshore Systems.

Kenneth F. Plumb,

Secretary.

[S–519–80 Filed 3–13–80; 9:05 am]

BILLING CODE 6450–01–M

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FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., March 20, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Heritage Federal Savings and Loan Association, Daytona Beach, Florida.
Application for Branch Office—Fortune Federal Savings and Loan Association, Clearwater, Florida.
Application for Branch Office—Midwest Federal Savings and Loan Association of Minot, Minot, North Dakota.
Application for Branch Office—Lincoln Federal Savings and Loan Association, Lincoln, Nebraska, and Application for Limited Facility—State Federal Savings and Loan Association, Beatrice, Nebraska.
Merger—First Federal Savings and Loan Association of Beaver Falls, Beaver Falls, Pennsylvania into Tower Federal Savings and Loan Association, New Brighton, Pennsylvania.
Service Corporation Activity—Gibraltar Savings and Loan Association, Beverly Hills, California.
Application to Upgrade a Satellite Office to a Full Service Branch Office—Central Federal Savings and Loan Association of Nassau County, Long Beach, New York.
Bank Membership and Insurance of Accounts—Taos Savings and Loan Association, Inc., Taos, New Mexico.
Preliminary Application for Conversion into a Federal Mutual Association—Macomb Savings and Loan Association, Macomb, Illinois.
Request for Waiver of Regulation—Commonwealth Savings and Loan Association, Torrance, California, and First Public Savings and Loan Association, Los Angeles, California.

Allegheny County Home Improvement Loan Program.
Application for Permission to Convert from Federal Mutual to Federal Stock Form—Virginia Beach Federal Savings and Loan Association, Virginia Beach, Virginia.
Regulation on Monitoring Fair Lending Practices.

No. 324, March 13, 1980.

[S-524-80 Filed 3-13-80; 3:09 pm]
BILLING CODE 6720-01-M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 11, 1980.

TIME AND DATE: 10 a.m., Tuesday, March 18, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Southern Ohio Coal Company, Docket No. VINC 79-227-P (Petition for Discretionary Review, Judge Kennedy, Feb. 8, 1980.)
2. Pittsburg & Midway Coal Mining Company, Docket No. BARB 79-307-P, etc. (Petition for Discretionary Review, Judge Koutras, Feb. 8, 1980.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-525-80 Filed 3-13-80; 3:10 pm]
BILLING CODE 6820-12-M

10

FEDERAL RESERVE SYSTEM: Board of Governors
"FEDERAL REGISTER": Citation of Previous Announcement: Forwarded to **Federal Register** on March 11, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, March 19, 1980.

CHANGES IN THE MEETING: Deletion of the following open item(s) from the agenda:

Proposed policy statement concerning financial factors in the formation of one-bank holding companies. (Proposed earlier for public comment; docket no. R-0265).
This matter will be rescheduled for an upcoming open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.
1Dated: March 13, 1980.

Theodore E. Allison,
Secretary of the Board.

[S-526-80 Filed 3-13-80; 3:41 pm]
BILLING CODE 6210-01-M

federal register

Monday
March 17, 1980

Part II

Department of Transportation

Urban Mass Transportation Administration

Reducing the Paperwork Burden on Transit Operators

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

Reducing the Paperwork Burden on Transit Operators

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of Amendments to UMTA Operating Procedures and Requirements.

SUMMARY: This notice describes several actions taken by the Urban Mass Transportation Administration (UMTA) to reduce paperwork burdens on State and local governments in the execution of the Federal public transportation assistance program. These steps are consistent with President's Carter's efforts to reduce the paperwork burden throughout the Federal government as evidenced most recently by Executive Order 12174. The specific actions modify UMTA operating procedures and requirements and will reduce paperwork burdens on applicants for capital grants funded under Section 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act), and help speed the implementation of projects using such funds while retaining essential Federal oversight.

DATE: These actions are effective on March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Charlyne Schofield, Office of Grants Assistance (UTA–13), Phone (202) 472–7037.

SUPPLEMENTARY INFORMATION:

Background

Operating procedures and requirements governing applications for capital grants and administration of approved capital projects are described in the UMTA External Operating Manual (EOM), August, 1972 (UMTA Order 1000.2).

There have been no significant changes to the portion of the EOM covering capital grants since 1974. By contrast, the UMTA program changed significantly during that period. Three of the most important changes are:

1. The National Mass Transportation Act of 1974 which added formula grants for capital or operating assistance (Section 5 of the UMT Act);

2. The growth in the total transit assistance program from $870.3 million in FY 1974 to $2,600 million in FY 1979 (excluding interstate transfers); and

3. The decentralization of UMTA grant making and program management activities between 1975 and 1978.

UMTA is updating existing operating procedures and requirements to make them consistent with the current Federal transit assistance program and reduce the paperwork burden on transit operators. Where possible, procedures and requirements are being reshaped and streamlined by eliminating duplicative and unnecessary requirements; moving more decisions to UMTA regional offices and thus condensing the UMTA review period; and eliminating required UMTA concurrence for selected actions, thus increasing the descretion of local officials and placing increased emphasis on the experience and expertise of transit operators.

This notice describes one of these efforts—actions which we have taken to reduce immediately the paperwork burden on applicants for capital assistance. Additional steps to reduce the paperwork burden on transit operators will follow in the near future.

Actions to Reduce Paperwork

1. The following actions eliminate at least one level of UMTA review and approval and will therefore reduce the paperwork burden on transit operators and speed the implementation of transit improvements:

a. UMTA Order 1100.18B, which covers delegations to UMTA regional offices, is amended to give Regional Directors the authority over most single bid awards. Those involving rail cars, buses and electronic fair systems continue to be reserved to UMTA headquarters.

b. UMTA EOM is amended to require prior UMTA approval of budget revisions only when the cumulative amount of such revisions exceeds 10 percent of the total budget (provided of course such changes are within the scope of the approved project). This is an increase from the current 5 percent level.

2. Appendix 3 of the UMTA EOM is amended to eliminate several exhibits currently required for each grant application. Elimination of the exhibits will reduce paperwork as some of the exhibits require several pages to complete:

a. Exhibit B (Public Transportation System) need not be submitted with a capital grant application if a description of the current system is on file with UMTA. The public transportation system exhibit must be submitted once and updated as the system is modified. Grantees should work with UMTA regional offices to ensure that UMTA files contain an accurate and current description of the public transportation system.

b. Exhibit F (Status of Transportation Planning) is eliminated. The purpose of this exhibit was to describe the extent and nature of local planning. The exhibit is no longer required because UMTA (jointly with the Federal Highway Administration) assesses the local transportation planning process during periodic planning certification reviews (usually annually). These reviews provide both an inventory and evaluation of local planning activities.

c. Exhibit G (Public Transportation Program) is eliminated. The purpose of this exhibit was to summarize the local transit development program (TDP). It is no longer required because both planning and programming—the two principal components of the TDP—are currently reviewed and evaluated as preconditions for the approval of an application: planning during the certification review of short-range transit planning and programming during the review and approval of the transportation improvement program/annual element (TIP/AE).

d. Exhibit M (Elderly and Handicapped (E&H)) is eliminated. The purpose of this exhibit was to describe actions taken on behalf of elderly and handicapped persons. It is no longer required because of current reviews by UMTA staff to determine the adequacy of the E&H component of local planning and programming actions as preconditions for the approval of an application. These reviews provide both an inventory and evaluation of local E&H planning activities and programmed E&H services.

e. Exhibit N (Distribution of Transportation Benefits) is eliminated. The purpose of this exhibit was to assist UMTA in determining whether transit service was being provided in a nondiscriminatory manner. Exhibit N is included in a more comprehensive Title VI submission which is submitted once and is used in certifying that transit service is planned and provided in a non-discriminatory manner. Grantees should work with UMTA Regional Offices to ensure that UMTA files contain a current Title VI submission.

UMTA shall provide notice of this action to transit operators and other interested parties by mailing a copy of this notice to all transit operators, designated recipients, State Departments of Transportation and Metropolitan Planning Organizations.

Dated: March 12, 1980.

Theodore C. Lutz,

Administrator.

[FR Doc. 80–8132 Filed 3–14–80; 8:45 am]

BILLING CODE 4910–57–M

federal register

Monday
March 17, 1980

Part III

Department of Energy

Privacy Act of 1974; Addition of System of Records

DEPARTMENT OF ENERGY

Privacy Act of 1974; Proposed Establishment of a New System of Records

AGENCY: Department of Energy.

ACTION: Proposed establishment of a new system of records subject to the Privacy Act of 1974 (Pub. L. 93–579; 5 U.S.C. 552a).

SUMMARY: The Department of Energy proposes to establish system of records in order to carry out a pilot energy conservation and residential weatherization program in the Pacific Northwest. The program, which will be conducted by the Bonneville Power Administration (BPA), will provide BPA financing for the weatherization of eligible homes in the States of Idaho, Oregon, Washington, and Montana. Eligibility for assistance will be based on the cost-effectiveness of weatherizing homes, and will be determined based on analyses performed by local utility companies at the request of their customers. Public comment is sought on the system of records and in particular on the routine uses of the records, as required by subsection (e)(11) of the Privacy Act (5 U.S.C. 552a(e)(11)).

DATES: Written comments must be received on or before April 16, 1980.

ADDRESSES: Comments should be directed to: Mr. Walter Pollock, Bonneville Power Administration, PRE, P.O. Box 3621, Portland, OR 97208.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Pollock, Bonneville Power Administration, PRE, P.O. Box 3621, Portland, OR 97208.

SUPPLEMENTARY INFORMATION: The Bonneville Power Administration (BPA) of the Department of Energy (DOE) proposes to establish a new system of records, to be entitled "Electricity Use and Conservation Analysis," which will be part of DOE's pilot energy conservation program in Idaho, Oregon, Washington, and Montana. As a part of this program, BPA will finance the weatherization of certain homes in the area and has contracted with local utilities to evaluate and analyze residences to determine their eligibility, based on cost-effectiveness, for DOE financing.

The weatherization program will operate as follows: participating utilities will send their customers a mailer advertising the availability of DOE-financed weatherization assistance. At the customers' request, the utility will perform an analysis of the home to determine the weatherization needs. This step will involve the collection of information about the customers and their homes which will constitute the system of records. If eligible, the customer may sign an agreement with the utility to seek bids for the weatherization work. The utility will review the contractors' bids and determine, based on a cost-effectiveness formula developed by BPA, whether the customer is eligible for BPA financing of specific weatherization items. A report based on the analysis will then be provided to the customer, describing the recommended work and indicating whether he or she is eligible for DOE financing. The customer may then enter into an agreement under which BPA will finance the installation of weatherization measures.

The records in this system will include the names and addresses of customers who request an analysis of their homes from the utility company, and information about their families' energy consumption and about their homes, such as construction, heating/cooling system, and existing weatherization measures. The records will be maintained by the utility, which will agree in its contract with DOE to observe the requirements of the Privacy Act.

The records in the system will be disclosed as follows: (1) relevant portions of the records will be provided, with identifiers, to potential bidders on the actual weatherization work; (2) information regarding the homes will be available to subsequent purchasers of those homes; (3) records will be made available to DOE for audit and program evaluation purposes. While these records will include the account billing code used by the utilities, which is a unique identifier, names and addresses will be removed from the files, so that the unique identifier will not be traceable to the individual customers by DOE. (4) The records, in aggregated statistical form, will become part of a public data base on weatherization of homes to be maintained by DOE.

The system of records will be established and maintained pursuant to the Bonneville Project Act of 1937 (16 U.S.C. Ch. 12B), as amended by the Flood Control Act of 1944 (16 U.S.C. 825s) and the Federal Columbia River Transmission System Act of 1974 (16 U.S.C. Chapter 838). The collection of data and maintenance of the system of records are incidental to the performance of the overall energy conservation program, whose objective is to determine what cost-effective weatherization conservation measures should be installed or adopted at individual residences, and to provide incentives to utility customers in the form of no-interest, deferred payment financing for the installation of weatherization.

The establishment of this system of records should have a minimal effect on the personal privacy of the utility customers in the region, because participation in the program is entirely voluntary and will be initiated by the individuals themselves. For the record subjects, i.e., those who choose to participate in the program, the impact will be minimal because the information collected will consist mostly of data about the individuals' homes, such as energy consumption patterns, amount and kind of insulation, etc.

Some State laws and other utilities in the region provide for similar weatherization and conservation programs, but these are not equally available to all customers in the region. The DOE program is intended to provide additional incentives to residential customers on a pilot basis, and to assist utilities in meeting the residential conservation requirements imposed on them by existing laws. Thus, the only likely impact of the program on the administration of State law will be to foster State-mandated conservation measures. The principle of federalism will not be adversely affected.

Safeguards: Access to records will be limited to those personnel who have a need for the data. More elaborate security measures need not be considered because (1) information will be provided to DOE in a form which is not traceable to individual customers, and (2) the records will consist primarily of nonpersonal data about customer's homes. In addition to protecting the personal privacy of those customers, these measures provide assurance against improper use of the data.

A Report on New Systems has been submitted to the Office of Management and Budget as required by section 3(o) of the Privacy Act (5 U.S.C. 552a(o)) and OMB Circular No. A–108 as amended. In addition, a waiver of the 60-day advance notice period which is required by the Circular has been requested. The reason for the waiver request is that the implementation of the weatherization program has been delayed, and further delay before operation of the system of records would adversely affect the public interet in the conservation of energy.

If a waiver of the notice period is granted, and no comments are received which would justify a change in the system as proposed, it will become effective on April 16, 1980.

Information to be maintained in the system will be collected using BP–406, a

data collection from which has been submitted to OMB for clearance under the Federal Reports Act and OMB Circular No. A–40, as amended.

The text of the system notice is set forth below.

March 13, 1980.

William S. Heffelfinger,

Director of Administration.

SYSTEM NAME:

Electricity Use and Conservation Analysis Records.

SYSTEM LOCATION:

Bonneville Power Administration, Conservation Section, P.O. Box 3621, Portland, OR 97208; and utilities that may be participating in the program and announced here annually.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested participation in the Residential Conservation Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about a person's household energy consumption, family size, characteristics of his/her dwelling, including heating and cooling systems; structural aspects related to thermal efficiency, and other characteristics which affect patterns of residential energy consumption.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Bonneville Project Act of 1937, 16 U.S.C. Chapter 12B (1976), as amended by the Flood Control Act of 1944 (16 U.S.C. § 825s) and the Federal Columbia River Transmission System Act of 1974 (16 U.S.C. Ch. 838).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information will be maintained by the utility and wil be used (1) to evaluate various energy-saving opportunities in the home; (2) to calculate energy and financial savings which could result from weatherization improvements in the home; (3) to make recommendations concerning weatherization improvements in the home; (4) to determine eligibility for DOE weatherization financing; and (5) to provide a record of weatherization improvements and household energy efficiency to subsequent owners of the home.

DOE (Bonneville Power Administration) will use this information in aggregated statistical form, without identifiers, to (1) evaluate the overall effectiveness of the program through statistical analysis, (2) provide a public data base which will be used to plan and analyze appropriate conservation measures for residents of the Pacific Northwest.

The utility will make information available (1) to building contractors for use in preparing and submitting bids for the performance of weatherization work; (2) DOE for audit and program evaluation purposes. The information provided to DOE will include a unique utility company account number for each customer, but not the customers' names and addresses; without the latter information, the customers' identities will not be traceable by DOE.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained (1) on paper and stored in file folders, and (2) on computer tape without individuals' names and addresses. As noted above, under *Routines, uses,* the customers' unique billing account numbers will be in the file but not traceable to individual customers.

RETRIEVABILITY:

Records are indexed by a utility account number assigned to each utility customer.

SAFEGUARDS:

Access to and use of individually identifiable records are limited to those persons whose official duties require such access. All files are locked when unattended. Names and addresses of individuals will not be disclosed to DOE.

RETENTION AND DISPOSAL:

A records retention and disposal authorization will be developed and issued in the effective edition of DOE Order 1324.1, Records Disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Walter E. Pollock, Head, Energy Conservation Section, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208, (503) 234–3361 Ext. 4082.

NOTIFICATION PROCEDURE:

Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addresses to the System Manager named above. Requests should include the individual's full name and address.

RECORD ACCESS PROCEDURES:

Requests for access may be directed to the System Manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the System Manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom the record pertains. Information about homes will be gathered by representatives of the utilities based on an examination of the home conducted in cooperation with the customer.

[FR Doc. 80–8283 Filed 3–14–80; 11:58 am]

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Reader Aids

Federal Register

Vol. 45, No. 53

Monday, March 17, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

10194 2–14–80 / Industrial Energy Conservation Program provisions

ENVIRONMENTAL PROTECTION AGENCY

9910 2–14–80 / Water quality standards for navigable waters of the State of Alabama

FEDERAL COMMUNICATIONS COMMISSION

8990 2–11–80 / Special radio services; amateur radio service; authorized emission; deregulation

8989 2–11–80 / Maritime services; land and shipboard stations; expired ship station license certification for temporary use

FEDERAL RESERVE SYSTEM

10329 2–15–80 / Initial disclosures for open-end credit plans and disclosure requirements under Regulation Z for loophole accounts (money market certificate loans; official staff interpretations

INTERIOR DEPARTMENT

National Park Service—

10350 2–15–80 / Everglades National Park; fishing and boating regulations

LABOR DEPARTMENT

Employment and Training Administration—

10330 2–15–80 / Migrant and Other Seasonally Employed Farmworker Program under CETA; eligibility determination and verification

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

10184 2–14–80 / Airport aid program; civil rights provisions

List of Public Laws

Last Listing March 14, 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.R. 3756 / Pub. L. 96–205 To authorize appropriations for certain insular areas of the United States, and for other purposes. (Mar. 12, 1980; 94 Stat. 84) Price: $1.25.

S.J. Res. 149 / Pub. L. 96–206 To recognize the Honorable Carl Vinson on the occasion of the christening of the United States Ship Carl Vinson, March 15, 1980. (Mar. 13, 1980; 94 Stat. 93) Price: $1.00.

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1979)

Quantity	Volume	Price	Amount
_____	Title 30—Mineral Resources	$13.00	$_____
_____	Title 41—Public Contracts and Property Management (Chapter 18, Supplement)	3.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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