U.S. GOVERNMENT INFORMATION GPO

4-17-80
Vol. 45 No. 76
Pages 26017-26310

federal register

Thursday
April 17, 1980

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.; Boston, Mass.; New York, N.Y.; New Orleans, La.; Salt Lake City, Utah; Seattle, Wash.; and Chicago, Ill.**; see announcement in the **Reader Aids** section at the end of this issue.

Cumulative List of Public Laws—The first cumulative list of public laws for the second session of the 96th Congress can be found in the **Reader Aids** section of this issue.

26019 Continuation of Emergency Building Temperature Restrictions Presidential proclamation

26017 Extension of Credit to the People's Republic of China Presidential determination

26134 Indian Self Determination HEW/Indian Health Service announces availability of grant funds

26286 Grants to State and Local Governments OMB gives notice of Federal agencies' responsibilities for audits of States; comments by 5–19–80 (Part III of this issue)

26046 Races to the Courthouse EPA fixes ascertainable time which Clean Water Act rules will be considered promulgated in order to provide greater fairness; effective 4–17–80

26091 Energy Conservation DOT/Sec'y proposes rules relating to recipients of Federal financial assistance; public briefing 4–25–80

CONTINUED INSIDE

Highlights

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.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Area Code 202–523–5240

26294 **Primary Aluminum Plants** EPA establishes emission guidelines and compliance times for State agencies to use in establishing performance standards; submission of State plans by 1–19–81 (Part IV of this issue)

26298 **Urban Mass Transportation** DOT/UMTA issues rules regarding public hearing requirements for service and fare changes; effective 5–17–80, comments by 6–1–80 (Part V of this issue)

26304 **Secondary Lead Smelters** EPA reviews performance standards; comments by 6–16–80 (Part VI of this issue)

26280 **Federal and Federal-Aid Highway Projects** DOT/FHWA proposes to revise rules concerning accommodation of utility facilities on rights-of-way; comments by 6–16–80 (Part II of this issue)

26207 **Energy Conservation** DOT/FHWA issues policy statement for Federal-aid highway program

26102 **Rural Development Loan Fund** CSA proposes program policies regarding eligibility, application and post-award requirements; comments by 6–16–80

26024 **Consumer Checking Account Equity** FHLBB increases maximum insurance coverage on accounts maintained at FSLIC-insured institutions; effective 3–31–80

26072 **Environmental Radiation Protection Standards** NRC proposes to amend rules regarding certain uranium fuel cycle licensees; comments by 6–16–80

26059 **AM, FM and TV Broadcast** FCC amends rules; effective 4–30–80

26044 **Air Pollution** EPA amends motor vehicle certification regulations; effective 5–19–80

26098 **Improving Government Regulations** Justice publishes semiannual agenda of regulations

26212 **Sunshine Act Meetings**

Separate Parts of This Issue

26280 **Part II, DOT/FHWA**
26286 **Part III, OMB**
26294 **Part IV, EPA**
26298 **Part V, DOT/UMTA**
26304 **Part VI, EPA**
26308 **Part VII, USDA/CCC**

Contents

Federal Register
Vol. 45, No. 76
Thursday, April 17, 1980

The President
ADMINISTRATIVE ORDERS
26017 China, People's Republic of, extension of credit (Presidential Determination No. 80–15 of Apr. 15, 1980)
PROCLAMATIONS
26019 Emergency building temperature restrictions, continuation (Proc. 4750)

Executive Agencies

Agricultural Marketing Service
RULES
26021 Oranges (Navel) grown in Ariz. and Calif.
26021 Oranges (Valencia) grown in Ariz. and Calif.
NOTICES
Meetings:
26106 Fine-Cured Tobacco Advisory Committee

Agriculture Department
See Agricultural Marketing Service; Forest Service; Commodity Credit Corporation.

Air Force Department
RULES
26037 Boards of officers for conducting investigations; CFR Part removed
26037 Enlistments; educational requirements, applicants with prior military service, etc.
NOTICES
Active military service and discharge determinations; civilian or contractual personnel:
26115 WAAC; correction
Meetings:
26116 Scientific Advisory Board (2 documents)

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
26177 Continental Group, Inc., et al.
26181 RMI Co. et al.

Army Department
See also Engineers Corps.
NOTICES
26117 Privacy Act; systems of records; correction

Census Bureau
NOTICES
Surveys, determinations, etc.:
26108 Multiestablishment companies; establishment; employees, payrolls, location, current status, and business

Center for Disease Control
NOTICES
26134 Clinical laboratories; data repository for examinations to qualify as technologists and cytotechnologists
Meetings:
26133 Mine Health Research Advisory Committee

Civil Aeronautics Board
RULES
Organization, functions, and authority delegations:
26035 Emergency conditions, national; order of succession
Procedural regulations:
26034, 26035 Compensation of participants in Board proceedings; removal of provisions (3 documents)
PROPOSED RULES
Charters:
26083 Pro rata and single entity charters; limitation on travel agent commissions, etc.
Charters, public:
26084 Foreign air carriers; operating authority registration procedures deregulation
NOTICES
Hearings, etc.:
26107 Norfolk-Baltimore-Cincinnati-Nashville-Houston Subpart Q proceeding

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
26107 Massachusetts
26107 Nebraska
26108 Vermont
26108 Wisconsin

Commerce Department
See Census Bureau; Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
RULES
26308 Corn price support program, 1979
26308 Grain reserve program, 1979

Commodity Futures Trading Commission
NOTICES
26212 Meetings; Sunshine Act (2 documents)

Community Services Administration
PROPOSED RULES
Economic development programs:
26102 Rural development loan fund program

Defense Department
See Air Force Department; Army Department; Engineers Corps; Navy Department.

Economic Development Administration
NOTICES
Import determination petitions:
26108 FX Systems Corp. et al.

Economic Regulatory Administration
NOTICES
Consent orders:
26118 Union Texas Petroleum Corp., correction

Interstate Commerce Commission
RULES
Practice and procedure:
26069 Non-attorney practitioners' program; interpretation
NOTICES
Motor carriers:
26145, 26148, 26150 Finance applications (3 documents)
26154 Operating rights applications
26154 Permanent authority applications
26145 Permanent authority applications; corrections (4 documents)
26156 Released rates applications
26145 Temporary authority applications; correction
26155 Transportation of government traffic; special certificate letter
26154 Railroad applications for long and short haul relief
Rerouting of traffic:
26145 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

Justice Department
See also Antitrust Division.
PROPOSED RULES
Improving Government regulations:
26098 Regulatory agenda

Land Management Bureau
NOTICES
Applications, etc.:
26141 Wyoming
Authority delegations:
26140 Arizona Strip District, Ariz.; Area Managers
26140 Phoenix District, Ariz.; Area Managers
26141 Safford District, Ariz.; Area Managers
26140 Yuma District, Ariz.; Area Managers
Environmental statements; availability, etc.:
26139 Great Rift Wilderness Area, Big Desert and Monument Planning Units, Idaho; correction
Management framework plans:
26139 Big Desert Planning Unit, Idaho
Meetings:
26141 Outer Continental Shelf Advisory Board
Wilderness areas; characteristics, inventories, etc.:
26140 Idaho

Management and Budget Office
NOTICES
26192 Agency forms under review
26286 State and local governments; grants-in-aid; Federal agencies responsible for audits of States (A-102)

National Credit Union Administration
PROPOSED RULES
Federal credit unions:
26073 Classifications of loans, flexibility in establishing

National Highway Traffic Safety Administration
PROPOSED RULES
26091 Petroleum and natural gas conservation; Federal assistance programs; advance notice. See entry under Transportation Department.
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
26210 Gillig Corp.; tire selection and rims for vehicles other than passenger cars

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
26115 Chipman, Douglas, et al.

National Transportation Safety Board
NOTICES
26185 Accident reports, safety recommendations and responses, etc.; availability

Navy Department
NOTICES
Environmental statements; availability, etc.:
26117 Atlantic Fleet Weapons Training Facility Inner Range (Vieques); continued use; extension of comment period

Nuclear Regulatory Commission
RULES
Conduct standards:
26022 Employment and financial interests; filing of confidential statements by employees
PROPOSED RULES
Radiation protection standards:
26072 Nuclear power operation; uranium fuel cycle facility release limits and licensee reporting requirements
Rulemaking petitions:
26071 Citizens Advisory Board of the Metropolitan Area Planning Agency
NOTICES
Applications, etc.:
26189 Carolina Power & Light Co.
26190 Duquesne Light Co. et al.
26190, 26191 Florida Power & Light Co. (3 documents)
26191 Portland General Electric Co. et al.
26192 Wisconsin Electric Power Co. (2 documents)
26213 Meetings; Sunshine Act

Postal Service
NOTICES
Mail classification schedule:
26194 Merchandise return service; temporary

Public Health Service
NOTICES
Meetings:
26135 Health Care Technology National Council

Securities and Exchange Commission
NOTICES
Hearings, etc.:
26195 Consolidated Natural Gas Co.
26195 Devonshire Street Fund, Inc.
26196 Life Insurance Co. of North America et al.
26198 Middle South Services, Inc., et al.
26199 New England Electric System et al.
26213 Meetings; Sunshine Act

Thrift Institutions Study, Interagency Task Force
NOTICES
26139 Thrift portfolio structure, market rates of interest, and assistance in times of economic difficulties; inquiry

Transportation Department
See also Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Urban Mass Transportation Administration.
RULES
Organization, functions, and authority delegations:
26068 Assistant Secretary for Administration; proposed contract terms negotiability
PROPOSED RULES
26091 Petroleum and natural gas conservation; Federal assistance programs; advance notice

Treasury Department
See Internal Revenue Service.

Urban Mass Transportation Administration
RULES
26298 Urban mass transit program (section 5 formula grants); public hearing requirements for service and fare changes
PROPOSED RULES
26091 Petroleum and natural gas conservation; Federal assistance programs; advance notice. See entry under Transportation Department.

Water and Power Resources Service
NOTICES
Environmental statements; availability, etc.:
26144 Lower Gunnison Basin Salinity Control Unit, Colorado River Water Quality Improvement Program, Colo.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
26106 Agricultural Marketing Service—Flue-Cured Tobacco Advisory Committee, 5–1 and 5–2–80
26107 Forest Service—National Forest System Advisory Committee, 5–8 through 5–10–80

CIVIL RIGHTS COMMISSION
26107 Massachusetts Advisory Committee, 5–20–80
26107 Nebraska Advisory Committee, 5–16–80
26108 Vermont Advisory Committee, 5–12–80
26108 Wisconsin Advisory Committee, 5–9–80

DEFENSE DEPARTMENT
Air Force Department—
26116 USAF Scientific Advisory Board, Foreign Technology Division Advisory Group, Air Systems Command, 6–26 and 6–27–80
26116 USAF Scientific Advisory Board, Operational Test and Evaluation Advisory Group, 5–29 and 5–30–80

ENERGY DEPARTMENT
Economic Regulatory Administration—
26117 Compliance problems of small electric utility systems, 5–15–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Disease Control Center—
26133 Mine Health Research Advisory Committee, 5–15 and 5–16–80
Office of Assistant Secretary for Health—
26135 National Council on Health Care Technology, 5–9–80

INTERIOR DEPARTMENT
Land Management Bureau—
26141 Outer Continental Shelf Advisory Board, Mid-Atlantic Technical Working Group Committee, 5–5 and 5–6–80
Water and Power Resources Service—
26144 Lower Gunnison Basin Salinity Control Unit, Colo., scoping session, 4–30–80

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
26206 Radio Technical Commission for Aeronautics, Special Committee 144 on Airborne Low-Range Radio (RADAR) Altimeter Equipment, 5–6 and 5–7–80

RESCHEDULED MEETING

ENVIRONMENTAL PROTECTION AGENCY
26129 Science Advisory Board, Toxic Substances Subcommittee, 5–22 and 5–23–80

HEARING

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Education Office—
26135 Federal Impact Aid Program, 5–15 and 5–16–80

Powerplant and industrial fuel use:
26117 Small electric utility systems; report to Congress, compliance problems; inquiry and meeting

Education Office
NOTICES
Meetings:
26135 Federal Impact Aid Program Review Commission

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
26116 Fourteenmile Slough small flood control project, San Joaquin County, Calif.
26116 Rio Grande de Loiza flood control study, P.R.

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
26044 Voluntary abbreviated certification review program
Air quality implementation plans; approval and promulgation; various States, etc.:
26038 North Carolina
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
26048 Ethofumesate
Water pollution control:
26046 Judicial review under Clean Water Act; forum shopping ("races to the courthouse")
PROPOSED RULES
Air pollution; standards of performance for new stationary sources:
26304 Lead smelters, secondary; standard review
Air quality implementation plans; approval and promulgation; various States, etc.:
26101 New York; comment period reopened
NOTICES
Air pollution; standards of performance for new stationary sources:
26294 Aluminum plants, primary; fluoride emissions
Air programs; fuel and fuel additives:
26122 Beker Industries, Inc.; waiver application; denial
Environmental statements; availability, etc.:
26120 Northside planning area, Tulsa, Okla.; wastewater treatment facility improvements
Meetings:
26129 Science Advisory Board; rescheduling
Pesticide programs:
26129 Final reports on testing guidelines; availability
Pesticide registration, cancellation, etc.:
26119 Acaralate 2E Miticide, etc.
26119 Orthene Ornamental Insect Spray
26118 Orthene 2.5 Professional Spray
Pesticides; emergency exemption applications:
26128 Benomyl
26127 Captafol
26126 Oxamyl
26125 Permethrin
Pesticides; experimental use permit applications:
26126 Union Carbide Corp. et al.
Pesticides; temporary tolerances:
26128 Chevron Chemical Co.
26128 Rohm & Haas Co.
26125 Union Carbide Agricultural Products Co., Inc.
Pesticides; tolerances in animal feeds and human foods:
26119 Ciba-Geigy Corp.; petition withdrawal
Toxic and hazardous substances control:
26120 Premanufacture notices receipts; extension of review period

Environmental Quality Council
NOTICES
26212 Meetings; Sunshine Act

Federal Aviation Administration
RULES
Airworthiness directives:
26030 Boeing
26031 Piper
26032 Robinson Helicopter Co.
26031 Rockwell International
26034 Control zones and transition areas
26033 Transition areas (2 documents)
PROPOSED RULES
Airworthiness directives:
26075, 26078 Boeing (2 documents)
26081 Federal airways, amber
26091 Petroleum and natural gas conservation; Federal assistance programs; advance notice. See entry under Transportation Department.
26079, 26080, 26082 Transition areas (4 documents)
NOTICES
Environmental statements; availability, etc.:
26201 Aurora Municipal Airport, Aurora, Ill., proposed improvements, alterations and additions
26200 Exemption petitions; summary and disposition
26202 Flight Service Station Modernization Plan; proposed plan and request for comments
Meetings:
26206 Aeronautics Radio Technical Commission

Federal Communications Commission
RULES
Common carrier service:
26054 Intercity private line services; priority system for restoration
Radio and television broadcasting:
26059 Reregulation and oversight

Federal Deposit Insurance Corporation
NOTICES
26212, 26213 Meetings; Sunshine Act (3 documents)

Federal Election Commission
NOTICES
26131 West Virginia special general election

Federal Emergency Management Agency
RULES
Disaster assistance:
26052 Reimbursement of other Federal agencies
Flood insurance; communities eligible for sale:
26049 Alabama et al.
Flood insurance; special hazard areas:
26051 California et al.

NOTICES
Disaster and emergency areas:
26131 Louisiana

Federal Energy Regulatory Commission
NOTICES
26213 Meetings; Sunshine Act

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
26280 Utility facilities accommodation on rights-of-way
26091 Petroleum and natural gas conservation; Federal assistance programs; advance notice. See entry under Transportation Department.
NOTICES
26207 Energy conservation for Federal-aid highway program; policy statement
Environmental statements; availability, etc.:
26209 Barron and Washburn Counties, Wis.
26207 Bayamon, P.R.
26209 Birmingham, Ala.
26206 Montgomery and Prince Georges Counties, Md.
26207 Montgomery County, Md.

Federal Home Loan Bank Board
RULES
Federal Savings and Loan Insurance Corporation:
26024 Insurance Settlement; increase in maximum coverage
NOTICES
26213 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Freight forwarder licenses:
26131 Crescent Navigation, Inc.

Federal Mine Safety and Health Review Commission
NOTICES
26213 Meetings; Sunshine Act

Federal Railroad Administration
PROPOSED RULES
26091 Petroleum and natural gas conservation; Federal assistance programs; advance notice. See entry under Transportation Department.
NOTICES
Preference share financing applications:
26210 St. Louis Southwestern Railway Co.

Federal Reserve System
NOTICES
Applications, etc.:
26132 FB&T Financial Corp.
26132 Horton Bancshares, Inc.
26133 Talmage Investment Co.

Federal Trade Commission
RULES
26036 Appliances, consumer; energy cost and consumption information in labeling and advertising; correction

Forest Service
NOTICES
Environmental statements; availability, etc.:
26106 George Washington National Forest, Va.; land and resource management plan
26106 Kaibab National Forest and Grand Canyon National Park, Western Spruce Budworm Suppression; Ariz.
Meetings:
26107 National Forest System Advisory Committee

General Accounting Office
NOTICES
26133 Regulatory reports review; proposals, approvals, etc. (NRC)

Geological Survey
NOTICES
Outer Continental Shelf; development and production plans:
26141 Arco Oil & Gas Co. (2 documents)
26143 Chevron U.S.A., Inc. (2 documents)
26143, 26144 Conoco Inc. (2 documents)
26142 Exxon Co.
26142 McMoRan Offshore Exploration Co.
26142 Mobil Oil Exploration & Producing Southeast Inc.
26143 Texaco Inc.
26144 Union Oil of California

Health, Education, and Welfare Department
See also Center for Disease Control; Education Office; Health Services Administration; Public Health Service.
NOTICES
Organization, functions, and authority delegations:
26136 Child Support Enforcement Office
26138 Human Development Services Office; Families, Office for
26138 Inspector General Office; health care and systems review

Health Services Administration
NOTICES
Grants; availability, etc.:
26134 Indian health service

Interior Department
See Geological Survey; Land Management Bureau; Water and Power Resources Service.

Internal Revenue Service
PROPOSED RULES
Income taxes:
26092 Shareholder requirements relating to electing small business corporations

International Trade Administration
NOTICES
Antidumping:
26109 Carbon steel cold rolled sheet from Belgium et al.
26110 Carbon steel galvanized sheet from Belgium et al.
26111 Carbon steel hot rolled sheet from Belgium et al.
26112 Carbon steel plate from Belgium et al.
26114 Carbon steel structural shapes from Belgium et al.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Administrative Orders:

Presidential Determination:

No. 80-15 of April 2, 1980 26019

Proclamations:

4667 (See Proc. 4750) 26019

4750 26019

7 CFR

907 26021

908 26021

1421 (2 documents) 26308

10 CFR

0 26022

Proposed Rules:

2 26071

20 26072

12 CFR

564 26024

Proposed Rules:

701 26073

14 CFR

39 (4 documents) 26030-26032

71 (3 documents) 26033-26034

302 26034

304 26035

385 26035

387 26035

Proposed Rules:

39 (2 documents) 26075-26078

71 (5 documents) 26079-26082

152 26091

199 26091

207 26083

208 26083

211 26084

212 26083

214 26083

215 26084

380 26084

385 26084

16 CFR

305 26035

23 CFR

Proposed Rules:

450 26091

645 26280

658 26091

1204 26091

26 CFR

Proposed Rules:

1 26092

28 CFR

Proposed Rules:

Ch. I 26098

32 CFR

866 26037

888 26037

40 CFR

52 26038

86 26044

100 26046

180 26048

Proposed Rules:

52 26101

60 26304

44 CFR

64 26049

65 26051

205 26052

45 CFR

Proposed Rules:

1076 26102

47 CFR

64 26054

73 26059

74 26059

49 CFR

1 26068

635 26298

1100 26069

Proposed Rules:

258 26091

260 26091

613 26091

Federal Register
Vol. 45, No. 76
Thursday, April 17, 1980

Presidential Documents

Title 3—

The President

Presidential Determination No. 80–15 of April 2, 1980

Determination under Subsection 2(b)(2) of the Export-Import Bank Act of 1945, as Amended—People's Republic of China

Memorandum for the Secretary of State

Pursuant to Subsection 2(b)(2) of the Export-Import Bank Act of 1945, as amended, I determine that it is in the national interest for the Export-Import Bank of the United States to guarantee, insure, extend credit and participate in the extension of credit in connection with the purchase or lease of any product or service by, for use in, or for sale or lease to, the People's Republic of China.

On my behalf, please transmit this determination to the Speaker of the House and to the President of the Senate.

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

Jimmy Carter

THE WHITE HOUSE,
Washington, April 2, 1980.

[FR Doc. 80–11992
Filed 4–15–80; 4:33 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 4750 of April 15, 1980

Continuation of Emergency Building Temperature Restrictions

By the President of the United States of America

A Proclamation

I find that continued implementation of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2, is required in the national interest. This Plan was transmitted by me to the Congress on March 1, 1979, and approved by resolution of each House of Congress in the manner provided by law.

This Conservation Plan was implemented by me nine months ago because it was clear in view of unstable world production of crude oil that we could not rely on imports to meet our normal demand. Worldwide production of crude oil now is at levels even below those of the comparable period last year. We have had to terminate crude oil imports from Iran, and have experienced increased uncertainty about the level of continued crude oil supplies from other producing countries. Because of the actions of the Soviet Union in Afghanistan and the tensions between Iraq and Iran, the threat to the stability of commerce in the countries of the oil-producing Persian Gulf has increased.

This shortage of reliable supply has resulted in continued high U.S. dependence on insecure crude oil imports, which have experienced rapid price increases, substantially increasing our inflation rate and creating a major adverse impact on the national economy. These effects are likely to be of significant scope and duration, and may be exacerbated by additional shortages which, should they occur, are likely to be of an emergency nature resulting from interruption of the supply of foreign petroleum.

The risk to the Nation from this reliance on insecure oil imports has not diminished since the Plan was implemented nine months ago. Under applicable law the finding that a shortage of energy supply requires implementation of the Plan must be considered anew nine months after it was made. I therefore renew the finding and determination contained in Proclamation No. 4667 of July 10, 1979 under sections 201(b) and 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6261(b), 6202(8)).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including section 201(b) of the Energy Policy and Conservation Act (42 U.S.C. 6261(b)), do hereby proclaim that:

Sec. 1–101. The finding and determination under sections 3(8) and 201(b) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8), 6261(b)) contained in Proclamation No. 4667 of July 10, 1979 are hereby renewed.

Sec. 1–102. This Proclamation shall be immediately transmitted to the Congress.

Sec. 1–103. The provisions of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2 (44 FR 12911 of March 8, 1979) and the regulations thereunder, or any amendments thereto, shall continue in effect until January 16, 1981, unless earlier rescinded.

Sec. 1–104. In accordance with the provisions of this Plan and the regulations thereunder, the Secretary of Energy is hereby authorized to continue the administration of the program in all respects.

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

Jimmy Carter

[FR Doc. 80–12026
Filed 4–16–80; 10:26 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 45, No. 76
Thursday, April 17, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 489]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 18–24, 1980. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 18, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 30, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 15, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges continues to be slow.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in EO 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days afte publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.789 Navel Orange Regulation 489.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period April 18, 1980, through April 24, 1980, are established as follows:

(1) District 1: 1,500,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

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

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

Dated: April 16, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-12054 Filed 4-16-80; 11:49 am]

BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Reg. 642]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 18-April 24, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 18, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 15, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is showing continued signs of improvement.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in EO 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 908.942 Valencia Orange Regulation 642.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 18, 1980 through April 24, 1980, are established as follows:

(1) District 1: 45,000 cartons;

(2) District 2: 56,000 cartons;

(3) District 3: 179,000 cartons.

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

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

Dated: April 16, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-12055 Filed 4-16-80; 11:50 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 0

Filing of Confidential Statements of Employment and Financial Interests by NRC Employees

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission has revised its regulations regarding those NRC employees who are required to fill out confidential statements of employment and financial interests and the dates when these statements are due.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Trip Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202–634–1465).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission has revised its regulations to provide that all NRC employees classified at grades GG–13 through GG–15 will file confidential statements of employment within thirty days after commencing NRC employment, and shall file annual statements thereafter which will be due on May 15. All attorneys in the Offices of the General Counsel and Executive Legal Director, all professionals in the Office of Policy Evaluation, and all contracting officers in the Office of Administration will be covered by the reporting requirement, even if they are paid at a rate below GG–13. Previously, most but not all NRC employees grades GG–13 through GG–15 were subject to the reporting requirement. The statements were due on July 10.

Because these amendments relate solely to matters of agency management or personnel, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective April 17, 1980.

Pursuant to Executive Order 11222 of May 8, 1965, 5 CFR 735.104, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 0, are published as a document subject to codification, to be effective April 17, 1980.

1. 0.735–28 is revised to read as follows:

§ 0.735–28 Confidential statements of employment and financial interests.

(a) *Categories of employees required to submit statements.* The following employees shall submit confidential statements of employment and financial interest prepared in accordance with paragraph (c) of this section. These employees have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts of interest situation, to protect the integrity of the government, and to carry out the purposes of the federal laws, executive orders and regulations pertaining to conflicts of interest.

(1) All employees paid at the levels of GG–13, GG–14, or GG–15.

(2) All employees occupying professional staff positions in the Office of Policy Evaluation, all contracting officers in the Office of Administration, and all attorneys in the Offices of the General Counsel and Executive Legal Director (including those employees being paid below the GG–13 level).

(3) All special Government employees except those who have worked 60 days or more in the previous calendar year and were paid during that period at a level of GG–16 or above, or an equivalent thereto.

(b) *Notice of employees of time and place to submit statements.* Upon commencing NRC employment, the Office of Administration will provide all employees covered by the reporting requirement with a copy of the statement form. Each employee covered by the reporting requirement shall submit his statement to the head of his office not later than 30 days after his entrance on duty. Statements of special Government employees shall be submitted prior to appointment. Each regular and special Government employee covered by the reporting requirement shall submit to the head of his office a supplementary annual statement by May 15 of each year. The information provided in this annual supplement should reflect the individual's interests as of April 30. Notwithstanding the filing of the report(s) required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or this Part 0.

(c) *Preparation of statement.* Statements shall be prepared in accordance with the following:

(1) *Statement Form.* The forms prescribed by NRC are:

Regular Government employees—Form NRC 269.

Special Government employees—Form NRC 443.

(2) *Statement content*—(i) *Interests of employee's relatives.* The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee and must be reported. For the purpose of this paragraph, "member of an employee's immediate household" means full-time residents of the employee's household.

(ii) *Information not known by employees.* If any information required to be included on the statement or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information on his behalf, and shall report such request in Part IV of Form NRC 269 or item 16b. of Form NRC 443.

(iii) *Information not required to be submitted.* A statement or supplementary statement need not contain the following:

(A) Any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement.

(B) Precise amounts of financial interests, indebtedness, or value of real property. The employee may, however, at a later time be required to reveal precise amounts if the NRC needs that information in order to carry out its responsibilities under applicable laws and regulations.

(C) Remote or inconsequential financial interests, as set forth in § 0.735–21(c).

(D) For special Government employees: Those financial interests which are determined by the official responsible for such employee's appointment as not to be related either directly or indirectly to the duties and responsibilities of said employee.

(d) *Reviewing statements and reporting conflicts of interest.*

(1) The employee shall prepare the statement in duplicate, retain one copy, and submit one copy to the head of his office.

(2) The office head, in reviewing the statement, shall assess it for conflicts or the appearance of conflicts of interest in the context of the employee's assigned duties and responsibilities in the NRC.

(3) If the office head desires advice and guidance, he may discuss the statement with the counselor or appropriate deputy counselor.

(4) The office head shall discuss with the employee and point out any aspects of the statement which give rise, in the office head's opinion, to questions of conflict or of appearance of conflict. (The office head shall not take, or direct the employee to take, any action with respect to such conflict without first seeking the advice of the counselor or appropriate deputy counselor.)

(5) The office head shall in all cases record his opinion as to the presence or absence of a conflict on the statement and forward same to the NRC counselor or deputy counselor.

(6) The NRC counselor or deputy counselor shall review the statement, and discuss any questions with the employee and/or his respective office head.

(7) If the NRC counselor or deputy counselor believes that the statement evidences no question of conflict of interest, he shall record his opinion on the statement, and notify the office head.

(8) If the NRC counselor or deputy counselor believes there is a question of conflict of interest, he shall return the statement to the office head with his opinion recorded thereon. (The counselor or deputy counselor shall make his services available to the office head and employee involved to assist in effecting a resolution of any conflict or appearance of conflict.) The reviewer shall report to the counselor or deputy counselor the results of endeavors to effect resolution of the conflict at the employee-office head level, which results shall be recorded on the employee's statement and submitted to the counselor or deputy counselor for review and approval.

(9) When a statement submitted or information from other sources indicates a conflict between the interests of an employee and the performance of his service for the NRC and when the conflict or appearance of conflict is not resolved by the head of the employee's office, or the counselor or deputy counselor, the information concerning the conflict or appearance of conflict shall be reported to the Commission, or the Executive Director for Operations, as appropriate. The employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(10) When, after consideration of the explanation of the employee provided for in paragraph (d)(9) of this section, the Commission, or the Executive Director for Operations, as appropriate, decides that remedial action is required, immediate action to end the conflict or appearance of conflict of interest shall be taken. Remedial action may include, but is not limited to:

(i) Changes in assigned duties;

(ii) Divestment by the employee of his conflicting interest;

(iii) Disciplinary action; or

(iv) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive Orders, and regulations. Disciplinary remedial action with respect to an employee of another Government agency assigned or detailed to the NRC shall be effected only by the parent agency.

(11) Upon completion of processing, the statement shall be filed in the office of the counselor or deputy counselor, in a special file maintained for that purpose. An NRC office may request a copy of a statement from the counselor or deputy counselor: *Provided*, That it is required for purposes of carrying out responsibilities under this part.

(12) The required supplementary statements shall be processed in the same manner as an initial statement.

(e) *Confidentiality of employees' statements.* NRC shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. To insure this confidentiality only the NRC counselor, deputy counselor(s), and those office heads to whom reports are to be submitted (including those employees specifically designated by them to assist in the review as may be necessary) are authorized to review the statements as provided in this section. The foregoing employees are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. NRC shall not disclose information from a statement except in accordance with procedures set forth in paragraph (d) of this section, or as the Commission, or the Executive Director for Operations, as appropriate, or the Office of Personnel Management shall determine for good cause shown.

(f) *Effect of employee's statements on other requirements.* The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee or the absence of any requirement that an employee submit such a statement does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

(g) *Availability of review.* Any employee who believes that his position has been improperly included under this section as one requiring the submission of a statement of employment and financial interests may utilize the grievance procedure in NRC Manual Chapter 4157, for review of his complaint.

Annexes B and C [Deleted]

2. Annexes B and C are deleted from Part 0.

Dated at Washington, D.C., this 10th day of April 1980.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-11694 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 564

[No. 80-214]

Federal Savings and Loan Insurance Corporation; Increase in Insurance Coverage

Dated: March 31, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: These amendments increase the maximum insurance coverage on accounts maintained at FSLIC-insured institutions from $40,000 to $100,000. The increase in insurance coverage is mandated by section 308(b) of the Consumer Checking Account Equity Act of 1980.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Attorney, Office of the General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, telephone number 202-377-6443.

SUPPLEMENTARY INFORMATION: The Federal Savings and Loan Insurance Corporation (FSLIC) is a Federally-chartered instrumentality of the United States whose purpose is to insure the savings accounts of Federal savings and loan associations, Federal mutual savings banks, and state-chartered thrift institutions that are eligible for insurance. These amendments increase the insurance coverage on all accounts to the same limit currently in effect for IRA, Keogh and certain public unit accounts.

The increase in insurance coverage is mandated by § 308(b) of the Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. No. 96-221, 94 Stat. 132), which amends 12 U.S.C. §§ 1724(b) and 1728(a). The amendments effected by § 308(b) are not applicable to any claim arising out of a default, as defined in § 401(d) of the National Housing Act (12 U.S.C. § 1724(d)), where the appointment of a conservator, receiver or other legal custodian under § 401 became effective prior to March 31, 1980, the effective date of § 308(b).

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. § 553(b) and 12 CFR 508.11 because immediate implementation of the statutory increase in insurance coverage is clearly protective of the public interest, and (2) publication of this amendment for the 30-day notice period specified in 5 U.S.C. § 553(d) and 12 CFR 508.14 prior to the effective date is unnecessary for the same reason.

Accordingly, the Board hereby amends § 561.6, §§ 564.2 through 564.10 of the Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 561.6, 564.2-564.10) and the Appendix of Examples of Insurance Coverage Afforded Accounts in Institutions Insured by the Federal Savings and Loan Insurance Corporation as follows:

§ 561.6 [Amended]

1. Amend § 561.6 (12 CFR 561.6) by deleting "$40,000" each place it appears and inserting in its place "$100,000."

§ 564.2 [Amended]

2. Amend § 564.2 (12 CFR 564.2) by deleting "$40,000" from subparagraph (c)(2) and inserting in its place "$100,000."

§ 564.3 [Amended]

3. Amend § 564.3 (12 CFR 564.3) by deleting "$40,000" from paragraphs (a), (b), and (c) and inserting in its place "$100,000."

§ 564.4 [Amended]

4. Amend § 564.4 (12 CFR 564.4) by deleting "$40,000" from paragraphs (a) and (b) and inserting in its place "$100,000."

§ 564.5 [Amended]

5. Amend § 564.5 (12 CFR 564.5) by deleting "$40,000" and inserting in its place "$100,000."

§ 564.6 [Amended]

6. Amend § 564.6 (12 CFR 564.6) by deleting "$40,000" each place it appears and inserting in its place "$100,000."

§ 564.7 [Amended]

7. Amend § 564.7 (12 CFR 564.7) by deleting "$40,000" each place it appears and inserting in its place "$100,000."

§ 564.8 [Amended]

8. Amend § 564.8 (12 CFR 564.8) by deleting subparagraphs (a)(1) through (a)(4) and by adding a new subparagraph (a)(1) to read as follows; by redesignating subparagraph (a)(5) as subparagraph (a)(2); and by deleting $40,000 from paragraph (b) and inserting in its place $100,000.

§ 564.8 Public unit accounts.

(a)(1) Each official custodian of funds of the United States, any State of the United States or any county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, any other territory of the United States or any county, municipality or political subdivision thereof who lawfully invests such funds in an insured institution is separately insured in an amount up to $100,000.

§ 564.9 [Amended]

9. Amend § 564.9 (12 CFR 564.9) by deleting "$40,000" from paragraphs (c), (d), and (e) and inserting in its place "$100,000."

§ 564.10 [Amended]

10. Amend § 564.10 (12 CFR 564.10) by deleting "$40,000" and inserting in its place "$100,000."

11. Revise the Appendix—Examples of Insurance Coverage Afforded Accounts In Institutions Insured By The Federal Savings and Loan Insurance Corporation—by deleting the entire text and inserting in its place the following:

Appendix—Examples of Insurance Coverage Afforded Accounts in Institutions Insured by the Federal Savings and Loan Insurance Corporation

The following examples illustrate insurance coverage on accounts maintained in the same insured institution. They are intended to cover various types of ownership interests and combinations of accounts which may occur in connection with funds invested in insured institutions. These examples interpret the rules for insurance of accounts contained in 12 CFR Part 564.

The examples, as well as the rules which they interpret, are predicated upon the assumption that invested funds are actually owned in the manner indicated on the institution's records. If available evidence shows that ownership is different from that on the institution's records, the Federal Savings and Loan Insurance Corporation may pay claims for insured accounts on the basis of actual rather than ostensible ownership.

A. Single Ownership Accounts

All funds owned by an individual (or by the husband-wife community of which the individual is a member) and invested by him in one or more individual accounts are added together and insured to the $100,000 maximum. This is true whether the accounts are maintained in the name of the individual owning the funds, in the name of his agent or nominee, or in the name of a guardian, conservator or custodian holding the funds for his benefit.

Example 1

Question: A and B, husband and wife, each maintain an individual account containing $100,000. In addition, they hold a joint account containing $100,000. What is the insurance coverage?

Answer: Each account is separately insured to $100,000, for a total coverage of $300,000. The coverage would be the same whether the individual accounts contain

funds owned as community property or as individual property of the spouses (§ 564.3(a) and § 564.9(a)).

Example 2

Question: H and W, husband and wife, reside in a community property state. H maintains a $100,000 account consisting of his separately owned funds and invests $100,000 of community property funds in another account, both of which are in his name alone. What is the insurance coverage?

Answer: The two accounts are added together and insured to a total of $100,000. $100,000 is uninsured. (§ 564.3(a)).

Example 3

Question: A has $92,500 invested in an individual account, and his agent, B, invests $25,000 of A's funds in a properly designated agency account. B also holds a $100,000 individual account. What is the insurance coverage?

Answer: A's individual account and the agency account are added together and insured to the $100,000 maximum, leaving $17,500 uninsured. The investment of funds through an agent does not result in additional insurance coverage for the principal. (§ 564.3(b)). B's individual account is insured separately from the agency account. (§ 564.3(a)). However, if the account records of the institution do not show the agency relationship under which the funds in the $25,000 account are held, the $25,000 in B's name could, at the option of the Insurance Corporation, be added to his individual account and insured to $100,000 in the aggregate, leaving $25,000 uninsured. (§ 564.2(b)(1)).

Example 4

Question: A holds a $100,000 individual account. B holds two accounts in his own name, the first containing $25,000 and the second containing $92,500. In processing the claims for payment of insurance on these accounts, the Insurance Corporation discovers that the funds in the $25,000 account actually belong to A and that B had invested these funds as agent for A, his undisclosed principal. What is the insurance coverage?

Answer: Since the available evidence shows that A is the actual owner of the funds in the $25,000 account, the Insurance Corporation may, at its option, add these funds to the $100,000 individual account held by A (rather than to B's $92,500 account) and insure the total of $125,000 to the $100,000 maximum, leaving $25,000 uninsured. In that event B's $92,500 individual account would be separately insured. (§ 564.23(a) and (b)).

Example 5

Question: C, a minor, maintains an individual account of $750 in connection with a school savings program. C's grandfather makes a gift to him of $100,000, which is invested in another account by C's father, designated on the institution's records as custodian under a Uniform Gifts to Minors Act. C's father also maintains an individual account of $100,000. What is the insurance coverage?

Answer: C's individual account and the custodianship account held for him by his father are added together and would be insured to the $100,000 maximum. (§ 564.23(c)). The individual account held by C's father is separately insured. (§ 564.2.3(a)).

Example 6

Question: G, a court appointed guardian, invests in a properly designated account $100,000 of funds in his custody which belong to W, his ward. W and G each maintain $25,000 individual accounts. What is the insurance coverage?

Answer: W's individual account and the guardianship account in G's name are added together and insured to $100,000 in the aggregate. The fact that a guardian has been judicially appointed does not alter the fact that the guardianship funds legally belong to W, the ward, and are insured as W's individually owned funds. (§ 564.23(c)). G's individual account is separately insured. (§ 564.23(a)).

B. Testamentary Accounts

The term "testamentary account" refers to a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or any similar account which evidences an intention that the funds shall pass on the death of the owner of the funds to a named beneficiary. If the beneficiary is a spouse, child or grandchild of the owner, the funds in all such accounts are insured for the owner up to $100,000 in the aggregate as to each such beneficiary, separately from any other individual accounts of the owner. If the beneficiary of such an account is other than a spouse, child or grandchild of the owner, the funds in the account are, for insurance purposes, added to any other individual accounts of the owner and insured up $100,000 in the aggregate. In the case of a revocable trust account, the person who holds the power of revocation is deemed to be the owner of the funds in the account. If a revocable trust account is held in the name of a fiduciary other than the owner of the funds, any other accounts held by the fiduciary are insured separately from such revocable trust account.

Example 1

Question: H invests $200,000 in a revocable trust account with his son, S, and his daughter, D, as named beneficiaries. What is the insurance coverage?

Answer: Since S and D are children of H, the owner of the account, the funds are insured up to $100,000 as to each beneficiary. (§ 564.4(a)). Assuming that S and D have equal beneficial interests ($100,000 each), H is fully insured for this account.

Example 2

Question: H, as settlor-trustee, creates a revocable trust for the benefit of his son, S. H creates a second revocable trust, with T as trustee, for the benefit of his nephew, N. H invests $100,000 of the funds of the first trust in a revocable trust account. T invests $50,000 of the funds of the second trust in another account. In addition, H, S, N, and T each maintain individual accounts containing $100,000. What is the insurance coverage?

Answer: Since S is a child of H, the account established under the first trust is insured up to $100,000 separately from any other accounts held by H. (§ 564.4(a)). Since N is not a spouse, child or grandchild of H, the $50,000 in the account held by T under the second trust is deemed to be owned by H and is added to the $100,000 in H's individual account and insured up to $100,000 in the aggregate, leaving $50,000 uninsured. (§ 564.4(b)). The individual accounts of S, N and T are separately insured to the $100,000 maximum. (§ 564.3(a)).

Example 3

Question: H invests $100,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $100,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $100,000 maximum. (§ 564.4(a)). The accounts payable to H's mother and brother are added to H's individual account and insured to $100,000 in the aggregate, leaving $200,000 uninsured. (§ 564.4(b)).

Example 4

Question: H and W, husband and wife, each invest $200,000 in a revocable trust account with their son, S, and their daughter, D, named as equal beneficiaries. Under the terms of the trust, the interest of either grantor passes, on his death, to the surviving grantor; upon the death of both grantors, the account is to be divided between S and D. Each of the grantors has the right to revoke the trust at any time. What, assuming S and D do not predecease their parents, is the insurance coverage if default occurs during the lifetime of both of the grantors? What is the insurance coverage if default occurs after the death of one but before the death of the other grantor?

Answer: Since S and D are the children of H and W, each of whom is the owner of one-half of the funds in the account, and since the account evidences an intention that the funds shall pass on the death of the owners of the funds to named beneficiaries, the funds are insured for each owner up to $100,000 as to each beneficiary. Thus, during their lifetimes, H and W are each insured up to $100,000 as to S and as to D, separately from any other individual accounts which they may own, making the account fully insured. If default occurs after the death of one of the grantors, insurance coverage of the account would decrease from $400,000 to $200,000 since the surviving grantor would have power of revocation over the trust and, under § 564.4, a grantor is entitled to insurance coverage only up to $100,000 as to each named beneficiary.

Example 5

Question: H establishes a revocable trust account with his son, S, named as beneficiary. Under the terms of the trust, S becomes the owner of the account upon the happening of a certain event (for instance, coming of age) or upon the death of H

whichever comes later. What is the insurance coverage?

Answer: During the lifetime of H the account would be insured up to $100,000 to H, the owner, as to S, the son, as a testamentary account, inasmuch as the account evidences an intention that, upon the death of the owner, ownership of the funds shall pass to the named beneficiary. If H dies prior to the happening of the event, the power of revocation dies with him and the account would be insured up to $100,000 to S, as the beneficiary of an irrevocable trust account established by H.

C. Accounts of Executors or Administrators

All funds belonging to a decedent and invested in one or more accounts, whether held in the name of the decedent or in the name of his executor or administrator, are added together and insured to the $100,000 maximum. Such funds are insured separately from the individual accounts of any of the beneficiaries of the estate or of the executor or administrator.

Example 1

Question: A, administrator of D's estate, sells D's automobile and invests the proceeds of $12,500 in an account entitled: "A, Administrator or the estate of D." In the same institution there is an account containing $100,000 which D had opened just prior to his death. What is the insurance coverage?

Answer: The two accounts are added together and insured up to the $100,000 maximum, leaving $12,500 uninsured. (§ 564.5).

Example 2

Question: X is executor of the will of T, under which A, B and C are beneficiaries in equal shares. X invests $200,000 of T's estate in an account entitled: "X, Executor of the will of T." A and X maintain individual accounts of $100,000 in the same institution. What is the insurance coverage?

Answer: The account held by X as executor is insured only to $100,000. Such funds are considered the property of the decedent's estate and are not apportioned among the beneficiaries under the will. Since the title of the estate account discloses its fiduciary nature, X's individual account is insured separately. In addition, A's individual account is separately insured to the $100,000 maximum. (§ 564.5).

D. Accounts Held by a Corporation, Partnership or Unincorporated Association

All funds invested in an account or accounts by a corporation, a partnership or an unincorporated association engaged in any independent activity are added together and insured to the $100,000 maximum. The term "independent activity" means any activity other than the one directed solely at increasing insurance coverage. If the corporation, partnership or unincorporated association is not engaged in an independent activity, any account held by the entity is insured as if owned by the persons owning or comprising the entity, and the imputed interest of each such person is added for insurane purposes to any individual account which he maintains.

Example 1

Question: X Corporation maintains a $100,000 account. The stock of the corporation is owned by A, B, C and D in equal shares. Each of these stockholders also maintains an individual account with the same institution. What is the insurance coverage?

Answer: Each of the accounts would be insured to $100,000 if the corporation is engaged in an independent activity and has not been established merely for the purpose of increasing insurance coverage. The same would be true if the business were operated as a bona fide partnership instead of as a corporation. (§ 564.6).

Example 2

Question: A and B each has a $90,000 account in his own name and X Corporation has a $90,000 account. One third of the stock of X Corporation is owned by A and two thirds by B. X Corporation was set up solely to obtain additional insurance. What is the insurance coverage?

Answer: Since X Corporation is not engaged in an independent activity, the funds in its account are insured as if owned by A and B in proportion to their interest in the corporation. For insurance purposes, $30,000 of the corporate account is imputed to A and added to his individual account and $60,000 is added to B's individual account. A has an aggregate individual interest of $120,000, of which $100,000 is insured, leaving $20,000 uninsured. Of B's total interest of $150,000, $50,000 is uninsured. (§ 564.6).

Example 3

Question: C College maintains three separate accounts with the same institution under the titles: "General Operating Fund", "Teachers Salaries", and "Building Fund". What is the insurance coverage?

Answer: Since all of the funds are the property of the college, the three accounts are added together and insured only to the $100,000 maximum. (§§ 564.6 and 564.7).

Example 4

Question: The men's club of X Church carries on various social activities in addition to holding several fund raising campaigns for the church each year. the club is supported by membership dues. Both the club and X Church maintain accounts in the same institution. What is the insurance coverage?

Answer: The men's club is an unincorporated association engaged in an independent activity. If the club funds are, in fact, legally owned by the club itself and not the church, each account is separately insured to the $100,000 maximum. (§ 564.7).

Example 5

Question: The PQR Union has three locals in a certain city. Each of the locals maintains a savings account containing funds belonging to the parent organization. All three accounts are in the same insured institution. What is the insurance coverage?

Answer: The three accounts are added together and insured up to the $100,000 maximum. (§ 564.7).

E. Public Unit Accounts

For insurance purposes, the official custodian of funds belonging to a public unit, rather than the public unit itself, is insured as the account holder. All funds belonging to a public unit and invested by the same custodian in an insured institution are added together and insured to the $100,000 maximum, regardless of the number of accounts involved and regardless of whether the funds are invested in accounts located in or outside the state. If there is more than one official custodian for the same public unit, the funds invested by each custodian are separately insured up to $100,000. If the same person is custodian of funds for more than one public unit, he is separately insured to $100,000 with respect to the funds of each unit held by him in properly designated accounts. The maximum coverage for an official custodian of funds of the United States would be $100,000.

For insurance purposes, a "political subdivision" is entitled to the same insurance coverage as any other public unit. "Political subdivision" includes any subdivision of a public unit or any principal department of such unit (1) the creation of which has been expressly authorized by state statute (2) to which some functions of government have been allocated by state statute and (3) to which funds have been allocated by statute or ordinance for its exclusive use and control.

Example 1

Question: X, as county treasurer, invests $25,000 in each of the following accounts: "General Operating Account", "Road and Bridge Fund", "School Transportation Fund", "Local Maintenance Fund", and "Payroll Fund". What is the insurance coverage?

Answer: Since all of these funds are owned by the same public unit (the county) and are invested by the same public official, the five accounts are added together and insured in the aggregate to the $100,000 maximum, leaving $25,000 uninsured. (§ 564.8(a)(1)).

Example 2

Question: As Comptroller of Y Consolidated School District, A maintains a $125,000 account containing school district funds. He also maintains his own $100,000 savings account. What is the insurance coverage?

Answer: The two accounts will be separately insured, assuming the institution's records indicate that the account containing the school district funds is held by A in a fiduciary capacity. Thus, $100,000 of the school's funds and the entire $100,000 in A's personal account will be insured. (§§ 564.2(b)(1) and 564.8(a)(1)).

Example 3

Question: A, as city treasurer, and B, as chief of the city police department, each have $100,000 in city funds invested in custodial accounts. What is the insurance coverage?

Answer: Assuming that both A and B have official custody of the city funds, each account is separately insured to the $100,000 maximum. (§ 564.8(a)(1)).

Example 4

Question: A is Treasurer of X County and collects certain tax assessments, a portion of

which must be paid to the state under statutory requirement. A maintains an account for general funds of the county and establishes a separate account for the funds which belong to the State Treasurer. The institution's records indicate that the separate account contains funds held for the State. What is the insurance coverage?

Answer: Since two public units own the funds held by A, the accounts would each be separately insured to the $100,000 maximum. (§ 564.8(a)(1)).

Example 5

Question: A city treasurer invests city funds in each of the following accounts: "General Operating Account", "School Transportation Fund", "Local Maintenance Fund", and "Payroll Fund". By administrative direction the city treasurer has allocated the funds for the use of and control by separate departments of the city. What is the insurance coverage?

Answer: All of the accounts are added together and insured in the aggregate to $100,000. Because the allocation of the city's funds is not *by statute or ordinance* for the specific use of and control by separate departments of the city, separate insurance coverage to the maximum of $100,000 is not afforded to each account. (§§ 561.5a, 564.8(a)(1)).

Example 6

Question: A city treasurer invests $100,000 in a "General Fund" account and $125,000 in a "Meter Deposit" account. The funds in the Meter Deposit account belong to users of gas and are held by the official custodian in a fiduciary capacity as security for damage to gas meters. What is the insurance coverage?

Answer: Each account is separately and fully insured. However, if the city treasurer held such funds as agent for the users of gas, their interests in the Meter Deposit account would be added to their individual accounts in computing insurance coverage. (§ 564.3(b)). On the other hand, if the meter deposits are actually held in trust pursuant to statute or contract, such funds would be separately insured from any individually owned funds of the gas users. (§ 564.10).

Example 7

Question: In addition to the public fund accounts listed in Example 1, the county treasurer also maintains a "Bond Payment Account" containing funds required by law to be paid to 2,000 holders of bonds issued by the county. The account contains $1,000,000. What is the insurance coverage?

Answer: The interest of each bond holder is separately insured to the $100,000 maximum. Where a public official invests in an account funds which are required by law to be held for the payment of a particular bond issue, the account is deemed to be held in trust for the individual bond holders. The title of such an account, however, must indicate its fiduciary nature. (§ 564.8(b)).

Example 8

Question: A city treasurer deposits in an insured institution $100,000 in each of the following accounts:

"General Operating Fund"
"Police Department"
"Fire Department"
"Parks Department—Maintenance"

What is the insurance coverage?

Answer: The "Police Department" and "Fire Department" accounts would each be separately insured to $100,000 if the funds in each such account have been allocated by law for the exclusive use of a separate city department or subdivision expressly authorized by State statute.

Funds in the "Parks Department" account are expended only by order of the city treasurer and are added to the funds in the "General Operating Fund" account and insured only to $100,000. (§§ 561.5a, 564.8(a)(1)).

Example 9

Question: A county treasurer deposits in an insured institution $100,000 in each of the following accounts:

"General Operating Fund"
"County Roads Department Fund"
"County Water District Fund"
"County Public Improvement District Fund"
"County Emergency Fund"

What is the insurance coverage?

Answer: The "County Roads Department", "County Water District" and "County Public Improvement District" accounts would each be separately insured to $100,000 if the funds in each such account have been allocated by law for the exclusive use of a separate county department or subdivision expressly authorized by State statute.

Funds in the "General Operating" and "Emergency Fund" accounts would be added together and insured in the aggregate to $100,000, if such funds are for county-wide use and not for the exclusive use of any subdivision or principal department of the county, expressly authorized by State statute. (§§ 561.5a, and 564.8(a)(1)).

Example 10

Question: A city treasurer deposits $100,000 in each of the following accounts:

"Local Improvement District"
"General Operating Fund"
"Equipment Rental Fund"
"Department of Public Welfare"
"Bureau of Weights and Measures" (subordinate agency of "Department of Public Welfare")

What is the insurance coverage?

Answer: Funds allocated by law for the exclusive use of the "Department of Public Welfare" and the "Bureau of Weights and Measures", a subordinate agency thereof, would be added together and insured only to $100,000. The "Local Improvement District" account, consisting of funds of a separate subdivision, would be separately insured to $100,000. The "Equipment Rental" and "General Operating" accounts, held for city-wide use, would be added together and separately insured to $100,000. (§§ 561.5a, 564.8(a)(1)).

F. Joint Accounts

Accounts held under any form of joint ownership valid under State law (whether as joint tenants with right of survivorship, tenants by the entireties, tenants in common or by husband and wife as community property) are insured up to $100,000. This insurance is separate from that afforded individual accounts held by any of the co-owners.

An account is insured as a joint account only if each of the co-owners has personally executed an account signature card and possesses withdrawal rights. An account owned jointly which does not qualify as a joint account for insurance purposes is insured as if owned by the named persons as individuals. In that case, the actual ownership interest in the account of each person is added to any other accounts individually owned by such person and insured up to $100,000 in the aggregate.

Any individual, including a minor, may be a co-owner of a joint account provided that, under State law, he may execute a signature card and withdraw funds from the account on the same basis as the other co-owners.

All funds invested in joint accounts owned by the same combination of individuals are first added together and insured to the $100,000 maximum. Where an investor has an interest in more than one joint account and different joint owners are involved, his interests in all of such joint accounts are then added together and insured to $100,000 in the aggregate.

For insurance purposes, the co-owners of any joint account are deemed to have equal interests in the account, except in the case of a tenancy in common. With a tenancy in common, equal interests are presumed unless otherwise stated on the records of the institution.

Example 1

Question: A and B maintain an account as joint tenants with right of survivorship and, in addition, each holds an individual account. Is each account separately insured?

Answer: If both A and B have executed the signature card and possess withdrawal rights with respect to the joint funds, each account is separately insured to the $100,000 maximum. (§§ 564.9 (a) and (b)).

Example 2

Question: H and W, husband and wife, reside in a community property state. Each holds an individual account and, in addition, they hold a qualifying joint account. The funds in all three accounts consist of community property. Is each account separately insured?

Answer: Yes. An account in the individual name of a spouse will be insured up to $100,000 whether the funds consist of community property or separate property of the spouse. A joint account containing community property is also insured up to $100,000. Thus, community property can be used for individual accounts in the name of each spouse and for a joint account in the name of both spouses, each of which accounts is separately insured up to $100,000. (§§ 564.3(a) and 564.9(a)).

Example 3

Question: Two accounts of $100,000 each are held by a husband and his wife under the following names:

John Doe and Mary Doe, husband and wife, as joint tenants with right of survivorship.
Mrs. John Doe and John Q. Doe (community property).

Are the accounts separately insured?

Answer: No. Both accounts are considered joint accounts owned by the same combination of individuals, regardless of the form of joint ownership. Reversal of names or use of different styles does not change the result, as long as the account owners are in fact the same in both cases. For insurance purposes, the accounts are added together for a total of $200,000, of which $100,000 is insured. (§ 564.9(d)).

Example 4

Question: The following accounts are held by A, B and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each co-owner of a joint account possesses the necessary withdrawal rights.

1. A, as an individual—$100,000
2. B, as an individual—$100,000
3. C, as an individual—$100,000
4. A and B, as joint tenants w/r/o survivorship—$90,000
5. A and C, as joint tenants w/r/o survivorship—$90,000
6. B and C, as joint tenants w/r/o survivorship—$90,000
7. A, B and C, as joint tenants w/r/o survivorship—$90,000

What is the insurance coverage?

Answer: Accounts numbered 1, 2 and 3 are each separately insured for $100,000 as individual accounts held by A, B and C, respectively. (§ 564.3(a)). With regard to accounts numbered 4, 5, 6 and 7, the respective interests of A, B and C in such accounts are added together for insurance purposes.

(§ 564.9(c)). The interest of the co-owners of each joint account are deemed equal for insurance purposes.

(§ 564.2(b)(4)). Thus, A has an interest of $45,000 in account No. 4, $45,000 in account No. 5, and $30,000 in account No. 7, for a total joint account interest of $120,000, of which $100,000 is insured. The interests of B and C are similarly insured.

Example 5

Question: A, B and C hold accounts as set forth in Example 4. A and B are husband and wife. C, their minor child, has failed to execute the signature card for account No. 7. in account No. 5, C cannot make a withdrawal without A's written consent. In account No. 6 the signatures of both B and C are required for withdrawal. A has provided all of the funds for accounts numbered 5 and 7. What is the insurance coverage?

Answer: If any of the co-owners of a joint account have failed to meet any of the joint account requirements, the account is not insured as a joint account. Instead, the account is insured as if it consisted of commingled individual accounts of each of the co-owners in accordance with his actual ownership of the funds, as determined under applicable state law. (§ 564.9(c)). Account No. 5 is not insured as a joint account because C does not possess the right to withdraw the funds in accordance with his purported interest in the account. (§ 564.9(b)). However, account No. 6 does qualify as a joint account for insurance purposes since each co-owner possesses the right to withdraw funds on the same basis. Account No. 7 is not insured as a joint account since C did not personally execute the signature card. Assuming that, under applicable state law, A has the entire actual ownership interest in accounts 5 and 7, all of the funds in these accounts are treated for insurance purposes as individually owned by A. (§ 564.9(c)). Thus, the $180,000 in these accounts is added to the $100,000 in account No. 1, A's individual account, and insured up to $100,000 in the aggregate, leaving $180,000 uninsured. Accounts 4 and 6, the remaining joint accounts, are each insured to the $100,000 limit, since they are owned by different combinations of individuals and no co-owner has an aggregate interest in the two accounts in excess of $100,000. (§§ 564.9 (d) and (e)).

Example 6

Question: Three qualifying joint accounts are owned by A, B and C, as joint tenants with right of survivorship, as follows:

1. A and B—$100,000
2. A and B—$25,000
3. A and C—$50,000

What is the insurance coverage?

Answer: Since accounts numbered 1 and 2 are owned by the same combination of individuals, they are first added together and insured to $100,000 in the aggregate, leaving $25,000 uninsured. (§ 564.9(d)). Since the respective interests of the co-owners of each joint account are deemed equal for insurance purposes, A has an interest of $50,000 in account No. 1, $12,500 in account No. 2, and $25,000 in account No. 3 for a total joint account interest of $87,500. A's interest of $62,500 in accounts numbered 1 and 2 receives a $50,000 proportionate share of the $100,000 insurance coverage on the two accounts, as does B's interest, leaving $12,500 uninsured in each case. A is entitled to $100,000 of insurance on the total of his interests in joint accounts owned by different combinations of individuals. (§ 564.9(e)). $50,000 of this $100,000 is allocated to A's interest in accounts numbered 1 and 2, leaving $50,000 of insurance available for his $25,000 interest in account No. 3, which is fully insured. C's $25,000 interest in account No. 3 is also fully insured. Thus, $75,000 of A's total interest of $87,500 is insured; $50,000 of B's $62,500 interest is insured; and all of C's $25,000 interest is insured. Of the $175,000 invested in the three joint accounts, a total of $150,000 is insured.

Example 7

Question: The following accounts are owned by A, B and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each co-owner possesses withdrawal rights.

1. A, as an individual—$100,000
2. B, as an individual—$100,000
3. A, B and C, as joint tenants w/r/o survivorship—$100,000
4. A, B and C, as joint tenants w/r/o survivorship—$200,000
5. A, and B, as joint tenants w/r/o survivorship—$100,000

What is the insurance coverage?

Answer: Accounts numbered 1 and 2 are each separately insured for $100,000 as individual accounts held by A and B, respectively (§ 564.3(a)). With respect to the joint accounts, accounts numbered 3 and 4 are owned by the same combination of individuals and are added together and insured for $100,000 in the aggregate. (§ 564.9(d)). Because the accounts totaled $300,000, $200,000 remains uninsured. A, B and C each have a $33,334 insured interest in accounts 3 and 4. A and B also maintain a joint account, account number 5. Because C has no interest in this account, it is owned by a combination of individuals different from accounts 3 and 4. The interests of A and B in account number 5 are deemed to be equal (§ 564.2(b)(4)). A's $50,000 interest in account 5 is added to his insured interest in accounts 3 and 4, giving him a total of $83,334 insurance coverage for his interests in the various joint accounts, in addition to the insurance in the amount of $100,000 provided for his individual account. B's interests in accounts 3, 4 and 5 are identical to A's and her interests are insured in a like manner.

G. Trust Accounts

A trust estate is the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, that is valid under State law. Thus, funds invested in an account by a trustee under an irrevocable express trust are insured on the basis of the beneficial interests under such trust. The interest of each beneficiary in an account (or accounts) established under such a trust arrangement is insured to $100,000 separately from other accounts held by the trustee, the settlor (grantor) or the beneficiary. However, in cases where a beneficiary has an interest in more than one trust arrangement created by the same settlor, the interests of the beneficiary in all accounts established under such trusts are added together for insurance purposes, and the beneficiary's aggregate interest derived from the same settlor is separately insured to the $100,000 maximum.

A beneficiary's interest in an account established pursuant to an irrevocable express trust arrangement is insured separately from other beneficial interests (trust estates) invested in the same account if the value of the beneficiary's interest (trust estate) can be determined (as of the date of default) without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031–10 of the Federal Estate Tax Regulations (26 CFR 20.2031–10). If any trust estates in such an account cannot be so determined, the insurance with respect to all such trust estates together shall not exceed the basic insured amount of $100,000.

In order for insurance coverage of trust accounts to be effective in accordance with the foregoing rules, certain record-keeping requirements must be met. In connection with each trust account, the institution's records must indicate the name of both the settlor and the trustee of the trust and must contain an account signature card indicating the

fiduciary capacity of the trustee and executed by him. In addition, the interests of the beneficiaries under the trust must be ascertainable from the records of either the institution or the trustee.

Although each ascertainable trust estate is separately insured, it should be noted that in short-term trusts the insurable interest or interests may be very small, since the interests are computed only for the duration of the trust. Thus, if a trust is made irrevocable for a specified period of time, the beneficial interest will be calculated in terms of the length of time stated. A reversionary interest retained by the settlor is treated in the same manner as an individual account of the settlor.

As stated, the trust must be valid under local law. A trust which does not meet local requirements, such as one imposing no duties on the trustee or conveying no interest to the beneficiary, is of no effect for insurance purposes. An account in which such funds are invested is considered to be an individual account.

An account established pursuant to a revocable trust arrangement is insured as a form of individual account and is treated under Section B, *supra*, dealing with Testamentary Accounts.

Example 1

Question: T is a trustee of an irrevocable trust created by S, settlor, for the benefit of A and B in equal shares. T holds an account containing $200,000 in trust funds. A and B, as well as T and S, each maintain individual accounts in the amount of $100,000 each. What is the insurance coverage?

Answer: The trust estates of A and B invested in the account are each insured to the $100,000 maximum, assuming that neither A nor B have beneficial interests in any other accounts established pursuant to an irrevocable trust created by the same settlor. Since A and B have equal beneficial interests under the trust, each has a proportionate interest in the trust account of $100,000 and the account is fully insured. The individual accounts of A, B, T and S are each separately insured to $100,000 (§ 564.10).

Example 2

Question: S is the settlor of an irrevocable trust for the sole benefit of his son, B. T, the trustee, maintains an account containing $100,000 in trust funds. S subsequently creates a separate irrevocable trust, also for B's sole benefit, with X Bank as trustee. X Bank invests $25,000 of the trust funds in another account. What is the insurance coverage?

Answer: B has the sole beneficial interest in two accounts established under trusts created by the same settlor. Both accounts are added together and insured up to $100,000 in the aggregate, leaving $25,000 uninsured. The fact that two different trustees are involved is immaterial. (§ 564.10).

Example 3

Question: S is the settlor of an irrevocable trust fund for the sole benefit of his son, B. T, trustee, invests $100,000 of the trust funds in a trust account. S establishes a revocable trust account in the amount of $100,000 for the sole benefit of B. S also has an individual account of $100,000. What is the insurance coverage?

Answer: B's trust estate in the account established pursuant to the irrevocable trust arrangement is insured to $100,000 separately from the accounts owned by S (§ 564.10). The revocable trust account is insured to $100,000 as a testamentary account owned by S with his child as beneficiary, separately from S's individual account (§ 564.4(a)). The three accounts are fully insured.

Example 4

Question: An account in the amount of $200,000 is held pursuant to an irrevocable trust for the benefit of A and B. Under the terms of the trust instrument, A is to receive the income for life and B is to receive the remainder at A's death. At the time of default, A is 70 years of age. What is the insurance coverage?

Answer: The proportionate value of A's life estate can be determined by the use of the present worth tables found at 26 CFR § 20.2031–10. To ascertain A's beneficial interest in the account, the appropriate multiplier (.47540) indicated by Table A(2) is multiplied by the amount in the account. A's interest is found to be $95.080. The difference of $104,920 represents B's beneficial interest in the account. The trustee is entitled to an insurance payment of $195,080 representing A's complete interest ($95.080) and $100,000 of B's interest. (§§ 564.2(c)(1) and 564.10).

Example 5

Question: The situation is the same as in Example 4, except that A is to receive the income for life or until she marries, with remainder over to B. What is the insurance coverage?

Answer: Both trust estates are subject to a contingency (A's marriage) which precludes their evaluation by the use of the present worth tables. The insurance coverage with respect to all trust estates in the account is limited to the $100,000 maximum. (§ 564.2(c)(2)). The trustee is entitled to an insurance payment of $100,000.

Example 6

Question: S establishes an irrevocable trust fund of $500,000 for the equal benefit of A, B, C, D, and E. The trustee invests the entire amount in a properly designated trust account. The trust provides that each beneficiary is to receive income in equal shares until the age of 35, at which time the principal is to vest in equal shares, except that if either D or E does not complete college by age 35, his share of the principal is to go to X Church. What is the insurance coverage?

Answer: The proportionate (one-fifth) interests in the account of A, B and C are each insured up to $100,000 as separate trust estates. The interests of D, E and X Church are subject to contingencies (completion of college) which cannot be evaluated by use of the present worth tables. Therefore, the insurance coverage on their interests is limited to $100,000 in the aggregate, resulting in a total insurance coverage of $400,000 for the trust account. (§ 564.2(c)(1) and (2)).

Example 7

Question: G is settlor of a short-term irrevocable trust for the benefit of H University. Under the terms of the trust instrument, the university is to receive all of the income (payable annually) for two years. At the end of the two-year period, the trust is to terminate, and the corpus is to revert to G. The trustee invests $150,000 in a trust account. At the date of default, one year of the two-year term of the trust has expired. What is the insurance coverage?

Answer: Although this arrangement constitutes an express irrevocable trust, G's reversionary interest is treated, for insurance purposes, as an individual account owned by him. (§ 561.4). To ascertain the value of H University's remaining one-year income interest in the trust account, the appropriate multiplier (.03382) indicated by Table II of the present worth tables is multiplied by the account balance. H University's trust estate in the account is $5,073. G's reversionary interest is worth $144,927. Assuming that G has no individual interest in any other account, the trustee is entitled to an insurance payment of $105,073 representing H University's entire trust estate in the account ($5,073) and $100,000 of G's reversionary interest. (§§ 564.2(c)(1) and 564.10).

Example 8

Question: H and W create an irrevocable trust for the benefit of their children, S and D, in equal shares. The trust contains $500,000 of which $100,000 was contributed by W. As joint trustees, H and W invest $300,000 of these funds in a trust account. What is the insurance coverage?

Answer: The trust estate of S and D are deemed to be derived from H and W in proportion to the contribution of each to the trust. W has contributed 20 percent of the funds and H has contributed 80 percent. S and D have equal beneficial interests in the trust account. Of S's beneficial interest of $150,000, $30,000 (20 percent) is deemed to be derived from W and $120,000 (80 percent) is deemed to be derived from H. D's beneficial interest is similarly derived. The trust estate of each beneficiary derived from each settlor is separately insured to the $100,000 maximum. The $30,000 interest derived from W is fully insured, and $100,000 of the interest derived from H is insured, leaving $20,000 uninsured in the case of each beneficiary. The account is insured to a total of $260,000. (§ 564.2(c)(3)).

Example 9

Question: X Corporation acts as servicing agent for FHA, VA and conventional mortgage loans. Each month X Corporation collects payments from approximately 2,000 mortgagors and commingles these funds in a single account. The account contains $1,000,000. What is the insurance coverage?

Answer: The amount of insurance coverage depends upon the terms of the contract or instrument under which X Corporation collects the funds. If it acts in the capacity of a trustee for the benefit of the mortgagors, the interest of each mortgagor is separately insured to the $100,000 maximum. If it acts in the capacity of a trustee for the lenders, the interest of each lender is separately insured to the $100,000 maximum. In either case, this insurance in separate from that afforded the individually owned funds of X Corporation

invested in the institution or the individual accounts of any of the mortgagors or lenders. (§ 564.10).

If X Corporation is found to act in the capacity of an agent for either the mortgagors or the lenders, the interest of each such principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution). (§ 564.3(6)).

If X Corporation is found to hold the funds as owner, or principal, with only a contractual obligation to pay to its creditors, and not as trustee or agent, the account would be insured only to the $100,000 limit. (§ 564.6).

Example 10

Question: What is the insurance coverage on other fiduciary accounts, such as clients' funds invested in the name of a lawyer, rent security funds invested in the name of the landlord, escrow funds invested in the name of a real estate broker, litigants' funds invested in the name of a representative of a court, consignors' funds invested in the name of a market servicing agent, and similar funds invested in other custodial accounts?

Answer: Such funds are insured in the same manner as indicated in Example 9. If the funds are held in irrevocable trust pursuant to statute or trust instrument, they are insured as trust funds. If held on an agent-principal basis, they are insured as the individually owned property of the various principals. (§§ 564.3(b) and 564.10).

Example 11

Question: A cemetery maintains an account, consisting of its general funds, in the amount of $100,000. It also maintains a properly designated trust account, containing perpetual care funds held in trust pursuant to statute or trust instrument for the benefit of various cemetery lots, in the amount of $250,000. No single perpetual care fund in the trust account exceeds $100,000. What is the insurance coverage?

Answer: The general funds account is separately insured to $100,000. Since each separate trust estate in the trust account is separately insured, the trust account is fully insured in the amount of $250,000. (§ 564.10).

Example 12

Question: O creates a charitable trust under which the principal and income are to be used for the furtherance of legal education, in the discretion of the trustee. The trustee invests $150,000 of the trust funds in a properly designated account. What is the insurance coverage?

Answer: Since the beneficiaries under the trust are indefinite and cannot be ascertained, there can be insurance only to the basic insured amount. (§ 564.2(c)(2)). Thus, the account is insured only to $100,000 leaving $50,000 uninsured. (§ 564.10).

(Sec. 308, Pub. L. No. 96-221; Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 80-11899 Filed 4-16-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-20 AD Amdt. No. 39-3753]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This Airworthiness Directive (AD) requires one-time visual and dye penetrant or magnetic particle inspections and replacement, if necessary, for the forward engine mount support fittings on Boeing 737 airplanes which have accumulated 5,000 landings or have had an engine change. Cracks have been found in three fittings by two different operators. The cracks extend forward from the aft edge of the lower flange into the web and forward flange. If the cracks grow until one arm of the fitting fails, the strength capability of the engine mount support system is compromised and the loss of an engine could result.

DATES: Effective date April 27, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, P.E. Airframe Section, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTAL INFORMATION: Two operators recently reported finding cracked right hand engine forward mount support fittings on three airplanes. All three fittings cracked in the support fitting "I" section slightly inboard of the inboard thrust link attachment. The cracks had progressed varying distances in the lower flange and vertical web of the "I" section initiating in each case at the aft edge of the lower flange. Two occurrences were on airplanes with approximately 15,500 flight hours and 15,000 landings. The third cracked fitting was on an airplane with approximately 11,000 hours and 11,000 landings.

In addition, an analysis of engine removal and installation procedures indicates cracks may start as a result of not following the engine removal/installation procedures outlined in the Boeing Maintenance Manual and, therefore, the threshold compliance schedule is predicated in part on engine changes.

If the cracks are allowed to grow, failure of the arm of the forward engine mount fitting will occur. If one arm of the fitting has failed, all design loads cannot be carried and engine separation could occur. The FAA finds inspections are necessary to assure continued engine to wing structural integrity and these inspections are made mandatory by this Amendment. If cracks are found, the fittings must be replaced or repaired prior to further flight. Results of the inspection will determine if a repetitive inspection is necessary.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Boeing: Applies to all Boeing 737 series airplanes which have accumulated 5,000 landings or have had an engine change: Within the next 300 landings after the effective date of this AD unless accomplished within the last 300 landings, perform one-time visual and dye penetrant or magnetic particle inspections on both forward engine mounts as follows:

A. Visually inspect the exposed portion of the lower flange of the I section of the forward mount support fittings between the vibration isolators in accordance with Boeing Alert Service Bulletin 737-54A1012 Rev. 1.

B. Dye penetrant or magnetic particle inspect the inboard portion of the aft lower flange just inboard of the inboard thrust link attachment lug in accordance with Boeing Alert Service Bulletin 737-54A1012 Rev. 1.

C. Dye penetrant or magnetic particle inspect the outboard portion of the aft lower flange just outboard of the outboard thrust link attachment lug using the same procedure specified for the inboard flange inspection in Boeing Alert Service Bulletin 737-54A1012 Rev. 1.

D. If cracks are found, replace the fitting prior to further flight or repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

E. Alternative inspections, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective April 27, 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 14 CFR 11.89).

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

Issued in Seattle, Washington, on April 7, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

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

[FR Doc. 80-11266 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 80-SO-7; Amdt. No. 39-3749]

Airworthiness Directives, Piper Aircraft Corp.; Models PA-34-200 and PA-34-200T

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection, replacement of parts, and modification of the vertical fin attachment fittings, stabilator attachment and stabilator hinge assembly, as necessary, on certain Piper Models PA-34-200 and PA-34-200T aircraft. The AD is needed to prevent elongation or cracking of fitting holes and wearing of attaching nuts and bolts, which could result in loosening of the vertical fin or stabilator.

DATES: Effective April 24, 1980. Compliance required within the next 25 hours time in service after the effective date of this AD.

ADDRESSES: The applicable Piper Service Bulletin may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (707) 748-6711.

A copy of the Service Bulletin is also contained in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: Thirty-five reports have been received of loose bolts and elongated holes on the vertical fin attachment fitting and the stabilator attachment and stabilator hinge assembly on certain Piper PA-34-200 and PA-34-200T series aircraft. This AD requires inspection, replacement of parts, and modification of the vertical fin attachment fittings, stabilator attachment, and stabilator hinge assembly as necessary. Since this situation is likely to occur on other aircraft of the same type design, an AD is being issued which requires inspection and replacement of parts and modification as necessary.

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

Adoption of the Amendment

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

Piper Aircraft Corporation: Applies to Model PA-34-200, serial numbers 34-E4, 34-7250001 through 34-7450220, Model PA-34-200T, serial numbers 34-7570001 through 34-7770441, airplanes certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent elongation or cracking of fitting holes and wearing of attaching nuts and bolts of the vertical fin attachment fittings and stabilator attachment and stabilator hinge assembly, accomplish the following within 25 hours time in service after the effective date of this AD:

a. Inspect, replace parts and modify, as necessary, the vertical fin attachment fittings and stabilator attachment and stabilator hinge assembly in accordance with Piper Aircraft Corporation Service Bulletin No. 579, dated November 14, 1977, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

b. Make appropriate maintenance record entry.

This amendment becomes effective April 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)); 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 DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in East Point, Georgia, on April 4, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-11267 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 80-WE-16-AD; Amdt. 39-3750]

Airworthiness Directives; Rockwell International Model NA265-40, -60, -70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection, repair or replacement, as necessary, of the elevator trailing edges on Rockwell International Model NA265-40, -60 and -70 series airplanes. The AD is needed to prevent elevator trailing edge delamination which could result in adverse flight characteristics.

DATES: Effective April 21, 1980. Compliance schedule—As prescribed in the body of the AD.

ADDRESS: The applicable service information may be obtained from: Rockwell International, Sabreliner Division, 827 Lapham Street, El Segundo, California 90245.

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

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

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

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

SUPPLEMENTARY INFORMATION: There have been reports of elevator trailing edge delamination on certain Rockwell International Model NA265 airplanes that could result in adverse flight characteristics. Since this condition is likely to exist or develop on other airplanes or in other airplanes of the same type design, an airworthiness directive is being issued which requires inspection of the elevator trailing edge for delamination and repair, if necessary, on Rockwell International Model NA265–40, –60 and –70 series airplanes.

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

Adoption of the Amendment

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

Rockwell International: Model NA265–40 (all), –60 (all) and –70 S/N 370–2 through –6 and 370–8 and –9 series airplanes except those modified by Supplemental Type Certificate SA687NW, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent adverse flight characteristics resulting from elevator delamination accomplish the following:

(a) On aircraft with honeycomb elevator trailing edge surfaces in service for one calendar year or more, or with 1,000 hours' time in service, whichever occurs earlier;

(1) Within 100 hours' additional time in service, or by May 21, 1980, whichever occurs earlier, inspect left and right elevator trailing edges for delamination as specified in paragraphs 1(a) and 1(b) of "Modification Instructions" of Rockwell International Service Bulletin No. 48 dated January 9, 1980, and;

(2) At intervals not to exceed 500 hours' time in service or 6 months from the last such inspection, whichever occurs sooner, repeat the inspection of paragraph (a)(1) of this AD.

(b) Repair delaminated elevator trailing edges prior to further flight per paragraph 3 of "Modification Instructions" of Rockwell International Service Bulletin No. 48 dated January 9, 1980 and prior to the accumulation of 1,000 hours' additional time in service on new trailing edges, inspect per paragraph (a)(1) of this AD and reinspect at repetitive intervals specified per paragraph (a)(2) of this AD.

(c) Installation of non-honeycomb trailing edges constitutes terminating action for the inspections required by this AD.

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

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

This amendment becomes effective April 21, 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 14 CFR 11.89)

Issued in Los Angeles, California on April 3, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80–11261 Filed 4–16–80; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 80–WE–17–AD; Amdt. 39–3751]

Airworthiness Directives; Robinson Helicopter Company Model R–22 Helicopters

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a currently effective airworthiness directive (AD) which requires repetitive inspections of main rotor blade assemblies on Robinson Helicopter Company Model R–22 helicopters. This amendment is needed to provide inspection requirements on additional areas of the main rotor blades.

DATES: Effective April 21, 1980. Compliance schedule—Initial compliance required within 10 hours' time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: Robinson Helicopter Company, 24747 Crenshaw Boulevard, Torrance, California 90505.

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

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

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

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

SUPPLEMENTARY INFORMATION: Amendment 39–3678 (45 FR 5699), AD 80–03–01 requires repetitive inspections of main rotor blade trailing edges on Robinson Helicopter Company Model R–22 series helicopters. After issuing Amendment 39–3678 which relates to the trailing edge area of the main rotor blades, the FAA has learned of two instances of delamination of the aluminum skin from the stainless steel spar near the leading edge of the main rotor blade at the root and at the tip. These occurrences have been attributed to bonding process discrepancies. The FAA is currently in the process of verifying that these discrepant procedures have been corrected in current production. Therefore, the FAA is superseding AD 80–03–01 with a new AD which requires additional daily inspections to include the leading, as well as the trailing edge, of the main rotor blades for delamination and removal from service if delamination is found on Robinson Helicopter Company Model R–22 helicopters.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39–3678 (45 FR 5699), and AD 80–03–01 is superseded by adding the following new airworthiness directive:

Robinson Helicopter Company: Applies to Model R–22 series helicopters certificated in all categories.

Complicance is required as indicated.

To prevent loss of structural integrity of the main rotor blades, accomplish the following:

(a) Within the next 10 hours' time in service from the effective date of this AD, and once each day the helicopter is to be operated thereafter, accomplish the following:

(1) Visually check the trailing edges of the main rotor blades for any indication of separation due to an adhesive failure.

(2) Visually check the edges of the two small external doublers located near the root end of the blades (one on top and one on bottom), for any evidence of delamination.

(3) Visually check the upper and lower surfaces of the blade at the skin/spar joint from the tip of the blade inboard for one foot, and from the root outboard for one foot for any evidence of delamination. The skin/spar joint is located approximately 1-inch back from the leading edge.

Note 1.—A bond delamination would likely appear as a crack in the paint along the joint.

Note 2.—Robinson Helicopter Company Service Bulletin B–2, dated March 4, 1980, refers to this subject.

(4) If delamination is detected at the doublers and/or trailing edge or at the skin/spar joint, the main rotor blades must be replaced with like servicable parts prior to further flight.

The checks required by this AD may be performed by the pilot.

Note 3.—A maintenance record entry showing compliance and method of compliance with this AD is required by FAR 91.173.

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

This supersedes Amendment 39–3678 (45 FR 5699), AD 80–03–01.

This amendment becomes effective April 21, 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 14 CFR 11.89)

Issued in Los Angeles, California on April 3, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80–11262 Filed 4–16–80; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 80–ASW–2]

Alteration of Transition Area: Big Sandy, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Big Sandy, Tex. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Gladewater Municipal Airport, Gladewater, Tex. The circumstances which created the need for the action are the proposed establishment of an instrument approach procedure to the Gladewater Municipal Airport, using the Gregg County VORTAC, and a review of the airspace designated as the Big Sandy, Tex., transition area which revealed it is in excess of the controlled airspace necessary for aircraft conducting instrument approach procedures to airports within the area. Coincident with this action, the Gladewater Municipal Airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

EFFECTIVE DATE: July 10, 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 February 19, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 10806) stating that the Federal Aviation Administration proposed to alter the Big Sandy, 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) alters the Big Sandy, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing a proposed instrument approach procedure to Gladewater Municipal 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, July 10, 1980, as follows.

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

Big Sandy, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Ambassador Field (latitude 32°35'03" N., longitude 95°04'03" W.); and within a 5-mile radius of the Holly Lake Ranch Airport (latitude 32°41'51" N., longitude 95°12'27" W.), and within a 5-mile radius of the Gilmer Upshur County Airport (latitude 32°42'10" N., longitude 94°56'55" W.) and within a 5-mile radius of the Gladewater Municipal Airport (latitude 32°31'45.2" N., longitude 94°58'18.9" 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 April 3, 1980.

Ramon A. Alvarez,

Acting Director, Southwest Region.

[FR Doc. 80–11265 Filed 4–16–80; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 79–ASW–66]

Designation of Transition Area: Mullin, 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 Mullin, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Smokey Bend Ranch Airport. The circumstance which created the need for the action is the establishment of a nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: July 10, 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 February 21, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 3919) stating that the Federal Aviation Administration proposed to designate a transition area at Mullin, Tex. 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 Mullin, 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 Smokey Bend Ranch 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 Mullin, Tex., transition area as follows.

Mullin, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Smokey Bend Ranch Airport (latitude 31°28'15" N., longitude 98°42'03.5" W.), and within 3.5 miles each side of the 163° bearing from the NDB (latitude 31°28'24.01" N., longitude 98°41'58.8" W.), extending from the 6.5-mile radius area to 8.5 miles south of the NDB.

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

Note.—The FAA has determined that this document involves a 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 April 2, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-11260 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-RM-25]

Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Dickinson, North Dakota, control zone and 1,200' transition area to provide additional controlled airspace for aircraft executing the new RNAV Runway 14/32 standard instrument approach procedure developed for the Dickinson Municipal Airport, Dickinson, North Dakota.

EFFECTIVE DATE: 0901 GMT, July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, February 25, 1980, the FAA published for comment, a proposal to alter the Dickinson, North Dakota, control zone and 1,200' transition area (45 FR 12260). The only comment received as a result of this circular expressed no objections.

Rule

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) alters the Dickinson, North Dakota, control zone and 1,200' transition area. This action is necessary to provide additional controlled airspace for aircraft executing the new RNAV Runway 14/32 standard instrument approach procedure developed for the Dickinson Municipal Airport, Dickinson, North Dakota.

Drafting Information

The principal authors of this document are Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective July 10, 1980, as follows:

By amending subpart F, § 71.171 (45 FR 356) so as to alter the following control zone to read:

Dickinson, North Dakota

Within a 5.5-mile radius of Dickinson Municipal Airport (latitude 46°47'45" N., longitude 102°48'00" W.) and within 3 miles each side of the Dickinson VORTAC (latitude 46°51'36" N., longitude 102°46'23" W.) 013° radial extending from 5.5-mile radius area to 8 miles north of the VORTAC. This control zone is effective during the specific dates and times established in advance by a "Notice to Airmen." The effective date and time will, thereafter, be continuously published in the Airport/Facility Directory.

By amending subpart G, § 71.181 (45 FR 445) so as to alter the following transition area to read:

Dickinson, North Dakota

* * * and that airspace extending upward from 1,200' above the surface within a 29-mile radius of the Dickinson VORTAC (latitude 46°51'36" N., longitude 102°46'23" W.) extending clockwise from the Dickinson VORTAC 214° radial to the Dickinson VORTAC 093° radial.

(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); and 14 CFR 11.69).

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 Aurora, Colorado, on April 8, 1980.

Isaac H. Hoover,

Acting Director, Rocky Mountain Region.

[FR Doc. 80-11679 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 302

[Procedural Regulations; Amdt. No. 61 of Part 302; PR-223]

Rules of Practice in Board Proceedings; Conforming Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In PR-222, also issued today, the Board revoked the rule governing its program of payments to eligible participants in its proceedings, since Congress has ended that program. This conforming amendment of the Board's Rules of Practice eliminates a now obsolete cross-reference to the revoked rule.

DATES:

Adopted: April 10, 1980.

Effective: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: The last sentence of 14 CFR 302.15(b) states:

"The grant of a petition under this section will not affect the intervenor's eligibility under Part 304 of this chapter." This sentence has been made obsolete by the revocation of Part 304 in PR–222, also issued today. We are therefore deleting the sentence.

Since this amendment is administrative in nature, affecting a rule of agency practice and procedure, the Board finds that notice and public procedure are unnecessary and the amendment may be effective immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 302, *Rules of Practice in Board Proceedings*, as follows:

§ 302.15 [Amended]

In § 302.15, *Formal intervention in hearing cases*, the last sentence of paragraph (b) is deleted.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–11714 Filed 4–16–80; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 304

[Procedural Regulations; Revocation of Part 304; PR–222]

Compensation of Participants in Board Proceedings; Revocation of Part

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Congress has ended the CAB's program to compensate eligible persons for their costs of participating in CAB proceedings. This action revokes the rule that set out standards and procedures for that program.

DATES:

Adopted: April 10, 1980.

Effective: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: At the end of 1978, the Board established a program of payments to participants in its proceedings. Compensation was available for applicants who otherwise would be unable to participate, and who were expected to contribute substantially to a fair decision. An applicant's interest in the outcome also had to be small compared to the burden of participating. Standards and procedures for this program appear in 14 CFR Part 304, *Compensation of Participants in Board Proceedings*, which was adopted in PR–181, 43 FR 56878, November 5, 1978.

Congress has ended the compensation program by enacting the Department of Transportation and Related Agencies Appropriations Act, 1980 (Pub. L. 96–131, 93 Stat. 1023, November 30, 1979). The Conference Committee's report stated that "[t]he conferees agree that none of the appropriated funds shall be used for the public participation program" (Rep. No. 96–310, November 9, 1979).

We are therefore revoking Part 304. Conforming amendments of Parts 302 and 385 are set out in PR–223 and OR–168, also adopted today.

Since this amendment is administrative in nature, revoking a rule whose legal authority has already been eliminated by Congress, the Board finds that notice and public procedure are unnecessary and the amendment may be effective immediately.

PART 304—[RESERVED]

Accordingly, the Civil Aeronautics Board revokes and reserves 14 CFR Part 304, *Compensation of Participants in Board Proceedings.*

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–11715 Filed 4–16–80; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 385

[Organization Regulations; Amdt. No. 100 of Part 385; OR–168]

Delegations and Review of Action Under Delegation; Nonhearing Matters; Conforming Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In PR–222, also issued today, the Board revoked the rule governing its program of payments to eligible participants in its proceedings, since Congress has ended that program. This conforming amendment of the Board's delegations of authority eliminates a now obsolete cross-reference to the revoked rule.

DATES:

Adopted: April 10, 1980.

Effective: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The last sentence of 14 CFR 385.2, *Applicability*, states:

> However, this part does not apply to the delegation of authority, set forth in § 304.9 of this title, to the Evaluation Committee established in § 304.7(a) of this title.

This sentence has been made obsolete by the revocation of Part 304 in PR–222, also issued today. We are therefore deleting the sentence.

Since this amendment is administrative in nature, affecting a rule of agency practice and procedure, the Board finds that notice and public procedure are unnecessary and the amendment may be effective immediately.

Accordingly, the Civil Aeronautics Board amends Part 385 of its Organization Regulations, *Delegations and Review of Action under Delegation; Nonhearing Matters* (14 CFR Part 385) as follows:

§ 385.2 [Amended]

In § 385.2, *Applicability*, the last sentence is deleted.

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

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–11713 Filed 4–16–80; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 387

[Organizational Regulations; Amdt. No. 6 to Part 387; OR–167]

Organization and Operation During Emergency Conditions

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rule on the order of succession during a national emergency to reflect a staff reorganization.

DATES:

Adopted: April 10, 1980.

Effective: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph F. Laufer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5060.

SUPPLEMENTARY INFORMATION: Section 387.4 of 14 CFR Part 387 describes who may act in the name of the Board in the event that no member of the Board is capable of acting during a national emergency. It states that the Director of the Bureau of Pricing and Domestic

Aviation shall follow the Managing Director in the order of succession. As a result of a staff reorganization, the Bureau of Pricing and Domestic Aviation is now the Bureau of Domestic Aviation. This amendment reflects that change.

Since this rule is procedural in nature, affecting a rule of agency organization and practice, the Board finds that notice and public procedure are unnecessary and that it may be immediately effective.

Accordingly, the Board amends paragraphs (c) and (d) of § 387.4 of 14 CFR Part 387, *Organization and Operation During Emergency Conditions*, to read:

§ 387.4 Organization and delegations of authority.

* * * * *

(c) In the event no Board Member is capable of acting, actions in the name and authority of the Board shall be taken by the following: The Managing Director; the Director, Bureau of Domestic Aviation; the General Counsel; and the Director, Bureau of Consumer Protection. If one or more of them cannot act, his or their deputies or staff in line of succession as provided in paragraph (g) of this section shall act. The authority of the above designees, or their successors, shall mean and include the delegated authority to act for the Board.

(d) The authority of the Chairman, in the event he is incapacitated or incapable of acting, shall be exercised by the Vice Chairman, and in the event he is unable to act, by the other Members of the Board in order of seniority; if no Board Member is able to act as Chairman, then members of the Board's staff shall act as Chairman in the following order: The Managing Director; the Director, Bureau of Domestic Aviation; the General Counsel; the Director, Bureau of Consumer Protection; their respective deputies or staff in line of succession to the preceding staff members.

* * * * *

(Section 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Section 201 of the National Emergencies Act, 90 Stat. 1255, Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-11718 Filed 4-16-80; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising for Consumer Appliances Under the Energy Policy and Conservation Act; Correction

AGENCY: Federal Trade Commission.

ACTION: Technical corrections to final rule and comparability ranges.

SUMMARY: On November 19, 1979, the Federal Trade Commission issued a final rule that requires the disclosure of energy efficiency information for the following categories of appliances: refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners and furnaces. Section 305.8 of the rule requires affected members of the appliance industry to submit to the Commission information relating to the energy cost or energy efficiency rating of covered appliances. Using this information, the Commission recently published [1] the ranges of energy cost or energy efficiency ratings for the appliances covered by the rule. This information will be used by the industry to prepare required labels and fact sheets. After publication of the ranges, the Commission discovered certain technical errors, and published corrections on March 25, 1980 (45 FR 19520).

The Commission found that the new information published on March 25 contained errors that were not ascertainable before publication. This notice corrects the errors.

EFFECTIVE DATE: These corrections are effective on April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Lucerne D. Winfrey, 202–724–1453 or James Mills, 202–724–1491, Attorneys, Federal Trade Commission, 414—11th Street, NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: The Commission published the final rule on November 19, 1979 (44 FR 66466). Information respecting the annual ranges of comparability was published in the **Federal Register** on Monday, March 3 1980 (45 FR 1398) and on Tuesday, March 25, 1980 (45 FR 19520). The published ranges are applicable to refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners and furnaces.

Appendix D2—Water Heater—Gas has been changed to show the ranges of annual operating costs for water heaters fueled by propane separately from the ranges for those fueled by natural gas. The ranges for gas-fueled water heaters did not distinguish between the cost of operating natural gas-fueled and propane-fueled water heaters when published on March 25, 1980. Appendix D2 is thus amended to provide separate ranges of comparability for the annual opeating costs of natural gas-fueled water heaters and propane-fueled water heaters.

Appendix G1—Furnaces—Gas, and Appendix G3—Furnaces—Oil have been corrected so that the ranges of comparability for those products now more accurately reflect all of the information submitted by industry members prior to the submission deadline of January 21, 1980.

The revised appendices follow:

D1—Water Heater—Gas

First hour rating	Ranges of estimated yearly energy cost			
	Natural gas		Propane	
	Low	High	Low	High
Less than 21	(1)	(1)	(1)	(1)
21 to 24	(1)	(1)	(1)	(1)
25 to 29	(1)	(1)	(1)	(1)
30 to 34	$103.00	$118.00	$168.00	$192.00
35 to 40	111.00	129.00	182.00	204.00
41 to 47	103.00	124.00	179.00	200.00
48 to 55	107.00	143.00	171.00	234.00
56 to 64	102.00	161.00	175.00	262.00
65 to 74	110.00	151.00	179.00	244.00
75 to 86	113.00	156.00	184.00	255.00
87 to 99	124.00	162.00	206.00	230.00
100 to 114	124.00	156.00	215.00	285.00
115 to 131	141.00	234.00	230.00	251.00
Over 131	(1)	(1)	(1)	(1)

[1] No data submitted.

G1—Furnaces—Gas

Comparability (Btu per hour)	Ranges of energy efficiency ratings	
	Low	High
5,000 to 10,000	(1)	(1)
11,000 to 16,000	(1)	(1)
17,000 to 25,000	68.30	70.58
26,000 to 42,000	55.00	82.00
43,000 to 59,000	51.40	81.19
60,000 to 76,000	54.00	86.20
77,000 to 93,000	55.00	85.90
94,000 to 110,000	54.00	84.70
111,000 to 127,000	54.00	85.70
128,000 to 144,000	57.60	85.30
145,000 to 161,000	63.37	84.60
162,000 to 178,000	63.73	78.78
179,000 to 195,000	63.79	83.00
196,000 and over	63.92	82.00

[1] No data submitted.

G3—Furnaces—Oil

Comparability (Btu per hour)	Ranges of energy efficiency ratings	
	Low	High
5,000 to 10,000	(1)	(1)
11,000 to 16,000	(1)	(1)

[1] 45 FR 13998, March 3, 1980.

G3—Furnaces—Oil—Continued

Comparability (Btu per hour)	Ranges of energy efficiency ratings	
	Low	High
17,000 to 25,000	(1)	(1)
26,000 to 42,000	(1)	(1)
43,000 to 59,000	71.00	87.10
60,000 to 76,000	67.10	87.96
77,000 to 93,000	66.80	87.29
94,000 to 110,000	65.90	86.36
111,000 to 127,000	66.00	85.96
128,000 to 144,000	68.00	85.31
145,000 to 161,000	62.00	84.40
162,000 to 178,000	73.40	83.30
179,000 to 195,000	71.93	85.39
196,000 and over	74.30	85.39

[1] No data submitted.

Carol M. Thomas,

Secretary.

[FR Doc. 80-11672 Filed 4-16-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 866

Boards of Officers for Conducting Investigations; Deletion of Regulations

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

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by deleting Part 866, Boards of Officers for Conducting Investigations. This rule is deleted because of limited applicability to the general public. The intended effect is to insure that only regulations which substantially affect the public be maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Carol M. Rose, phone (202) 697-1861.

SUPPLEMENTARY INFORMATION: Accordingly, 32 CFR, Chapter VII, is amended by deleting Part 866.

PART 866—BOARD OF OFFICERS FOR CONDUCTING INVESTIGATIONS [DELETED]

[FR Doc. 80-11711 Filed 4-16-80; 8:45 am]

BILLING CODE 3910-01-M

32 CFR Part 888

Enlistment in the U.S. Air Force

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

ACTION: Final rule.

SUMMARY: The Department of the Air Force amendments to 32 CFR, Subchapter I, Part 888, Enlistment in the U.S. Air Force, provide additional information about educational requirements; updates the information on personnel applying for enlistment in the Regular Air Force who have 180 days or more of continuous active duty; and deletes the table entitled "Acceptability of Applicants with Previous Military Service."

EFFECTIVE DATE: April 13, 1979.

FOR FURTHER INFORMATION CONTACT: TSgt Charles Landers, telephone (512) 652-2102.

SUPPLEMENTARY INFORMATION: The provisions of this part are issued under authority of 10 U.S.C. 8012 and 10 U.S.C. 511(a).

The amendments will read as follows:

1. Section 888.2 is amended by adding the following sentence at the end of paragraph (d)(2)(iv).

§ 888.2 Qualifications for enlistment in the Regular Air Force.

(d) * * *

(2) * * *

(iv) * * * If a State Department of Education or proper State authority considers an applicant to be equivalent to a high school diploma graduate from the American Educational System, the applicant is acceptable to the Air Force as a high school diploma graduate. Obtain certification, in writing, from appropriate agency.

2. Section 888.4 is amended as follows:

§ 888.4 Regular Air Force prior service (PS) and special category enlistment programs. [Amended]

A. Paragraph (b) is amended to read as follows:

* * * * *

(b) *Documentary Proof.* A PS applicant must provide documentary proof of prior service before enlistment (see § 888.12(5)).

(1) The DD Form 214 covering last period of active service, the latest AF Form 526 reflecting satisfactory years' service in the Reserves, and a certified document reflecting TAFMS from HQ ARPC for AF reservists or State Adjutant General for National Guard, are the documents to be used to determine eligibility.

(2) Do not enlist an applicant without obtaining Reenlistment Eligibility Code (RE code) and Reason for Separation at time of last separation from former Regular component. Contact the Defense Manpower Data Center (DMDC) for this information. If not available from DMDC, advise applicant to submit request to NPRC (appropriate branch of service) for RE code and reason for separation. If data cannot be obtained from NPRC, submit a request for waiver according to § 888.2(f).

* * * * *

B. Paragraph (d) is amended to read as follows:

(d) *PS Program.* This paragraph applies to the enlistment of former enlisted personnel, except those covered in (e) (f) (g) and (h) of this section. Enlistment of PS applicants in oversea areas is not authorized.

(1) *Skill Determination.* PS applicants must have a Primary Air Force Specialty Code (PAFSC) (shown on DD Form 214/215) that is on the USAF Skills Advisory List and have the specified TAFMS required for that skill. If applicant is eligible to enlist in grade E-6 or E-7, a grade vacancy also must exist. This will be determined by ACC using the USAF Skills Advisory. If applicant is not qualified by these criteria, two options are available:

* * * * *

(2) *Enlistment for a Skill Shown on the USAF Skills Advisory List.* Once the applicant has been determined to be qualified and has a skill in an applicable year-group on the USAF Skills Advisory List, the recruiter checks with the Accession Control Center for assignment and specific enlistment authorization.

(3) * * *

(i) Not have an AFSC, or job skill, which converts to an AFSC on the USAF Skills Advisory List.

* * * * *

(4) * * *

(i) * * *

(ii) Retrains into a skill shown on the USAF Skills Advisory List.

3. Section 888.5 is amended to revise paragraph (d) to read as follows:

§ 888.5 Enlistment in the delayed enlistment program (DEP).

* * * * *

(d) *Place of Enlistment.* Enlistment is authorized at AFEES or oversea area where a recruiter is assigned.

4. Section 888.12 (a) is amended by deleting subparagraph (6).

§ 888.12 Miscellaneous forms and tables.

(a) * * *

(6) Table entitled "Acceptability of Applicants with Previous Military Service" is deleted.

* * * * *

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-11685 Filed 4-16-80; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1465-1]

Approval and Promulgation of Implementation Plans; North Carolina: 1979 Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its conditional approval of the implementation plan revisions which the North Carolina Division of Environmental Management submitted pursuant to the requirements of Part D of Title I of the Clean Air Act (CAA), as amended 1977, with regard to nonattainment areas.

The ozone plan for Mecklenburg County is approved on condition that deficiencies in the cutback asphalt and record-keeping regulation be corrected by April 15, 1980. The carbon monoxide plan for Mecklenburg County is approved on condition that deficiencies in transportation related commitments be remedied by April 15, 1980, and that added detail and specific commitments be submitted by June 30, 1980, with regard to the vehicle inspection/maintenance program required. These supplementary materials will be the subject of proposed rulemaking when they are received by EPA. EPA grants the State's request for a five-year extension (to December 31, 1987) of the statutory deadline for meeting the 8-hour carbon monoxide standard in Mecklenburg County.

DATE: These actions are effective April 17, 1980.

ADDRESSES: Copies of the materials submitted by North Carolina and the comments received in response to the proposal notice of October 23, 1979 (44 FR 61055), may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT: Walter Bishop, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30308, 404/881-3286 (FTS 257-3286).

SUPPLEMENTAL INFORMATION:

Background

In the October 23, 1979 **Federal Register** (44 FR 61055) EPA proposed conditional approval of the North Carolina revisions for the Mecklenburg County ozone and carbon monoxide nonattainment area.

These revisions were submitted for EPA's approval on June 15, 1979, with additional information submitted on July 25, 1979, with regard to the State's legal authority to implement a vehicle inspection and maintenance (I/M) program.

The North Carolina revisions have been reviewed by EPA in light of the Clean Air Act as amended 1977, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4, (44 FR 20372) July 2, (44 FR 38583), August 28, (44 FR 50371), September 17, (44 FR 53716), and November 23, (44 FR 67182), 1979 and need not be repeated in detail here.

As indicated in detail in the October 23, 1979, notice of proposed rulemaking, the North Carolina revisions satisfy all of the requirements of Section 172 of the Clean Air Act and EPA's implementing regulations except as noted below. Also, the State has made a commitment to submit as plan revisions any external offsets required of sources impacting nonattainment areas (See revised § 52.1772 below).

CO Plan Requirements

The plan submitted by the State for attainment of the 8-hour carbon monoxide (CO) standard in Mecklenburg County does not demonstrate attainment by December 1982. Therefore, a mandatory inspection/maintenance program for motor vehicles, transportation control measures, and a new source review program consistent with Section 172 (b)(11) of the Clean Air Act (CAA) must be implemented. As a requirement for the extension to 1987, the State Implementation Plan (SIP) must include:

A. An adequate inspection and maintenance program for motor vehicles.

"Inspection/Maintenance" (I/M), as it is used in Section 172(b)(11)(B), refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes may be included as well.

Operation of noncomplying vehicles is prohibited. This is most effectively accomplished by requiring proof of compliance in order to purchase license plates or to register a vehicle. In certain cases, a windshield sticker system can be used, much like many motor vehicle safety inspection programs.

Section 172 of the Clean Air Act requires that State Implementation Plans for States which include non-attainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, and extension to 1987 will be granted. In such cases Section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program. . . ."

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these notices are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking 44 FR 20372, n 6. Although the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

- *Legal Authority.* States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program. (Section 172(b)(10).)
- *Commitment.* The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10).)
- *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7).)
- *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172(b)(11)(B).) Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).
- *Program Effectiveness.* As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and/or a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which states that "the plan provisions . . . shall . . . provide for the

implementation of all reasonably available control measures. . . ."

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan." (Section 172(b)(10).) Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required. (Section 172(b)(11)(B).) The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones meet the general SIP requirement for compliance schedules as governed by 40 CFR 51.15(c). That section requires that increments of progress be contained in compliance schedules of over one year in length.

To be acceptable an I/M program must achieve the requisite 25% reductions in hydrocarbon (HC) and/or carbon monoxide (CO) exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "Implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs in New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before initial testing. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller fraction than the stringency of the program.)

Depending on program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982 and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

B. A program for selecting a package of transportation control measures (and any other necessary measures) to attain the emission reductions target described in the SIP, including adopted schedules for expeditious implementation of currently planned reasonable transportation control measures, and schedules for analysis and adoption of additional transportation control (and other necessary) measures.

C. A commitment to establish, expand, or improve public transportation as expeditiously as practicable, including a commitment to use necessary federal grants and State and local funds.

Assessment

EPA has received from the State Attorney General an opinion that the Department of Natural Resources and Community Development has the authority to prescribe a vehicle compliance sticker requirement as an enforcement mechanism and has authority to set I/M emissions standards. This authority is based upon State statutes N.C.G.S. 143–215.107(a)(6), 143–215.108, and 143–213 (2)–(4). Further, a study commission established by the 1979 General Assembly has provided further guidance on the details of the I/M program to be implemented.

EPA has also received commitments of endorsement from local officials, comprising the Charlotte Metropolitan Planning Organization (including members of the Charlotte City Council) and the Mecklenburg County Commission, to assist in implementing and enforcing the program "to the greatest extent allowed by law in order to prevent motor vehicles failing to obtain an inspection certificate from operating within the jurisdiction of (these bodies)."

The SIP also contains a schedule to implement I/M as required by Section 172(b)(11)(B). The schedule contains all the elements contained in EPA's policy guidance, including separate schedule milestones for each possible program type (contractor-run decentralized program, State-run centralized program, or a garage-based centralized program) that may be implemented. The SIP also contains a commitment to obtain at least a 25% emissions reduction in carbon monoxide from light-duty vehicles by December 31, 1987.

The State I/M submission generally commits the State to implement an I/M program, and the State has submitted substantial evidence in support of that commitment. However, because the State has not yet identified the exact type of program it expects to implement, the State will have to provide more details on the implementation of the I/M program and describe in more detail the procedures which will be used to enforce the program, along with more specific commitments to the program. Any changes regarding implementation or enforcement of the I/M program recommended by the legislative study commission and adopted by the State will have to be submitted as revisions to the SIP. EPA is approving the I/M portions of the North Carolina SIP upon the condition that by June 30, 1980, North Carolina provide more details on the implementation of the program, describe enforcement procedures which would prohibit registration or be equally effective in preventing non-complying vehicles from operating on public roads, and provide specific mechanisms and commitments to carry out these implementation and enforcement details.

EPA's review of the Mecklenburg County transportation control plan has revealed a number of deficiencies. These deficiencies include:

(A) The memorandum of agreement required under Section 174 is inadequate with respect to commitments by the appropriate agency (agencies) to the implementation of the mobile source transportation control measures.

(B) The current 1979 Transportation Improvement Program/Annual Element (TIP/AE) must be reviewed for projects that have a positive air quality impact.

Measures that are found to have benefits and are feasible must be submitted with implementation dates. The implementation dates should correspond to the dates shown in the TIP/AE. Those measures selected from the 1979 TIP/AE for incorporation into the State Implementation Plan must also include a commitment to the implementation and enforcement of such measures by the responsible agencies.

(C) Section 108(f) requires EPA to publish and make available information documents on transportation control measures that are reasonably available for implementation in order to reduce emissions from transportation sources. EPA considers all Section 108(f) measures to be reasonably available. However, if through analysis some measures are found to be infeasible, EPA will allow these measures to be withdrawn. The submittal does not contain a commitment to justify the decision not to implement these measures if found infeasible. Also, the State and/or responsible agencies must commit to implement as expeditiously as practicable those measures found feasible for implementation. The schedule for the analysis of the 108(f) measures does not include a deadline date of July 1980. The analysis must be completed by July 1980 with implementation of measures found feasible before December 1982.

(D) The submittal does not identify the financial and manpower allocations to accomplish the tasks required under Section 108(e) of the CAA and other transportation system management elements and air quality related projects which are or will be incorporated into the Unified Planning Work Program (UPWP) and the Transportation Improvement Program/Annual Element (TIP/AE). The UPWP must also be modified to include provisions for progress reporting as required by the "Transportation/Air Quality Planning Guidelines", issued pursuant to Section 108(e) of the CAA. The SIP must contain only those measures from the modified UPWP and TIP/AE that are related to transportation air quality planning under Section 108(e) of the CAA.

EPA is approving the Mecklenburg County CO plan on condition that the deficiencies just listed be corrected by April 15, 1980, and that the plan's I/M deficiencies be corrected by June 30, 1980. Another condition of the approval is that a regulation providing for the alternative analysis specified in Section 172(b)(11)(A) is to be submitted by April 15, 1980.

Notwithstanding the deficiencies in the State's CO plan for Mecklenburg County, EPA is granting the request for a five-year extension, that is, to December 31, 1987, of the statutory deadline for attainment of the 8-hour CO standard. This action is based on Section 172(a)(2).

Ozone Plan

As indicated in the proposal notice of October 23, 1979 (44 FR 61055), the ozone plan for Mecklenburg County provides for the attainment of the national ambient standard of 0.12 ppm by December 31, 1982, while providing a margin of growth for sources of hydrocarbon emissions. Emission reductions are to come from the Federal Motor Vehicle Control Program and from the application of reasonably available control technology (RACT) to stationary sources of volatile organic compounds (VOC). The State adopted regulations representing RACT for eleven categories of VOC sources and made a commitment to adopt RACT regulations for added source categories as EPA's control technique guideline documents series is expanded. In its proposal notice, EPA noted two deficiencies in the State's VOC regulations which preclude full approval of the ozone plan for Mecklenburg County: (1) regulation .0903 (Recordkeeping, Reporting, Monitoring) must be revised so that it applies to sources with potential (before control) rather than actual emissions of 100 tons per year; and (2) the cutback asphalt regulation (.0931) must be amended to specify the authoritative reference source that will be used to determine outdoor temperature since applications made at a temperature below 50° F are exempt. The ozone plan is approved on condition that these corrections be submitted by April 15, 1980.

As noted in the "General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas", 44 FR 20376 (April, 1979), ozone SIPs, such as North Carolina's, must include RACT requirements for VOC sources covered by CTGs EPA issued by January, 1978. The General Preamble also required such SIPs to contain schedules to adopt and submit by each future January additional requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT requirements was revised from January 1, 1980, by **Federal Register** notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the North Carolina plan is contingent on the submittal of these additional RACT regulations by July 1, 1980 (for CTGs published between January beginning January, 1979). Also, by each subsequent January beginning January 1, 1981, RACT regulations for CTGs published by the preceding January must be included in the plan. The above requirements are set forth in the "Approval Status" section of this final rule. If the RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will take appropriate remedial actions.

In addition the following comments are made on the VOC regulations:

1. The definition of VOC in regulation .0901 includes organic compounds (except those excluded) with a true vapor pressure of 1.5 psia (77.6 millimeter of mercury) under actual storage conditions.

This definition is superseded when applicable by the test procedures in regulation .0913, Determination of Volatile Content of Surface Coatings. That is, a VOC is regulated either if it is presumed to have a true vapor pressure of 1.5 psia under actual storage conditions or if it is detectable using the specified test procedure. Therefore, this definition is as stringent as EPA's definition, which is based on a true vapor pressure of 0.1 millimeters of mercury.

2. Regulation .0902(c) exempts trichlorotrifluorethane (freon 113) from control. This compound may be subject to control in the future because of its deleterious effect on the stratospheric ozone layer, which shields the earth's surface from some ultraviolet solar radiation. Depletion of the layer is linked to increased incidence of skin cancer.

3. Any approval of alternative VOC controls made under regulation .0905, Petition for Alternative Controls, must be submitted to EPA as a plan revision.

Comments

A. Comments on the revisions for Mecklenburg County. One comment pointed out, concerning the enforcement of the VOC regulations, that it is the Mecklenburg County Department of Environmental Health that shares responsibility for this with the State, and not the Mecklenburg County Health Department. EPA apologizes for this error.

A second comment stated all reasonable commitments to implement feasible transportation control measures (TCM's) have been made and that no more will be forthcoming (see first item above on CO transportation plan deficiencies to be corrected by April 15, 1980). The writer is correct in stating that EPA requires a commitment from the North Carolina Department of Transportation to implement TCM's found feasible via the analysis due July

1980. EPA's reply is that the Clean Air Act requires the State plans to provide for the most expeditious implementation practicable of all reasonably available control measures. The plan must contain a commitment to this implementation and also to enforcement measures where needed. (Section 172 (b)(2) and (10)). EPA, in agreement with the U.S. Department of Transportation, requires the implementation of these measures to be integrated into the existing transportation programming process, in which financial constraints of measures are considered.

B. National comments. One commenter submitted extensive comments which it requested be considered part of the record for each state plan. Each of the points raised by the commenter and EPA's response follow. Although some of the issues raised are not relevant to provisions in North Carolina's submission, EPA is notifying the public of its response to these comments at this time.

1. The commenter asked that comments it has previously submitted on the Emission Offset Interpretative Ruling as revised on January 16, 1979 (44 FR 3274), be incorporated by reference as part of their comments on each state plan. EPA will respond to those comments in its response to comments on the Offset Ruling.

2. The commenter objected to general policy guidance issued by EPA, on grounds that EPA's guidance is more stringent than required by the Act. Such a general comment concerning EPA's guidance is not relevant to EPA's decision to approve or disapprove a SIP since that decision rests on whether the revision satisfies the requirements of Section 110(a)(2). However, EPA has considered the comment and concluded that its guidance conforms to the statutory requirements.

3. The commenter noted that the recent court decision on EPA's regulations for prevention of significant deterioration (PSD) of air quality affects EPA's new source review (NSR) requirements for Part D plans as well. (The decision in *Alabama Power Co.* v *Costle*, 13 ERC 1225 (D.C. Cir., June 18, 1979).)

In the commenter's view, the court's rulings on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as to PSD programs. In addition, the commenter believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modification," and "potential to emit," and the areas in which NSR applies, govern State plans under Part D. (44 FR 3275 col. 3 through 3276 col. 1, January 16, 1979.) In proposed rules published in the **Federal Register** on September 5, 1979, (44 FR 51924), EPA explained its views on how the *Alabama Power* decision affects NSR requirements for State Part D plans. The September 5, 1979 proposal addressed some of the issues raised by the commenter. To the extent necessary, EPA will respond in greater detail to the commenters' concerns in its response to comments on the September 5, 1979, proposal and/or its response to comments on the Offset Ruling.

As part of the September 5, 1979 proposal, EPA proposed regulations for Part D plans in section 40 CFR 51.18(j). EPA also proposed, for now, to approve a SIP revision if it satisfies either existing EPA requirements, or the proposed regulations. Prior to promulgation of final regulations, EPA proposed to approve State-submitted relaxations of previously-submitted SIP's, so long as the revised SIP meets all proposed EPA requirements. To the extent EPA's final regulations are more stringent than the existing or proposed requirements, States will have nine months, as provided in Section 406(d) of the Act, to submit revisions after EPA promulgates the final regulations. In some instances, EPA's approval of a State's NSR provisions, as revised to be consistent with EPA's proposed or final regulations, may create the need for the State to revise its growth projections and provide for additional emission reductions. States will be allowed additional time for such revisions after the new NSR provisions are approved by EPA.

4. The commenter questioned EPA's alternative emission reduction options policy (the "bubble" policy). EPA responded to the comments on the "bubble" approach in its final "bubble" policy statement of December 10, 1979 (44 FR 71780).

5. The commenter questioned EPA's requirement for a demonstration that application of all reasonably available control measures (RACM) would not result in attainment any faster than application of less than all RACM. In EPA's view, the statutory deadline is that date by which attainment can be achieved as expeditiously as practicable. If application of all RACM results in attainment more expeditiously than application of less than all RACM, the statutory deadline is the earlier date. While there is no requirement to apply more RACM than are necessary for attainment, there is a requirement to apply controls which will ensure attainment as soon as possible. Consequently, the State must select the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress.

The commenter also suggested that all RACM may not be "practicable." By definition, RACM are only those measures which are reasonable. If a measure is truly impactical, it would not constitute a reasonably available control measure.

6. The commenter found the discussion in the General Preamble of reasonably available control technology (RACT) for VOC sources covered by Control Technique Guidelines (CTGs) to be confusing in that it appeared to equate RACT with the guidance in the CTGs. EPA did not intend to equate RACT with the CTGs. The CTGs provide recommendations to the States for determining RACT, and serve as a "presumptive norm" for RACT, but are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the Agency has issued a supplement to the General Preamble clarifying the role of the CTGs on plan development. See 44 FR 53761 (September 17, 1979).

7. The commenter suggested that the revision of the ozone standard justified an extension of the schedule for submission of Part D plans. This issue has been addressed in the General Preamble, 44 FR 20377 (April 4, 1979).

8. The commenter questioned EPA's authority to require States to consider transfers of technology from one source type to another as part of LAER determinations. EPA's response to this comment will be included in its response to comments on the revised Emission Offset Interpretative Ruling.

9. The commenter suggested that if a State fails to submit a Part D plan, or the submitted plan is disapproved, EPA must promulgate a plan under Section 110(c), which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commenter's view, the Section 110(a)(2)(I) restrictions cannot be imposed without such a federal promulgation.

EPA has promulgated regulations which impose restrictions on construction on any nonattainment area for which a State fails to submit an approvable Part D plan. See 44 FR 38583 (July 2, 1979). Section 110(a)(2)(I) does not require a complete federally-promulgated SIP before the restrictions may go into effect.

Another commenter, a national environmental group, stated that the requirements for an adequate permit fee system (section 110(a)(2)(K) of the Act), and proper composition of State boards (Sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully.

Therefore, while expressing support for the concept of conditional approval, the commenters argued that EPA must secure a State commitment to satisfy the permit fee and State board requirements before conditionally approving a plan under Part D. In those States that fail to correct the omission within the required time, the commenters urged that restrictions on construction under Section 110(a)(2)(I) of the Act must apply. EPA acknowledges that a State plan, to be fully approved under Section 110(a)(2) of the Act, must satisfy the requirements for State boards and permit fees for all areas, including nonattainment areas. Several States have adopted provisions satisfying these requirements, and EPA is working with other States to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the State board provision in Part D. While legislative history states that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D, or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

Attainment Dates

The 1978 edition of 40 CFR Part 52 lists in the subpart for North Carolina the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on North Carolina's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.
>
> (123 Cong. Rec. H 11968, daily ed. November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment. (See General Preamble of April 4, 1979, 44 FR 20373–74)

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

Reference should be made to the 1978 edition of 40 CFR 52.1773 (1978) to determine the applicable deadlines for attainment under Section 110(a)(2)(A) of the Act.

Actions

The Administrator approves the Mecklenburg County ozone plan on condition that the State submit by April 15, 1980, needed corrections in the VOC regulations for recordkeeping, etc., and for cutback asphalt. The plan to attain the 8-hour CO standard in Mecklenburg County is approved on condition that deficiencies in transportation related commitments be corrected and that a regulation providing for alternative analysis as required by Section 172(b)(11)(A) be submitted by April 15, 1980; another condition is that added detail and specific commitments needed in regard to I/M must be submitted by June 30, 1980.

A discussion of conditional approval and its practical effects appears in a supplement to the General Preamble of July 2, 1979 (44 FR 38583). The conditional approval requires the State to submit additional materials by the deadline specified above and in the proposal notice of October 23, 1979. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the State fails to in a timely manner submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Finally, the Administrator grants North Carolina's request for a five-year extension (until December 31, 1987) of the statutory deadline for attaining the 8-hour CO standard in Mecklenburg County.

The actions announced today are effective immediately. The Administrator finds that good cause exists for making these actions immediately effective in order immediately to lift the construction moritorium.

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 reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

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

Dated: April 9, 1980.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart II—North Carolina

1. In § 52.1770, paragraph (c) is amended by adding subparagraph (21) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(21) 1979 implementation plan revisions for the Mecklenburg County ozone and carbon monoxide nonattainment areas, including regulations 2D.0901–.0931 and 2H.0608, adopted on June 14, 1979, and submitted on June 15 and July 25, 1979, by the North Carolina Department of Natural Resources and Community Development.

2. Section 52.1772 is revised to read as follows:

§ 52.1772 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves North Carolina's plans for the attainment and maintenance of the national standards under 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b) New Source review permits issued pursuant to Section 173 of the Clean Air Act will not be deemed valid by EPA unless the provisions of Section V of the Emission Offset (Interpretative Rule) published on January 16, 1979 (44 FR 3274) are met.

3. A new § 52.1780 is added as follows:

§ 52.1780 Control strategy: Carbon monoxide and ozone.

(a) Part D, conditional approval.

(1) The control strategy submitted pursuant to Part D of Title I for the Mecklenburg County ozone nonattainment area is approved on condition that the State submit by April 15, 1980:

(i) A revised regulation .0903 specifying it applies to all sources with potential (before control) emissions of 100 tons per year.

(ii) A revised regulation .0931 specifying an authoritative reference for determination of outdoor air temperature.

(2) The control strategy submitted pursuant to Part D of Title I for the Mecklenburg County carbon monoxide nonattainment area is approved on condition that the State accomplish the following:

(i) By April 15, 1980, identify projects in the current Annual Element of the Transportation Improvement Program (TIP/AE) which have air quality benefits. Measures that are found to have benefits and are feasible must be submitted with implementation dates. The implementation dates should correspond to the dates shown in the TIP/AE. Commitments from the proper officials, where appropriate, to enforcement of the measures must be included.

(ii) By April 15, 1980, submit a schedule for the analysis of the alternative transportation control measures under Section 108. Also, a commitment from the proper agency(s) to the implementation as expeditiously as practicable of measures found feasible for adoption or to justify the decision not to implement any of these measures.

(iii) By April 15, 1980, provide a commitment from the proper agency(s) to establish, expand, or improve public transportation measures to meet basic transportation needs as expeditiously as practicable.

(iv) By April 15, 1980, include a commitment in the Memorandum of Understanding (MOU), under Section 174, between the proper local and State officials to implement mobile source controls.

(v) By April 15, 1980, submit a regulation providing for the alternative analysis required by Section 172(b)(11)(A) of the Clean Air Act.

(vi) By June 30, 1980, submit details on the implementation of the program, describe enforcement procedures which would prohibit registration or be equally effective in preventing non-complying vehicles from operating on public roads, and provide specific mechanisms and commitments to carry out these implementation and enforcement details.

(b) [Reserved]

4. Section 52.1776 is amended by adding a paragraph (b) as follows:

§ 52.1776 Extensions.

* * * * *

(b) The Administrator hereby extends until December 31, 1987, the statutory deadline for attainment of the national standards for carbon monoxide in Mecklenburg County.

5. Section 52.1773 is revised to read as follows:

§ 52.1773 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in North Carolina's plan.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO		NO_2	CO	O_x
	Primary	Secondary	Primary	Secondary			
Western Mountain Intrastate	c	c	b	b	b	b	b
Eastern Mountain Intrastate:							
a. Spruce Pine area*	a	f	b	b	b	b	b
b. Rest of AQCR	b	b	b	b	b	b	b
Metropolitan Charlotte Interstate:							
a. Mecklenburg County*	c	c	c	c	b	e	d
b. Rest of AQCR	c	c	c	c	b	b	c
Northern Piedmont Intrastate	c	c	b	b	b	b	b
Eastern Piedmont Intrastate	c	c	b	b	b	b	b
Northern Coastal Plain Intrastate	c	c	b	b	b	b	b
Southern Coastal Plain Intrastate	b	c	b	b	b	b	b
Sandhills Intrastate	b	c	b	b	b	b	b

*See § 81.334 of this chapter.
a Air quality levels presently below primary standards or area is unclassifiable.
b Air quality levels presently below secondary standards or area is unclassifiable.
c July, 1975.
d December 31, 1982.
e December 31, 1987.
f 18-month extension granted.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110 (a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52 (1978 edition).

[FR Doc. 80-11665 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 86

[FRL 1422-3]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines Voluntary Abbreviated Certification Review Program

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action is an amendment to Subpart A of the motor vehicle certification regulations. This amendment clarifies and details a voluntary program in which the Administrator has been giving more responsibility to the regulated industry over certain aspects of the certification program. The purpose for this amendment is (1) to formalize the current voluntary pilot program for light-duty vehicles, light-duty trucks, motorcycles, and heavy duty engines and (2) to assist in determining whether a compulsory abbreviated review program is feasible and desirable.

EFFECTIVE DATE: These regulations are effective May 19, 1980.

FOR FURTHER INFORMATION CONTACT: Clifford D. Tyree, Technical Support Staff, Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Phone: (313) 668-4310.

SUPPLEMENTARY INFORMATION: EPA currently has a pilot voluntary abbreviated certification review program in progress. This voluntary program is consistent with the current regulations in that the Administrator has broad discretionary power in administering the certification program. The amendment being promulgated here does not create new regulatory requirements, but rather formalizes and details the voluntary pilot program already in place.

Under this pilot program, much of the paperwork that was formerly required to be submitted prior to the issuance of a certificate of conformity is no longer required. In addition, most of the decisionmaking involved with the certification vehicles has been transferred to the manufacturers. These changes should allow the manufacturers to better plan their "certification calendar" to maximize the effectiveness of their resources. It is important to note here that responsibility will not be automatically transferred to the manufacturer. Rather, the Administrator will specifically identify those decisionmaking actions, responsibilities, or both, for which the manufacturers will be responsible. For example, none of the parameter adjustment decisions for the 1981 or 1982 model years will be transferred.

EPA does not anticipate any adverse impact on the environment from this program, based upon its experience with the informal voluntary program that has been in place. Even with a reduction in EPA involvement, no purposeful or flagrant attempts to circumvent the regulations have been identified. Audits of the manufacturer's certification program were conducted prior to the issuance of a certificate. Because of the (1) audits, (2) final review of the application, (3) Selective Enforcement Audits (SEA), and (4) recall programs, there was little opportunity or incentive for the manufacturers to circumvent the regulations.

Under the pilot program, manufacturers have been responsible for conducting as rigorous a certification program as had been previously required, but with less EPA involvement. Reduced EPA involvement in certain aspects of the certification program which did not require the same level of supervision to achieve the desired results, has permitted Agency manpower to be devoted to other programs such as Inspection/Maintenance which require substantial Agency resources.

Because of the success with the voluntary abbreviated certification review program, EPA plans to permit most, if not all, manufacturers to participate in the abbreviated certification review program. There may be exceptions, such as a manufacturer that has never attempted to certify any type of motor vehicle, or engine or an engine family which raises air quality concerns. EPA makes explicit in this action the authority to move a family from the abbreviated to the full certification review program at anytime during the process.

Manufacturers permitted to participate in the abbreviated certification review program: (1) Will conduct a complete certification program with limited or no day-to-day interaction with EPA, (2) will prepare and maintain a full, up-to-date, and complete application, (3) will make many of the decisions normally made by EPA to accomplish the certification process (such as durability-data vehicle selection, emission-data vehicle selection, unscheduled maintenance decisions, etc.), (4) may be audited to assure continued compliance with regulations, and (5) upon completion of the certification process, including manufacturer testing, will submit an application plus appropriate documentation to EPA along with a request for certification. Independently from whether abbreviated or full certification procedures are being followed, EPA reserves the option of selectively requiring confirmatory testing at the EPA laboratory.

Upon receipt of final applications and supporting documentation, EPA will assess the eligibility of each engine family for certification and withhold a certificate if a family is found not to qualify. EPA will not assume responsibility for the correctness of a manufacturer's applications for certification.

The voluntary abbreviated certification review program has been successfully implemented beginning with the 1980 model year certification program. Information gained from continuation of this voluntary program will be invaluable in evaluating the desirability and feasibility of instituting a mandatory program for future model years. The program formalized by these amendments is voluntary, reflects current practice, and imposes no additional burden on the regulated industry. No adverse impact is anticipated on air quality or any interested party. Also, this action merely clarifies and details the manner in which the Administrator intends to exercise his authority. For these reasons, EPA finds that notice and opportunity to comment on the amendments are unnecessary.

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 developmental procedures. EPA 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.

Dated: April 9, 1980.

Douglas M. Costle,

Administrator.

40 CFR Part 86 is amended as follows:

1. Section 86.080–12 is added:

§ 86.080–12 Alternative certification procedures.

(a)(1) The Administrator will determine which of the following certification procedures (paragraph (a)(3) or (a)(4) of this section) may be used to demonstrate compliance for each heavy-duty engine, light-duty vehicle, and light-duty truck engine family for which certification is sought.

(2) The families selected for the procedure described in paragraph (a)(3) of this section will be subject to this procedure at the option of the manufacturer.

(3) The following provisions apply to those heavy-duty engine, light-duty vehicle, and light-duty truck engine families which the Administrator has specified may be subject to the abbreviated certification review procedure.

(i) The manufacturer shall satisfy all applicable requirements of Part 86 necessary to demonstrate compliance with the applicable standards for each class of new motor vehicles or new motor vehicle engines for which certification is sought.

(ii) As specifically allowed by the Administrator, the manufacturer shall assume the responsibility for part or all of the decisions applicable to the family for which certification is sought and which are within the jurisdiction of the Administrator, with the exception that the Administrator will determine whether a test vehicle, or test engine, has met the applicable emission standards.

(iii) The manufacturer shall maintain, update, and correct all records and information required.

(iv) The Administrator may review a manufacturer's records at any time. At the Administrator's discretion, this review may take place either at the manufacturer's facility or at another facility designated by the Administrator.

(v) At the Administrator's request, the manufacturer shall notify the Administrator of the status of the certification program including projected schedules of those significant accomplishments specified by the Administrator.

(vi) The manufacturer shall permit the Administrator to inspect any facilities, records, and vehicles from which data are obtained under the abbreviated certification review procedure.

(vii) Upon completing all applicable requirements of Part 86, the manufacturer shall submit a separate application for a certificate of conformity for each set of standards and each class of new motor vehicles or new motor vehicle engines for which certification is sought. Such application shall be made in writing to the Administrator by the manufacturer.

(A) The Administrator may approve or disapprove, in whole or in part, an application for certification according to the procedures specified in § 86.080–22(b).

(B) If, after a review of the application for certification, test reports and data submitted by the manufacturer, data obtained during an inspection, and any other pertinent data or information, the Administrator determines that a test vehicle(s) or test engine(s) has not met the requirements of the Act and the applicable subpart, he will notify the manufacturer in writing and set forth the reason(s) for the determination as specified in § 86.080–22(c).

(4) Those families which are to be subjected to the complete EPA review procedure will follow the procedures specified in this subpart with the exception of § 86.080–12(a)(3).

(b) The manufacturer may request that an engine family be subject to the abbreviated certification review procedure.

(c) The Administrator may require that an engine family previously allowed to be subject to the abbreviated certification review procedure be transferred to the complete review procedure.

§ 86.416–80 [Amended]

2. Section 86.416–80 is amended by adding new paragraphs (d) and (e) to read as follows:

* * * * *

(d)(1) The Administrator has determined that the following certification procedure may be used to demonstrate compliance for each motorcycle engine family for which certification is sought. Manufacturers may follow these procedures at their option.

(i) The manufacturer shall satisfy all applicable requirements of Part 86 necessary to demonstrate compliance with the standards for each class of new motorcycles for which certification is sought.

(ii) As specifically allowed by the Administrator the manufacturer shall assume the responsibility for part or all of the decisions applicable to the family for which certification is sought and which are within the jurisdiction of the Administrator, with the exception that the Administrator will determine whether a test motorcycle has met the applicable emission standards.

(iii) The manufacturer shall maintain, update, and correct all records and information required.

(iv) The Administrator may review a manufacturer's records at any time. At the Administrator's discretion, this review may take place either at the manufacturer's facility or at another facility designated by the Administrator.

(v) At the Administrator's request, the manufacturer shall notify the Administrator of the status of the certification program including projected schedules of those significant accomplishments specified by the Administrator.

(vi) The manufacturer shall permit the Administrator to inspect any facilities, records, and vehicles from which data were obtained under the abbreviated certification review procedure.

(vii) Upon completing all applicable requirements of Part 86 the manufacturer shall submit a separate application for a certificate of conformity for each class of new motorcycles for which certification is sought. Such application shall be made in writing to the Administrator by the manufacturer.

(A) The Administrator may approve or disapprove in whole or in part an application for certification according to the procedures specified in § 86.417–78(b).

(B) If, after a review of the application for certification, test reports and data submitted by the manufacturer, data obtained during an inspection, and any other pertinent data or information, the Administrator determines that a test vehicle(s) has not met the requirements of the Act and the applicable subpart, he will notify the manufacturer in writing and set forth the reason(s) for the determination.

(2) Those families which are not following the procedure described in paragraph (d)(1) of this section will follow the procedure in this subpart with the exception of paragraph (d)(1) of this section.

(e) The Administrator may require that an engine family previously allowed to be subjected to the abbreviated certification review

procedure be transferred to the complete review procedure.

* * * * *

(Secs. 206, 301(a), Clean Air Act, as amended (42 U.S.C. 7525 and 7601(a)))

[FR Doc. 80-11662 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

---

40 CFR Part 100

[FRL 1453-3]

Judicial Review Under Clean Water Act; Races to the Courthouse

AGENCY: Environmental Protection Agency.

ACTION: Final rule

SUMMARY: This rule fixes an ascertainable time at which EPA's Clean Water Act regulations will be considered promulgated in order to provide greater fairness in "races to the courthouse."

DATE: The rule is effective on April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Richard G. Stoll, Jr. (A-131), Office of General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202) 755-0760.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 4, 1979, EPA proposed to establish a definitely ascertainable time of promulgation for all EPA regulations reviewable in the Federal courts of appeals under section 509(b) of the Clean Water Act (44 FR 32006). EPA proposed that any such regulation be considered promulgated at 1:00 p.m. eastern time on the day which is one week after the regulation appears in the **Federal Register**. EPA provided a 60-day period for written public comments on the proposed rule.

On June 22, 1979, EPA published a supplement to its June 4 notice (44 FR 36437). In this supplement, EPA sought comment on whether the proposed one-week deferral period was long enough in light of one commenter's assertion that **Federal Register** mail delivery is often delayed 7-10 days in many parts of the country.

Fourteen parties submitted written comments on the proposal. EPA has carefully considered these comments, and has decided to publish a final rule in substantially the same form as the proposed rule. The only significant modification is that the final rule specifies a two-week period between **Federal Register** publication and promulgation.

II. Background to the Proposal

A. *Forum Shopping.* Virtually every EPA regulation is challenged in court by industrial and/or environmental groups. Many litigants feel that their likelihood of success depends substantially upon which of the eleven circuit courts of appeals decides the case. A litigant therefore often attempts to bring suit in the circuit which will presumably be most sympathetic to the litigant's claims. This is known as "forum shopping."

Congress has taken care to curtail this practice under the Clean Air Act, the Noise Control Act, the Safe Drinking Water Act, and the Solid Waste Disposal Act by providing for exclusive review of EPA's nationally-applicable regulations in a single court. Section 509(b)(1) of the Clean Water Act, however, permits a litigant to sue in any circuit in which he or she "resides or transacts business." Many of the large industrial firms (or coalitions of firms) and the environmental groups which regularly sue EPA can be said to "reside or transact business" in most if not all of the eleven circuits. Thus, there is a tremendous potential for forum shopping under the Clean Water Act.

B. *The Race.* The forum shopping preferences of various litigants challenging the same regulation may conflict. For instance, EPA may issue a regulation which the industry feels is too stringent and an environmental group feels is too lax. The industry may feel that court X will be most sympathetic to its claims, while the environmental group would prefer court Y.

The most important element to forum shopping when the preferences of different litigants diverge is the "race" to the courthouse. This is because 28 U.S.C. 2112(a) provides that where suits challenging the same regulation are filed in more than one circuit, all suits must be transferred to the circuit in which a suit "was first instituted."[1]

C. *Uncertainty as to When the Race Begins.* There is substantial uncertainty over precisely what event triggers the start of the race. It could be when the Administrator signs a rule; when he announces it at a press conference (or in a press release); when any party finds out he signed the rule; when the document arrives at the Office of the Federal Register ("OFR"); when the document is made officially available for public inspection at the OFR; when the document actually appears in the **Federal Register**; or at some other time specified by the Agency.

Such uncertainty has often resulted in expensive, time-consuming, and silly legal wrangling. Attorneys obsessed with winning the race have gone to great lengths to learn, often from "inside" information, when a rule will be signed or delivered to the OFR. They will also, in an effort to cover all bets, file many separate lawsuits within a few days under different theories as to when the race begins.[2] Such multiple filings may then cause months of delay while attorneys file bundles of papers in various courts arguing over when the race began and who won it.

III. EPA's Proposal and Its Rationale

The D.C. Circuit recently stated in a racing case:[3]

> If the federal administrative agencies would promulgate straightforward regulations explaining how and when their reviewable orders are to issue, protracted procedural disputes born of the desire to win the race to the courthouse would largely be consigned to an early grave.

EPA's "one week, 1:00 p.m. deferral" proposal was designed to curtail the "protracted procedural disputes" associated with racing and to accomplish several other purposes. First, EPA sought to assure fairness in the racing process by providing every party with advance notice of the time of promulgation. Under EPA's proposal, no party could benefit by inside information about when a rule would be signed, delivered, or filed.

Second, EPA wanted to make racing simple and inexpensive. Under EPA's proposal, promulgation occurs at a definitely ascertainable time which is not dependent upon the occurrence of a physical act. Experience of other agencies has shown that a race triggered by a physical event (such as filing a document at the OFR or stamping a document with an agency seal) prompts some of the most bizarre behavior in the entire sport of racing. Lawyers and their agents set up "human chains" utilizing walkie-talkies, sophisticated chronometers, hand signals, and diversionary tactics. These chains establish a communications link

---

[1] While the court of first filing may then transfer the suits to any other circuit "for the convenience of the parties in the interests of justice," a litigant desiring a particular circuit has an obvious advantage if his suit is the first filed.

[2] As many as four filings in the same court by one party are not uncommon. In the *Vepco* case discussed in Part IV(B) below, the attorneys sued when they learned through a phone call to EPA that the Administrator had signed the rule; they sued again after they obtained a copy of the rule and actually read it; they sued again when the rule was officially filed with the OFR; and they sued again at the precise time EPA had specified that the rule would be considered promulgated.

[3] *International Union of Electrical, Radio and Machine Workers v. NLRB*, 610 F. 2d 956, 964 (D.C. Cir. 1979).

between the locus of the triggering event and a court clerk's office so that with a skilled racing team, a lawsuit can be filed within seconds of promulgation.[4] Moreover, in anticipation of a rumored impending promulgation, racing teams often "camp out" for days at the locus of the triggering event, causing disruptive congestion at federal offices.[5] Under EPA's proposal, no party could benefit from expensive, sophisticated human chains. Any party of modest means can simply appear at his favorite court at the appointed hour and file his petition.

Third, EPA wanted to curtail the lengthy litigation delays often associated with racing.[6] Under EPA's proposal, the question of what event triggered the race would no longer be an issue. Nor should the question of who won the race be an issue; presumably, all racers will file at exactly the same time. (See part IV(C) below for judicial responses to ties.)

Fourth, EPA wanted to provide all interested parties with sufficient time to read a rule before the race begins. In some circumstances, a party might want to know what EPA has done before deciding to sue EPA.

IV. Response to Major Public Comments

Fourteen parties submitted written comments in response to EPA's proposal. Some comments endorsed EPA's approach and applauded EPA's efforts; EPA's response to significant criticisms follows.

A. *Sufficiency of Seven-Day Period.* By far the most frequently-raised criticism was that the seven-day deferral period is too short. Commenters from the West pointed out that they typically do not receive mail delivery of the **Federal Register** until a week or ten days after publication. Some commenters suggested a ten-day deferral period, but most argued that fourteen days were necessary to assure delivery and time to prepare for a race.

OFR personnel have confirmed to EPA personnel that seven-to-ten day delivery of the **Federal Register** is common in may areas of the country. EPA has accordingly agreed to specify a fourteen-day period between publication and promulgation to assure that prospective racers in all parts of the country have a fair start.

B. *Legality of Approach.* Some industrial groups challenged the legality of EPA's approach. They argued in general that an agency cannot specify a time for promulgation which is later than the time a rule has been signed and made available to the public. They also argued specifically that EPA cannot do this under the Clean Water Act. Their theory was that section 509(b) confers the right to challenge the "Administrator's *action*" in promulgating a regulation, and there must accordingly be a physical event (an "action") to serve as the trigger.

Both the general and specific arguments have been rejected in the courts of appeals. In *Southland Mower v. CPSC*, 600 F.2d 12 (5th Cir. 1979), the court unanimously upheld the Consumer Product Safety Commission's specification of a promulgation time which was at 12 noon, 10 days after publication. The court ruled that agencies "have a great deal of discretion in determining the manner in which their actions are promulgated" and that courts should defer to an agency's reasonable choice. 600 F.2d at 13. The court found CPSC's choice, which was based upon the same types of concerns underlying EPA's racing proposal, to be reasonable.

In *Virginia Electric and Power Company (Vepco) v. EPA*, 610 F.2d 187 (4th Cir. 1979), the court unanimously upheld the precise deferral mechanism contained in EPA's racing proposal.[7] The court rejected as an exaltation of form over substance the argument that the phrase "Administrator's action" requires a physical event. 610 F.2d at 188. Following the "reasonableness" test in *Southland Mower*, the court ruled (610 F.2d at 188–9):

> There can be no question that the triggering device specified here was a reasonable effort to avoid at least some of the confusion and expense and unseemliness that had developed in the statutorily inspired races to the courthouse. The EPA set the promulgation date to allow all parties to read and consider the regulations before seeking review. In addition, it eliminated the unfair advantage to those parties who find out first that an unannounced physical event constituting "promulgation" has occurred. We conclude that the means chosen were a valid exercise of the agency's statutory powers.

C. *Probability of Ties and Judicial Procedures for Handling Ties.* Several commenters noted that EPA's proposal would often produce ties. EPA expects that this will usually be the case, as all racers will have sufficient advance notice as to the precise time of promulgation. It is conceivable that die-hard racers might still attempt to beat others utilizing atomic chronometers synchronized to the clock at Greenwich. Courts have indicated, however, that so long as the time stamps on all petitions show a simultaneous filing, a tie should be assumed.

In *United Steelworkers v. Marshall*, 592 F.2d 693 (3rd Cir. 1979), the time stamps on two racers' petitions indicated simultaneous filings. One racer claimed victory, however, with affidavits arguing that its timepieces were more accurate and its racing team more efficient. The court responded (592 F.2d at 695):

> Unlike race tracks, courts are not equipped with photoelectric timers, and we decline the invitation to speculate which nose would show as first in a photo finish.

The court ruled that absent extraordinary circumstances, courts should accept the official notations of time appearing on the petitions for review as "conclusive." 592 F.2d at 696.

When there is a tie, the courts have adopted an admirably efficient procedure: they simply confer among themselves and designate a single court to act as the court of first filing. This

---

[4] See Report of Presiding Judge, attached to EPA's proposed racing regulations, at 44 FR 32009–32011, June 4, 1979. One point which has perplexed laymen is how lawyers can physically prepare the papers necessary to file suit in such a short time. To challenge a regulation in a court of appeals, a petition need only recite that the party seeks review of a particular agency action. Thus, the papers can easily be prepared in advance of the race.

[5] For instance, an Occupational Safety and Health Administration (OSHA) rule specifies that an OSHA regulation will be considered promulgated when the document is officially filed at the OFR (42 FR 65166, December 30, 1977). The OFR filed written comments applauding EPA's proposal, in part because under the OSHA approach the "OFR has become congested with representatives of affected industries and public interest groups." OFR stated that EPA's approach would "relieve congestion in this office and will allow this office to meet its responsibilities."

OFR personnel have informed EPA personnel that "camp-outs" are often of long duration. Two years ago, a racing team member became such a familiar and regular visitor that he was invited to the OFR office Christmas party.

[6] The race referenced in footnote 4 occurred on June 21, 1978. The issue of who won the race is still before the courts.

[7] As EPA was preparing its proposed racing regulations, it was also preparing a major set of final regulations under the Clean Water Act (the "NPDES" regulations). Lawyers aware of the upcoming NPDES promulgation were preparing for a race, and asked EPA to announce its position on when the NPDES regulations would be considered promulgated. EPA accordingly announced on May 1, 1979 (44 FR 25475) that the upcoming NPDES regulations would be considered promulgated at 1:00 p.m. eastern time one week after their publication in the **Federal Register.**

The final NPDES regulations were published in the **Federal Register** of June 7, 1979 (44 FR 32899), so the designated promulgation time was 1:00 p.m. on June 14. The lawyers racing in the Fourth and Fifth Circuits, however, jumped the gun. They filed several suits challenging the NPDES regulations before June 14, and EPA moved to dismiss the suits as premature. The Fourth Circuit granted EPA's motion in the *Vepco* case discussed above. The Fifth Circuit granted EPA's motion in an order (without opinion) of February 27, 1980. *American Petroleum Institute v. EPA*, No. 79–2344, 5th Cir.

For a comprehensive exposition of the confused state of affairs relating to the race on the NPDES regulations, see Sive, "EPA Water Pollution Rules: Stuck in a Multiple Review Bottleneck," *National Law Journal*, March 10, 1980, p. 25.

procedure has been used and/or approved by the Third, Fourth, Fifth, and District of Columbia Circuits.[8] Once a "surrogate" first-filing court is designated, that court can then consider the various parties' arguments as to which court is best suited to hear the case in accordance with "the convenience of the parties in the interests of justice" as contemplated by 28 U.S.C. 2112(a).

Some litigation delays will still occur as the parties argue over this point; there is, however, nothing EPA can do to eliminate this step from the forum-determination process.

In any event, by cutting off the issues which have created the most confusion and delays, EPA feels that its approach is a giant step forward in making the process fairer and more efficient.[9]

D. *Judicial Review of Today's Rule.* One commenter raised the mind-boggling specter of a race to the courthouse to challenge the racing regulation published below. The commenter suggested that EPA specify that today's regulation will itself be considered promulgated at the appropriate deferred time and date.

EPA does not feel that such a specification is necessary or appropriate. Section 509(b)(1) of the Clean Water Act specifies only six types of EPA actions which may be reviewed directly in the courts of appeals. Today's rule, standing alone, does not fall within any of these six types.[10] Anyone seeking to challenge today's rule directly would accordingly have to file suit in a Federal district court. Because the racing statute (28 U.S.C. 2112(a)) applies only to courts of appeals cases, and there is no analogous racing statute for district court filings, EPA has no reason to specify a racing trigger for today's rule.

Such a district court suit would in any event be ill-advised in light of the warm reception EPA's approach has received in the courts of appeals. (See Part IV(B) above.) Moreover, there is not in EPA's view any case or controversy which is ripe for judicial review because no one is adversely affected in any sense by the rule at this time. If, in spite of the favorable judicial precedents, a party wished to challenge this rule, he could do so when challenging a substantive EPA regulation promulgated under the procedures provided in today's rule.[11]

V. Conclusion

EPA has accordingly determined to publish its racing rule below in substantially the same form as proposed, with a two-week instead of a one-week deferral mechanism.[12] EPA hopes that other agencies which have had racing problems will consider the same approach, so that critics of the legal profession and the judicial process might have fewer sordid examples to cite in the future.

Dated: April 9, 1980.

Douglas M. Castle,

Administrator.

PART 100—JUDICIAL REVIEW UNDER CLEAN WATER ACT

40 CFR Part 100 is designated as "Judicial Review Under Clean Water Act" as set forth above and a new § 100.01 is added as follows:

§ 100.01 Timing of Administrator's action.

Unless the Administrator otherwise explicitly provides in a particular promulgation or approval action, the time and date of the Administrator's action in promulgating (for purposes of sections 509(b)(1)(A), (C), and (E)) and approving (for purposes of section 509(b)(1)(E)) shall be at 1:00 p.m. eastern time (standard or daylight, as appropriate) on the date which is two weeks after the date such promulgation or approval appears in the **Federal Register.** If, however, the latter date falls on a federal holiday, then the time and date of the Administrator's action shall be at 1:00 p.m. eastern time the next day after the latter date which is not a federal holiday.

(Sections 501(a), 509(b)(1) of the Clean Water Act, as amended (33 U.S.C. 1361(a), 1369(b)(1)).)

[FR Doc. 80-11591 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[8] *United Steelworks* v. *Marshall*, 592 F.2d 693, 695 (3rd Cir. 1979) (Third and Fifth Circuits agreed to confer); *American Public Gas* v. *FPC*, 555 F. 2d 852, 861 (D.C. Cir. 1976) (Fifth and District of Columbia Circuits agreed to confer); *Virginia Electric and Power Company* v. *EPA*, 610 F. 2d 187, 189 n. 5 (4th Cir. 1979) (Fourth Circuit recognized appropriateness of conference procedure).

[9] The Utility Water Act Group ("UWAG") filed comments expressing the fear that ties will often result in the District of Columbia Circuit being selected as the court to review the merits. UWAG reasoned that because agency counsel and the rulemaking record will often be located in Washington, the "convenience of the parties" test will point to that court.

The location of counsel and the record are, however, but two of many factors to be considered in determining "the convenience of the parties in the interests of justice." *See, e.g.* discussion in *United Steelworkers, supra*, 592 F. 2d at 696 *et seq.*; opinion of Judge Leventhal in *Industrial Union* v. *Bingham*, 570 F. 2d 965, 971 (D.C. Cir. 1977).

In fact, in a recent case involving UWAG in which agency counsel and the record were located in Washington, EPA successfully secured a transfer *out of* the D.C. Circuit into the Fourth Circuit even though the D.C. Circuit was the court of first filing. *NRDC* v. *EPA*, No. 78-1929 (D.C. Cir., unpublished order of December 21, 1978.).

[10] This is not to say that EPA's approach could not be challenged in a court of appeals in the context of a petition seeking review of regulations which are arguably covered under section 509(b)(1). It was in this setting that the Fourth Circuit upheld EPA's approach in the *Vepco* case.

[11] See footnote 10 above.

[12] Like the proposal, the final rule permits the Administrator to specify a different issuance date for any particular rulemaking document. For instance, EPA may on rare occasion under the Clean Water Act issue a regulation which requires parties immediately to take (or refrain from) some action. It may be unfair in such a circumstance to delay the judicial review rights of adversely affected parties. In fact, the court in the *Vepco* case discussed in Part IV(B) above implied that an agency could not specify a trigger date which is later than the date a regulation becomes enforceable. 610 F.2d at 189.

40 CFR Part 180

[FRL 1465-3; PP 8F2073/R235]

Ethofumesate; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide ethofumesate on grass straw at 1 part per million (ppm). The regulation was requested by Fisons Corp. This rule establishes a maximum permissible level for residues of ethofumesate on grass straw.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-755-1397).

SUPPLEMENTARY INFORMATION: On January 10, 1980, the EPA published a notice of proposed rulemaking in the **Federal Register** (45 FR 2058) in response to a pesticide petition (PP 8F2073) submitted to the Agency by Fisons Corp., Agricultural Chemical Div., Two Preston Court, Bedford, MA 10730, under provisions of the Federal Food, Drug, and Cosmetic Act. The petition proposed that 40 CFR 180.345 be amended by the establishment of a tolerance for combined residues of the herbicide ethofumesate (2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate) and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in or on the raw agricultural commodity grass straw at 1 ppm. No comments or

requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.345 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before May 19, 1980, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on April 17, 1980, Part 180, Subpart C, § 180.345 is amended by adding a tolerance for residues of ethofumesate on grass straw at 1 ppm as set forth below.

Part 180, Subpart C, § 180.345 is revised in the heading and introductory paragraph and in the table by alphabetically inserting grass straw at 1 ppm, as follows:

§ 180.345 Ethofumesate; tolerances for residues.

Tolerances are established for combined residues of the herbicide ethofumesate (2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate) and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in or on the following raw agricultural commodities:

Commodity	*Parts per million*
* * * * *	
Grass, straw	1
* * * * *	

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated: April 10, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR. Doc. 80–11664 Filed 4–16–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5805]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

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

In each entry, a complete chronology of effective dates appears for each listed community.

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

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

* * * * *

§ 64.6 List of Suspended Communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alabama	Dekalb	Collinsville, town of	010066-B	Oct. 24, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	May 17, 1974 Jan. 2, 1976	Apr. 15, 1980.
Do	Talladega	Talladega, city of	010200-C	June 27, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	June 7, 1974 July 16, 1976	Do.
Do	Dekalb	Valleyhead, town of	010068-B	Aug. 7, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980 suspended.	May 3, 1974 Apr. 30, 1976	Do.
Arkansas	Lawrence	Hoxie, city of	050119-B	Apr. 14, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980 suspended.	May 10, 1974 Oct. 21, 1975	Do.
California	Los Angeles	Lynwood, city of	060635-B	June 6, 1975, emergency, Apr. 15, 1980 regular, Apr. 15, 1980, suspended.	June 28, 1974 Nov. 21, 1975	Do.
Do	Riverside	Palm Desert, city of	060629-B	Dec. 26, 1974 emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	June 14, 1977	Do.
Do	Ventura	Santa Paula, city of	060420-B	Oct. 22, 1971, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	May 24, 1974 June 25, 1976	Do.
Connecticut	Litchfield	New Milford, town of	090049-B	Apr. 10, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Nov. 29, 1974 Dec. 24, 1976	Do.
Florida	Seminole	Longwood, city of	120292—B	Mar. 12, 1975, emergency, Mar. 18, 1980, regular, Apr. 15, 1980, suspended.	Jan. 23, 1974 Sept. 17, 1976	Do.
Do	Indian River	Orchid, town of	120122-B	July 24, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Jan. 23, 1974 Feb. 13, 1976	Do.
Do	....do	Sebastian, city of	120123-B	Sept. 2, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Feb. 8, 1974 July 11, 1975	Do.
Kentucky	Campbell	Bellevue, city of	210035-B	May 1, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Feb. 1, 1974 Mar. 5, 1976	Do.
Do	Kenton	Bromley, city of	210253-B	Sept. 19, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Feb. 1, 1974	Do
Do.	McCracken	Paducah, city of	210152-C	May 12, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	June 14, 1974 June 13, 1975	Do.
Mississippi	Forrest	Petal, city of	280260-B	Sept. 27, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Feb. 1, 1974 Jan. 30, 1976	Do.
Do	Newton and Neshoba	Union, town of	280122-A	Mar. 7, 1978, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Mar. 26, 1976 Feb. 7, 1975	Do.
Missouri	Cole and Callaway	Jefferson City, city of	290108-B	Apr. 23, 1971, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Mar. 15, 1974 Nov. 21, 1975	Do.
New Hampshire	Grafton	Bristol, town of	330047-B	May 5, 1976, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	June 21, 1974 Sept. 26, 1975	Do.
Do	Strafford	Dover, city of	330145-B	Nov. 19, 1973, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	July 26, 1974 Feb. 11, 1977	Do.
New York	Albany	Albany, city of	360001-C	Nov. 1, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	May 3, 1974 June 4, 1976	Do.
Do	Cayuga	Aurora, village of	360101-B	Jan. 17, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Apr. 25, 1975 Jan. 2, 1976	Do.
North Dakota	Pembina	Wallalla, city of	380254-A	May 3, 1976, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Jan. 31, 1975	Do
North Carolina	Buncombe	Black Mountain, town of	370033-B	June 6, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Mar. 8, 1974 Aug. 27, 1976	Do.
Do	Orange	Carrboro, town of	370275-B	July 7, 1975, emergency, June 25, 1976, regular, Apr. 15, 1980, suspended.	Feb. 22, 1974	Do.
Do	Edgecombe	Princeville, town of	370318-A	Aug. 9, 1976, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	July 25, 1975	Do.
Do	....do	Whitakers, town of	370095-B	Aug 6, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	May 24, 1974 July 2, 1976	Do.
Pennsylvania	Lehigh	Macungie, borough of	420590-B	Apr. 18, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Jan. 9, 1974	Do.
Do	Lycoming	Nippenose, township of	420651-B	May 1, 1973, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Oct. 12, 1973 Dec. 17, 1976	Do.
Do	Washington	South Strabane, township of	422155-A	Mar. 6, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Dec. 20, 1974	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Vermont	Grand Isle	Isle LaMotte, town of	500224-B	Oct. 2, 1975, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Nov. 1, 1974 Aug. 6, 1976	Do.
Wisconsin	Milwaukee	River Hills, village of	550280-B	June 12, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Dec. 17, 1973 May 28, 1976	Do.
Do	do	South Milwaukee, city of	550283-B	Feb. 11, 1974, emergency, Apr. 15, 1980, regular, Apr. 15, 1980, suspended.	Dec. 28, 1973 Sept. 10, 1976	Do.

[1] Certain Federal assistance no longer available in special flood hazard areas.

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-11536 Filed 4-16-80; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 65

[Docket No. FEMA 5806]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) For acquisition and construction of buildings, and

(2) For buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations is amended as follows:

Part 65—Identification and Mapping of Special Hazard Areas

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).* The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17726
42 FR 8895
42 FR 29433
42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383
44 FR 18485
44 FR 25636
44 FR 34120
44 FR 52835
44 FR 57094
44 FR 12421
45 FR 26051

(b) *Flood Insurance Rate Maps (FIRM's).* The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
44 FR 52835
44 FR 12421
45 FR 26051

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 65.6:

State, community name and number	County	Hazard ID date	Rescission date	Reason
California, City of Beverly Hills, 060655C (E)	Los Angeles	12-11-79	1-28-80	1A
American Trust Territory, Palou District, 750003A (E)	do	8-15-78	2-11-80	1
American Trust Territory, Truk District, 750005A (E)	do	8-15-78	2-11-80	1
American Trust Territory, Ponape District, 750004A (E)	do	8-15-78	2-11-80	1
American Trust Territory, Yap Island District, 750006A (E)	do	8-15-78	2-11-80	1
Alabama, East Brewton, 010073 (E)	Escambia	1-25-80	1-28-80	1
Idaho, City of Ponderay, 160150 (E)	Bonner	8-13-76	2-4-80	1
Utah, City of Plymouth, 490203 (E)	Box Elder	8-22-75	2-4-80	1
Minnesota, City of Rushford, 270687 (E)	Fillmore	8-27-76	2-20-80	1
Minnesota, City of Rushford Village, 270131 (R)	Fillmore	11-9-79	5-23-80	3
Iowa, City of Allison, 190544 (E)	Butler	7-16-76	4-4-80	1
Iowa, City of Ayrshire, 190699 (E)	Palo Alto	8-13-76	4-4-80	1
Iowa, City of Bristow, 190709 (E)	Butler	7-2-76	4-4-80	1
Iowa, City of Colo, 190839 (E)	Story	3-26-76	4-4-80	1
Iowa, City of Columbus, 190720 (E)	Louisa	10-29-76	4-4-80	1
Iowa, City of Crawfordsville, 190722 (E)	Washington	5-28-76	4-4-80	1
Iowa, City of Hedrick, 190592 (E)	Keokuk	3-19-76	4-4-80	1
Iowa, City of Crystal Lake, 190724 (E)	Hancock	11-19-76	4-4-80	1
Iowa, City of Humeston, 190596 (E)	Wayne	10-29-76	4-4-80	1
Iowa, City of Jesup, 190599 (E)	Buchanan	10-29-76	4-4-80	1
Iowa, City of Joice, 190746 (E)	Worth	8-13-76	4-4-80	1
Iowa, City of Kensett, 190749 (E)	Worth	11-5-76	4-4-80	1
Iowa, City of Keswick, 190750 (E)	Keokuk	5-21-76	4-4-80	1
Iowa, City of Larrabee, 190353 (E)	Cherokee	7-2-76	4-4-80	1
Iowa, City of Palmer, 190793 (E)	Pocahontas	8-13-76	4-4-80	1
Iowa, City of Low Moor, 190766 (E)	Clinton	3-19-76	4-4-80	1
Iowa, City of Lone Tree, 190610 (E)	Johnson	8-13-76	4-4-80	1
Iowa, City of Luana, 190767 (E)	Clinton	4-9-76	4-4-80	1
Iowa, City of Milton, 190522 (E)	Van Buren	3-19-76	4-4-80	1
Iowa, City of Monona, 190620 (E)	Clayton	2-21-75	4-4-80	1
Iowa, City of North English, 190629 (E)	Iowa	3-19-76	4-4-80	1
Iowa, City of Norwalk, 190631 (E)	Warren	8-6-76	4-4-80	1
Iowa, City of Orleans, 190369 (E)	Dickinson	12-17-76	4-4-80	1
Iowa, City of Ossian, 190639 (E)	Winneshiek	11-19-76	4-4-80	1
Iowa, City of Pella, 190837A (E)	Marion	6-3-77	4-4-80	1
Iowa, City of Ruthven, 190650 (E)	Palo Alto	8-13-76	4-4-80	1
Iowa, City of Radcliffe, 190644 (E)	Hardin	6-25-76	4-4-80	1
Iowa, City of Otho, 190640 (E)	Webster	8-6-76	4-4-80	1
Iowa, City of Ringsted, 190373 (E)	Emmet	3-19-76	4-4-80	1

KEY TO SYMBOLS:

E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.

C The community is participating in the Emergency Program. It will be converted to the Regular Program without an FIA map.

R The community is participating in the Regular Program.

1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.

1A. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.

2. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.

3. The Community lacked land-use authority over the special flood hazard area.

4. A more accurate FIA map is the effective map for this community.

5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.

6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.

7. The Flood Insurance Rate map was rescinded in order to re-evaluate the mudslide hazard in this Community.

8. The T&E or H&E Map was rescinded.

9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

(44 CFR § 65.6)

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-11537 Filed 4-16-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 205

[Docket No. FEMA-DR 205]

Disaster Assistance: Reimbursement of Other Federal Agencies

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This document revises and redesignates regulations that prescribe procedures for obtaining or authorizing the provisions of services from, or use of resources by, agencies other than FEMA under Disaster Relief Act. It deals with expenditures eligible for reimbursement by FEMA to other agencies. It is intended to make the regulations easier to use, clarify existing requirements and incorporate provisions which reflect new developments and changes in FEMA policy.

EFFECTIVE DATE: May 19, 1980.

FOR FURTHER INFORMATION CONTACT: James Makris, Office of Program Support, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 634–7845.

SUPPLEMENTARY INFORMATION: The notice issued in the **Federal Register** on May 2, 1979, establising CFR Title and Chapter for FEMA regulations (Title 44, Chapter I, Federal Emergency Management Agency, with Subchapters A–E) indicated that Disaster Assistance would be Subchapter D, Parts 200–299.

FEMA has published a Notice of Transfer and Redesignation, effective September 28, 1979, that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200–2205 to 44 CFR Part 200 *et seq.* The regulations implementing the Disaster Relief Act of 1974, Pub. L. 93–288 (44 CFR Part 205) are in the process of reorganization and revision.

On November 1, 1979, the Associate Director for Disaster Reponse and Recovery published in the **Federal Register** (44 FR 63069) a proposed rule as an editorial revision of the current Subpart H on the same subject. Consistent with the recodifications of FEMA regulations, Subpart H, 44 CFR 205 with minor editorial changes, is redesignated as a new Subpart I with § 205.80–205.83 redesignated as § 205.150–205.153. Comments were invited to December 31, 1979. In addiiton, copies were sent to each State official responsible for disaster operations.

Five respondents commented on the proposed revision (Subpart I). All comments were carefully considered in developing the final rule as follows:

1. A sentence which reads "Further details of direct Federal assistance other than reimbursement are covered in Subpart H, 205.121" is added to 205.150, as requested.

2. In 205.151(a) it was recommended to eliminate reference to the Associate Director. In some instances, the Associate Director may make the request for other Federal agency assistance at the national office level; therefore, the suggestion was not adopted.

3. In 205.151(a) it was recommended that the phrase, "* * * and when such assistance can be provided without detriment to their primary mission responsibilities" be added at the end of the last sentence under (a). Responsibility rests the Federal agencies to determine whether such assistance can be provided without detriment to their primary mission responsibilities

and is not a burden to be assumed by FEMA. As the urgency of the need could only be determined at the time the request is made, the suggestion is not adopted.

4. It was recommended that 205.152(b)(1) be expanded to include "regular salary and employee benefits for personnel detailed directly to and under the supervision of FEMA." Consistent with section 302 of the Act, FEMA's present practice is to reimburse other Federal agencies for overtime, travel, and per diem of permanent Federal agency personnel, but not for regular time or employee benefits; therefore, the recommendation is rejected.

5. It was recommended that 205.152(b) be amended to read that those categories of costs "will" be approved for reimbursement rather than "may" be approved. The recommendation is rejected on the grounds that the use of the word "may" is consistent with the tone used elsewhere in the subpart and indicates the costs which are allowed; therefore, use of the word "may" was believed to be more appropriate.

6. Under 205.152(b)(1) it was recommended that since the Associate Director or Regional Directors approve overtime, travel, and per diem of permanent Federal agency personnel, FEMA should recognize that States also are faced with burdensome administrative costs for State agencies. The comment, while directed to 205.152(b)(1), has no impact on Subpart I which deals with reimbursement of other Federal agencies; and, therefore, the recommendation is rejected.

7. Section 205.152(b)(7) is reworded to also allow the Regional Director to authorize other Federal agency costs which are justified.

8. Where appropriate, all suggested minor editorial changes have been made.

The regulation does not have major economic consequences.

A finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with "Procedures for Protection and Enhancement of Environmental Quality." Interested parties may obtain and inspect copies of this Finding of Inapplicability at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, DC 20472.

The regulation is in consonance with the provision of the Executive Order dated November 16, 1979, and does not impose an unnecessary burden on the small business sector of the economy. Accordingly, Subpart H (Sections 205.80–205.83), 44 CFR 205 of the Federal Disaster Assistance Regulations is redesignated as a new Subpart I §§ 205.150–205.153) and revised as set forth below.

Subpart I—Reimbursement of Other Federal Agencies

Sec.
205.150 Purpose.
205.151 Assistance from other Federal agencies.
205.152 Expenditures eligible for reimbursement.
205.153 Procedures for reimbursement.

Authority: Sec. 601, Disaster Relief Act of 1974, Pub. L. 93–288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148; and Delegation of Authority, 44 FR 44792.

Subpart I—Reimbursement of Other Federal Agencies

§ 205.150 Purpose.

This subpart prescribes the procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies in providing assistance under the authorities of the Act. It is effective for assistance obtained or authorized in emergencies or major disasters declared after August 2, 1976. Further details of direct Federal assistance other than reimbursement are covered in Subpart H, 205.121.

§ 205.151 Assistance from other Federal agencies.

(a) The Associate Director or Regional Director, in determining the nature and extent of assistance required to implement authorities under the Act, shall consider the types of assistance available from other Federal agencies. Either the Associate Director or the Regional Director may request or direct other Federal agencies to provide available assistance as necessary.

(b) All requests or directives to other Federal agencies shall be in writing, or shall be confirmed in writing if made orally, and shall contain a specific reference to the anticipated level of reimbursement.

§ 205.152 Expenditures eligible for reimbursement.

(a) The Associate Director or the Regional Director may not approve reimbursement of costs incurred while performing work under an agency's own authority.

(b) The Associate Director or the Regional Director may approve reimbursement of the following costs which are incurred in providing requested assistance.

(1) Overtime, travel, and per diem of permanent Federal agency personnel.

(2) Wages, travel, and per diem of temporary Federal agency personnel assigned solely to performance of services requested by the Associate Director or the Regional Director in the major disaster or emergency area designated by the Associate Director.

(3) Travel and per diem of Federal military personnel assigned solely to performance of services requested by the Associate Director or the Regional Director in the major disaster or emergency area designated by the Associate Director.

(4) Cost of work, services, and materials procured under contract for the purposes of providing assistance requested by the Associate Director or the Regional Director.

(5) Cost of materials, equipment, and supplies (including transportation, repair, and maintenance) from regular stocks used in providing requested assistance.

(6) All costs incurred which are paid from trust, revolving, or other funds, and whose reimbursement is required by law.

(7) Other costs submitted by an agency with written justification or otherwise agreed to in writing by the Associate Director or the Regional Director and the agency.

§ 205.153 Procedures for reimbursement.

(a) Federal agencies may submit requests for reimbursement of amounts greater than $1,000 at any time. Requests for lesser amounts may be submitted only quarterly. An agency shall submit a final accounting of expenditures within 90 days after completion of the agency's work under each request or directive for assistance. Requests for reimbursement are made on SF 1081, Voucher and Schedule of Withdrawals and Credits.

(b) An agency shall document its request for reimbursement with specific details on personnel services, travel, and all other expenses by object class as specified in OMB Circular A–12 and by any subobject class used in the agency's accounting system. Where contracts constitute a significant portion of the billings, the agency shall provide a listing of individual contracts and their associated costs.

(c) Reimbursement requests shall cite the specific directive or request for assistance under which the work was performed, and the disaster identification number. Requests for reimbursement of costs incurred under more than one directive or request may not be combined for billing purposes.

(d) Unless otherwise agreed, an agency shall direct all requests for reimbursement to the Regional Director of the region in which the costs were incurred.

(e) A Federal agency requesting reimbursement shall retain all financial records, supporting documents, statistical records, and other records pertinent to the provision of services or use of resources by that agency. These materials shall be accessible to duly authorized representatives of FEMA and the U.S. Comptroller General, for the purpose of making audits, excerpts, and transcripts, for a period of 3 years starting from the date of submission of the final billing.

Dated: April 9, 1980.

William H. Wilcox,

Associate Director, Disaster Response and Recovery.

[FR Doc. 80-11987 Filed 4-16-80; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19308; FCC 80-150]

47 CFR Part 64

Providing for a New Priority System for the Restoration of Common Carrier Provided Intercity Private Line Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission amends its Rules to modify the Priority System for the Restoration of Common Carrier Provided Intercity Private Line Services. The objective of the restoration priority system adopted is to improve the reliability of vital private line communications services during emergencies. The Commission will authorize common carriers to restore FCC certified private line services on a priority basis. FCC certification of restoration priorities for Federal and foreign government services will be based on recommendations from the Executive Office of the President (EOP).

EFFECTIVE DATE: The effective date of the restoration priority system established by this *Order* is June 27, 1980.

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

FOR FURTHER INFORMATION CONTACT: Herbert Neumann, Emergency Communications Division, Office of Executive Director, (202) 632-7232.

In the Matter of Amendment of Part 64 of the Commission's Rules to Provide for a New Priority System for the Restoration of Common Carrier Provided Intercity Private Line Service; [Docket No. 19308].

Adopted: March 27, 1980.

Released: April 14, 1980.

By the Commission: Commissioner Lee absent.

1. On February 8, 1978, we adopted a *Further Notice of Proposed Rule Making* in Docket No. 19308 because more than six years had passed since this proceeding began. This docket proposed a system of restoration priorities (RP's) which is designed to identify in which order intercity private line circuits should be restored by the communications common carriers in the event of major failure due to any type of emergency.[1] Comments and replies were filed and have been considered. Based upon Commission policy and the record in this proceeding, new rules are being adopted in the form of a revision to Appendix A of Part 64, Subpart D of our Rules.[2]

2. The Federal Communications Commission (FCC) and the Executive Office of the President (EOP) have agreed to establish a system of priorities for the restoration of intercity private line communications services provided by FCC licensed communications common carriers. Commission Rules are intended to be in consonance with future EOP directives to Executive departments and agencies so that the priority system and procedures contained in our Rules and the EOP documents effectuate a single priority system. Accordingly, this *Report and Order* establishes a system of priorities to improve the reliability of intercity private line communications services vital to the public interest.

3. The Commission views as a very serious matter the restoration of leased intercity private line services by preempting other private line services or by using facilities such as the Message Telecommunication System (MTS).[3] This *Report and Order* is stringent in its requirements since we are establishing a system that is intended for the reconnection of only the most essential private line circuits during emergencies when telecommunications prove to be inadequate or when failures interrupt both private line services and alternate services. Government and non-government users of this restoration priority (RP) system should make advance arrangements to overcome the adverse effects of more limited circuit failures through the use of such alternatives as MTS service, teletypewriter exchange service, diversity routing, and redundant private line service.

4. We recognize that in order for this RP system to be most effective during major disasters it must be part of the day-to-day operating procedures of the common carriers. Therefore, the RP system established in these Rules shall govern the order of restoration of intercity private line services if they are interrupted for any reason. We will make RP assignments, based on this *Report and Order*, to nongovernment circuits. We will also make RP assignments to Government circuits, but we expect to rely heavily on the EOP to recommend to the Commission restoration priorities for these Federal and foreign government circuits as well as for non-government services that require RP's based on prearranged voluntary participation with the Federal government during emergencies caused by a state or threat of war. The Commission may rescind any priorities it assigns, but we do not intend to rescind assignments we make on the basis of recommendations by the EOP without notifying that office prior to final action.

5. Comments and reply comments were received from the following parties:

Comments

Aeronautical Radio, Inc., (ARINC) and The Air Transport Association of America (ATA)
American Telephone and Telegraph Company (AT&T)
Central Committee on Telecommunications of The American Petroleum Institute (API)
National Broadcasting Company, Inc. (NBC)
The Secretary of Defense, in his capacity as the Executive Agent for The National Communications System (NCS)
Public Broadcasting System (PBS)
Pennsylvania State Police (PSP)
RCA Global Communications, Inc. (RCAG)
Utilities Telecommunications Council (UTC)

Reply Comments

American Telephone and Telegraph Company (AT&T)

These parties have all essentially recognized the importance of a single restoration priority system applicable to emergencies, whether in peacetime or war. They have suggested revisions in priority classifications or rules, some of which are both feasible and desirable and all of which have proven most helpful. The process of considering comments has led to a partial rewrite of the proposed *Order* version that was commented upon, in order to increase its

[1] FCC 78-79, 43 FR 7672 (February 24, 1978).

[2] 47 C.F.R. § 64.401 (1978).

[3] This *Report and Order* does not address the general case of relative priority for restoration of private line, MTS, and other services. The Commission may, in a future proceeding, establish a basis for determining if Rules are needed concerning relative priorities and other priority related matters such as costs, tariffs, restoration time requirements and alternate route requirements for carriers.

effectiveness and to clearly reflect the FCC's peacetime responsibilities in this area. Following is a summary of the major comments and reply comments and our determinations based upon them.

a. AT&T recommends that the FCC certify a restoration priority (RP) only to the user of the circuit involved. The user would then be responsible for including the certification with its order for service when it is submitted to the communications common carrier. The rationale for this procedure is that it would result in a less complex certification procedure for the FCC and would avoid unduly burdening the telephone ratepayer with the expense of supplementary changes to service orders required to add RP information to orders already issued.

User industries commented that the FCC certification should go to both the user and the common carrier. We agree with these user comments. The Commission authorizes the carriers to restore service to one user at the expense of another according to our restoration priorities. This type of prioritization, we feel, should be implemented only after our direct notice to the carrier.

Since the name and address of the user's and the common carrier's office directly involved will both appear on the FCC Form 915, "Priority Request and Certification," there is little additional administrative burden in mailing certifications to both. We anticipate that most of the requests for the certification RP's that we will receive shortly after the effective date of the *Report and Order* will involve RP's in support of circuits already in service. Supplementary changes to the common carrier service orders for these existing circuits would be unnecessary unless we revoke a RP certification. In the case of new circuits, the user and carrier can agree to wait for RP certification, when practical. When service requirements make it impractical for issuance of the common carrier service order to be delayed pending RP certification the service order would, in any event, have to be issued and followed by a supplemental order to add the RP.

b. NCS recommends that "intelligence" be shown as an essential function under Priority 2. The Commission recognizes the importance of intelligence activities and, accordingly, we have made the necessary changes.

c. UTC recommends that the language in Subpriority 3–A—"first circuit required to maintain essential public utility services"—be clarified to indicate that restoration priority assignments may be certified for more than one circuit when circuits run between many diverse locations. This comment deals primarily with multipoint circuits. We agree that clarification is needed and have provided it as part of our definition of multipoint circuits.

d. PSP requests general upgrading of state police private lines from priority 3 to priority 1. We appreciate the concern of the PSP and note that all of the RP levels provided for in this *Report and Order* are for vital services. We are reserving Priority 1 for only the most vital national defense emergency services and must therefore DENY the PSP request. However, we will review each application for assignment of RP's in accordance with the procedures established in this *Report and Order.*

e. NBC and PBS suggest that Subpriority 1–G is appropriate for broadcast industry circuits because of the necessity for news during emergencies and because the broadcast stations participate in the Emergency Broadcast System (EBS). We note that the Government's EBS private line authentication and notification circuits are currently assigned high restoration priorities. While we appreciate the concerns of NBC and PBS that private line network circuits are used to distribute information about emergency situations to broadcast stations for transmission to the public (including EBS transmissions), we are limiting non-government Priority 1 assignments to those services which are designated for prearranged voluntary participation with the Federal government during an emergency caused by a state or threat of war. Since NBC and PBS have not yet arranged such participation with the Federal government, these requests are DENIED. However, we will review each application for assignment of RP's to network services in accordance with the procedures established in this *Report and Order.*

f. ARINC and ATA recommend that, if an approved plan is on file with the FCC, no validation from the sponsoring government agency be required when industrial users apply for restoration priorities for circuits used for prearranged voluntary participation with the Federal government during emergencies. In its Reply Comments AT&T states that a validation statement is an essential Federal government control. For the purpose of assigning restoration priorities to private user circuits that support a Federal government service, we will require a recommendation from the EOP for each such circuit. We therefore DENY the request and will rely on EOP to determine what information it needs as a basis for recommending a priority assignment to the FCC.

g. API has commented that the proposed rules will result in private line priorities always subordinate to the priorities established by the precedence system under FCC Order 69–1113 (47 C.F.R. 64.402—Procedures for using a precedence system for public correspondence services provided by the communications common carriers). In its reply comments, AT&T points out that the precedence system is limited to a minimum number of circuits and that the multiple routing paths of the interstate switched telephone network make it far more reliable than private line circuits during a nuclear disaster. AT&T also notes that switched telephone circuits would be used to restore priority private line circuits. We find that no fundamental change is required but we have clarified the wording of our *Report and Order* to indicate that use of switched message telephone service circuits to restore critical private line service is a proper procedure.

h. API considers as too stringent the requirement that commercial/industrial private line circuits must, in order to qualify for restoration priority, be either manned continuously or, if automated, be under continuous surveillance from a remote location. On the other hand, AT&T states that such a requirement is fundamental. The Government users have not, in practice, been required to provide continuous manning or remote surveillance. There has been no apparent detrimental effect on the current restoration priority system. We think this experience justifies adopting API's point of view. We are therefore deleting the manning and surveillance requirements in our *Report and Order.*

6. By letter to the General Counsel of the Commission dated 25 July 1979, counsel for the Secretary of Defense (in his capacity as the Executive Agent for the NCS) stated that the *Further Notice of Proposed Rulemaking* in this proceeding (FCC 78–79, February 21, 1978) did not adequately address the relationship between the President's war powers under § 606(a) of the Communications Act, the President's peacetime emergency preparedness activities as set out in Executive Order No. 11490 (October 30, 1969; 34 Fed. Reg. 17567), *as amended,* the President's Memorandum of August 21, 1963 entitled "Establishment of the National Communications System" (28 Fed. Reg. 9413) *as amended,* and Office of Telecommunications Policy (OTP) Circular No. 6, which has been adopted

by the National Security Council (43 Fed. Reg. 210). During staff discussions on this issue, NCS indicated that it was their belief that the legal authority on which the above Executive documents rely (i.e., Reorganization Plan No. 1 of 1958, 72 Stat. 1799, the National Security Act of 1947, *as amended*, the Defense Production Act of 1950, *as amended*, and the Federal Civil Defense Act, *as amended*) gave the President jurisdiction, independent of 47 U.S.C. § 606(a), to set restoration priorities for Federal and foreign government circuits.

7. A public meeting was held on September 24, 1979 and supplemental comments were filed by NCS. In this additional filing, and at the public meeting, NCS expressed its belief that any peacetime restoration priority system established by the FCC must be consistent with the currently effective wartime RP procedures. This result is required, NCS believes, because Executive Order No. 11490 "instructs" the FCC to establish a peacetime restoration priority system in consonance with the existing NCS RP system.[4] (*See* NCS Supplemental Comments at 5.) NCS requested that another Notice be issued by the Commission which incorporates our resolution of this question, prior to final action in this proceeding, to permit thorough evaluation by all parties. Further comments in reply were filed after the September 24, 1979 meeting by AT&T and, as a single filing, by ARINC and ATA.

8. AT&T expressed its agreement with NCS that a peacetime RP system under the FCC should be capable of being integrated into the wartime RP procedures so that a single jointly managed RP system is established. AT&T also requested a further NPRM if the Commission should vary any of the provisions to Part 64 proposed in the February 24, 1978 *Notice* affecting the accommodation of FCC and Executive Agency interests at issue in the NCS supplemental pleading.

9. ARINC and ATA essentially argued that the authority granted the President by the Communications Act was clearly and specifically limited to the continuance of a war in which the United States is engaged. Accordingly, they recommended that the Commission "move promptly to adopt the [RP system] it proposed in its *Further Notice* [of February 8, 1978] with the deletion of the unnecessary requirement for executive certification of requests for priority for circuits used in conjunction with established emergency plans." (ARINC and ATA Further Comments at 4.) The subject of executive certification was similarly addressed in the ARINC and ATA Comments. In paragraph 5f of this *Report and Order* we deny the request based on our determination that individual circuit validation from EOP is a proper requirement when a priority is requested on the basis of an industrial user's support of Government services during an emergency. The similar request in the ARINC and ATA Further Comments is DENIED for the same reason.

10. After thorough consideration of these pleadings, we conclude that an additional round of comments on these matters will serve no useful purpose.[5] We are aware of AT&T's concerns and agree that any peacetime system for priority restoration of critical intercity private line circuits must be compatible with the EOP system for accomplishing the same objective during wartime emergencies.

11. We have also carefully considered and recognize NCS's position on the question of peacetime jurisdiction over the assignment of RP's to Federal and foreign government circuits. At the same time, we continue to adhere to our previous statements concerning the Commission's jurisdiction in peacetime.[6] However, we do not believe that it is necessary at this time to resolve definitively these divergent views on the division of jurisdiction between the two agencies because we believe the administrative procedures adopted in this order should, as a practical matter, minimize any concerns over the exact demarcation of jurisdiction. We have devised a peacetime RP system which strikes a balance between the need to have compatibility between the peacetime and wartime RP systems, yet is also consistent with the FCC's regulatory responsibilities over telecommunications common carriers under the Communications Act. As detailed below, this system provides for extensive coordination between the EOP and this Commission. We will rely on the expertise of EOP in the area of the relative priority of Federal and foreign government private line intercity circuits in time of peace. Federal and foreign government users will be expected to apply to the EOP for RP's. The RP's recommended by the EOP for these circuits will be forwarded to the FCC. These EOP recommendations will be the basis of the FCC's approval of RP's for this class of users. We foresee at this time no situations in which the FCC would not approve an EOP recommended RP. If and when such a situation should arise, we will resolve that particular problem in the context of the particular situation. We believe this system of EOP recommendation followed by FCC approval assures the FCC adequate control over the administration of the peacetime RP system, and yet provides EOP with sufficient peacetime involvement in the RP assignment process to address its concerns.

12. The Commission will assign priorities for restoration of the qualified circuits of users of common carrier provided private line services. We ORDER the communications common carriers to honor the priorities we approve and to restore circuit outages on a day-to-day operating basis according to the level of priority assigned to each private line circuit. This *Report and Order* constitutes the only legal authority for communications common carrier to restore private line services to users on a preferential basis.

13. The communications availability in areas affected by certain major natural or man-made emergencies may be disrupted or may prove inadequate for the conditions. We recognize that during such circumstances there may be a need to establish and/or restore common carrier provided private line communications to an emergency operations center and/or for other critical requirements before restoring private line circuits which have FCC certified restoration priorities. Therefore, upon request by an appropriate state or local government official directly to the Commission or through the Federal government official authorized by the President to coordinate Federal assistance,[7] we may

[4] E.O. No. 11490 (October 30, 1969) 34 Fed. Reg. 17567, 1969 Cong. Code and Admin. News 2915. This Executive Order "orders" the FCC to perform restoration priority assignment functions. This Executive Order is an explicit recognition of our existing authority because, being an independent regulatory agency and not part of the Executive Branch, this assignment of a function to the Commission by an executive order can only be valid if Congress has already determined, by legislative action, that the FCC should exercise jurisdiction in this area.

[5] *See Forester* v. *Consumer Product Safety Commission*, 559 F. 2d 774 (D.C. Cir. 1977).

[6] The Commission's role in this area derives from its responsibility under Section 201(b) and 202(a) of the Act, to assure available communications capabilities by a reasonable and nondiscriminatory allocation in the event of major facilities outages or service failures.

[7] The authority of the President to provide disaster preparedness assistance (Disaster Relief Act of 1974, P. L. 93-288; 88 Stat. 143, Title II, Sec. 201(a)) was delegated to the Director of the Federal Emergency Management Agency by Executive Order 12148 of July 20, 1979. This authority includes authority "to establish temporary communications systems and to make such communications available to State and local government officials . . ." 42 U.S.C. § 5185 (1977). We also note that under the Civil Defense Act of January 12, 1951

Footnotes continued on next page

reassign the level of RP of existing circuits. With respect to new private line services required during emergencies we will assign appropriate restoration priorities. These temporary priority levels will not necessarily be restricted to the normal requirements for each priority and subpriority level.[8]

14. In order to establish a single system of restoration priorities that is equally effective in times of peace, war, or threat of war, we will rely on the EOP to recommend restoration priority assignments for Federal and foreign government private line users, including private user circuits that require priority restoration because they are used in support of Federal or foreign government requirements.

15. FCC Form 915, June 1980 edition, "Priority Request and Certification," is authorized subject to General Accounting Office approval. This form may be revised to meet future administrative requirements. Use of earlier editions of Form 915 is not authorized.

16. This *Report and Order* is issued pursuant to Sections 1, 4(i) and 201 through 205 of the Communications Act of 1934, *as amended*, and Executive Order No. 11490, *as amended*, and shall remain in effect until such time as the Commission amends, modifies, or revokes it, or until it is amended or superseded by the President pursuant to the powers conferred upon him by, and in accordance with, the procedures specified in Section 606 of the Communications Act.

17. It is ordered, that Federal Communications Commission Order 70-291 is hereby revoked, effective June 27, 1980. It is further ordered, that Appendix A of Part 64, Subpart D of the Rules is revised by substitution of the new Appendix A attached hereto. The requests of NCS and AT&T set out in their Supplemental Comments and Further Reply Comments, to the extent indicated above, are granted, and in all other respects are denied. The requests of ARINC and ATA in their Further Reply Comments are also denied.

18. In order to allow the communications common carriers reasonable time to establish procedures related to restoration priorities, the effective date of this *Report and Order* is hereby established as of June 27, 1980.

(Secs. 1, 4, 201, 202, 203, 204, 205, 48 Stat, as amended, 1064, 1066, 1070, 1071, 1072; 47 U.S.C. 151, 154, 201, 202, 203, 204, 205)

Federal Communications Commission.

William J. Tricarico,

Secretary.

1. The title and text of Appendix A of 47 CFR Part 64 is revised to read as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

* * * * *

Appendix A.—Priority System for the Restoration of Common Carrier Provided Intercity Private Line Services

1. The Communications Act of 1934, *as amended*, assigns to the Federal Communciations Commission the authority over the assignment of priorities for restoration of common carrier provided service, until such time as the applicable FCC Rules are superseded by the President's war emergency powers. This *Appendix* provides the Commission's *Order* to the communications common carriers. Our *Order* and restoration priority instructions and procedures that the Executive Office of the President may issue for executive departments and agencies are intended to constitute a single priority system under the authority of the Commission and the authority of the President under Section 606 of the Act. Together, this *Order* and instructions and procedures of the Executive Office of the President (EOP) establish one uniform system of priorities for the restoration of vital private line services during emergency situations such as major natural or man-made disasters and emergencies involving the national defense and security.

2. This restoration priority (RP) system is intended to restore only the most essential private line communications circuits in order to increase their reliability during emergencies. In order for the RP system to be most effective during emergencies it must be incorporated into the day-to-day operating procedures of the common carriers. Therefore, this RP system shall govern the restoration of intercity private line services if these services are interrupted for any reason. If preemption is required to restore service, interruption of lower priority private line services is authorized for the purpose of restoring higher priority private line services in the order of priority set forth in this *Order*.

3. All communications common carriers are directed to honor and apply this restoration priority system. The carriers are expected to cooperate with each other in restoring service in accordance with the priorities set forth in this *Order* and are authorized to honor FCC certified priorities from each other where the intercity private line service certified involves the facilities of more than one carrier. A carrier is obligated to restore only that segment of a service that it normally carries. The following principles shall be applied in implementing this priority system:

a. Idle circuits shall be selected first to restore priority private line services. Then, private line services having lower or no priorities shall be interrupted in the inverse order of priority, starting with non-priority services. In the event that private line services are interrupted to restore higher priority services, the communications common carriers shall make a reasonable effort to notify the user of the preempted service and to state the reasons for the preemption. After insuring that a sufficient number of Message Telecommunications System (MTS) facilities are available for public use, MTS facilities may be used to satisfy a requirement for priority intercity private line service. Care must be taken, however, to insure that a minimum number of MTS channels remain available, and to insure that services which carry or may reasonably be expected to carry precedence traffic as provided for by FCC Order 69-1113 (47 CFR § 64.402) will not be preempted.

b. As a practical matter, in restoring a priority service within a multiple channel type of facility, lower priority or non-priority services on parallel channels within the band or system may also be restored.

4. The priority system and procedures in this *Order* are applicable to:

a. United States intercity domestic private line services, including private line switched network services, furnished by the communications common carriers.

b. International private line services provided over circuits which are under the control of United States common carriers.

c. Foreign extension of United States international private line services to the extent of agreements between United States communications common carriers and their foreign correspondents.

d. International private line services terminating in or transiting the United States.

5. We recognize that a minimum number of operational services are needed by communications common carriers for service reactivation and maintenance purposes. These services are exempt from interruption and shall not normally be used for private line restoration.

6. Definition of terms

a. "Government" when used alone means Federal, foreign, state, county, or municipal government agencies. Specific reference will be made whenever it is intended that intercity private line services of a particular level of government are meant; e.g., "Federal government", "foreign government", and similar elements. The term "foreign government" shall include coalitions of

---

Footnotes continued from last page

(c. 1228, 64 Stat. 1245, 50 U.S.C. App. § 2281(h) (1979 Supp.)) the President is authorized to "procure by condemnation or otherwise" telecommunications facilities.

[8] Although this procedure was not specifically proposed in either of the *Notices* in this proceeding, we conclude that delaying implementation of this *Order* to allow additional comments on the specifics of this procedure is unnecessary and contrary to the public interest. We reach this conclusion because: the disaster relief apparatus mandated by the Disaster Relief Act is already in place (this provision is merely designed to conform our proposed RP system to changes in the Executive Branch emergency preparedness organization implemented since the last *Notice* was issued); the probability of a party to this proceeding being substantially affected by adoption of this procedure is extremely small (*see Reynolds, Metal Co.* v. *Rumsfield*, 564 F. 2d 663 (TECA 1977), *cert. denied*, (435 U.S. 995)); and the change affected by inclusion of this provision involves such a small aspect of the originally proposed scheme that the cost, delay and inconvenience another round of pleading would cause the parties is unwarranted. (*See Forester* v. *Consumer Product Safety Commission*, 559 F. 2d 774, 787 (D.C. Cir. 1977)) and cases cited therein.

governments such as NATO, SEATO, OAS, UN, and associations of governments or governmental agencies such as the Pan American Union and the International Monetary Fund.

b. "Multipoint Circuit" is a connection between one of a private line user's locations and two or more other locations. Normally, all of the paths of a multipoint circuit would be assigned the same level of restoration priority.

c. "Private Line Service", as applicable to the United States communications common carriers engaged in providing domestic or international telecommunications, means the circuits provided by the carriers between intermediate intercity switches or between user and switch or between user and user for the provision of intercity service. A continuous circuit ordered from one carrier is considered a single "private line service" even when the facilities or equipment of more than one communications common carrier are used. However, when a user orders circuit segments from more than one carrier, and the user connects these segments to form a continuous circuit, each segment is considered a separate "private line service."

d. "RP" is the abbreviation of "restoration priority" and signifies the level of priority assigned for restoration of a circuit.

e. "Restoration" means the reconnection of intercity private line circuits.

f. "Station" means the user location.

7. Certification

a. Federal and foreign government users will be required to submit their requests for restoration priority assignments for their circuits to the EOP. An initial determination of the appropriate restoration priority for each service will be made by the EOP and forwarded to the FCC as a recommendation for certification. Restoration priority requirements needed on an immediate basis may be requested by a telephone call to the FCC's RP processing staff by the EOP. The FCC will review each recommended priority assignment and approve or disapprove the priority recommended. We will send a copy of the FCC certification to the EOP and the common carrier as formal notification of our determination.

b. All other private line users are required to provide the justification for their request for a restoration priority directly to the FCC. This information is to be filed on FCC Form 915—Priority Request and Certification—and will be used by the Commission's RP processing staff in making a determination. Each request should be accompanied by a copy of an emergency communications plan or referenced to an FCC approved plan for the individual user organization or for an industry (e.g.: Aeronautical Emergency Communications System (AECS) Plan or Industrial Communications Emergency Plan (ICEP)). In addition, a recommendation from the EOP is required for each restoration priority request to the FCC that involves prearranged voluntary participation with the Federal government in emergencies. We will send a copy of the FCC certification to the user and common carrier as formal notification of our determination.

8. We authorize four levels of restoration priority and these are divided into subpriorities. Normally, priorities may be assigned only to the "first circuit" between two user locations for a given function. Where more than one circuit is authorized a priority assignment, the second circuit will be assigned a lower priority. The following criteria shall govern qualification for priority certifications for intercity private line services.

a. *Priority 1*—Priority 1 shall be assigned to Federal and foreign government private line services and to those other government and non-government private line services which are designated for prearranged voluntary participation with the Federal government during an emergency caused by a state or threat of war. This priority applies to circuits which support national survival if attack occurs and shall include circuits used to: (1) Disseminate or acquire critical intelligence concerning an attack on the United States; (2) Disseminate or acquire information critical to the internal security of the United States; (3) Conduct diplomatic negotiations critical to arresting or limiting hostilities; (4) Execute command and control of military forces essential to defense and retaliation; (5) Warn the population of the United States; or (6) Maintain Federal government functions essential to national survival under attack conditions.

Subpriorities under Priority 1 shall include—

Subpriorities 1–A through 1–F: Reserved for Federal government services.

Subpriority 1–G: Services essential to national survival and which are designated for prearranged voluntary participation with the Federal government.

b. *Priority 2*—Priority 2 shall be applicable to Federal and foreign government private line services and to other government and non-government private line services designated for prearranged voluntary participation with the Federal government during a national defense emergency.

Services in this category shall be limited to those essential when attack threatens, in order to minimize serious danger of—(1) Significantly reducing the preparedness of our defense and retaliatory forces; (2) Limiting our ability to conduct critical preattack diplomatic negotiations to reduce or limit the threat of war; (3) Interfering with the effective direction of the nation's population in the interest of civil defense; (4) Weakening our capability to accomplish critical national internal security and intelligence functions; or, (5) Inhibiting our ability to conduct essential Federal government activities necessary to meet a pre-attack situation.

Subpriorities under Priority 2 shall include—

Subpriorities 2–A through 2–C: Reserved for Federal government services.

Subpriority 2–D: Services essential for air traffic control and air operational control of military and civil air support operations.

Subpriority 2–E: Weather communications between major reporting and/or collecting agencies regarding national defense.

Subpriority 2–F: Services for the direction of the U.S. population in the interest of civil defense, survival, and essential Federal government and state government functions.

Subpriority 2–G: Civil/military relocation headquarters communications.

c. *Priority 3*—Priority 3 shall be applicable to all levels of Government and non-government services which require restoration in order to maintain our defense posture, our diplomatic posture, and the health and safety of our population during a major disaster, during a period of heightened possibility of hostilities, or during other situations when an interruption would cause loss or serious damage to vital on-going operations.

Subpriorities under Priority 3 shall include—

Subpriority 3–A:

The first circuit used to gather and disseminate essential intelligence information for activities not supported by circuits assigned a higher RP;

The first circuit for critical logistical and administrative military support functions;

The first circuit for air, sea or ground operations required for safety of life, rescue operations, and movement operations;

The first circuit required to maintain essential public utility services;

The first essential weather circuit between major reporting and/or collecting agencies and using locations not supported by circuits assigned a higher RP;

Additional circuits essential to other requirements for the control of civil and/or military air traffic;

The first circuit used for tracking and telemetering of information from space vehicles and primary circuits required for manned space flight operation.

Subpriority 3–B:

The first circuit to provide for critical damage assessment functions;

Essential circuits to diplomatic posts;

The first circuit between major law enforcement organizations which is essential for maintenance of law and order and which is not supported by a circuit with a higher RP;

The first circuit to ensure continuity of other critical government operations not supported by a circuit with a higher RP.

Subpriority 3–C:

The first circuit required to arrange for distribution of essential foods and other supplies critical to health;

The first circuit required to provide for hospitalization;

The second circuit, where essential, for guaranteeing civil alert and direction in the interest of civil defense and survival.

d. *Priority 4*—Priority 4 shall be applicable to those private line services, used by any level of government and by non-government entities, that are required to maintain the public welfare and our national economic posture during emergencies. Services in this priority shall be limited to those needed for continuing or reestablishing our more important financial, economic, health, and safety activities. This category will not be sub-categorized but all certifications will be identified as 4–A for the propose of record keeping.

e. Other services supported by an emergency communications plan approved by the FCC may be assigned restoration priorities at appropriate levels.

9. The communications availability in areas affected by major natural or man-made emergencies may be disrupted or may prove inadequate for the conditions. Therefore, upon request by an appropriate state or local government official directly to the Commission or through the Federal government official authorized by the President to coordinate Federal assistance,[9] we may reassign the level of RP of existing circuits; with respect to new private line services required during the emergency, we will assign appropriate restoration priorities. The FCC Engineer in Charge (EIC) of the area concerned should be contacted for reassignment of RP levels and for assignment of new restoration priorities during the emergency. These temporary priority levels are not necessarily restricted to the normal requirements for each priority and subpriority level. All RP authorizations by the EIC shall expire as soon as the need for restoration of the specific circuits involved is reduced below the critical status.[10]

10. United States communications common carriers should endeavor to make agreements with their foreign correspondents to effect the restoration of private line services in accordance with this *Order*. If such agreements do not exist, the U.S. common carriers should handle service restoration in accordance with any system acceptable to their foreign correspondents which comes closest to meeting the procedures established in this *Order*.

11. Applications for restoration priority certifications for private line service of all users, except Federal and foreign government, should be submitted in triplicate to: Federal Communications Commission, Office of Executive Director, Emergency Communications Division, Room A–201, Washington, D.C. 20554.

FCC Form 915, June 1980 edition, shall be used and must be certified by an authorized official of the user organization. Use of earlier editions of Form 915 is not authorized. The Commission will certify or deny Form 915 applications (and may rescind certifications) and notify both the applicant and the common carrier by mail. Arrangements may also be made through the Office of Executive Director for verbal requests and certification of restoration priorities.

12. The Federal Communications Commission will certify a restoration priority for a term of three years. Users shall resubmit their priority requirements on FCC Form 915 at least 60 days before expiration.

13. Requests for restoration priority assignments which are denied by the Federal Communications Commission may be resubmitted for reconsideration after 90 days. In the event that requirements for the denied priority have changed, the waiting period may be waived.

14. The Commission may periodically review restoration priority certifications and, if in the opinion of the Commission the restoration priority certification is no longer warranted, it may be rescinded upon written notice to the user and common carrier. The cooperation of users and common carriers will be required to determine the accuracy of certification records. We will continue, on the new Form 915—Priority Request and Certification, the existing requirement that non-government assignees of RP's make appraisals of the criticality of RP certifications semiannually and at the time of any change in the nature or use of the services. We require prompt written notice of any factors that may affect either the requirement for an RP or the priority level.

15. This *Order* is issued pursuant to Sections 1, 4(i) and 201 through 205 of the Communications Act of 1934, *as amended*, and Executive Order No. 11490, *as amended*, and shall remain in effect until such time as the Commission amends, modifies, or revokes it, or until it is superseded by the President pursuant to the powers conferred upon him by, and in accordance with, the procedures specified in Section 606 of the Communications Act.

* * * * *

[FR Doc. 80–11719 Filed 4–16–80; 8:45 am]
BILLING CODE 6712–01–M

[9] The authority of the President to provide disaster preparedness assistance. (Disaster Relief Act of 1974, P.L. 93–288; 99 Stat. 143, Title II, Sec. 201(a)) was delegated to the Director of the Federal Emergency Management Agency by Executive Order 12148 of July 20, 1979. We note also that under the Civil Defense Act of January 12, 1951 (c. 1228, 64 Stat. 1245, 50 U.S.C. App. § 2281(h) (1979 Supp.)) the President is authorized to "procure by condemnation or otherwise" telecommunications facilities.

[10] Normally a "state of emergency" will have been declared by the Governor of the affected state, or by the President. In such circumstances when this state of emergency terminates, the RP's authorized as a result of it will automatically terminate also.

---

47 CFR Parts 73 and 74

[FCC 80–165]

Radio Broadcast Services; Reregulation and Oversight of the AM, FM and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final order.

SUMMARY: By Reregulation and Rules Oversight Order, broadcast rules are amended to clarify and contemporize rules on multiple ownership operator requirements, presunrise service authorizations, antenna monitors, AM–FM program duplication, Emergency Broadcast System Tests, replacement of transmitters public inspection files, rebroadcasting, logs of auxiliary stations, Subsidiary Communications service, type approval of modulation monitors, microwave STL links, and International radio broadcast logs.

EFFECTIVE DATE: April 30, 1980.

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

FOR FURTHER INFORMATION CONTACT: John Reiser, Philip Cross, Steve Crane, (202) 653–7275.

SUPPLEMENTARY INFORMATION:

Adopted: March 27, 1980.

Released: April 16, 1980.

By the Commission: Commissioner Lee absent.

1. This a further *Order* in the Commission's continuing reregulation of broadcasting and oversight review of Parts 73 and 74 of the rules for the radio and TV broadcast services. The changes covered by this *Order* either delete or modify certain operating requirements which no longer serve any useful regulatory purpose. A summary of each of the amendments follows:

(a) Note 6 in the Report and Order amending the multiple ownership rules (Docket 20548, 67 FCC 2d 58) describes the procedures for determining city-to-city distances. The community geographic coordinates as published in the Department of the Interior "National Atlas of the United States of America" are to be used, however the rules as amended did not include the instructions in the "Note." Since there are different procedures for determining distances between communities for other purposes in the rules, clarification of the correct method for determining "city-to-city" distances for multiple ownership purposes should be included in the rule text. Sections 73.35, 73.240, and 73.636 are revised to include the provisions of the Report and Order, Note 6. (Appendix paragraphs 1, 9, and 17.)

(b) The procedures to be used by manufacturers of broadcast equipment in obtaining FCC type approval of modulation monitors now duplicated in three separate AM, FM, and TV rules are being deleted therefrom and combined into a single rule in Subpart H, § 73.1668. Reference to Part 2, Subpart *F* is also being corrected to read Part 2, Subpart *J*. (Appendix paragraphs 2, 13, 21, 22, and 28.)

(c) In the rule concerning measurement of AM antenna resistance (§ 73.54) the word "person" is substituted for the term "engineer" in describing the individual making those measurements. The FCC does not prescribe the qualifications for "engineers" and the rule tends to indicate that antenna measurements may be made only by persons holding a license as a registered professional engineer. Qualified broadcasting professionals may not, nor need not, be registered under state laws to prepare technical exhibits for FCC applications. (Appendix paragraph 3.)

(d) Some AM stations operating directional antenna systems may find it advantageous to install the phasing equipment used to distribute radio

energy to the several antenna towers at the center of the tower group rather than at the transmitter building. This arrangement may provide simplification of antenna design and construction cost savings. Some licensees have requested permission to install the antenna monitor at the location of the phasing equipment rather than at the transmitter building since the monitor is used in adjusting the antenna phasing equipment. The present rules indicate that the monitor must be installed at the transmitter control point where an operator is on duty. Section 73.69 is being amended to state that the antenna monitor may be installed with the phasing equipment if adequate instrumentation and enclosures are used to insure reliable monitor operation; and extension metering is used at the control locations. Only monitors designed and type approved for remote control or extension meter use are suitable for such installations described above. (Appendix paragraph 4.)

(e) With this Order additional relaxations are being made in the operator requirements for AM, FM, and TV stations. The specific changes are:

(i) Agreements for chief operator appointments no longer need to be filed with the Engineer in Charge of the station's radio district.

(ii) AM operator rules will clearly state a partial antenna proof of performance measurement need be made upon appointment of a chief operator for the first time, and only once each three years thereafter, and not upon each appointment of a replacement chief operator.

(iii) Exemption of requirement to make skeleton antenna proof of performance measurements by AM stations having approved sampling systems included in the operator rules to conform to existing § 73.68.

(iv) Provision of the FM and NCE–FM rules indicating that a designated chief operator may not hold concurrently the chief operator position at more than one FM station is being deleted. (This dual employment restriction for chief operators was established when the chief operator was required to be in full time employment, however the restriction was not deleted from the FM and NCE–FM rules when the full time chief operator requirement was deleted.

(v) Cross reference to the procedures for obtaining temporary waivers of the operator requirements in § 73.3547 is being included in the operator requirement rules.

(Appendix paragraphs 5, 11, 15, and 18.)

(f) Section 73.99 "Presunrise service authorizations (PSA)" is being completely restructured for ease of understanding and use, and to correct many obsolete cross references and terms. Eligibility and procedures for obtaining a presunrise service authorization and the operating requirements under the PSA are not being changed. (Appendix paragraph 6.)

(g) Paragraph (f) of Section 73.182, "Engineering standards of allocation" has been restructured with obsolete terms and references corrected. (Appendix paragraph 7.)

(h) The information in paragraph (b)(9) in Section 73.189 concerning making changes in existing AM station antenna systems appears to conflict with other rules containing complete information on antenna modifications. Paragraph (b)(9) is amended to make reference to the current rules on antenna systems and procedures for obtaining authority, when required, to modify antennas. (Appendix paragraph 8.)

(i) The present limitations on the amount of programming that may be duplicated on commonly owned AM and FM stations assigned to the same community have been in effect since May 1, 1979. Therefore all obsolete limitations applicable prior to that date are being deleted from Section 73.242 of the rules. Also being deleted are procedures for obtaining temporary exemptions from the rule requirements since exemption requests were to have been filed prior to November 1, 1978. (Appendix paragraph 10.)

(j) The cross reference rule sections for logging, sponsor and station identification, and other requirements from which SCA multiplex programming are exempted are corrected in the Subsidiary Communications Authorization rules for FM and NCE–FM stations. (Appendix paragraphs 12 and 16.)

(k) In Section 73.685, the terms "field strength" and "AM broadcast" are being substituted in several paragraphs for the obsolete terms "field intensity" and "standard broadcast." The change in terms is made to conform this rule section with terminology used throughout Part 73. (Appendix paragraph 19.)

(l) The modulation monitor requirement rule for TV stations, Section 73.691, fails to reference the remote control operation provided for in Section 73.676(a). Paragraph (a) of Section 73.691 is amended to conform to the remote control rule requirements. (Appendix paragraph 20.)

(m) Three separate rules in Subpart F for international radio broadcast stations; "Logs; by whom kept;" "Log form;" and "Correction of logs" have texts essentially the same as rules in Subpart H applicable to all other broadcast stations. Therefore the Subpart F rules are revised to cross reference rules applicable in common for the broadcast services. (Appendix paragraphs 23, 24, and 25.)

(n) By the provisions of § 73.931(b) of the rules, Class D 10 watt noncommercial educational FM stations are exempted from the requirement to have an EBS two-tone attention signal generator for transmitting emergency broadcast system tests and alert messages. This exemption has been misinterpreted by some Class D licensees to mean that their stations are also exempt from transmitting EBS tests or following the prescribed emergency action procedures in event of an actual EBS alert. Section 73.691 is being revised to clearly state that EBS procedures apply to 10 watt NCE–FM stations, except for use of the two-tone attention signal. (Appendix paragraph 26.)

(o) The rule on rebroadcasting is being revised so that broadcast licensees will no longer require prior FCC authority to transmit messages originated by non-broadcast radio stations operated by the Federal Government upon obtaining prior permission from the station's controlling agency. (U.S. Government stations are neither licensed nor under the direct regulatory control of the FCC.) This amendment will not, however, apply to the rebroadcasting of messages originated by FCC licensed stations that may be in communication with stations operated by the Federal Government. The revision also deletes the term "point-to-point" in reference to communications by non-broadcast stations in § 73.1207 because it implies communications between two land based fixed transmitters, whereas many non-broadcast communications are conducted between land mobile, ship, and aircraft stations. (Appendix paragraph 27.)

(p) On November 2, 1978, the Commission adopted rules on the procedures for licensing an auxiliary antenna for use by a broadcast station when the main antenna is out of service for repairs. An auxiliary antenna may be at a separate location some distance from the main antenna, or of a different configuration. However, an auxiliary antenna will not be licensed if its 1 mV/m coverage area would extend in any direction beyond the 1 mV/m coverage area provided by the main antenna. This condition for licensing of auxiliary antennas was inadvertently omitted in the licensing procedures described in § 73.1675, and is being included in the rule with this Order. (Appendix paragraph 29.)

(q) Paragraph (d) of § 73.1940 on broadcasts by candidates for public office is corrected to cross reference the applicable rules in Part 73 rather than the rules in Part 1 which were previously deleted. (Appendix paragraph 30.)

(r) Non-commercial educational stations frequently broadcast a series of continuing programs supported by a group of "donors." Since the repeated listing of donors in the program log for each time a program in the series is broadcast would require a considerable number of repetitive entries, NCE stations may, as an alternative logging procedure, enter the word "donor" in the log and keep a listing of the donors by program series title in the public inspection file. These procedures are described in program log rule Section 73.1820. The public inspection file requirement in Section 73.3527 is being revised to show "donor" lists should be included if the licensee elects to use the alternative logging procedures. This revision does not add a new public inspection file requirement, but is intended to guide licensees using the rule in reviewing the file for completeness. (Appendix paragraph 31.)

(s) Under amended broadcast remote pickup station rules adopted on June 7, 1979, licensees may elect to use automatic Morse code for station identification as an operating convenience. The revised identification options were based on rules previously adopted for stations in the private land mobile radio services. The technical specification for the rate (20 to 25 words per minute) of code transmission was inadvertently omitted from the remote pickup rule text. The omission is being corrected with this Order. (Appendix paragraph 32.)

(t) Under previous Reregulation Orders amendments were made to permit fixed microwave transmitters licensed in the TV auxiliary services to remain in operation continuously and without a duty operator in attendance at either the transmitter or receiver location. Many microwave transmitters are less subject to failure or may require less frequent adjustment and maintenance if operated continuously. With this Order we are also amending rule § 74.533 for aural broadcast STL and intercity relay stations to permit continuous transmitter operation. Required operator observations are being reduced to once each 24 hours in lieu of the presently required check every three hours. In addition, the station identification rule is amended to delete the identification requirement during periods when the STL or intercity relay station is not carrying program material. (Appendix paragraphs 33 and 34.)

(u) In Docket 20189, extensive reregulation of the broadcast remote pickup operating procedure rules was completed whereby detailed operating logs are no longer required. In this *Order*, the detailed operating log requirements for aural STL and intercity relay stations, and for TV auxiliary stations are also being deleted since such logged data no longer serves their original regulatory purpose. In lieu of the mandatory log requirements for all stations, the FCC may require licensees to keep specific records of station operation on a case-by-case basis for interference studies or to determine channel utilization. The Sections being amended are 74.581 and 74.681. (Appendix paragraphs 35 and 36.)

(v) Licensees of broadcast stations are no longer required to obtain construction permits or any other form of prior FCC authority to replace station transmitters or install additional transmitters at the authorized location when using type accepted equipment. Licensees of FM and TV translator stations and instructional TV fixed stations are still required to file for and obtain prior FCC authorization to replace existing transmitting equipment. With this *Order*, rule §§ 74.751, 74.951, and 74.1251 are being amended to delete such requirements, as well as the requirement that written notification of transmitter changes be sent to the Engineer in Charge of the radio district in which the station is located. Licensees are to place in their own files a certification that the replacement transmitter has been checked upon installation to show that it meets the terms of the station license and all the applicable operating specifications for the particular type of service. (Appendix paragraphs 37, 38, and 40.)

(w) The definition of 100% modulation of the aural carrier for instructional TV fixed stations in Section 74.970 is revised to conform with that of the other TV broadcast services. (Appendix paragraph 39.)

2. Although some of the changes described above relax certain operating requirements, no substantive changes are being made which will either impose additional burdens or remove provisions relied upon by licensees or the public. We therefore conclude that, for the reasons set forth above, adoption of these revisions will service the public interest and inasmuch that these amendments impose no additional burdens and raise no issues upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

3. Therefore, It Is Ordered, That pursuant to Sections (4)(i) and 303(r) of the Communications Act of 1934, as amended, Parts 73 and 74 of the Commission's Rules are amended as set forth in the attached Appendix, effective April 30, 1980.

4. For further information concerning this Order, contact John Reiser, Steve Crane, or Philip Cross, Broadcast Bureau, (202) 653–7275.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—RADIO BROADCAST SERVICES

1. In § 73.35, paragraph (b) is amended to read as follows:

§ 73.35 Multiple ownership.

* * * * *

(b)(1) No license for an AM broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other AM broadcast station if the grant of such license would result in a concentration of control of AM broadcasting in a manner inconsistent with the public interest, convenience, or necessity. The FCC however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers, or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven AM broadcast stations, or of 3 broadcast stations in one or several services, where any two are within 100 miles of the third (measured city to city), if there is primary service contour overlap of any of the stations.

(2) The reference points which shall be used for city-to-city measurements are those listed in the Index to *The National Atlas of the United States of America*, United States Department of Interior, Geological Survey, Washington, D.C., 1970. (Future editions will supersede.) In the case of any community of license which is not referenced by the National Atlas, such

as a newly established community, the point of reference shall be the main post office until such town is referenced. The National Atlas is available for reference at most public libraries and at the FCC in Washington.

2. In § 73.50, paragraph (a) is amended to read as follows:

§ 73.50 Requirements for type approval of AM modulation monitors.

(a) Procedures for obtaining type approval of AM modulation monitors are contained in § 73.1668 and in Subpart J of Part 2 of the FCC rules.

* * * * *

3. In § 73.54, the headnote and paragraph (e)(6) are amended to read as follows:

§ 73.54 Antenna resistance and reactance measurements.

* * * * *

(e) * * *

(6) The qualifications of the person(s) making the measurements.

4. In § 73.69, paragraph (a) is amended to read as follows:

§ 73.69 Antenna monitors.

(a) Each station using a directional antenna must have in operation at the transmitter site an FCC type approved antenna monitor. However, if the station authorization sets specific tolerances within which the phase and amplitude relationships must be maintained, or requires the use of a monitor of specified repeatability, resolution or accuracy, the antenna monitor used will be authorized on an individual basis.

(1) Normally, the antenna monitor is to be installed immediately adjacent to the transmitter and antenna phasing equipment. When the phasing equipment is located within the antenna field at a distance from the transmitter, the monitor may be located with the phasing equipment in suitable housing such that the temperature variation is maintained at all times within those limits under which the monitor was type approved. Additionally, remote switching and metering must be installed so that all required monitor indications can be observed at the position(s) where the duty operator is located.

(2) The antenna monitor installed at a station operating a directional antenna by remote control, using extension meters to read and log the monitor indications, or when the monitor is installed in the antenna field at a distance from the transmitter, must be designed and type approved for such use in accordance with the provisions of § 73.53(c)(9).

* * * * *

5. In § 73.93, paragraphs (c), (e)(3), and (h)(3) are amended; the note following paragraph (j) is deleted; and new paragraph (k) is added as follows:

§ 73.93 Operator requirements.

* * * * *

(c) Stations using non-directional antennas with nominal operating power of 10 kW or less may employ persons holding any class of commercial radio operator license or permit for the routine duty operation of the transmitting system as defined in paragraph (f) of this section. In addition, such stations must employ at least one person holding a First-Class Radiotelephone Operator License either in the full-time or whatever less than full-time the licensee determines is needed to keep the station's technical operation in compliance with the FCC rules and terms of the station authorization. As an alternative to the employment of a first-class operator, the licensee may contract in writing for one or more first-class operators who will be readily available on a part-time basis. Signed contracts must be kept in the station file and made available for inspection upon request by authorized representatives of the FCC.

* * * * *

(e) * * *

(3) Within 1 year of the date on which a chief operator is designated for the first time as required by paragraph (h) of this Section, the station must complete a partial proof of performance as defined in § 73.154 for the directional antenna system, and must complete subsequent partial proofs of performance at least once each 3 years thereafter, with not less than 33 nor more than 36 months between successive proofs.

For stations not having an approved sampling system pursuant to § 73.68(a), a skeleton proof of performance, as defined in § 73.154 must be completed during each year that a partial proof of performance is not required. Not less than 10, nor more than 14 months, may elapse between the completion dates of successive proofs of performance. The results of each proof, signed and dated by the qualified person(s) making it, must be kept on file at the transmitter or remote control point for a period of 3 years, and be made available during that time on request by authorized representatives of the FCC.

* * * * *

(h) * * *

(3) At such time as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of the chief operator as acting chief on a temporary basis.

* * * * *

(k) Procedures for licensees employing full-time first-class radiotelephone duty operators to temporarily employ persons holding lesser grade licenses, or to employ a temporary pro-tem chief operator when the designated chief is incapacitated or unavailable are given in § 73.3547.

6. Section 73.99 is revised in its entirety to read as follows:

§ 73.99 Presunrise service authorizations (PSA).

(a) To provide the maximum uniformity in early morning operations compatible with interference considerations, the following classes of AM stations are eligible for presunrise service authority (PSA):

(1) Class II stations operating on clear channels, except those operating on Canadian 1–A clear channels and those located east of co-channel U.S. class 1–A stations.

(2) Class III stations.

(b) A presunrise service authorization will permit:

(1) Class II stations operating on Mexican and Bahamian 1–A clear channels to commence operation with their daytime antenna systems at 6:00 a.m. local time, and to continue such operation until the sunrise time specified in their basic instrument of authorizations;

(2) Other Class II stations, where eligible under (a)(1) of this Section, to commence operation with their daytime or critical hours antenna systems either at 6:00 a.m. local time, or at the time of sunrise at the westernmost Class I station located east of the Class II station (whichever is later), and to continue such operation until the sunrise times specified in their basic instruments of authorizations.

(3) Class III stations to commence operation with their daytime antenna systems at 6:00 a.m. local time and to continue such operation until local sunrise times specified in their basic instruments of authorization.

(c) The permissible power to be specified in the presunrise service authorization (PSA) will not exceed 500 watts (or the authorized daytime or critical hours power, if less than 500 watts), or such lesser power as may be determined by computations made pursuant to paragraph (d) of this Section.

(d) Requests for presunrise service authority will be treated as proposals for minor changes in existing facilities,

not subject to the provisions of §§ 73.3571 and 73.3580. Further, such requests are not subject to the procedural requirements or remedies applicable to applications for new facilities or major changes therein. PSA requests shall be submitted by letter, signed as specified in § 73.3513 with the following information:

(1) *All stations.*

(i) licensee name, station call letters and station location,

(ii) a description of the method whereby any proposed power reduction will be achieved.

(2) *Class II stations.* (i) For Class II stations operating on clear channels other than Class I–A clear channels, a showing that objectionable interference as determined by the AM Broadcast Technical Standards (§§ 73.182 to 73.190), or by the engineering standards of the NARBA (whichever is controlling), will not be caused within the 0.5 mV/m 50% skywave contour of any domestic Class I–B station in any country signatory to the NARBA, where the Class II station is located east of the Class I–B station.

(ii) For Class II stations operating on Mexican Class I–A clear channels, and for Class II stations located east of co-channel Mexican Class I–B stations, a showing under the engineering standards of the United States /Mexican Agreement that the Class II station does not produce a signal in excess of 25 uV/m 10% skywave at any point on the co-channel Mexican Class I station's 0.5 mV/m 50% skywave contour which falls on Mexican territory, or more than 50 uV/m 10% skywave at any point on the Mexican border or boundary where the signal of the Mexican Class I station exceeds 0.5 mV/m–50% skywave in strength.

(iii) For all Class II stations, the applicant must show that foreign Class II stations (if any) assigned to the same channel as the U.S. Class II station will receive full protection under the standards for nighttime operation set forth in the applicable agreement. If the protections specified in (i) or (ii) above cannot be achieved by the Class II station while operating with 500 watts, a showing may be submitted to establish the level to which power must be limited to preclude objectionable interference. In relation to Canadian Class II stations, the permissible power level may be established in the manner described in (3) below by the use of Figure 12 of § 73.190.

(iv) Class II PSA applicants for the Bahamian I–A clear channel (1540 kHz) need not submit the nighttime interference study required of other PSA applicants under this paragraph. Instead, the FCC will assign a power and the time of commencement of presunrise operation consistent with the provisions of the U.S.-Bahamian presunrise agreement (1974) and the protection requirements of U.S. I–B and foreign Class II full-time station assignments on this frequency.

(3) *Class III stations.* For Class III stations the applicant must show that co-channel stations in foreign countries will recieve full treaty protection. If such protection cannot be achieved on the basis of 500 watt operation, calculations may be submitted to establish the level to which power must be reduced to preclude objectionable interference. With respect to Canadian Class III stations, such power level may be established by a showing that the radiation at the pertinent vertical angle toward co-channel Canadian stations does not exceed that defined in Figure 12 of § 73.190. If the latter showing cannot be made on the basis of 500 watt operation, calculations may be submitted to establish the level to which power must be reduced in order to limit radiation at the pertinent vertical angle to the values specified in Figure 12 of § 73.190.

(e) Calculations made under paragraph (d) of this Section may not take outstanding PSA's into account, nor will the grant of a PSA confer any degree of interference protection on the holder thereof.

(f) Operation under a PSA is not mandatory, and will not be included in determining compliance with the requirements of § 73.1740. To the extent actually undertaken, however, presunrise operation will be considered by the FCC in determining overall compliance with past programming representations and station policy concerning commercial matter.

(g) The PSA is secondary to the basic instrument of authorization and may be suspended, modified, or withdrawn by the FCC without prior notice or right to hearing, if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

(h) The PSA will be issued for a term coinciding with the current basic instrument of authorization and, unless surrendered by the holder or suspended, modified or withdrawn by the FCC will have continuing or renewed effect under succeeding instruments.

(i) The issuance of a PSA is intended to indicate the waiver of §§ 73.45, 73.182, 73.188, and 73.1560 where the operation might otherwise be considered as technically substandard. Further, the requirements of paragraphs (a)(5), (b)(2), (c)(2), and (d)(2) of § 73.1215 concerning the scale ranges of transmission system indicating instruments are waived for PSA operation except for the radio frequency ammeters used in determining antenna input power.

(j) A station having an antenna monitor incapable of functioning at the authorized PSA power when using a directional antenna shall take the monitor reading using unmodulated carrier at the authorized daytime power immediately prior to commencing PSA operations. Special conditions as the FCC may deem appropriate may be included in the PSA to insure operation of the transmitter and associated equipment in accordance with all phases of good engineering practice.

(k) In the event of permanent discontinuance of presunrise operation, the PSA shall be forwarded to the FCC's Washington office for cancellation, and the Engineer in Charge of the radio district in which the station is located must also be concurrently notified.

7. In § 73.182, paragraph (f) is amended to read as follows:

§ 73.182 Engineering standards of allocation.

* * * * *

(f) The signals necessary to render primary service to different types of service areas are as follows:

Area	Field strength groundwave (mV/m)
City business or factory areas	10 to 50
City residential areas	2 to 10
Rural—all areas during winter or northern areas during summer	0.1 to 0.5
Rural—southern areas during summer	0.25 to 1.0

See § 73.184 for curves showing distance to various groundwave field strength contours for different frequency and ground conductivities, and also see § 73.183, "Groundwave signals."

(1) The above values are based on an absence of objectionable fading, either in changing strength or selective fading, the usual noise level in the area, and an absence of limiting interference from other AM broadcast stations. The values apply both day and night but generally fading or interference from other stations limits the primary service at night in all rural areas to higher values of field strength than the values given.

(2) The FCC will authorize a directional antenna for a Class IV station for daytime operation only with power in excess of 250 watts. In computing the degrees of protection which such antenna will afford, the radiation produced by this antenna will be assumed to be no less, in any

direction, than that which would result from non-directional operation using a single element of the directional array, with 250 watts.

(3) Standards are not established for interference from atmospheric or man-made electric noise. Objectionable interference from any source, except other AM broadcast signals, may be determined by comparing the actual noise interference reproduced during reception of a desired signal to the degree of interference that would be caused by another AM signal within 20 Hz of the desired signal having a carrier ratio of 20 to 1 with both signals modulated 100% on peaks of usual programs.

* * * * *

8. In § 73.189, paragraph (b)(9) is amended to read as follows:

§ 73.189 Minimum antenna heights or field strength requirements.

* * * * *

(b) * * *

(9) See §§ 73.43 and 73.45 for additional information on AM station antenna systems and procedures for making antenna system modifications.

9. In § 73.240, new paragraph (a)(3) is added to read as follows:

§ 73.240 Multiple ownership.

(a) * * *

(3) The reference points which shall be used for city to city measurements are those listed in the Index to *The National Atlas of the United States of America*, United States Department of Interior, Geological Survey, Washington, D.C., 1970. (Future editions will supersede.) In the case of any community of license which is not referenced by the National Atlas, such as a newly established community, the point of reference shall be the main post office until such town is referenced. The National Atlas is available for reference at most public libraries and at the FCC in Washington.

* * * * *

10. Section 73.242 is revised to read as follows:

§ 73.242 Duplication of AM and FM programming.

(a) The licensee of an FM station authorized in a community of over 25,000 population shall operate so as to devote no more than 25% of the average FM broadcast week to program duplication from an AM station owned by the same licensee in the same local area.

(b) For the purposes of this Section, duplicated is defined to mean the simultaneous broadcasting of a particular program over both the AM and FM stations or the broadcasting of a particular program by one station within 24 hours before or after the identical program is broadcast over the other station.

(c) For the purposes of this Section, the population is that shown in the latest regular U.S. Census Report.

(d) Compliance with the non-duplication requirement shall be verified by a showing in connection with the renewal applications as the FCC may require.

11. In § 73.265, paragraphs (c), the introduction to (d), (d)(1) and (d)(4) are revised, (d)(2) is deleted and reserved, and new paragraph (i) is added to read as follows:

§ 73.265 Operator requirements.

* * * * *

(c) FM stations may employ persons holding any class of commercial radio operator license or permit for the routine duty operation of the transmitting system as defined in paragraph (e) below. In addition, each station must employ at least one person holding a First-Class Radiotelephone Operator License either in full-time or whatever less than full time the licensee determines is needed to keep the station operation in compliance with the FCC rules and terms of the station authorization. As an alternative to the employment of a first-class operator, the licensee may contract in writing for the services of one or more first-class operators who will be readily available on a part-time basis. Signed contracts must be kept in the station file and made available for inspection on request by authorized representatives of the FCC.

(d) The licensee of an FM station operating with a total transmitter output power exceeding 25 kW and employing lesser grade duty operators in accordance with paragraph (c) above must designate one first-class radiotelephone operator as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another first-class radiotelephone operator as assistant chief operator who will assume all responsibilities during absences of the designated chief operator.

(1) A copy of the designation must be posted with the license of the designated operator.

(2) [Reserved.]

(3) * * *

(4) At such time as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of the chief operator, the licensee must designate another first-class radiotelephone operator as acting chief on a temporary basis.

* * * * *

(i) Procedures for licensees employing full-time first-class radiotelephone duty operators to temporarily employ persons holding lesser grade licenses, or to employ a temporary pro-tem chief operator when the designated chief is incapacitated or unavailable are given in §73.3547.

12. In § 73.295, paragraph (d) is corrected to read as follows:

§ 73.295 Use of multiplex subcarriers.

* * * * *

(d) The station identification, delayed recording, and sponsor identification announcements required by §§ 73.1201, 73.1208, and 73.1212, and the program log requirements for such announcements in § 73.1810 are not applicable to material transmitted under an SCA.

* * * * *

13. In § 73.332, the headnote and paragraph (a) are amended to read as follows:

§ 73.332 Requirements for type approval of FM modulation monitors.

(a) Procedures for obtaining type approval of FM modulation monitors are contained in § 73.1668 and in Subpart J of Part 2 of the FCC rules.

* * * * *

14. New § 73.531 is added to read as follows:

§ 73.531 Special rules relating to contracts providing for reservation of time upon sale of a station.

See § 73.1040.

15. In § 73.565, paragraphs (c), the introduction to (d), (d)(1) and (d)(4) are revised, (d)(2) is deleted and reserved, and new paragraph (j) is added to read as follows:

§ 73.565 Operator requirements.

* * * * *

(c) Noncommercial educational FM stations may employ persons holding any class of commercial radio operator license or permit for the routine duty operation of the transmission system as defined in paragraph (f) of this section. In addition, each station must employ at least one person holding the class of license specified for the station's power category specified in paragraph (b) of this section, either in full time or whatever less than full-time the licensee determines is needed to keep the station's technical operation in compliance with the FCC rules and

terms of the station authorization. As an alternative to the employment of a first-class or second-class operator, the licensee may contract in writing for the services of one or more operators of the applicable class who will be readily available on a part-time basis. Signed contracts must be kept in the station file and made available for inspection upon request by authorized representatives of the FCC.

(d) The licensee of a noncommercial educational FM station authorized to operate with a total transmitter output power of more than 25 kW and employing lesser grade duty operators in accordance with paragraph (c) of this section must designate one first-class radiotelephone operator as the chief operator who, together with the licensee, is responsible for the technical operation of the station. The licensee may also designate another first-class radiotelephone operator as assistant chief operator who will assume all responsibilities during absences of the designated chief operator.

(1) A copy of the designation must be posted with the license of the designated chief operator.

(2) [Reserved]

(3) * * *

(4) At such time as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of the chief operator, the licensee must designate another first-class radiotelephone operator as acting chief on a temporary basis.

* * * * *

(j) Procedures for licensees employing full-time first-class radiotelephone duty operators to temporarily employ persons holding lesser grade licenses, or to employ a temporary pro-tem chief operator when the designated chief is incapacitated or unavailable are given in § 73.3547.

16. In § 73.595, paragraph (d) is amended to read as follows:

§ 73.595 Use of multiplex subcarriers.

* * * * *

(d) The station identification, delayed recording, and donor identification announcements required by §§ 73.1201, 73.1208, and 73.503, and the program log requirements for such announcements in § 73.1810 are not applicable to material transmitted under an SCA.

17. In § 73.636, new paragraph (a)(3) is added to read as follows:

§ 73.636 Multiple ownership.

(a) * * *

(3) The reference points which shall be used for city-to-city measurements are those listed in the Index to *The National Atlas of the United States of America*, United States Department of Interior, Geological Survey, Washington, D.C., 1970. (Future editions will supersede.) In the case of any community of license which is not referenced by the National Atlas, such as a newly established community, the point of reference shall be the main post office until such town is referenced. The National Atlas is available for reference at most public libraries and at the FCC in Washington.

* * * * *

18. In § 73.661, paragraph (b)(3) is revised and new paragraph (f) is added to read as follows:

§ 73.661 Operator requirements.

* * * * *

(b) * * *

(3) At such time as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of chief operator, the licensee must designate another first-class radiotelephone operator as acting chief operator on a temporary basis.

* * * * *

(f) Procedures for licensees employing full-time first-class duty operators to temporarily employ persons holding lesser grade licenses, or to employ a temporary pro-tem chief operator when the designated chief operator is incapacitated or unavailable are given in § 73.3547.

§ 73.685 [Amended]

19. In § 73.685, the term "field intensity" in paragraphs (a) and (f)(3) is changed to read "field strenght" and the term "standard broadcast" in paragraph (h)(1) to changed to read "AM broadcast."

20. In § 73.691, paragraph (a) is amended to read as follows:

§ 73.691 Modulation monitors.

(a) The licensee of each TV broadcast station shall have in operation at the transmitter, extension meter, or remote control point where the operator in charge of the transmitting system is on duty an approved modulation monitor for the aural transmitter and sufficient monitoring equipment for the visual signal to determine that the transmissions comply with the requirements of the Subpart.

* * * * *

§ 73.692 [Reserved]

21. Section 73.692 is deleted in its entirety and marked "Reserved."

22. In § 73.694, the headnote and paragraph (a) are amended to read as follows:

§ 73.694 Requirements for type approval of TV aural modulation monitors.

(a) Procedures for obtaining type approval of TV aural modulation monitors are contained in § 73.1668 and Subpart J of Part 2 of the FCC rules.

* * * * *

23. Section 73.783 is revised to read as follows:

§ 73.783 Logs; by whom kept.

See § 73.1800.

24. Section 73.784 is revised to read as follows:

§ 73.784 Log form.

See § 73.1800.

25. Section 73.785 is revised to read as follows:

§ 73.785 Correction of logs.

See § 73.1800.

26. In § 73.961, paragraph (c) is amended to read as follows:

§ 73.961 Tests of the Emergency Broadcast System procedures.

* * * * *

(c) *Weekly Transmission Tests of the Attention Signal and Test Script.* Except as provided in paragraph (d) of this Section, these tests shall be conducted by all AM, FM and TV stations a minimum of once a week at random days and times between the hours of 8:30 a.m. local time and local sunset. These tests will be conducted in accordance with procedures set forth in the EBS Checklist furnished to all broadcast stations, however, Class D non-commercial educational FM stations (those operating with 10 watts or less transmitter output power) need not transmit the two-tone attention signal.

* * * * *

27. In § 73.1207, new paragraph (a)(3) is added, and paragraphs (b) and (c) are amended as follows:

§ 73.1207 Rebroadcasts.

(a) * * *

(3) The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

(b) No broadcast station may retransmit the program, or any part thereof, of another U.S. broadcast station without the express authority of the originating station. A copy of the written consent of the licensee originating the program must be kept by the licensee of the station retransmitting

such program and made available to the FCC upon request.

(1) Stations originating emergency communications under a Detailed State EBS Operation Plan are deemed to have conferred rebroadcast authority to other participating stations.

(2) Permission must be obtained from the originating station to rebroadcast any FM station SCA subcarrier background music or other multiplex subscription program service.

(3) Programs originated by the Voice of America (VOA) and the Armed Forces Radio and Television Services (AFRTS) cannot, in general, be cleared for domestic rebroadcast, and may therefore be retransmitted only by special arrangements among the parties concerned.

(4) Except as otherwise provided by international agreement, programs originated by foreign broadcast stations may be retransmitted without the consent of the originating station.

(c) The transmission of messages of non-broadcast stations, other than stations in the personal radio services as stated in paragraph (e) of this section may be rebroadcast under the following conditions:

(1) The broadcasting of messages originated by privately owned non-broadcast stations may be done only upon the permission of the station licensee and with prior authorization from the FCC in Washington, D.C. Additionally, messages transmitted by common carrier stations may only be rebroadcast upon the permission of the originator of the message as well as the station licensee. FCC authority may be requested informally by telephone, to be followed with a written confirmation accompanied by the written consent of the station licensee of the originating station and the message originator of a common carrier station if transmission is rebroadcast.

(2) Except as provided for in paragraph (d) of this section, messages originated entirely by non-broadcast stations owned and operated by the Federal Government may be broadcast upon obtaining prior permission from the government agency originating the messages. Written notification must be sent to the FCC in Washington, D.C. within one week after such retransmission confirming that prior authorization for the transmissions had been obtained.

* * * * *

28. New § 73.1668 is added to Subpart H to read as follows:

§ 73.1668 Type approval of modulation monitors.

(a) A manufacturer desiring to obtain type approval of a modulation monitor must submit two copies of the full specifications of the monitor with the test data specified in the requirements for the particular type of monitor. (See § 73.50 for AM, § 73.332 for FM, or § 73.694 for TV monitors.) If this information appears to meet the requirements for type approval, the FCC will advise the manufacturer and request that a monitor be shipped to the Laboratory at Gilford, Maryland. Type approval of the monitor will be given only on the basis of data obtained by the FCC in testing the sample monitor supplied by the manufacturer.

(b) In approving the monitor upon the basis of tests conducted by the Laboratory, the FCC merely recognizes that type monitor has the inherent capability of functioning in compliance with the rules if properly constructed, maintained, and operated.

(c) All charges for shipping the sample monitor to and from the FCC Laboratory must be paid for by the manufacturer.

(d) Additional information concerning modification of type approved equipment, withdrawal of type approval, and limitations on findings upon which type approval is based are contained in Part 2, Subpart J of the FCC rules.

29. In § 73.1675, paragraph (a) is amended to read as follows:

§ 73.1675 Auxiliary antennas.

(a) An auxiliary antenna is one that is permanently installed and available for use when the main antenna is out of service for repairs or replacement. An auxiliary antenna may be located at the same transmitter site as the station's main antenna or at a separate site. In either case, however, the coverage area when operating with the auxiliary antenna may not extend beyond the coverage area of the main antenna. An application for an auxiliary antenna authorization filed under the procedures given in paragraphs (b) or (c) of this section must contain a map showing the following contours for both the main and auxiliary antenna radiation:

(1) *AM stations:* The 0.5 mv/m field strength contours.

(2) *FM stations:* The 1.0 mv/m field strength contours.

(3) *TV stations:* The Grade B coverage contours.

* * * * *

30. Section 73.1940, paragraph (d) is corrected to read as follows:

§ 73.1940 Broadcasts by candidates for public office.

* * * * *

(d) *Records, inspection.* Every licensee shall keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if the request is granted. When free time is provided for use by or on behalf of such candidates, a record of the free time provided shall be placed in the political file. All records required by this paragraph shall be placed in the political file as soon as possible and shall be retained for a period of two years. See § 73.3526 and 73.3527.

* * * * *

31. In § 73.3527, the introduction of paragraph (a) is amended, new paragraph (a)(8) is added and the introduction of paragraph (g) is amended as follows:

§ 73.3527 Local public inspection file of noncommercial educational stations.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the noncommercial educational broadcast services shall maintain for public inspection a file containing the material in (1) through (7) of this paragraph. Every permittee or licensee of a station in the noncommercial educational broadcast services shall maintain for public inspection a file containing the material described in (1) through (8) of this paragraph. The material to be contained in this file is as follows:

* * * * *

(8) The lists of donors supporting specific programs placed in the public file under the provisions of § 73.1810(f)(2) in lieu of showing the donors on the program log.

* * * * *

(g) *Period of retention.* The records specified in paragraph (a)(4) of this Section shall be retained for the periods specified in § 73.1940. The manual specified in paragraph (a)(6) of this Section shall be retained indefinitely. The donor lists specified in paragraph (a)(8) of this Section shall be retained for two years as specified in § 73.1840. The records specified in paragraphs (a)(1), (2), (3), (5), and (7); (b); and (c) of this Section shall be retained as follows:

* * * * *

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

32. In § 74.482, paragraph (d) is corrected to read:

§ 74.482 Station identification.

* * * * *

(d) Automatically activated equipment may be used to transmit station identification in international Morse code, provided that the modulation tone is 750 hertz ±10 hertz, the level of modulation of the identification signal is maintained at 40%±10%, and that the code transmission rate is maintained between 20 and 25 words per minute.

33. In § 74.533, paragraphs (b)(1) is deleted and marked "Reserved", paragraph (b)(4) is amended, and paragraph (b)(5) is deleted in its entirety as follows:

§ 74.533 Remote control and unattended operation.

* * * * *

(b) * * *

(1) [Reserved.]

* * * * *

(4) Whenever an unattended aural broadcast STL or intercity relay station is in operation, appropriate observations must be made at the receiving end of the circuit at intervals not exceeding 24 hours by persons designated by the licensee who will institute measures sufficient to insure prompt correction of any condition of improper operation that is observed. If the aural broadcast STL station is associated with a station operated by remote control, the observations may be made by monitoring the broadcast station's transmitted signal at the remote control or ATS monitoring point.

* * * * *

34. In § 74.582, the introduction of paragraph (a) is amended to read as follows:

§ 74.582 Station identification.

(a) Each aural broadcast STL or intercity relay station, when transmitting program material or information shall transmit station identification at the beginning and end of each period of operation, and hourly, as close to the hour as feasible, at a natural break in program offerings by one of the following means:

* * * * *

35. Section 74.581, including headnote is revised to read as follows:

§ 74.581 Logs and records.

(a) The licensee of aural broadcast STL and intercity relay stations, for each station or system separately licensed, must maintain an operating log in which entries shall be made in accordance with the following:

(1) If the instrument of authorization requires painting and lighting of an antenna structure:

(i) Entries required by § 17.49(a), (b), and (c) of the FCC rules concerning the time the tower lights are turned on and off each day if manually controlled, the time the daily check of proper operation of the tower lights was made if automatic alarm system is not provided, and any observed failure of the lighting system. See § 17.47(a) for daily tower lighting observation or automatic alarm system requirements.

(ii) Entries required by § 17.49(d) of the FCC rules concerning quarterly inspections of the condition of the tower lights and associated control equipment; when adjustments, replacement or repairs are made to insure compliance with the lighting requirements; and when towers are cleaned or repainted as required by § 17.50.

(2) An entry of frequency measurements made pursuant to § 74.562.

(3) An entry when service or maintenance is performed on any transmitter, if such service or maintenance could affect proper operation. The entry shall include a description of the work performed, the date and the signature and license serial number of the operator performing the service or maintenance duties or under whose supervision such duties have been performed.

(4) Entries as specifically requested by the FCC.

(b) Entries in the operating log shall be made by a person having knowledge of the facts entered. That person shall sign and date the log but the licensee is not relieved of its responsibility to maintain complete and accurate logs and records.

(c) Remote pickup broadcast station or system logs and records may be kept at any location convenient to the licensee. The log and records must be readily available for inspection by a duly authorized representative of the FCC upon request. Logs and records must be retained for a period of two years.

36. Section 74.681, including headnote, is revised to read as follows:

§ 74.681 Logs and records.

(a) The licensee of a TV auxiliary broadcast station system shall, for each station or system separately licensed, maintain an operating log in which entries shall be made in accordance with the following:

(1) If the instrument of authorization requires painting and lighting of an antenna structure:

(i) Entries required by § 17.49 (a), (b), and (c) of the FCC rules concerning the time the tower lights are turned on and off each day if manually controlled, the time the daily check of proper operation of the tower lights was made if automatic alarm system is not provided, and any observed failure of the lighting system. See § 17.47(a) for daily tower lighting observation or automatic alarm system requirements.

(ii) Entries required by § 17.49(d) of the FCC rules concerning quarterly inspections of the condition of the tower lights and associated control equipment; when adjustments, replacement or repairs are made to insure compliance with the lighting requirements; and when towers are cleaned or repainted as required by § 17.50.

(2) An entry of frequency measurements made pursuant to § 74.662.

(3) An entry when service or maintenance is performed on any transmitter, if such service or maintenance could affect proper operation. The entry shall include a description of the work performed, the date and the signature and license serial number of the operator performing the service or maintenance duties or under whose supervision such duties have been performed.

(4) Entries as specifically requested by the F.C.C.

(b) Entries in the operating log shall be made by a person having knowledge of the facts entered. That person shall sign and date the log but the licensee is not to be relieved of its responsibility to maintain complete and accurate logs and records.

(c) TV auxiliary broadcast station or system logs and records may be kept at any location convenient to the licensee. The log and records must be readily available for inspection by a duly authorized representative of the FCC upon request. Logs and records must be retained for a period of two years.

37. In § 74.751, the headnote and paragraphs (b)(1) and (c) are amended to read as follows:

§ 74.751 Modification of transmission systems.

* * * * *

(b) * * *

(1) Replacement of the transmitter as a whole, except replacement with a transmitter of identical power rating which has been type accepted by the FCC for use by TV translator stations, or any change which could result in the electrical characteristics or performance of the station. Upon the installation or modification of transmitting equipment for which prior FCC authority is not required under the provisions of this paragraph, the licensee shall place in the station records a certification that the new installation complies in all respects

with the technical requirements of this Part and the terms of the station authorization.

* * * * *

(c) Any change in the location of the transmission system, except a move within the same building or upon the same antenna supporting structure must be reported to the FCC in Washington, D.C., and the Engineer in Charge of the radio district in which the transmitter is located within 30 days after the move.

38. Section 74.951, including headnote is revised to read as follows:

§ 74.951 Modification of transmission systems.

Formal application on FCC Form 330–P is required for any of the following changes or modifications of the transmission system:

(a) Replacement of the transmitter as a whole, except replacement with a transmitter of identical power rating which has been type accepted by the FCC for use by instructional TV fixed stations, or any change which could result in a change in the electrical characteristics or performance of the station. Upon the installation or modification of the transmitting equipment for which prior FCC authority is not required under the provisions of this paragraph, the licensee shall place in the station records a certification that the new installation complies in all respects with the technical requirements of this part and the terms of the station authorization.

(b) Any change in the antenna system affecting the direction of radiation, directive radiation pattern, antenna gain, or radiated power.

(c) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of the FCC Rules.

(d) Any change in the transmitter control system.

(e) Any change in the location of the transmission system except a move within the same building or upon the same antenna supporting structure.

(f) A change in frequency assignment.

(g) A change in the operating power.

39. In § 74.970, paragraph (b) is amended to read as follows:

§ 74.970 Modulation limits.

* * * * *

(b) *Aural transmitter.* The maximum frequency deviation of the aural carrier shall not be permitted to exceed ±25 kHz on peaks of frequent occurrence during any transmission. This defined as 100% modulation.

40. In § 74.1251, the headnote and paragraph (b)(1) are amended, and paragraph (c) is deleted as follows:

§ 74.1251 Modification of transmission systems.

* * * * *

(b) * * *

(1) Replacement of the transmitter as a whole, except replacement with a transmitter of identical power rating which has been type accepted by the FCC for use by FM translator or FM booster stations, or any change which could result in the electrical characteristics or performance of the station. Upon the installation or modification of the transmitting equipment for which prior FCC authority is not required under the provisions of this paragraph, the licensee shall place in the station records a certification that the new installation complies in all respects with the technical requirements of this part and the terms of the station authorization.

* * * * *

(c) [Deleted]

[FR Doc. 80–11527 Filed 4–16–80; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. No. 1–153]

Organization and Delegation of Powers; Miscellaneous Delegation of Powers and Duties

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: Several amendments to the Department's Organization Manual have been made to cover changes in office duties relating to conducting labor-management relations. The Research and Special Programs Administrator has been delegated the authority to approve labor agreements negotiated within the Research and Special Programs Administration (RSPA). The Assistant Secretary for Administration has been delegated the authority to make certain determinations for the Department concerning the negotiability of proposed contract terms arising under the Civil Service Reform Act of 1978. Changes to the Part 1 of the regulations of the Office of the Secretary are necessary to reflect these amendments and to keep the Part up-to-date.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Jack S. Lusk, Office of the General Counsel, Office of the Secretary, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426–4723.

SUPPLEMENTAL INFORMATION: Since this amendment relates to departmental internal management procedures and practices, it is excepted from notice in public procedure requirements and it may be made effective in fewer than 30 days after publication in the **Federal Register.**

Discussion of Delegation

Currently, the Assistant Secretary for Administration has the authority to approve labor agreements negotiated within the Research and Special Programs Administration, including those for the Transportation Systems Center in Cambridge, Massachusetts. Previously, delegations granting authority to make labor agreements were made to the heads of the other administrations of the Department under section 1.45(a)(1) of the organizational manual. The elimination of the current delegation to the Assistant Secretary for Administration will place the RSPA Administrator in a position consistent with the heads of the other administrations.

Determinations concerning negotiability on proposed contract terms arising under section 7117 of Title VII of the Civil Service Reform Act of 1978 (CSRA) were previously made by the Deputy Secretary. They will now be made by the Assistant Secretary for Administration, or his delegatee. This action will enable the Department to effectively implement the new procedures of the Federal Labor Relations Authority, mandated by the CSRA, that drastically reduce the time for the agency determinations.

Accordingly, Part 1 of Title 49 of the Code of Federal Regulations is amended by (1) deleting the current § 1.59(b)(8) and (2) by adding a new paragraph (b)(8) to § 1.59, to read as follows:

§ 1.59 Delegations to the Assistant Secretary for Administration.

* * * * *

(b) * * *

(8) issue final interpretations for the Department and its administrations on matters arising under section 7117 of Title VII of the Civil Service Reform Act of 1978.

* * * * *

(Section 9(e)(1), Department of Transportation Act (49 U.S.C. 1657 (e)))

Issued in Washington, D.C. on April 7, 1980.

Neil Goldschmidt,

Secretary of Transportation.

[FR Doc. 80-11692 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-62-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1100

Persons Not Attorneys-at-Law—Qualifications and Requirements for Practice Before the Commission; Interpretation

AGENCY: Interstate Commerce Commission.

ACTION: Interpretation.

SUMMARY: This Notice clarifies and explains Parts 1100.9 to 1100.11, Title 49 of the CFR, General Rules of Practice, applicable to persons not attorneys-at-law—qualifications and requirements for practice before the Commission.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: James H. Bayne, Assistant Secretary (202) 275-7646.

SUPPLEMENTARY INFORMATION: In view of anticipated increased interest in the Commission's non-attorney practitioners' program, generated by ease of entry into the regulated motor carrier industry, we consider it appropriate to issue the following Notice explaining and clarifying the referenced regulations. Additional rulemaking is not considered necessary, since the basic requirements of this program are codified.

Notice.—Persons Not Attorneys-at-Law—Qualifications and Requirements for Practice Before the Commission

I. General

Any citizen or resident of the United States, not an attorney-at-law, who files an application for admission to practice; is found to be of good character; successfully completes the practitioners' examination; shows that he/she possesses the necessary legal and technical qualifications to render valuable service before the Commission; and is competent to advise and assist in the presentation of matters before the Commission, may be permitted to practice before the Commission.

Any individual may represent oneself and any member of a partnership, which is a party to any proceeding, may appear for such partnership upon adequate identification. A bona fide officer or a full-time employee of a corporation, association or of an individual may appear for such corporation, association, or individual by permission of the officer presiding at the hearing, even though they have not been certified as an ICC Practitioner.

II. Qualification Standard

A non-attorney applicant for admission to practice must have completed two years of post secondary education at an institution recognized by the United States Office of Education and must possess technical education, training or experience which is regarded by the Commission as the equivalent to two additional years of college education. (The Commission may require an applicant's supervisor to provide a detailed statement of the nature and extent of the knowledge of his/her qualifications.) On meeting these standards, the applicant must pass an examination sufficiently comprehensive to test the applicant's experience in the field of transportation and knowledge of the principles of regulation, the laws governing it, the economic principles underlying it, the Commission's general rules of practice and its Canons of Ethics.

The phrase "a minimum of two years of college" means the receipt of 60 semester credits or 90 term or quarter hours for the successful completion of courses of study whether taken in residence or not and applicable toward a bachelor's degree at an accredited university or college.

Applicant's statement of college education must be supported by a transcript of record attached to the original of the application. Transcripts from any college accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education, will be accepted without question. In all other instances, the burden of proof is on the applicant to establish that his/her formal education satisfies the standard set forth above.

III. Application for Admission

An application for admission to practice shall be: (1) Filed under oath, (2) completed in full on the form provided by the Commission, and (3) addressed to the Secretary of the Commission, Washington, D.C. 20423.

Each application filed must be accompanied by a non-refundable fee of $50.00. Payment may be made in cash, by check or money order, payable to the Interstate Commerce Commission. (The Commission will not be responsible for the loss of cash remittances.)

Applications will not be accepted from applicants who are unsuccessful in three attempts to pass the examination, or who have postponed taking the examination two times, without good cause.

Applications will not be considered as filed until they are complete in all respects and ready for processing.

IV. Additional Certification

When an application meets the required standard, a copy will be referred to a Regional Committee of the Association of Interstate Commerce Commission Practitioners for a report to the Commission as to the general standing of the applicant. Inquiry also will be made of the sponsors as to their knowledge of the applicant's legal and technical qualifications as contemplated by the Commission's General Rules of Practice. If the applicant's standing is found to be good, then he/she will be considered eligible to take the examination.

The Commission may require an applicant's sponsors to provide a detailed statement of the nature and extent of their knowledge of his/her qualifications. If the Commission is not satisfied as to the adequacy of applicant's qualifications, he/she will be notified by registered mail. The applicant may request a hearing to prove his/her qualifications. In the absence of a request for hearing within 20 days from receipt of such notice, the application shall be considered as withdrawn.

V. Examination

Examinations are conducted twice a year—on the second Tuesday in February and July of each year. Applications may be filed at any time. Those filed from December 1 to April 30,[1] both inclusive, will be considered for the July examination. Applications filed from May 1 to November 30, both inclusive, will be considered for the February examination.

Examinations will ordinarily be conducted in selected cities where Commission offices are located. Notice of time and place to appear for examination will be mailed to qualifying applicants approximately thirty days prior to the date of the examination.

Results will be released within 90 days after the examination. (See footnote 1.) Individual results will be forwarded to the applicants at least one week before being publically released. Telephone inquiries regarding

[1] Every attempt will be made to notify unsuccessful February applicants in time to meet the April 30 filing deadline for the July examination. However, in the event this is not possible, those applicants wishing to reapply will be given an additional 30 days (until May 31) in which to submit their applications.

examination results are strongly discouraged.

VI. Failure To Appear for Examination

Except for good cause shown (submitted in writing to the Secretary), if an applicant fails to appear at the time and place indicated by the Commission to take the practitioners' examination, the application shall be considered withdrawn.

VII. Applicant's Oath

No applicant shall be admitted to practice before the Commission until he/she shall have subscribed to an oath affirmation that he/she will deport himself/herself as a practitioner before the Commission, uprightly, and according to law; support the Constitution of the United States and laws of the United States and conform to the rules and regulations of the Commission.

VIII. Initial Appearances

Practitioners shall file a declaration that they are authorized to represent the particular party in whose behalf they propose to act at the time of making an initial appearance in any proceeding. This requirement will be met by the practitioner entering his/her name as the representative of an applicant in the appropriate space on an application form; by signing any complaint, petition, protest, reply, or other pleading with a designation following the practitioners' signature that he/she is the representative of a party therein named; by entering an appearance on the form provided at any hearing; or by filing a letter with the Secretary of the Commission stating that he/she is authorized to represent a party, whose name and address is given in a particular proceeding which shall be identified. For additional information on appearances, see Rule 69, of the Commission's general rules of practice.

IX. Suspension or Other Disciplinary Action

When it is shown to the Commission that any member of its bar has violated any of the Commission's rules, including the code of ethics, or has engaged in other conduct unbecoming a member of the bar of the Commission, he/she will be subject to suspension, disbarment, or other disciplinary action by the Commission. The member shall be afforded an opportunity to show good cause, within such time as the Commission shall prescribe, why he/she should not be suspended, disbarred or otherwise disciplined. Upon response to the order to show cause, and after hearing, if requested, or upon failure to respond within the time prescribed for a response, the Commission shall issue an appropriate order.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11686 Filed 4-16-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 76
Thursday, April 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

[Docket No. PRM-2-10]

Citizens Advisory Board of the Metropolitan Area Planning Agency; Filing of Petition for Rulemaking

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Publication of Petition for Rulemaking from the Citizens Advisory Board of the Omaha, Nebraska-Council Bluffs, Iowa Metropolitan Area Planning Agency.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment a petition for rulemaking filed before the Commission on March 13, 1980, by Alan H. Kirshen, Esquire, on behalf of the Citizens Advisory Board of the Metropolitan Area Planning Agency, an official advisory board in the Omaha, Nebraska-Council Bluffs, Iowa area. This petition, which has been assigned Docket No. PRM-2-10, requests that the Commission amend 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings," to require an informal public hearing in every instance of issuance, amendment, modification, suspension or revocation of a facility operating license. The petition also requests specific amendments to Part 2 designed, in petitioner's view, to permit interested persons to request a formal hearing without being required to intervene, to participate in a limited manner in all aspects of such proceedings, and to observe all aspects of a proceeding by scheduling the proceeding at a place reasonably proximate to the facility in question. The petitioner proposes significant amendments to 10 CFR 2.105, 2.714, 2.715, and 2.751, and conforming changes to 10 CFR 2.750 and 2.757.

DATE: Comment period expires June 16, 1980.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301:492-7211.

SUPPLEMENTARY INFORMATION: I. Under existing Commissin regulations, specified proposed licensing actions must be pre-noticed by publication in the **Federal Register** before a license can issue. 10 CFR 2.105, "Notice of Proposed Action," lists the types of actions requiring pre-notice. It permits the license applicants to request a hearing and any person whose interest may be affected by the proceeding to file a petition for leave to intervene. If a timely hearing request or petition for leave to intervene is not filed, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, will issue the license.

The petitioner requests the Commission to amend 10 CFR 2.105 to require proposed licensing actions to be pre-noticed if a hearing is requested by five or more persons. In addition, the petitioner requests that § 2.105 be amended to permit any five persons whose interest may be affected by the proceeding to file a "Request for a Formal Hearing." If a timely request for a formal hearing is not filed, the petitioner requests that the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, be required to publish a "Notice of Informal Public Hearing" in one or more newspapers of general circulation reasonably proximate to the site which describes the proposed action and specifies the time, date and place of the informal hearing. The amendment requested by the petitioner would also specify how the informal public hearing should be conducted and reported. Conforming changes of a technical nature to 10 CFR 2.750, "Official reporter; transcript" and 2.757, "Authority of presiding officer to regulate procedure in a hearing" are also proposed.

II. The petitioner also proposes to permit interested persons to request a formal hearing without being required to intervene as a party (which they now must do under the Commission's existing regulations) by amending 10 CFR 2.714, "Intervention." The principal changes which the petitioner proposes to make are as follows:

(a) Add the following sentence to 2.714(a)(2):

> A request for formal hearing shall set forth generally the interest of the requestor in a formal hearing, the reasons why an informal hearing is insufficient in the premises; the specific aspect or aspects of the subject matter of the proceedings as to which a formal hearing is sought; and, if no petition for leave to intervene has been filed, the reasons why a formal hearing should be held in the absence of any petition for leave to intervene.

(b) Add the following item (4) to 2.714(e):

> (4) Avoiding evidence and argument not related to the specific aspect or aspects of the subject matter of the proceeding for which a formal hearing has been sought or as to which a petition for leave to intervene has been directed. In the absence of any intervenors, a formal hearing should proceed in accordance with § 2.715, of this Title.

III. The petitioner urges the Commission to amend 10 CFR 2.715, "Participation by a person not a party" in a manner which in its view would permit all interested persons to participate in a limited manner in all aspects of a proceeding. In general, amended 2.715 would: (a) permit persons making limited appearance statements to "otherwise participate in the proceedings within such limits and on such conditions as may be fixed by the presiding officer;" (b) require the Secretary to provide notice of all hearings, pretrial conferences, special pretrial conferences, oral arguments and any informal proceedings to persons requesting such notice; (c) include memoranda of forthcoming meetings between the Commission staff and representatives of the licensee, and the minutes of such meetings, in the record

of the proceeding; and (d) require the Secretary or other NRC personnel to furnish copies of all pleadings and papers of record to any person requesting such documents.

IV. Finally, petitioner proposes that 10 CFR 2.751 "Hearings to be Public" be amended. Section 2.751 now reads as follows:

> Except as may be requested pursuant to Section 181 of the Act, all hearings will be public unless otherwise ordered by the Commission.

The petitioner requests that this section be revised to read as follows:

> Except as may be required by the Act, all informal hearings, formal hearings, pretrial conferences, special pretrial conferences, oral arguments, and all informal proceedings, including meetings between Commission staff and representatives of the licensee and/or representatives of consultants and/or vendors for the licensee shall be public. All hearings shall be held at a site and time reasonably calculated to make same reasonably accessible to the majority of persons potentially affected by the action proposed, which should normally be proximate to the facility concerned. All pretrial conferences, special pretrial conferences, and informal proceedings shall, upon the request of any interested party, similarly be held at a site and time reasonably calculated to make some [*sic*] reasonably accessible to the majority of persons potentially affected by the action proposed. Notice of such proceedings shall be disseminated sufficiently in advance of same as to allow time for such a request to be made, and such proceedings rescheduled if required.

The petitioner states that this revised provision is intended to permit interested persons to be fully informed of and have access to all aspects of licensing proceedings.

Dated at Washington, D.C., this 11th day of April, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-11601 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

---

10 CFR Part 20

Environmental Radiation Protection Standards for Nuclear Power Operation

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC or Commission) is considering amending its regulations to incorporate the existing requirement for certain uranium fuel cycle licensees to comply with the Environmental Protection Agency's "Environmental Radiation Protection Standards for Nuclear Power Operators" (40 CFR Part 190), which require certain uranium fuel cycle facilities to be oprated such that release of radioactive materials and resulting radiation doses to the public are below specified limits. The proposed amendment would also require licensees to submit reports to NRC when those standards have been or may be exceeded.

DATES: Comment period expires June 16, 1980.

ADDRESSES: Interested persons are invited to submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Hickey, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone: 301-443-5966).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission proposes to amend its regulations in 10 CFR Part 20, "Standards for Protection Against Radiation," to incorporate the existing requirement for compliance with 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations." The Environmental Protection Agency (EPA) published 40 CFR Part 190 on January 13, 1977 (42 FR 2858). In accordance with a Memorandum of Understanding between EPA and the former Atomic Energy Commission (38 FR 24936, September 11, 1973), NRC is responsible for enforcing the provisions of 40 CFR Part 190 for NRC licensees.

Provisions of 40 CFR Part 190—40 CFR Part 190 requires certain uranium fuel cycle facilities to be operated such that releases of radioactive material and resulting radiation doses to the public are below specified limits. The effective dates for compliance are December 1, 1979, for most operations; December 1, 1980, for uranium mills; and January 1, 1983, for discharges of krypton-85 and iodine-129. Variances may be granted by NRC under certain circumstances.

Proposed Amendments—The proposed amendments state that NRC licensees must comply with 40 CFR 190, and would require licensees to submit reports to NRC when 40 CFR 190 limits have been or may be violated. Comments are particularly rquested on the proposed reporting requirements.

Implementation—The NRC staff is already implementing 40 CFR Part 190 in accordance with the Memorandum of Understanding mentioned above. Existing licenses, except uranium mill licenses, are being amended to include radioactive release limits, dose limits, and other requirements associated with compliance with 40 CFR Part 190. (Final procedures for uranium mills are still under development; 40 CFR 190 is not effective for uranium mills until December 1980.) Environmental Reports already required to be submitted with new applications in accordance with 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for environmental protection," will be required to include information relative to compliance with 40 CFR Part 190. Section 51.20(c) of 10 CFR Part 51 already requires Environmental Reports to include a discussion of the status of the facility's compliance with applicable environmental quality standards imposed by Federal agencies. The NRC staff will provide guidance to applicants, licensees, and others as appropriate on various aspects of compliance with 40 CFR Part 190.

Impact of the Proposed Regulations—Compliance with 40 CFR Part 190 is an existing EPA requirement and the NRC staff is already working to assure that its licensees will comply. The proposed regulations would incorporate the existing requriement into NRC regulations and add a new reporting requirement. Since the Environmental Protection Agency has already issued an environmental statement assessing the impact of 40 CFR Part 190 (EPA 520/4-76-016, November 1976), the Commission has concluded that any impacts associated with the proposed rules themselves will be insignificant, and an additional environmental impact statement is not required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed rules should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by June 16, 1980.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. A new paragraph (c) is added to § 20.105 to read as follows:

§ 20.105 Permissible levels of radiation in unrestricted areas.

* * * * *

(c) In addition to other requirements of this part, licensees engaged in uranium fuel cycle operations subject to the provisions of 40 CFR Part 190, "Environmental radiation Protection Standards for Nuclear Power Operations," shall comply with that part.

2. Paragraph (f) of § 20.106 is amended, and a new paragraph (g) is added, to read as follows:

§ 20.106 Radioactivity in effluents to unrestricted areas.

* * * * *

(f) The provisions of paragraphs (a) through (e) of this section do not apply to disposal of radioactive material into sanitary sewerage systems, which is governed by § 20.303.

(g) In addition to other requirements of this part, licensees engaged in uranium fuel cycle operations subject to the provisions of 40 CFR Part 190, "Environmental radiation Protection Standards for Nuclear Power Operations," shall comply with that part.

3. Paragraph (b) of § 20.405 is amended, and a new paragraph (c) is added, to read as follows:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

* * * * *

(b) Any report filed with the Commission pursuant to paragraph (a) of this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's exposure. The report shall be prepared so that this information is stated in a separate part of the report.

(c) In addition to any notification required by § 20.403, each licensee shall make a report in writing within 30 days to the appropriate NRC Regional Office listed in Appendix D, with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of levels of radiation or releases of radioactive material in excess of limits specified by 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations," or in excess of license conditions related to compliance with 40 CFR Part 190. Each report required under this paragraph shall describe the extent of exposure of individuals to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels or concentrations; and corrective steps taken or planned to assure against a recurrence.

* * * * *

(Section 161b. and i., Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413, (42 U.S.C. 5841); Memorandum of Understanding between the Environmental Protection Agency and the Atomic Energy Commission, August 1973, 38 FR 24936, September 11, 1973)

Dated at Washington, D.C., this 11th day of April, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-11943 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Classification of Loans; Proposed Rulemaking—Deregulation

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the requirements in § 701.21-1(d) of the National Credit Union Administration (NCUA) Rules and Regulations in order to give the board of directors of a Federal credit union considerably more flexibility in establishing classifications of loans. Within a given classification of loans, the same rate of interest must be charged on all loans. The parties requesting the change have demonstrated that the present requirements of § 701.21-1(d) may be adding to the cost of Federal credit union operations, and may be unnecessarily limiting the ability of the board of directors in the management of their loan portfolio. Additionally, it has been demonstrated that the present rule limits the ability of the board of directors to pass certain cost savings on to borrowers.

DATES: Comments must be received by June 16, 1980.

ADDRESS: Send comments to Robert S. Monheit, Senior Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC, 20456.

FOR FURTHER INFORMATION CONTACT: Thomas C. Buckman, Office of Examination and Insurance. Telephone: (202) 357-1065.

SUPPLEMENTAL INFORMATION: For 43 years prior to the promulgation of lending regulations in 1977, the board of directors of a Federal credit union had the authority to establish interest rates within the usury limits of the Federal Credit Union Act (12 U.S.C. 1751, *et seq.*: hereafter "the Act") without regulatory restrictions. The Act clearly establishes the board of director's authority to establish interest rates in the following section:

Section 113 "The board of directors shall, * * * subject to the limitations of this chapter, *determine the interest rates* on loans, the security, and the maximum amount which may be loaned or provided in lines of credit;" (emphasis added)

However, the authority of the board of directors was limited by the promulgation of § 701.21-1(c) of the NCUA Rules and Regulations in 1977. (Secion 701.21-1(c) was redesignated § 701.21-1(d) with the promulgation of the final rule, Loan Interest Rates on March 31, 1980. It should be noted that the final rule, Loan Interest Rates, did not change any of the requirements specified in the former § 701.21-1(c), it merely redesignated the § 701.21-1(d).) Section 701.21-1(d) reads as follows:

"Rates of interest charged on loans (including line of credit balances) may vary according to reasonable classification established by the board of directors. Distinctions among classifications shall be based only upon one or more of the following:

Type of line credit or loan plan,

Purpose of the loan, and

Type or value of security in relation to the amount of the loan.

Within a given classification, the same rate of interest must be applied uniformly to all member borrowers."

NCUA's current regulations thus impose three requirements in connection with varying interest rates on loans. First, loan classifications must be established. Second, such loan classifications must be based on only the three specific factors. Third, within any classification, the interest rate must be the same.

Problems Noted

The following problems related to the restrictions in § 701.21-1(d) of the NCUA Rules and Regulations were noted during the regulatory review:

(a) *Real Estate Loans.*—A Federal credit union which has a large field of membership and is granting real estate loans to members located in different areas of the United States is presently required to establish one interest rate for all conventional real estate loans. Since there is a large differential in the interest rates charged in different areas of the United States, the requirements of § 701.21-1(d) may limit service to members as well as result in real operating losses to a Federal credit union if the loans are sold in the secondary market.

Because of the necessity to depend on the secondary market to adequately serve members, because of the regional variations in pricing various types of loans and because of the sensitivity of homebuyers to mortgage interest rates (due to the large amounts of money involved), nationwide rates on individual loan classifications do not appear to be economically feasible.

(b) *Establishment of Interest Rates Based Upon the Amount of the Loan.* Under the existing regulation a board of directors may not establish interest rates based upon a class of loans indentified as the "amount of the loan extended". Current practices in other financial institutions offering credit cards include charging interest at one rate for balances not exceeding a specific amount, and charging another rate for all portions of loan balances exceeding the specified amount e.g. 18% for less than $500; 12% for greater than $500. (On the share side of the balance sheet, the Administration has recognized the market practice of other financial institutions in splitting interest rates which are based upon a minimum balance being maintained in a deposit account (split dividend rates on share accounts).)

(c) *Establishment of Interest Rates Based upon the Maturity of the Loan.* The current regulation does not clearly authorize a board of directors to establish rates based only upon the maturity of the loan. Matching loan maturities/interest rates to corresponding share certificate maturities/dividend rates, or vice versa, is advocated as a prudent portfolio management technique. In view of the current unstable money market conditions, which have such a significant impact upon the operations of a Federal credit union, consideration of a policy which permits the maturity of a loan to be a determinant of interest rate appears to be desirable.

(d) *Establishment of Interest Rates Based upon Method of Repayment.* The regulation currently prohibits using the *method of loan* repayment as the basis for classifying loans which qualify for a separate interest rate. Such repayment methods might include direct deposit or payroll deduction plans.

Directly impacting this question are the provisions of Pub. L. 95–630, Title IX—Electronic Funds Transfers. Section 913, *Compulsory use of electronic transfers,* of Title IX states:

"No person may—
(1) Condition the extension of credit to a consumer on such consumer's repayment by means of preauthorized electronic fund transfers; * * *"

While the legislative history concerning this section supports the prohibition against conditioning credit upon use of EFT methods of repayment, it clearly states that *a creditor could offer a lower interest rate to consumers who repay by EFT* assuming this is not prohibited by any other law. It further states that this lower rate must reflect the cost savings of EFT to the creditor, and can not be set artificially so as to induce EFT repayment. The provisions of § 701.21–1(d) presently do not allow a Federal credit union to pass EFT cost savings on to its members.

Results of the Regulatory Review

The results of the regulatory review lead the Administration to believe that the present restrictions in § 701.21–1(d) are an impediment to the flexible lending authority that Congress intended to give Federal credit unions. Additionally, the restrictions may be adding to the cost of credit. Therefore, in order to give the board of directors of a Federal credit union additional ability to manage the loan portfolio and in some instances reduce the cost of a Federal credit union's operations, the Administration proposes to amend § 701.21–1(d) of the rules and regulations.

Analysis of Proposed Change

The problems cited in the regulatory review were caused by the fact that the board of directors of a Federal credit union is limited to just three regulated classifications of loans within which the interest rate could vary. The proposed rule would eliminate the problems noted during the regulatory review and should give the board of directors of a Federal credit union, the flexibility to handle other problems in this area which have not been brought to the Administration's attention. The proposed rule retains the requirements that the board of directors establish written lending policies which state the rate of interest that is to be applied to each classification of loans. However, the proposed rule gives the board of directors the flexibility to establish several different categories of loans (each of which could have different interest rates) providing that the different classifications are based upon sound and legitimate business practices. The Administration would like to emphasize that the board of directors could *not* establish interest rates in any manner which would violate the Equal Credit Opportunity Act, the Fair Housing Law or § 701.31 of NCUA Rules and Regulations—Nondiscrimination Requirements. Additionally, § 701.21–4 of the NCUA Rules and Regulations prohibits the board of directors from establishing lending policies which give the board of directors, credit committee or supervisory committee preferential interest rates.

In applying this proposed rule, it is important to keep in mind that it is not intended that the board of directors establish interest rates on a loan by loan basis. Rather, it is the proper function of the board to establish interest rate policies that apply uniformly to all members who are approved for loans within a given classification. The proper function of the credit committee is to approve or disapprove loans to members who request loans in the various classifications. The credit committee has no authority to establish interest rates.

The Administration recognizes that a multitude of factors such as competition, cost of funds, risk, social policy, etc., constitute sound and legitimate business practices for Federal credit unions in establishing loan classifications. Therefore, to clarify what constitutes acceptable lending policies based upon sound and legitimate business practices, the Administration has included in the Proposed Regulation, illustrative examples of lending policies that we believe achieve a sound and legitimate business practice based upon the characteristics of the loan and not the characteristics of the borrower.

Section 701.24(b) of the NCUA Rules and Regulations (Refund of Interest) would be amended to state that interest refunds may vary according to the classifications of loans established by the board of directors pursuant to § 701.21–1(d).

Comments Solicited

As stated, the proposed rule would permit the board of directors to set different interest rates for different classifications of loans provided that the classifications achieve a sound and legitimate business practice based upon the characteristics of the loan and not the characteristics of the borrower. The Administration requests comments on this approach. Specifically the Administration would like Federal credit unions commenting on the regulation (1) to give examples, in addition to those set out, of the loan classes that might be established if the proposed regulation should be adopted and (2) to give examples, where possible, of loan classes that might be desirable but which might be prohibited if the proposed rule should be adopted. To do this, Federal credit union commenters may discuss those characteristics which are believed to be characteristics of the loan and those

which are believed to be characteristics of the borrower.

Rosemary Brady,

Secretary of the Board.

(Sec. 107, 91 Stat. 49 (12 U.S.C. 1757); sec. 120, 73 Stat. 635 (12 U.S.C. 1766); and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789))

12 CFR 701.21–1 and 701.24 are proposed to be amended as follows:

§ 701.21–1 [Amended]

(a) Section 701.21–1(d) is to be amended to read as follows:

* * * * *

(d) Interest rates charged on loans (including line of credit balances) may vary according to reasonable classifications established by the board of directors. Distinctions among classifications should be based upon factors that achieve a sound and legitimate business practice. Generally, factors which constitute a sound and legitimate business practice are those which are based on characteristics of the loan, and which are not based on a characteristic of the borrower or group of borrowers. Examples of lending policies based upon factors that achieve sound and legitimate business practices are given in paragraph (e) of this section.

* * * * *

(b) Section 701.21–1(e) is added to read as follows:

* * * * *

(e) Illustrative Lending Policies:

(1) *Real Estate Loans.* A Federal credit union with a large field of membership is granting real estate loans to members located in different areas of the United States. The board of directors could establish a policy to achieve competitive interest rates with local real estate markets. Example policy: Conventional long-term real estate loans originated in City A will be X% and at Y% in City B.

(2) *Amount of the Loan.* The board of directors desires to establish interest rates based on the amount of the loan. Example policy: All unsecured loans with balances not exceeding a specified amount will be at X% and all unsecured loans exceeding the specified amount will be at Y%. A Federal credit union is offering credit cards to its membership. The board of directors could establish a policy to have a split rate. Example policy: All credit card balances not exceeding a specific amount will be at X% and all portions of loan balances exceeding a specific amount will be at Y%.

(3) *Maturity of the Loan.* A board of directors desires to match loan maturities/interest rates to corresponding share certificate maturities/dividend rates. The board of directors could establish the following policy. Example policy: All loans with maturities not exceeding 6 months will be at X% and all loans with maturities exceeding 6 months will be at Y%.

(4) *Method of Repayment.* A board of directors of a Federal credit union which has documented cost evidence of an administrative savings for loans repaid via payroll deduction, direct deposit, or transfer from a share account may establish a policy to pass this savings on to the borrowers. Example policy: All loans repaid via voluntary payroll deduction will be at X% and all loans repaid by other means will be at Y%.[1]

(5) *Sound Social Policy (Cooperative spirit).* A board of directors could establish a policy to promote energy conservation. Example policy: All loans secured by automobiles which have an E.P.A. estimated miles per gallon rating of 25 or more will be at X% and other loans secured by automobiles will be at Y%.

* * * * *

(c) Sections 701.21–1(e) and 701.21–1(f) are proposed to be redesignated as §§ 701.21–1(f) and 701.21–1(g) respectively;

§ 701.24 [Amended]

(d) Section 701.24(b) is proposed to be amended by deleting the second and third sentences and adding in lieu thereof, "Such percentage may vary according to the classifications of loans established pursuant to 12 CFR 701.21–1(d)."

[FR Doc. 80–11674 Filed 4–16–80; 8:45 am]

BILLING CODE 7535–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80–NW–21–AD]

Airworthiness Directives; Boeing Model 707/720/727/737/747 Series Airplanes With Certain Hydraulic Components Repaired or Parts Produced by Fortner Engineering & Manufacturing, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would require the removal of certain hydraulic components that have been repaired or of parts produced by Fortner Engineering and Manufacturing, Inc., of Glendale, California, hereinafter referred to as Fortner, and installed in Boeing 707/720/727/737/747 aircraft.

Investigation to date reveals that these components were repaired under questionable quality control practices and that none were repaired in accordance with FAA-approved data. They, therefore, are of undetermined airworthiness status.

DATES: Comments must be received on or before June 15, 1980.

ADDRESSES: Send comments on the proposed rule in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80–NW–21–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Mark I. Quam, Systems and Equipment Section, ANW–213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2500.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specific above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest

[1] Federal credit unions are advised that assessing a lower interest rate on those loans where the borrower repays through payroll deduction constitutes required payroll deduction for purposes of the Truth in Lending Act and Regulation Z. As such, required payroll deduction affects the permissibility of the use of certain payroll deduction plans in open end credit and affects the calculation of the APR in connection with closed end credit.

Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-21-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion of the Proposed Rule

Airworthiness Directives (AD) T80NW-4 (telegram) and 80-NW-9-AD were issued by the FAA to require the removal from service of dual concentric servo valves that had been overhauled by Fortner. These valves had been installed to control flight critical surfaces on Boeing 707/720/727/737/747 series airplanes. The AD action stemmed from the results of a PCU assembly final bench test during which an operator discovered that a 737 rudder power control unit (PCU) controlled by one of these servos exhibited reverse control.

FAA investigation has revealed that Fortner has repaired approximately 15,000 hydraulic lap assemblies. Of the lap assemblies involved, approximately 125 are Boeing and Boeing-vendor part numbers. Investigation to date reveals that these lap assemblies were repaired under questionable quality control practices and that none were repaired in accordance with FAA-approved data. The Fortner data had not received FAA approval as required for major repairs or major alterations.

This proposed airworthiness directive will require that those hydraulic components not included in the previous ADs be removed from service within one year. The hydraulic components included in this proposal are in a less critical category than those included in the previous actions and, therefore, an extended removal schedule is warranted.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Boeing.—Applies to all Model 707/720/727/737/747 series airplanes that contain the hydraulic components listed below that have been repaired or contain parts produced by Fortner Engineering and Manufacturing, Inc., of Glendale, California under FAA Repair Station Certificate No. 417-5.

To prevent improper operation of aircraft systems containing certain unapproved components which could adversely affect safety, accomplish the following:

A. Within one calendar year from the effective date of this AD, remove from service any of the following components that have been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California. Applies only to components repaired or parts manufactured by Fortner prior to February 15, 1980.

Vendor	Part No.	Nomenclature
	Model 707/720	
Abex	7680091 (75860)	Electro hydralic servo valve lap assembly.
Adel	50745	Mainlanding gear sequencing valve piston and sleeve assembly.
	50746	Main landing gear sequencing valve piston and sleeve assembly.
	57866	Spoiler bypass valve assembly.
Bendix	547602-5, -7	Pressure reducing and relief valve shuttle and sleeve assembly.
Bertea	242000	Flap control valve slide assembly.
Boeing	60-4315	Nose gear lock actuator piston assembly.
	60-4340-1, -2, -3	Flap control valve slide assembly.
	60-4441	Spoiler modular package check valve slide assembly.
	65-89620 and -1, -5	Flap control valve slide assembly.
	69-112216 and -3	Rudder PCU servo valve, parallel yaw damper.
	69-15911-1, -3	Flap control valve slide assembly.
	69-19078	Main landing gear actuator snubbing valve assembly.
	9-61275	Nose gear hydraulic actuator valve assembly.
	9-61713	Main landing gear actuator snubbing valve assembly.
Hydro-Aire	39-09920	Antiskid brake control valve sleeve assembly
Pratt/Whitney	194265	Jet engine bleed actuator valve.
	634531	Jet engine bleed actuator valve (supercedes 194265).
Ronson	1024-2	Antiskid dual brake lap assembly.
Sargent	B2711	Main landing gear brake metering valve sleeve assembly.
	S-3465-1	Landing gear door control valve sleeve assembly.
	S-3562	Gear lock operated shutoff valve sleeve assembly.
	S-6027-1	Landing gear selector valve slide and sleeve assembly.
	B-704	Steering metering valve piston and sleeve assembly.
Sterer	17022	Main cargo door sequence valve piston and sleeve assembly.
	Model 727	
Abex	7680091 (75860)	Electro hydraulic servo valve lap assembly.
Adel	D-61446-3, -13	Nose gear bypass lap assembly.
	D-61706-2	Ventral stair latch valve spool and sleeve assembly.
Bendix	547602-4, -6, -7	Pressure reducing and relief valve shuttle and sleeve assembly.
Bertea	219300-3	Rudder PCU load limiting relief valve lap assembly.
	224000	Flight spoiler actuator control valve.
	242000	Flap control valve slide assembly.
	59112-3	Rudder power control unit servo valve assembly.
	59128-3	Rudder power control valve assembly.
Boeing	60-4340-1, -3	Flap control valve slide assembly.
	65-89620-1, -5	Flap control slide valve assembly.
	69-14215	Standby system selector valve slide assembly.
	69-15911-1, -3	Flap control valve slide assembly.
	69-66800-1	Flap control valve slide assembly.
	9-61275	Nose gear hydraulic actuator valve assembly.
E Systems	401-09105-01	Elevator feel system computer valve lap assembly.
	401-61158-3	Elevator feel system control unit valve.
Hydro-Aire	39-09920	Antiskid valve spool and sleeve assembly.
	84446	Ventral stair valve spool and sleeve assembly.
ITT	106675A	Hydraulic selector valve lap assembly.
	106707A	Hydraulic selector valve spool and sleeve assembly.
Ronson	1061-10	Solenoid operated cartridge valve lap assembly.
	1084-11	Main gear door operated sequence valve lap assembly.
	1085-11, -33	Door lock operated main gear sequence valve lap assembly.
	1087-11	Auxiliary rudder power control unit valve assembly.
	1087-14	Auxiliary rudder power control unit bypass valve assembly.
	1087-21	Auxiliary rudder power control unit shaft assembly.
	1147-11	Solenoid valve lap assembly.
Sargent	1692C33	Slide and sleeve assembly N/A nose gear steering metering valve assembly.

Model 727—Continued

Sargent	1692B50	Slide and sleeve assembly N/A nose gear steering metering valve assembly.
	1692C60	Nose gear steering metering valve swivel assembly (upper).
	1692C61	Nose gear steering metering valve swivel assembly (lower).
	1692C70	Slide and sleeve assembly N/A nose gear steering metering valve assembly.
	1775C4	Hydraulic control valve slide and sleeve assembly—wing leading edge flap control valve assembly.
	B2711	Brake metering valve piston and sleeve assembly.
	S-3562	Gear lock operated shutoff valve sleeve assembly.
	S-6027	Landing gear selector valve sleeve assembly.
Nuclear Valve (Weston)	22866	Flight spoiler actuator slide assembly.
	29547	Flight spoiler actuator slide assembly.

Model 737

Abex	7680091 (75860)	Electro hydraulic servo valve sleeve assembly.
Adel	84120	Asymmetry shutoff valve lap assembly.
Bendix	547602-6	Brake valve feel augment actuator shuttle and sleeve assembly.
Boeing	65-44741-5	Leading edge flap actuator and slat actuator blocking valve assembly.
	66-22743	Flight spoiler power control unit control valve.
	69-35502	Main gear actuator snubbing valve assembly.
	69-35582-1	Trailing edge flap control valve sleeve assembly.
	69-35609-2	Rudder power control unit yaw damper actuator lap assembly.
	69-35636-1	Nose gear hydraulic actuator snubbing valve assembly.
	69-35829-3	Main gear brake metering and auto brake valve slide and sleeve assembly.
	69-39147-1	Feel computer hydraulic control sleeve and piston assembly.
	69-39149-2	Feel computer hydraulic control lap assembly.
	69-50945-1	Feel computer hydraulic control valve assembly.
	69-54531-2	Brake valve feel augment actuator valve slide assembly.
	69-54597-1	Thrust reverser hydraulic control valve slide and sleeve assembly.
	69-54631-1	Flap control valve slide assembly.
Ronson	1061-10	Solenoid operated cartridge valve lap assembly.
	1087-11	Auxiliary rudder PCU control valve assembly.
	1087-14	Auxiliary rudder control PCU bypass valve assembly.
	1087-21	Auxiliary rudder PCU shaft assembly.
	1154-11	Solenoid operated valve lap assembly.
Sargent	1697C3	Valve slide and sleeve assembly—wing leading edge flap control.
	4105 C2	Landing gear selector valve slide assembly.
	4129 C4	Nose wheel steering metering valve piston and sleeve assembly.
	4129 B8	Nose wheel steering metering valve piston and sleeve assembly.
	4129 C17	Nose wheel steering metering valve swivel assembly (upper).
	4129 C27	Nose wheel steering metering valve swivel assembly (lower).
	4163 C4	Leading edge flap control system valve slide and sleeve assembly.

Model 747

Abex	7680091 (75860)	Servo valve spool and sleeve assembly.
Bendix	3170284	Inboard aileron control valve assembly.
Bertea	93710-5003	Outboard elevator control valve assembly.
E Systems	401-09910-02	Stabilizer trim control module control valve assembly.
Hydro-Aire	39-18916	Slide and sleeve assembly (valve assembly—control).
ITT	107933B	Lap assembly (valve assembly—Brake interconnect).
	125053A	Rotor and sleeve (valve assembly—shut-off DC motor operated).
NWL	2363000-1	Rudder control valve assembly.
Parker-Haniffin	2671770	Swivel valve assembly (steering metering nose wheel).
	2671771	Swivel valve assembly (steering metering nose wheel).
	2681723	Spool, sleeve piston and orifice assembly (valve assembly—bypass pressure regulator)/
	2691235	Slide and sleeve assembly (valve assembly—landing gear sequence—door operated).
	2691241	Slide and sleeve assembly (valve assembly—landing gear sequence—door operated).
	2691721	Slide and sleeve assembly (valve assembly—landing gear sequence—door operated).
	2712039	Slide and sleeve assembly (T.E. Flap control module).
	2721041	Spool and sleeve assembly (steering metering nose wheel).
Sargent	4308B3	Slide and sleeve (brake metering valve).
	4334C2	Sequence valve assembly slide and sleeve assembly (valve assembly, sequence, uplock operated).
Nuclear valve (Weston)	29653	Outboard flight spoiler control valve assembly.
	29693	Inboard flight spoiler control valve assembly.

B. Special Flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the action required by this AD.

C. Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Note:—These parts, repaired or produced by Fortner Engineering and Manufacturing, Inc., of Glendale, California, referenced herein were not installed on new production airplanes delivered by Boeing nor were they overhauled or produced by Fortner Accessory Service Corporation, a subsidiary of Parker-Haniffin.

(Secs 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.85).

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

Issued in Seattle, Washington, on April 9, 1980.

C.B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-11677 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 39]

[Docket No. 80-NW-12-AD]

Airworthiness Directives; Boeing 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: It is proposed to issue an Airworthiness Directive (AD) which will supersede AD 79-14-04 and require repetitive high frequency eddy current inspection of the 707/720 series airplane nacelle strut diagonal brace and associated fittings. Recent inspections of these members have revealed numerous cracks. If the cracks are allowed to progress, the structural capability of the nacelle installation would be compromised.

DATES: Comments must be received on or before May 1, 1980.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel Attention: Airworthiness Rules Docket No. 80-NW-12-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, P.E., Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communication should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-12-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion of the Proposed Rule

AD 79-14-04 (44 FR 41175, July 16, 1979) required a one-time visual inspection of the nacelle strut diagonal brace and associated fittings on all Boeing 707/720 airplanes which had accumulated 7500 or more landings. Information from these initial inspections has provided a basis for superseding the AD so as to require repetitive inspections.

Four operators have reported cracks in twenty six diagonal brace end fittings on airplanes with 33,300 to 61,300 flight hours (8,300 to 17,800 landings). Cracks have also been found in thirty two forward mating fittings on the lower surface of the wings. The loss of this strut or its associated fittings would seriously compromise the structural integrity of the nacelle installation. The FAA, therefore, proposes to require repetitive inspections by using high frequency eddy current methods at intervals of 7500 landings for the diagonal brace end fittings and the mating fitting on the nacelle strut and lower surface of the wing. These inspections would be required to be accomplished in accordance with Boeing Service Bulletin A3364, Revision 1 which was developed after the earlier AD and as a result of service experience.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Sec. 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing: Applies to all Boeing 707/720 series airplanes with 7500 landings or more:

A. Within the next 250 landings after the effective date of this AD unless accomplished within the last 7250 landings and thereafter at intervals not to exceed 7500 landings, inspect for cracks in the diagonal brace end fittings and mating fittings by high frequency eddy current methods in accordance with Boeing Service Bulletin A3364, Revision 1.

B. Replace any cracked parts prior to further flight or repair in a manner approved by the chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

Note.—AD 79-14-04 is superseded with this amendment.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.85)

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

Issued in Seattle, Washington, on April 9, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

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

[FR Doc. 80-11678 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-RM-02]

Establishment of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to establish a 700' and 1,200' transition area at Pembina, North Dakota, to provide controlled airspace for aircraft executing the new VOR Runway 33 standard instrument approach procedure developed for the Pembina Municipal Airport, Pembina, North Dakota.

DATES: Comments must be received on or before May 19, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Pruett B. Helm, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-530), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be sumitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish 700' and 1,200' transition areas at Pembina, North Dakota. This proposal is necessary to provide controlled airspace for aircraft executing the new VOR Runway 33 standard instrument approach procedure developed for the Pembina Municipal Airport, Pembina, North Dakota. It is proposed to make the establishment of the transition areas coincident with the effective date of the new standard instrument approach procedure. Accordingly, the FAA proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending subpart G, § 71.181 so as to establish the following transition areas to read:

Pembina, N. Dak.

That airspace extending upward from 700' above the surface within a 6.5 mile radius of the Pembina Municipal Airport (latitude 48°56'47" N., longitude 97°15'00" W.); and within 2 miles each side of Pembina VORTAC (latitude 48°52'09" N., longitude 97°07'00" W.) 310° radial extending from the 6.5 mile radius area to 8 miles southeast of Pembina Municipal Airport; and that airspace extending upward from 1,200' above the surface beginning at latitude 49°00'00" N., longitude 97°30'00" W.; to latitude 48°48'00" N., longitude 97°30'00" W.; to latitude 48°18'30" N., longitude 98°40'00" W.; to latitude 48°08'30" N., longitude 98°32'00" W.; to latitude 48°07'00" N., longitude 98°12'00" W.; to latitude 48°31'00" N., longitude 97°14'30" excluding portions outside the United States, Minnesota and the Grand Forks, North Dakota 1,200' transition area.

Drafting Information

The principal authors of this document are Pruett B. Helm, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of Section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colorado, on April 8, 1980.

Isaac H. Hoover,

Acting Director, Rocky Mountain Region.

[FR Doc. 80-11680 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-EA-7]

Proposed Alteration of Transition Area: Beaver Falls, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter the Beaver Falls, Pa., Transition Area over Beaver County Airport, Beaver Falls, Pa. This alteration will provide protection to aircraft executing a new Instrument Landing System (ILS), Runway 30 instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before June 5, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket

may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:
Charles J. Bell, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before June 5, 1980, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Beaver Falls, Pa., Transition Area. The airport is at present overlaid by a 700-foot area which will be expanded in all directions by approximately 2 miles.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend Section 71.181 of the Federal Aviation Regulations so as to amend the description of the Beaver Falls, Pennsylvania 700-foot floor transition area as follows:

Delete the text in its entirety and substitute the following: "That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 40°46'21"N., 80°23'37"W. of Beaver County Airport, Beaver Falls, Pa., and within 2 miles of each side of the Elwood City, Pa. VORTAC 248° radial extending easterly from the 6.5-mile radius area to the VORTAC, excluding that portion which overlies the East Liverpool, Ohio transition area."

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65)

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

Issued in Jamaica, New York, on March 27, 1980.

Lonnie D. Parrish,
Acting Director, Eastern Region.

[FR Doc. 80-11682 Filed 4-16-80; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-EA-67]

Proposed Alteration of Transition Area: Binghamton, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Binghamton, N.Y., Transition Area over Broome County Airport, Binghamton, N.Y. This alteration will provide protection to aircraft executing an amended VOR/DME Runway 28 instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before June 5, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:
Charles J. Bell, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before June 5, 1980, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Binghamton, N.Y., Transition Area. The airport is at present overlaid by a 700-foot area to which will be added a portion of airspace approximately five miles long

and nine miles wide to the northeast side of the area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Binghamton, N.Y., 700-foot floor transition area as follows:

In the text delete, "within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Nimmons RBN;" and substitute therefor, "within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Nimmons RBN; within 4.5 miles each side of the Binghamton VORTAC 068°–248° radial extending NE from the 7-mile radius area to 21.5 miles northeast of the VORTAC;"

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65)

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

Issued in Jamaica, New York, on March 27, 1980.

Lonnie D. Parrish,

Acting Director, Eastern Region.

[FR Doc. 80-11681 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-AL-23]

Alteration of Amber Federal Airway A-1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign A-1 airway to be direct between Campbell Lake, Alaska, and Puntilla Lake, Alaska. It also proposes to change the lower limits of several segments of this airway. The action proposed would reduce the A-1 airway distance and change the airway floor thereby contributing to a reduction of fuel consumption and an increase in flexibility of the control of air traffic.

DATES: Comments must be received on or before May 19, 1980.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Alaska Region, Attention: Chief, Air Traffic Division, Docket No. 79-AL-23, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Everett L. McKisson, Airspace Regulations Branch (ATT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before May 19, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which described the application procedures.

The Proposal

The FAA is considering an amendment to § 71.105 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would realign a segment of A-1 airway to be direct from Campbell Lake to Puntilla Lake rather than via Skwentna, Alaska, and would alter the floor of this airway in several places to take advantage of improved air navigation aids.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of

Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.105 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 305) as follows:

Under § 71.105 Amber Federal Airways, A–1 is amended to read as follows:

"A–1 From Sandspit, British Columbia, Canada, RBN 96 miles 12 AGL, 102 miles 35 MSL, 57 miles 12 AGL, via Sitka, Alaska, RBN; 31 miles 12 AGL, 50 miles 47 MSL, 88 miles 20 MSL, 40 miles 12 AGL, Ocean Cape, Alaska, RBN; INT Ocean Cape RBN 283° and Hinchinbrook, Alaska, RBN 106° bearings; Hinchinbrook RBN; INT Hinchinbrook RBN 286° and Campbell Lake, Alaska, RBN 123° bearings; Campbell Lake RBN; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RBN; Takotna River, Alaska, RBN; 24 miles 12 AGL, 53 miles 55 MSL; 51 miles 40 MSL, 25 miles 12 AGL, North River, Alaska, RBN; 17 miles 12 AGL, 89 miles 25 MSL, 17 miles 12 AGL, to Fort Davis, Alaska, RBN. The airspace within Canada is excluded."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operatinally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C. on April 9, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80–11264 Filed 4–16–80; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 80–ASW–14]

Proposed Alteration of Transition Area: Bastrop, Louisiana.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The nature of the action being taken is to propose alteration of a transition area at Bastrop, La. The intended effect of the proposed action is to provide controlled airspace for aircraft executing instrument approach procedures to the Morehouse Memorial Airport. The circumstance which created the need for the action is that a review of the controlled airspace revealed it is in excess of that required for the protection of aircraft executing instrument approach procedures to the airport and the dimensions of the airpace can be reduced.

DATES: Comments must be received on or before May 19, 1980.

ADDRESS: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Consel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Forth Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (45 FR 445) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Bastrop, La., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Bastrop, La. The FAA believes this action will enhance IFR operations at the Morehouse Memorial Airport by providing controlled airspace for aircraft executing instrument approach procedures to the airport. Subpart G of part 71 was republished in the Federal Register on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) by deleting the present description and substituting the following:

Bastrop, Louisiana

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Morehouse Memorial Airport (latitude 32°45'25" N., longitude 91°52'50" W.) and within 3 miles each side of the 157° bearing of the NDB (latitude 32°45'35" N., longitude 91°53'01" W.) extending from the 6.5-mile radius area to 8.5 miles southeast of the NDB.

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

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

anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on April 3, 1980.

Ramon A. Alvarez,

Acting Director, Southwest Region.

[FR Doc. 80-11263 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 207, 208, 212 and 214

[Economic Regulations; Docket: 38022; EDR-397; Dated: April 10, 1980]

Pro Rata and Single Entity Charters; Travel Agent Commissions and Other Matters

AGENCY: Civil Aeronautics Board

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to amend its rules governing pro rata and single entity charters to remove the limitation on the commission that carriers can pay to travel agents and to make other changes. This action is taken in response to a petition for rulemaking from the Performance Incentives Company.

DATES: Comments by: June 16, 1980.

Comments and other relevant information received after this date will be considered by the board only to the extent practicable.

Requests to be put on the Service List by: April 28, 1980

The Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38022, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Performance Incentives Company (PIC) has filed a petition to eliminate several of the Board's rules governing charters in 14 CFR Parts 207 and 208. Specifically, PIC asked that §§ 207.23 and 208.202 be revoked. These two sections apply to pro rata (affinity) charters and limit the commission that a travel agent may receive from a carrier to 5 percent of the total charter price, or the amount paid to an agent by a carrier certificated to serve the route involved, whichever is greater. A similar limitation on agent commissions is found in §§ 207.52 and 208.302 applicable to single-entity charters and in §§ 212.23, 212.52, 214.15, and 214.42 applicable to charters by foreign air carriers.

The 5-percent commission limitation first appeared in Order E-9221 (May 20, 1955). The Board noted in that order that the standard IATA agent's commission on charter flights across the Atlantic was 5 percent. It stated that any "wide disparity between the standard IATA charter commission and that paid by nonauthorized carriers" would be "conducive to the development of undesirable activities by indirect air carriers and promoters." The Board was concerned that high commissions would prompt agents to "create" charters through individual solicitation of the general public. Consequently, Order E-9221 stated that no charter exemption would be approved where an agent receives a commission or otherwise receives benefits from the carrier directly or indirectly in excess of 5 percent of the direct carrier's charter tariff. The 5-percent limitation was later incorporated into parts 207 and 208, thereby making it applicable to domestic charter flights by ER-454, 31 FR 4772, March 22, 1966 and ER-684, 36 FR 7432, April 20, 1971.

Continuation of the 5-percent limit on agent commissions no longer appears to be necessary, nor is it consistent with Board policy. We have long since ended our policy of holding down the volume of charters lest they detract from scheduled service. We intend to let market forces decide on the service mix with minimum regulation. Moreover, the Board has recently disapproved intercarrier agreements setting commission rates for sales of international (Order 78-8-87) and domestic (Order 80-2-33) scheduled transportation. In light of this action, and in the absence of any difference between scheduled and charter transportation that would justify our continuing to fix agent's commissions for the latter, the Board proposes to revoke those sections of the board's rules fixing agents' commissions for charters. The sections that we propose to revoke are §§ 207.23, 207.52, 208.202, 208.302, 212.23, 212.52, 214.15, and 214.42. With the removal of the limit on agents' commissions the need to prohibit them from receiving compensation from both the direct air carrier and the charterer becomes unnecessary. We therefore propose also to revoke the provisions that prohibited that practice (§§ 207.30, 208.203, 212.30, 214.20).

In its petition, PIC also asked us to reconsider the need for §§ 207.15, 207.30, 207.45, 208.35, 208.200a, 208.203, and 208.213. As explained above, we propose to revoke §§ 207.30 and 208.203, which prohibit double compensation to travel agents. After reviewing these other sections we are also proposing to revoke § 207.15, § 208.35 and identical provisions in other parts (§ 212.12, § 214.16, and § 214.21). These revoked sections prohibit payments or donations by carriers or travel agents to the chartering organization or to an individual charter participant. They were apparently designed to prevent a carrier from making financial arrangements with the chartering organization that varied from its charter tariff on file with the Board. With the elimination of charter tariffs, ER-1125, 44 FR 33056, June 8, 1979 there no longer appears to be any reason to retain this prohibtion.

The other sections that the petitioner questioned relate to affinity-group pro rata charters. These sections require that passengers on pro rata charters be characterized as either "member," or "relative", or "special," prohibit the solicitation of individuals by a carrier until the contract with the chartering group is signed, and prohibit chartering organizations from making charges to participants that exceed their actual costs in making the charter arrangements.

Affinity charters are based on the membership of the travelers in an organization existing primarily for purposes other than travel. They do not involve a charter operator who contracts with the direct air carrier and the participants as do Public Charters under 14 CFR Part 380. Since affinity charters do not allow for an intermediary between the chartering organization and the direct air carrier, there is less need for the kind of consumer protection provisions found in Part 380. The absence of these consumer provisions, however, may provide an incentive for organizers to attempt to assemble illegal affinity charters.

To prevent this and to maintain the integrity of affinity charters, it is important to preserve the special characteristics of affinities such as the ones being questioned here. Each section involved here either helps to ensure that participants in the charter are bona fide members of the chartering group or prevents the chartering organization from making a profit on the

charter. If nonmembers could participate in an affinity charter and a group could make a profit in organizing one, there would be nothing to set affinities apart from Public Charters and nothing to distinguish the chartering group from a charter operator.

Of course, there is nothing wrong with a carrier or an organization operating Public Charters as long as it complies with the financial security and consumer protection provisions in part 380 when doing so. Indeed, in EDR-348, 43 FR 112215, March 17, 1978, The Board proposed to eliminate affinity charters and replace them entirely with Public Charters. Because of the opposition of many organization, the Board in SPR-149, 43 FR 36604, August 18, 1978, decided to authorize the new Public Charters but to allow affinity charters to continue. Organizations that prefer to operate affinity charters with their less stringent consumer protections must continue to meet the requirements of §§ 207.45, 208.200a, and 208.213 and corresponding sections in other parts. They help ensure that the chartering organizations protect the interests of the charter participants, and that the consumer protection provisions in Part 380 are not undermined.

Although not raised by the petition, we are taking this opportunity to clarify a possible ambiguity in Subpart D of Part 208. Section 208.301 as it now reads implies that only the terms of service in paragraphs (c) and (d) of § 208. 32 apply to single-entity charters conducted under Part 208. In fact all the general provisions of Part 208 apply to such charters except paragraph (f) of § 208.32. Section 208.301 is being amended accordingly.

For these reasons, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR, as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. In part 207, §§ 207.15, 207.23, 207.30 and 207.52 would be revoked and reserved.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

2. In part 208, §§ 208.35, 208.202, 208.203, and 208.302 would be revoked and reserved and § 207.301 would be amended to read:

§ 208.301 Terms of service.

The provisions of Subpart A of this part, except paragraph (f) of § 208.32, shall apply to charters under this subpart.

PART 212—CHARTER TRIPS BY FOREIGN AIR CHARTERS

3. In Part 212, sections 212.12, 212.23, 212.30 and 212.52 would be revoked and reserved.

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CHARTER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

4. In Part 214, sections 214.15, 214.16, 214.20, 214,21, and 214.42 would be revoked and reserved.

(Secs. 204, 401, 402, 403, of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 757, 758, 49 U.S.C. 1324, 1371, 1372, 1373)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-11716 Filed 4-16-80; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Parts 211, 215, 380, and 385

[Economic Regulations; Special Regulations; Organization Regulations Docket: 38023; EDR-398; SPDR-77; ODR-20; Dated: April 10, 1980]

Deregulation of Foreign Charter Operators

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to exempt foreign charter operators from the formal procedures that other foreign air carriers must follow to obtain operating authority. These would be replaced by a simple registration procedure. This action is taken at the CAB's own initiative to ease market entry, promote competition, and place foreign charter operators on a comparable footing with their domestic counterparts.

DATES: Comments by: June 16, 1980.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on Service List: April 28, 1980.

The Docket Section prepares the Service List and sends it to the persons listed on it, who then serve their comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38023, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, (202) 673-5442, or Joseph Di Bella, Bureau of International Aviation; (202) 673-5035; Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington D.C., 20428.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board is proposing to exempt foreign charter operators from the requirements of section 402 of the Federal Aviation Act, and replace those requirements with a simple registration as the means for obtaining operating authority in this country. This action is similar to that in ER-1159, 44 FR 69633, December 4, 1979, where the Board adopted a new Part 297 to govern operations by foreign air freight forwarders and foreign cooperative shippers associations. That rule replaced hearing procedures under section 402 of the Act with a simple registration procedure for obtaining authority to operate from this country. Foreign air freight forwarders were exempted from other provisions of the Federal Aviation Act as well. The action was taken to eliminate unnecessary obstacles to entry, place foreign air freight forwarders on a comparable footing with their domestic counterparts, and bring the benefits of competition to the shipping public.

The rationale for deregulating foreign air freight forwarders also applies to foreign charter operators. Foreign charter operators are subject to a greater administrative burden than their domestic counterparts in obtaining authority. U.S. citizens wishing to organize a charter need only submit a charter prospectus to the Board. They also must comply with the consumer protection provisions of the Public Charter rule in 14 CFR Part 380. There is, however, no requirement that they obtain a license or permit. Also, there is no prior fitness, public convenience and necessity, or public interest test that must be met by U.S. operators, since they have been granted in § 380.20 a blanket exemption from the certification requirements of section 401 of the Act. Foreign charter operators, however, in addition to filing a prospectus and complying with the rest of the Public Charter rule, must face the additional obstacle of obtaining a section 402 permit. That may require a hearing. Even if the permit application is uncontested and processed through show-cause procedures, the issuance procedure takes 4 to 5 months. An applicant in this proceeding is required to submit detailed information concerning ownership and control, proof of incorporation, insurance coverage,

proposed services, traffic and financial projections, reciprocity between his government and the United States, and local operating authority. The procedure involves considerable expense and delay, and imposes a significant barrier to entry.

One reason for the disparity in regulatory treatment is that until recently the Board did not have the authority to grant exemptions to foreign citizens. The Airline Deregulation Act of 1978 (P.L. 95-504), however, added a new paragraph (3) to section 416(b) that provided the Board with exemption powers specifically aimed at foreign indirect air carriers. The Board thus may now grant exemptions to foreign indirect air carriers such as foreign charter operators.

Another reason for the different treatment of foreign charter operators is that their application may involve two important policy issues. The first concerns the control of the applicant. It has been our policy to require that substantial ownership and effective control of a foreign air carrier, whether a direct or indirect air carrier, reside in the citizens of the country that endorses the application. The second issue is reciprocity. It is Board policy not to approve an application if the government of the applicant's country does not grant similiar operating rights to U.S. charter operators. Most foreign charter operator applications, however, do not in fact present these problems. Only in unusual cases would the foreign policy issues be serious enough to require instituting an evidentiary proceeding. In any case, an initial screening can be accomplished by the Board staff with far less information than is currently required.

The Board therefore proposes to exempt foreign charter operators from the requirements of section 402 of the Act, and replace those procedures with a simple registration procedure similiar to the one already being used for foreign air freight forwarders. This will make it easier for foreign charter operators to obtain authority to operate in this country and benefit the public by increasing competition among operators. Consumers would not be harmed by this new procedure since the Board's Public Charter rule, with which all charter operators must comply, provides adequate safeguards. The Board, therefore, tentatively concludes that this blanket exemption would be in the public interest.

This rule would apply to charter operators that organize Public Charters that originate in this country. The Board, in § 380.23, has already declined to exercise jurisdiction over foreign charter operators organizing Public Charters that originate in a foreign country.

Foreign charter operators, under this proposal, would have to file two copies of an application for registration with the Regulatory Affairs Division of the Board's Bureau of International Aviation (BIA). It should be filed 60 days before the applicant intends to begin operation in the United States. Failure to do so may result in the operator not receiving the authority by its intended starting date. The application form would be similiar to Form 297A, now used for the registration of air freight forwarders. As is now the case with any foreign air carrier, the application could be submitted directly to the Board without first having to be sent through diplomatic channels. A space would be provided on the form for a certification by a responsible official of the applicant's government that the applicant has the necessary operating authority from that government, or that such authority need not be obtained.

Any person could submit an objection within 28 days after the filing. After receiving a registration application and any objections to it, the Board would take one of four actions: request additional information from the applicant, approve the application unconditionally or with limitations, institute a hearing or show-cause proceeding, or reject the application for failure to comply with the filing requirements of this rule. The authority to request additional information, approve the application unconditionally, or reject it for technical omissions would be delegated in § 385.26 to the Director of the Bureau of International Aviation. Applications rejected by the Director on technical grounds could of course be refiled. If there appeared to be a substantive problem with the application, the Board would institute an evidentiary proceeding before taking further action. When an application was to be referred to the Board for the institution of a proceeding or other formal action, BIA would inform the applicant of this.

The proposed subpart includes provisions governing changes in the name, operations, or ownership of the operator. Under the proposed § 380.65(a), the operator would have to notify BIA 30 days before it changed its name or address. That would replace the procedure now used for name changes for foreign indirect air carriers in 14 CFR Part 215. If a proposed change could result in name confusion, the Board would still have authority to reject or condition the registration under proposed § 380.66(d). A foreign charter operator would also have to provide 30 days' notice of a temporary or permanent cessation of its operations. If BIA received notice that service by an operator was being discontinued, the Board, or the Director of BIA under delegated authority, could cancel the operator's registration.

In the case of a substantial change in ownership, the operator would have to notify the Board of the change by filing another registration application. A new registration application would have to be filed where majority ownership of the operator shifted to nationals of another country. Also, any change in ownership that would result in an increase in a person's holdings to more than 10 percent of the operator's stock or a decrease in holdings below that level would require a new filing. If the new filing indicated that a substantial ownership interest had been acquired by a person who was not a citizen of the same country as the operator, the Board, under proposed § 380.66(c), could cancel or place conditions on the operator's registration. The existing registration would remain valid pending Board action on the new filing.

We have tentatively decided not to require foreign charter operators to identify their nationality in their advertisements, tickets, stationery, or other public documents. This requirement, known as the "foreign identification provision" or "name condition," is now imposed as a condition in the section 402 permits of foreign indirect air carriers. On balance, it does not appear that the required disclosure of foreign ownership serves any regulatory purpose that is important enough to warrant the burden that it imposes on foreign charter operators. No similar requirement is imposed on foreign air freight forwarders or on most other foreign businesses operating in this country. The main reason for the "foreign identification provision" is to provide consumers with information that might be relevant to the financial accountability of the foreign air carriers. It is now the Board's tentative opinion, however, that the accountability of foreign charter operators is sufficiently insured by the other provisions of the Public Charter rule, the waiver of sovereign immunity in proposed § 380.67, and the requirement that the operator's agent for service of process in the United States be listed on the registration form.

Eliminating the foreign identification provision would effectively grant the petition of Globus-Gateway Tours, Ltd. in Docket 33095. In that petition Globus asked the Board to issue an order to

show cause why foreign charter operators should not be relieved from the condition in their section 402 permits that requires them to include their full name and nationality on all their advertising, tickets, stationery, and other public documents. Globus's petition is being consolidated into this proceeding.

In addition to the exemption from section 402, the Board also proposes to exempt foreign charter operators from the other provisions of the Act presently listed in § 380.20(a).

The Board does not propose to exempt foreign charter operators from section 408 of the Act as it did U.S. operators. Under section 408(a)(4), a foreign charter operator or a person controlling that operator must get Board approval before acquiring control of or affiliating with any citizen of the United States substantially engaged in the business of aeronautics. Although affiliation between foreign charter operators and U.S. direct air carriers would still be covered by section 408, other combinations involving foreign charter operators and direct air carriers would not be. As a matter of Board policy the acquisition of a foreign charter operator by a foreign direct air carrier would be acceptable if both were citizens of the same country. Affiliation between carriers of different foreign countries, however, might lead to the cancellation of the foreign operators registration under proposed § 380.66(c). Such a combination might violate the U.S. policy against the ownership and control of a foreign carrier by a citizen of a country different from the one that designated it or authorized its operation here. The Board will evaluate such combinations on a case-by-case basis.

Currently, the permits of foreign charter operators that are already affiliated with a direct air carrier contain prohibitions against exclusive dealing and preferential treatment. These conditions are not included in this proposal. Integration between a foreign charter operator and another foreign operator or a foreign direct carrier would be permitted, to the extent that the combination would not violate our policy on ownership and control discussed above. This is consistent with the Board's action in SPR–166, 44 FR 50827, August 30, 1979, where direct sales of charters were authorized by permitting the integration of U.S. charter operators and U.S. direct air carriers.

Sixty days will be allowed for comments on this proposal. While the rulemaking is pending, the Board will dispose of new foreign charter operator applications on a case-by-case basis. Most applications will not require section 402 hearing procedures, and we will use our exemption power to grant operating authority when there are no factual of foreign policy issues involved. Any authority granted by exemption will be interim in nature, and subject to reappraisal under the final rule when it is adopted. Foreign charter operators currently possessing section 402 permits will be required to reapply for authority under the new rule. The individual exemptions as well as the existing 402 permits will be cancelled by Board order 120 days after the final rule is adopted. A grant of interim exemption authority will not itself create a right to be registered under the new rule.

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR, as follows:

PART 380—PUBLIC CHARTERS

1. In Part 380, a new Subpart F would be added to the Table of Contents, to read:

Sec.

* * * * *

Subpart F—Registration of Foreign Charter Operators

380.60 Purpose.
380.61 Operations by foreign charter operators.
380.62 Registration applications.
380.63 Objections to registration applications.
380.64 Board action on a registration application.
380.65 Notification of change of operations or ownership.
380.66 Cancellation or conditioning of the registration.
380.67 Waiver of sovereign immunity.
380.68 Cabotage prohibited.

* * * * *

2. In § 380.2, the definition of "foreign charter operator" would be amended, to read:

§ 380.2 Definitions.

* * * * *

"Foreign charter operator" means any person not a citizen of the United States, as defined in this section (other than a direct air carrier), who is (1) engaged in the formation of groups for transportation on Public Charters which originate in a foreign country and over whom the Board has declined to exercise its jurisdiction, or (2) engaged in the formation of groups for transportation on Public Charters which originate in the United States and who either hold a permit issued under section 402 of the Act authorizing such transportation or are registered under Subpart F of this part: *Provided, however,* That with respect to §§ 380.21, 380.24, 380.25, 380.26–36 and 380.50, the definition for "foreign charter operator" is confined to the definition set forth in subparagraph (2) of this definition.

* * * * *

3. In § 380.20, paragraph (a) would be amended, to read:

§ 380.20 Exemption.

(a) Charter operators and foreign charter operators are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, only if and so long as they comply with the provisions of this part and the conditions imposed here, and to the extent necessary to permit them to organize and arrange Public Charters.

(1) Section 401.
(2) Section 402.
(3) Section 403.
(4) Section 404(a), except the requirement to provide adequate service in connection with Public Charters operated hereunder.
(5) Section 405(b).
(6) Section 407 (b) and (c).

* * * * *

4. In Part 380, a new Subpart F would be added, to read:

Subpart F—Registration of Foreign Charter Operators

§ 380.60 Purpose.

This subpart establishes registration procedures for foreign charter operators intending to engage in the formation of groups for transportation on Public Charters that originate in the United States.

§ 380.61 Operations by foreign charter operators.

(a) Each foreign charter operator shall register under this subpart and file a prospectus under § 380.25 before organizing groups for transportation on Public Charters that originate in the United States.

(b) Each foreign charter operator registered under this subpart shall comply with the other provisions of this part directed to charter operators.

§ 380.62 Registration applications.

(a) To register under this subpart, a foreign charter operator shall file two copies of an application for registration with the Board's Bureau of International Aviation, Regulatory Affairs Division. The Board will list the names and nationality of all persons applying for registration in its Weekly Summary of Filings.

(b) The application shall be made on Form 300, which can be obtained from the CAB's Publications Services Division, Washington, D.C., 20428.

(c) The persons listed in the registration application as having

majority ownership or effective control of the applicant foreign charter operator should be citizens of the country authorizing operations in the United States.

§ 380.63 Objections to registration applications.

Any person objecting to the registration of a foreign charter operator or to a proposed change in the name, address, or ownership of that operator shall file an objection with the Bureau of International Aviation, Regulatory Affairs Division, within 28 days after the Board receives the properly completed registration application.

§ 380.64 Board action on a registration application.

(a) After receiving a registration application, one of the following actions will be taken:

(1) The application will be approved by the stamping of the effective date of registration on CAB Form 300 and returning the duplicate copy of the form to the operator;

(2) Additional information will be requested from the applicant;

(3) The applicant will be notified that its application is being referred to the Board for formal action;

(4) The registration application will be rejected if it does not comply with the filing requirements of this subpart; or

(5) The application will be approved subject to such terms, conditions, or limitations as may be required by the public interest.

(b) One of the actions described in paragraph (a) of this section will normally be taken within 90 days after the registration application is received. The Board will also consider requests for faster action that include a full explanation of the need for expedited action.

§ 380.65 Notification of change of operations or ownership.

(a) Not later than 30 days before any change in its name or address or before a temporary or permanent cessation of operations, each foreign charter operator registered under this subpart shall notify the Board's Bureau of International Aviation, Regulatory Affairs Division, of the change by resubmitting CAB Form 300.

(b) A foreign charter operator registered under this subpart shall apply for an amendment to that registration not later than 30 days after either of the following events:

(1) A person listed on its existing registration as owning or holding beneficial interest in at least 10 percent of the operator's stock reduces its holding to below 10 percent;

(2) A person not listed on the existing registration as owning or holding beneficial interest in at least 10 percent of the operator's stock becomes an owner or holder of 10 percent or more of that stock.

(3) Any other ownership change resulting in the majority of beneficial ownership, or in effective control, passing to citizens of a country different from the one that endorsed the original application.

(c) An application for an amendment shall be made by resubmitting CAB Form 300. The existing registration shall remain valid pending Board action on the amendment.

§ 380.66 Cancellation or conditioning of the registration.

The registration of a foreign charter operator may be canceled or subjected to additional terms, conditions, or limitations by the Board if any of the following occur:

(a) The operator files a written notice with the Board that it is discontinuing its charter operations;

(b) The operator fails to perform the charter services as authorized;

(c) A substantial ownership interest is acquired by persons who are not citizens of the same country as the registrant; or

(d) The Board finds that it is in the public interest to do so.

§ 380.67 Waiver of sovereign immunity.

By accepting an approved registration form under this subpart, an operator waives any right it may have to assert any defense of sovereign immunity from suit in any proceeding against it, in any court or other tribunal of the United States, that is based upon a claim arising out of operations by the operator under this part.

§ 380.68 Cabotage prohibited.

A foreign charter operator shall not operate a Public Charter that transports passengers between points within the United States. Multiple stops in the United States to pick up passengers who have an ultimate destination in a foreign country are permitted, but no passengers of U.S. origin may be deplaned at any U.S. point.

PART 211—APPLICATIONS FOR PERMITS TO FOREIGN AIR CARRIERS

5. In Part 211, § 211.1 would be amended, to read:

§ 211.1 Formal requirements.

(a) Applications for permits to engage in foreign air transporation under the terms of section 402 of the act (called foreign air carrier permits in this part) shall meet the requirements set forth in § 302.3 of this chapter as to execution, number of copies, and formal specifications of papers, except that Canadian operators filing applications for foreign air carrier permits authorizing charter flights across the Canada-United States borders with small aircraft (as defined in the current Nonscheduled Air Service Agreement between these two countries) shall file one original and seven true copies of the application. Applications shall be verified, and the verifications shall be subscribed and sworn to before a Notary Public or other officer authorized to administer oaths in the jurisdiction in which such application is executed. Notwithstanding the laws of the country of the applicant's citizenship, an application verified before a United States consular officer will be considered to have met the requirements of this section. All pages of an application shall be consecutively numbered, and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be considered to constitute a part of the application to which they are attached.

(b) Foreign indirect air carriers of property and foreign charter operators are not required to submit applications under this part. Instead, foreign indirect air carriers of property shall register under Part 297 of this chapter and foreign charter operators shall register under Subpart F of Part 380 of this chapter.

PART 215—NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

6. In Part 215, § 215.1 would be amended, to read:

§ 215.1 Applicability.

This part applies to all direct air carriers and foreign direct air carriers, except air taxi operators.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

7. In Part 385, a new paragraph (w) would be added to § 385.26, to read:

§ 385.26 Delegation to the Director, Bureau of International Aviation.

* * * * *

(w) With respect to the procedures for the registration of foreign charter operators under Subpart F of Part 380 of this chapter:

(1) Approve the registration application under § 380.64(a)(1);

(2) Reject the registration application under § 380.64(a)(4);

(3) Request additional information from the applicant under § 380.64(a)(2);

(4) Cancel the registration of any foreign charter operator that files a written notice with the Board that it is discontinuing its charter operations.

(Secs. 204, 402, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 92 Stat. 1732, 49 U.S.C. 1324, 1372, 1386; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

CAB Form 300
(2–80)

REGISTRATION OR AMENDMENTS UNDER PART 380 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD

INSTRUCTIONS: This form must be submitted in duplicate to Regulatory Affairs Division, B–58, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428. Date of filing for the purposes of the Board's regulations is deemed to be the date the properly completed forms are received by the Board.

1. Name and Mailing Address of Registrant in the United States:

NOTE: Name should include any other names under which business will be conducted. If registering a name change, show new name(s) here, and previously registered name(s) in block 9a on reverse. There is no Board rule governing the name that must be used in advertisements but all names that might be used should be listed here.

2. Address of principal place of business in the United States (if different from above) and registrant's Area Code and Telephone Number:

4. Name and address of designated agent residing within the United States for service of process.

5. Is this filing registrant's

☐ Initial Registration

☐ Amendment to reflect changes since previous filing (Please explain on reverse)

NOTE: Carriers already holding permit authority should check "Initial Registration"

6. If this is an initial registration, give proposed date of commencement of operations:

FOR USE BY CAB ONLY

3. Indicate country of citizenship. List below the names and citizenship of each person owning or holding beneficial ownership of 10 percent or more of the applicant's stock and the percentage of ownership.

Applicant's Country of Citizenship

Name	Citizenship	Percent
Name	Citizenship	Percent
Name	Citizenship	Percent
Name	Citizenship	Percent
Name	Citizenship	Percent
Name	Citizenship	Percent
Name	Citizenship	Percent
Name	Citizenship	Percent
Name	Citizenship	Percent
Name	Citizenship	Percent

7. Authorization from applicant's country of citizenship.

I certify that the applicant has received authority from the Government of _____ to operate to and from the United States as a charter operator.

or

I certify that the applicant is a citizen of _____, that the government of that country does not license charter operators and that the government of that country endorses this application.

Signature	Title or Position	Department of Government

8. Certification

I certify that the information contained in this application, and in the attachments hereto, is complete and accurate to the best of my knowledge.

Signature: _____

Date: _____ Name (please type) _____

Place: _____ Title: _____ (see note)

NOTE: Application must be signed by a responsible officer, such as the President, Vice President, Secretary or Treasurer of a corporation or association, or partner or owner of other non-corporate applicants.

9. (For use in reporting any changes or amendments to information previously filed).

a. Previously registered name and/or address:

b. Description of any other changes or amendments:

[FR Doc. 80-11717 Filed 4-16-80; 8:45 am]
BILLING CODE 6320-01-C

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 152 and 199

23 CFR Parts 450, 658, and 1204

49 CFR Parts 258, 260, and 613

[OST Docket No. 66; Notice 80-3]

Energy Conservation by Recipients of Federal Financial Assistance

AGENCY: Department of Transportation (DOT).

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: To aid the public in preparing comments on a notice of proposed rulemaking on Energy Conservation by Recipients of Federal Financial Assistance which will be published later, DOT publishes a schedule for the rulemaking and an outline of the approach which it intends to take in developing the specific regulatory proposal.

DATES: Public briefing will be held Friday, April 25, 1980. Specific regulations will be proposed on Wednesday, May 7, 1980.

ADDRESS: The public briefing will be held in Room 2230, Department of Transportation Building, 400 Seventh Street, SW, Washington, D.C., at 2:00 P.M. e.t. Comments on the proposal to be published May 7 should be sent to Docket Clerk, OST Docket No. 66, Office of the General Counsel, C-50, Department of Transportation, Washington, D.C. 20590 (202) 426-4723.

FOR FURTHER INFORMATION CONTACT: On the general DOT approach in this program—Angus Duncan, Director, Office of Energy Policy, P-6, Department of Transportation, Washington, D.C. 20590 (202) 426-4524. For further information on the intended implementation of that approach by any of the involved DOT agencies, contact the person identified with that agency in the discussion below.

SUPPLEMENTARY INFORMATION: In the Federal Register of Thursday, February 7, 1980, the Department of Energy (DOE) published a list of financial assistance programs administered by agencies of the Executive Branch which are most likely to offer opportunities for significant conservation of petroleum and natural gas by the recipients of such assistance. The list responds to Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979), which implements section 403(b) of the Powerplant and Industrial Fuel Use Act of 1979 (Public Law 95-620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve natural gas and petroleum in programs funded by those agencies. Included among those actions are identification of those financial assistance programs which offer opportunities for significant conservation of petroleum and natural gas by recipients of the assistance and regulations imposing conservation requirements as a condition of continuing to receive the assistance.

Sixteen DOT programs were included in the DOE list:

1. Highway Planning and Research Program (Federal Highway Administration (FHWA)
2. Urban Planning Program (FHWA)
3. Technical Studies Grants (Urban Mass Transportation Administration (UMTA))
4. Airport Development Aid Program (Federal Aviation Administration (FAA))
5. Aircraft Loan Guarantee Program (FAA)
6. Federal-aid Highway Program (FHWA)
7. Rural and Small Urban—Section 18 Program (FHWA/UMTA)
8. Financial Assistance to Railroads—Title V Program (Federal Railroad Administration (FRA))
9. Local Rail Service Assistance Program (FRA)
10. Amtrak-Northeast Corridor Improvement Project (FRA)
11. Highway Safety Grant Program (National Highway Traffic Safety Program (NHTSA))
12. National Maximum Speed Limit Program (NHTSA)
13. Innovative Project Grant Program (NHTSA)
14. Formula Grants for Operating and Capital Assistance—Section 5 Program (UMTA)
15. Discretionary Capital Grants Program (UMTA)
16. Interstate Transfer Program (UMTA/FHWA)

The comment period for the February 7 notice expired April 7 and DOT is considering comments received in the development of draft rules. Notices of Proposed Rulemaking (NPRMs) will be published by the participating agencies, including DOT, on Wednesday, May 7, 1980. DOT is using this document to provide advanced notice of the types of rules which we are considering so that affected parties will be better able to take advantage of the public comment period. We will be briefing affected interest groups and the public before May 7. The public briefing, to which all are invited, will be held Friday, April 25, 1980, at 2:00 P.M. e.t., in Room 2230 in the Department of Transportation Building, 400 Seventh Street, SW, Washington, D.C.

Note.—DOT generally publishes documents in the **Federal Register** only on Monday and Thursday of each week; however, in order to maintain coordination with the other agencies involved in this program, our NPRM will be published on a Wednesday (May 7). Interested parties are urged to make note of this change, as this is the only notice which we will be providing of publication of the document off-schedule.

General Discussion of Rules for Each Program

DOT is considering adoption of the following principles in developing rules for these programs:

1. Wherever possible, rules relating to energy conservation should reflect DOE's State gasoline consumption targets and be considered means of meeting or exceeding those goals.

2. For programs which finance acquisition and construction of new facilities or vehicles, a life-cycle energy assessment of a proposed project and feasible alternatives may be required as a part of system planning, environmental review, or other project development processes. Such assessment would consider energy required in design, construction, operation, and maintenance of the facility or vehicle.

3. Supplementing the rules, DOT is considering ways to provide additional training and information-sharing to ensure that latest state-of-the-art in energy-saving practices, standards, and technology is made known to program constituents and DOT's own staff.

Major Urban Planning Programs

1. *Highway Planning and Research Program* (FHWA) (For all FHWA programs listed, contact Bruce Cannon, 202-426-1045.)

2. *Urban Planning Program (FHWA)*

3. *Technical Studies Grant Program (UMTA)* (For all UMTA programs listed, contact Milton L. Brooks, 202-426-4058.)

For these programs, FHWA and UMTA are considering regulatory changes to the urban planning process which would strengthen existing provisions of the joint FHWA/UMTA urban planning regulations concerning consideration of energy conservation consistent with existing statutory, regulatory, and administrative procedures. The two agencies are considering requiring (a) estimates of present and projected fuel

consumption attributable to the area's transportation system and identification of potential system efficiency improvement; (b) evaluation of the contribution of planned system components to meeting established State energy conservation targets; and (c) evaluation of Transportation Systems Management (TSM) strategies, such as ridesharing, as components of systems plans and corridor studies.

Administrative actions to supplement rulemaking would provide additional FHWA/UMTA guidance, training, and technical assistance regarding energy conservation opportunities to planning agencies. UMTA's required alternatives analysis process for major urban transit investments may be expanded to include additional emphasis on assessment of the energy-saving potential of alternatives under consideration including direct and indirect energy costs.

Programs Funding Design and Construction of Projects or Operation of Systems

4. *Airport Development Aid Program (FAA)* (For both FAA programs listed, contact Charles Hoch, 202–755–9717.) FAA is considering rules that would require sponsors to (a) incorporate energy conservation features in the design and construction of major buildings and modifications to buildings funded under the grant program and (b) practice energy conservation measures in the maintenance and operation of their airports and to encourage their tenants to do the same.

5. *Aircraft Loan Guarantee Program (FAA)* FAA may require that each applicant lender submit a statement from the carrier to whom the loan would be made setting forth the carrier's plan for maintaining and increasing energy efficiency in the 1980's. The plan would address factors ranging from planning to operational and maintenance practices.

6. *Federal-aid Highway Program (FHWA)* FHWA may require that a State's program of projects reflect energy conservation aspects of the urban and State-wide transportation plans. Additionally, FHWA may take corresponding administrative actions to use the Plans, Specification, and Estimates (PS&E) approval as a checkpoint in the project development stage to ensure that energy conservation has been considered and requirements met at all stages.

Revised Environmental Impact Statement (EIS) procedures to be published later this year will reflect the Council on Environmental Quality (CEQ) requirement for energy impact assessments and may require consideration of TSM alternatives to a planned project.

7. *Rural and Small Urban—Section 18 Program (FHWA/UMTA)* DOT may decide not to propose rules for this program because the current program emphasis on maximum coordination of existing transportation services in the area is already the single greatest method of ensuring reduced energy consumption.

8. *Financial Assistance to Railroads—Title V Program (FRA)* (For all FRA programs listed, contact Marilynn Klein, 202–426–9684.) FRA is contemplating rules that may increase the priority for funding of railroad facility and equipment projects that offer opportunities for energy conservation.

9. *Local Rail Service Assistance Program (FRA)* FRA is considering rules to require State transportation plans to address energy efficiency in the development of the plan and to consider methods of reducing the use of petroleum and natural gas.

10. *Amtrak—Northeast Corridor Improvement Project (FRA)* FRA has determined that Amtrak funding and the Northeast Corridor Improvement Project (NECIP) are not Federal assistance programs within the meaning of the Executive Order. Funding for Amtrak is directed through FRA but FRA has no discretion to withhold these grants at the quarterly funding stage if they are in accord with the spending plan approved by the Congress. FRA also has no control over the subsequent use of these funds. NECIP is also not covered by the Order because it is not a Federal assistance program but rather a direct Federal construction project.

11. *Highway Safety Grant Program (NHTSA)* (For all NHTSA programs listed, contact John Tartagliano, 202–426–0837.) Rules may set forth procedures to ensure consideration of conservation measures in planning State highway safety programs as a condition for approval of the Highway Safety Plan.

12. *National Maximum Speed Limit Program (NHTSA)* Steps, including issuance of regulations, have already been taken to ensure maximum compliance with the 55 MPH Speed Limit. Continued implementation of this program is intended, although NHTSA believes that additional regulations may be unnecessary at this time. Adherence to the speed limit will result in significant energy savings Nationwide.

13. *Innovative Project Grant Program (NHTSA)* This is a new program and program guidelines have not yet been fully developed. When regulations for this program are completed, NHTSA may make energy conservation measures a factor in considering project proposals.

14. *Formula Grants for Capital and Operating Assistance—Section 5 Program (UMTA)*

15. *Discretionary Capital Grants—Section 3 Program (UMTA)* UMTA may require an energy assessment as part of the environmental analysis for all major new facilities (e.g., bus garages, offices, etc.) that are to be financed through UMTA grants or loans from these two programs. Administrative guidance supplementing these rules may also be developed to inform recipients of UMTA assistance of methods to help ensure energy efficiency in design, construction, and operation of facilities and equipment.

Revised EIS procedures to be published later this year will reflect the CEQ requirement for energy impact assessments and may require consideration of TSM alternatives to a planned project.

16. *Interstate Transfer Program (UMTA/FHWA)* Rules for this source of funds may not be issued because the projects funded under this program are subject to the requirements of other FHWA and UMTA programs discussed above.

(Sec. 403(b), Public Law 95–620; E.O. 12185)

Issued in Washington, D.C., on April 15, 1980.

Neil Goldschmidt,

Secretary of Transportation.

[FR Doc. 80–11898 Filed 4–16–80; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–277–76]

Income Tax; Shareholder Requirements Relating To Electing Small Business Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed Income Tax Regulations concerning certain shareholder requirements, and related matters, for electing small business corporations. Provisions relating to electing small business corporations were added by the Tax Reform Act of 1976, the Revenue Act of 1978, and the Miscellaneous Timing Act of 1978. The regulations would provide electing small business corporations and their shareholders

with the guidance needed to comply with the new law.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 13, 1980. The amendments are proposed to be effective variously for the periods as provided in the text of the proposed regulations.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T [LR-277-76], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Eileen Murphy of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 1371 and 1372 of the Internal Revenue Code of 1954, and deletes the Temporary Regulations Under Act of April 14, 1966, Relating to Electing Small Business Corporations (26 CFR Part 14). These amendments are proposed to conform the Income Tax Regulations to the following legislation: sections 902 (a) and (c) and 1901(a)(149) of the Tax Reform Act of 1976 (Pub. L. 94-455); sections 341, 342, 343, and 344 of the Revenue Act of 1978 (Pub. L. 95-600); and section 5 of the Miscellaneous Timing Act of 1978 (Pub. L. 95-628). In addition, certain obsolete provisions of the Income Tax Regulations affecting taxable years before 1960 have been deleted. These amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Definition of Small Business Corporation

The regulations which define a small business corporation have been changed, generally, in four material respects: (1) The number of permissible shareholders is increased to fifteen; (2) the rules regarding stock held by a husband and wife are liberalized; (3) certain trusts which may nominally be shareholders are not treated as shareholders; and (4) shares must not be owned as a split interest (such as a life estate).

Section 902(a) of the Tax Reform Act of 1976 added a new provision allowing an electing small business corporation to have up to fifteen shareholders, if the corporation had been an electing small business corporation for five years and if each initial additional shareholder (beyond ten) acquired the stock through inheritance. The regulations explain the five year requirement and define the term "inheritance." The regulations also provide, for taxable years beginning after 1978, that an electing small business corporation may have fifteen shareholders, as permitted by section 341 of the Revenue Act of 1978.

Section 902(c)(1) of the Tax Reform Act of 1976 provided that a husband and wife (and their estates) were to be treated as one shareholder if a form of co-ownership of the shares between them existed. The regulations provide rules describing the necessary co-ownership and clarifying the estate provisions. Pursuant to section 342 of the Revenue Act of 1978, for taxable years beginning after 1978, the regulations provide that a husband and wife (or their estates) are to be treated as one shareholder, without the limitations previously imposed.

Section 902 of the Tax Reform Act of 1976 and section 342 of the Revenue Act of 1978 provided certain new rules with respect to stock owned by grantor, voting, and testamentary trusts. The regulations explain these rules and treat stock held by a grantor trust as owned by the grantor and stock held by a voting trust as owned by the beneficiaries. The regulations define the terms "grantor trust" and "voting trust." In accordance with section 902 (e) (2) of the Tax Reform Act of 1976 the regulations permit certain testamentary trusts to be shareholders of small business corporations for a period of up to 60 days.

The regulations have also been changed to provide that stock in a small business corporation may not be held as a split or partial interest, such as a legal life estate, usufruct, or remainder interest. This provision is based upon section 342 of the Revenue Act of 1978, wherein Congress expressed the intent to limit ownership of stock in a small business corporation to direct and unqualified stock ownership, except for certain trusts meeting the statutory requirements. Provision is made, however, to treat as Subchapter S shareholders owners of legal life estates, usufruct interests, or remainders, created or coming into existence before the date which is 60 days after the rules are published as a Treasury decision. Accordingly, Rev. Rul. 64-249, 1964-2 C.B. 332, would no longer be applied with respect to usufruct interests coming into existence after that date.

Election and Termination of Election

Section 343 of the Revenue Act of 1978 changed the period during which a corporation may elect to be treated as a small business corporation under subchapter S, chapter 1 of the Code. A small business corporation may now make an election during the taxable year preceding the year for which the election is first to be effective or during the first 75 days of the following year. In addition, if an election is invalid for a taxable year because it is made after the period for the election, the election is treated as effective for the following taxable year. The regulations set forth these changes in the law.

Section 5 (d) of the Miscellaneous Timing Act of 1978 provided for retroactive validation of a prior invalid election. The proposed regulations describe the circumstances under which a prior invalid election may be retroactively validated and the manner of electing retroactive validation. The rules also provide for the extension of the statute of limitations for assessment of tax deficiencies if the validating election is made.

Finally, section 902(c)(3) of the Tax Reform Act of 1976 provided that an election to be treated as a small business corporation under subchapter S, chapter 1 of the Code terminates when a new shareholder acquires stock of the corporation but only if this shareholder affirmatively refuses to consent to the election within 60 days after the stock was acquired. The regulations prescribe the manner by which and the period during which this affirmative refusal to consent must be made. The regulations also provide for the time and circumstances under which an affirmative refusal to consent may be revoked.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel,

Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to the Income Tax Regulations (26 CFR part 1) and the Temporary Regulations under Act of April 14, 1966, Relating to Electing Small Business Corporations (26 CFR Part 14), are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

§ 1.1371 [Deleted]

Paragraph 1. Section 1.1371 is deleted.

Par. 2. Section 1.1371–1 is amended by deleting the last sentence in paragraph (b) and the last sentence in paragraph (c)(1) and by revising paragraphs (a), (d) and (e), to read as follows:

§ 1.1371–1 Definition of small business corporation.

(a) *In general.* For purposes of subchapter S, chapter 1 of the Code and §§ 1.1371–1 through 1.1378–3, the term "small business corporation" means a domestic corporation which is not a member of an affiliated group of corporations (determined in accordance with paragraph (c) of this section) and which does not have—

(1) More than fifteen shareholders,

(2) As a shareholder a person (other than an estate and other than a trust described in paragraph (e)(1) of this section) who is not an individual,

(3) A nonresident alien as a shareholder, and

(4) More than one class of stock. For special rules with respect to stock nominally held by grantor trusts and voting trusts, see paragraph (d)(3) of this section.

* * * * *

(d) *Number of shareholders*—(1) *General rule.* A corporation does not qualify as a small business corporation if it has more than fifteen shareholders. Ordinarily, the persons who would have to include in gross income dividends distributed with respect to the stock of the corporation are considered to be the shareholders of the corporation. For example, if stock (owned by other than a husband and wife) is owned by tenants in common or joint tenants, each tenant in common or joint tenant is generally considered a shareholder. Persons for whom stock in a corporation is held by a nominee, agent, guardian, or custodian are generally considered shareholders of the corporation. But if stock is owned by a partnership, the partnership and not its partners is considered to be the shareholder and the corporation does not qualify. See paragraph (d)(2) of this section for rules relating to the number of shareholders allowed for taxable years beginning before 1979, paragraph (d)(3) of this section for special rules relating to trusts, and paragraph (d)(4) of this section for special rules relating to stock owned by husband and wife.

(2) *Rules relating to number of shareholders allowed for years beginning before 1979*—(i) *Years beginning before 1977.* For taxable years beginning before 1977, a corporation does not qualify as a small business corporation if it has more than ten shareholders.

(ii) *Years beginning after 1976 and before 1979.* For taxable years beginning after 1976 and before 1979, a small business corporation which has been an electing small business corporation for a period of five consecutive taxable years may have as many as fifteen shareholders. The five-year period need be satisfied only once. Accordingly, if the corporation has satisfied this five-year rule under a prior subchapter S election, the corporation may have as many as fifteen shareholders, even though this prior election has been terminated or revoked, if the corporation has subsequently made a new subchapter S election. The number of shareholders of an electing small business corporation may increase to a number in excess of ten (but not in excess of fifteen) during this five year period if additional shareholders acquire stock through inheritance during the five year period. After the number of shareholders has increased to a number in excess of ten through inheritance, the corporation may continue to have that same increased number of shareholders without limitations on the method of acquiring stock. For purposes of this paragraph (d)(2), the term "inheritance" includes the passing of stock by legacy, devise, or intestate succession. The provisions of this paragraph (d)(2)(ii) may be illustrated by the following example.

Example. Corporation X, an electing small business corporation for five years, has ten shareholders, A through J. Upon the death of J, J's stock is inherited by K and L. The corporation is now permitted to have eleven shareholders. If, for any reason, the number of shareholders of X subsequently falls below eleven, the number of shareholders may be brought back up to eleven, and the eleventh shareholder need not acquire the stock through inheritance. However, for a twelfth shareholder to be allowed, the new twelfth shareholder must acquire stock through inheritance.

(3) *Special rules relating to trusts.* If stock is owned by any trust other than a grantor trust or voting trust, the trust is treated as the shareholder. If stock is owned by a grantor trust, each grantor (and not the trust) is treated as a shareholder. If stock is owned by a voting trust, each beneficiary of the trust (and not the trust) is treated as a shareholder. (See, however, paragraph (e)(2) of this section in the case of taxable years beginning before 1977.)

(i) *Grantor trusts.* A grantor trust is a trust all of which (corpus and income) is treated as owned by a grantor (or grantors) under subpart E, part I, subchapter J, chapter 1 of the Code.

(ii) *Voting trusts.* A voting trust is a trust created primarily to exercise the voting power of stock transferred to it. In order to qualify as a voting trust, such a trust must be represented by a written agreement which—

(*A*) Delegates to one or more trustees the right to vote,

(*B*) Requires all distributions with respect to the stock of the corporation to be paid to, or on behalf of, the beneficial owners of the stock,

(*C*) Requires title and possession of the stock to be delivered to the beneficial owners upon termination of the trust, and

(*D*) Must terminate, under its terms or by State law, on or before a specific date or event.

(4) *Special rules relating to stock owned by husband and wife*—(i) *In general.* If stock is owned by a husband and wife (or their estates) the stock is treated as if owned by one shareholder, whether the stock is owned by both spouses individually or as co-owners. For this purpose, it is irrelevant that one spouse owns more shares than the other spouse. This paragraph (d)(4) applies only in determining the number of shareholders for purposes of section 1371(a)(1) and does not apply for purposes of any other provisions of subchapter S, chapter 1 of the Code. Thus, for example, the husband and wife are each considered a shareholder for purposes of section 1372(a), relating to the requirement that all shareholders consent to the corporation's election, and section 1373(a), relating to the inclusion in the shareholder's gross income of the corporation's undistributed taxable income.

(ii) *Years beginning after 1976 and before 1979.* For taxable years beginning after 1976 and before 1979, in determining whether a corporation meets the requirement of section

1371(a)(1) and this paragraph (d), stock which either—

(*A*) Is community property of a husband and wife (or the income from which is community income) under the applicable community property law of a State,

(*B*) Is held by a husband and wife as joint tenants, tenants by the entirety, or tenants in common,

(*C*) Was, on the date of the death of a spouse, stock described in (*A*) or (*B*) of this subdivision (ii), and is, by reason of the death, held by the estate of the deceased spouse and the surviving spouse, or by the estates of both spouses (by reason of their deaths on the same date), in the same proportion as held by the spouses before the death, or

(*D*) Was, on the date of the death of a surviving spouse, stock described in (*C*) of this subdivision (ii), and is, by reason of the death, held by the estates of both spouses in the same proportion as held by the spouses before their deaths,

is treated as owned by one shareholder. For this purpose, if a husband or wife owns stock in a corporation individually, and the husband and wife own other stock in the corporation jointly, the husband and wife are considered one shareholder. However, if the husband and wife each own stock in the corporation individually, they are treated as two shareholders.

(iii) *Years beginning after 1959 and before 1977.* For taxable years beginning after 1959 and before 1977, in determining whether a corporation meets the ten-or-fewer-shareholders requirement of section 1371(a)(1), stock which—

(*A*) Is community property of a husband and wife (or the income from which is community income) under the applicable community property law of a State, or

(*B*) Is held by a husband and wife as joint tenants, tenants by the entirety, or tenants in common.

is treated as owned by one shareholder. For additional rules applicable in determining whether a corporation meets the requirement of section 1371 (a) (1), see the last two sentences of subdivision (ii) of this paragraph (d) (4).

(iv) *Years beginning before 1960.* For the rules applicable to taxable years beginning before 1960, see 26 CFR 1.1371–1 (d) (2) (ii) and (3) (1978).

(e) *Shareholders must be individuals or estates*—(1) *General rule.* A corporation in which any shareholder is a corporation, partnership, or trust or a corporation in which any shareholder has an interest in the stock of the corporation which is a legal life estate, usufruct interest, remainder, or an interest for a term of years does not qulaify as a small business corporation. However a corporation having a shareholder whose interest is a legal life estate, usufruct interest, or remainder, which interest was created or came into existence before [the date which is 60 days after the date on which these regulations are published in the **Federal Register** as a Treasury decision], will not thereafter fail to qualify as a small business corporation by reason of such interest. A trust may be a shareholder with respect to stock transferred to it by will, but only for the 60-day period beginning on the day on which the stock is transferred to it. For the rule that neither a grantor trust nor a voting trust is treated as a shareholder, see paragraph (d) (3) of this section.

(2) *Years beginning before 1977.* For taxable years beginning before 1977, a corporation in which any shareholder is a corporation, partnership, or trust does not qulaify as a small business corporation. The word "trust" as used in this paragraph (e) (2) includes all trusts subject to the provisions of subchapter D, F, H, or J (including subpart E thereof), chapter 1 of the Code. Thus, even though the grantor is treated as the owner of all or any part of a trust or the trust is a voting trust, the corporation in which such trust is a shareholder does not meet the qualifications of a small business corporation.

* * * * *

§ 1.1372 [Deleted]

Par. 3. Section 1.1372 is deleted.

Par. 4. Section 1.1372–1 is amended by revising paragraphs (a) and (b) (1) to read as follows:

§ 1.1372–1 Election by small business corporation.

(a) *Eligibility.* Under section 1372, an eligible small business corporation may elect not to be subject to the taxes imposed by chapter 1 of the Code (other than the tax imposed by section 1378). The qualifications of a small business corporation must be met—

(1) For an election first effective for a taxable year beginning after 1978, on the date of election; and,

(2) For an election first effective for a taxable year beginning before 1979, as of the first day of the first taxable year of the corporation for which the election is to be effective and on the date of the election, unless the election is made after such first day, in which case the qualifications need not be met prior to the date of election.

Thus, for example, the existence of a corporate shareholder or a nonresident alien as a shareholder prior to the date of election does not preclude qualification. The election by a small business corporation, first effective for taxable years beginning after 1978, is valid only if all the shareholders in the corporation on the date of election consent to such election. An election, first effective for taxable years beginning before 1979, is valid only if all shareholders in the corporation on the first day of the first taxable year for which the election is to be effective, or on the date of election, whichever is later, consent to such election. See § 1.1372–3, relating to shareholders' consent.

(b) *Effect of election*—(1) *Effect on corporation.* The effect on a small business corporation of a valid election under section 1372 is to exempt the corporation from the taxes imposed by chapter 1 of the Code (other than as provided by sections 58 (d) (2) and 1378) with respect to taxable years of the corporation for which the election is in effect and to subject the corporation with respect to these taxable years and all its subsequent taxable years to section 1377, relating to special rules for computing the earnings and profits of an electing small business corporation.

* * * * *

Par. 5. Section 1.1372–2 is amended by revising paragraph (b) and by adding a new paragraph (d), to read as follows:

§ 1.1372–2 Manner and time for making election and filing shareholders' consent.

* * * * *

(b) *Time of making election*—(1) *In general.* The election must be filed either (i) at any time during the taxable year which immediately precedes the taxable year for which the election is made, or (ii) during the first 75 calendar days of the taxable year. For the purposes of this paragraph (b) (1), the first taxable year of a new corporation does not begin until the corporation has shareholders, acquires assets, or begins doing business, whichever is the first to occur. If a corporation attempts to make an election for a taxable year, and the attempted election meets the requirements of this section for that taxable year except that the attempted election is made after the 75th calendar day of that taxable year but before the close of that taxable year, the election is treated as made for the next taxable year.

(2) *Years beginning on or after September 3, 1958, and before 1979.* For taxable years beginning on or after September 3, 1958, and before 1979, the election must be filed either (i) during the first month of the taxable year, or (ii) during the month preceding the first month. In the case of a new corporation whose taxable year begins after the first

day of a particular month, the term "month" means the period commencing with the beginning of the first day of the taxable year and ending with the close of the day preceding the numerically corresponding day of the succeeding calendar month or, if there is no such corresponding day, with the close of the last day of such succeeding calendar month. For purposes of this paragraph (b) (2), the first month of the taxable year of a new corporation does not begin until the corporation has shareholders, acquires assets, or begins doing business, whichever is the first to occur.

(3) *Years beginning on or before September 2, 1958.* For the rules applicable to taxable years beginning on or before September 2, 1958, see 26 CFR 1.1372–2 (b) (2) (1978).

(4) *Election prior to expiration of period.* An election under section 1372 (a) which is made prior to the expiration of the period for making the election is binding and may not be withdrawn even though the time within which the election could have been made has not elapsed.

* * * * *

(d) *Retroactive validation of prior invalid election*—(1) *In general.* A corporation which has made an invalid election to be treated as a small business corporation under subchapter S, chapter 1 of the Code may retroactively validate its prior invalid election if the following circumstances exist:

(A) The invalid election was made before January 9, 1979;

(B) The invalid election was intended to be effective for a taxable year (or years) beginning before January 9, 1979; and

(C) The invalid election would have been valid if it had been made at the appropriate time.

(ii) The invalid election may be retroactively validated only for taxable years:

(A) which follow the taxable year in which the invalid election was made; and

(B) for which the corporation treated itself as a small business corporation on its income tax return by filing a Form 112OS, or an amended Form 112OS, before January 9, 1979.

(2) *Manner of electing retroactive validation of prior invalid election.* At the election of the corporation in the manner required by the prescribed form and instructions applicable thereto, a prior invalid election (meeting the requirements of paragraph (d)(1) (i) and (ii) of this section) is retroactively validated if—

(i) All persons (or their personal representatives) who were shareholders of the corporation at any time beginning with the first day of the taxable year for which the first day of the taxable year for which the invalid election is to become effective, and ending on the date of the new election to retroactively validate the prior invalid election (the "retroactive election"), consent to the retroactive treatment of the corporation as a small business corporation under subchapter S, chapter 1 of the Code; and

(ii) All persons referred to in paragragh (d)(2)(i) of this section also consent to the extension of the statute of limitations as prescribed by paragraph (d)(3) of this section.

(3) *Extension of statute of limitations.* If a retroactive election is made under this paragraph (d), the statute of limitations for assessment of deficiency of income tax resulting from the filing of this election is extended to the date which is one year after the date of the retroactive election. If, however, the remaining period of the statute of limitations exceeds one year at the date of the retroactive election, then the longer period applies without extension. The extension of the statute of limitations applies only to a deficiency resulting from the retroactive election under this paragraph (d) and applied to all persons referred to in paragraph (d)(2)(i) of this section (who must consent to this extension).

(4) *Example.* The following example illustrates this paragraph:

Example. X, a corporation organizd in 1972 with a taxable year ending June 30, met the requirements of § 1.1371–1 on August 1, 1972, and at all times thereafter. On August 1, 1972, all the shareholders consented to X's election to be treated as a small business corporation for its taxable year beginning July 1, 1972. Although this election was invalid because it was made after July 31, 1972 (it was made too late), X treated itself as a small business corporation on its June 30, 1973 income tax return, and on all subsequent tax returns. In 1978, X discovered that the election was invalid. X made another election on July 1, 1978, which was valid for the taxable year beginning July 1, 1978. Under the provisions of this paragraph (d), X may elect to retroactively validate the prior invalid election for the taxable years which follow the taxable year in which the invalid election was made (for the taxable years ending June 30, 1974 through 1978) if consent is obtained of all persons who were shareholders of X from July 1, 1973, to the date on which the election is made pursuant to paragraph (d)(2) of this section.

Par. 6. Section 1.1372–3 is amended by revising paragraphs (a) and (b) and by revising so much of paragraph (c) as precedes subparagraph (1), to read as follows:

§ 1.1372–3 Shareholders' consent or refusal to consent.

(a) *In general.* (1) The consent of a shareholder to an election by a small business corporation must be in the form of a statement signed by the shareholder in which the shareholder consents to the election of the corporation. The shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the election corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election.

(2) The consent of a minor must be made by the minor or by his or her legal guardian, or his or her natural guardian if no legal guardian has been appointed. The consent of an estate must be made by the executor or administrator thereof. Where stock of the corporation is held by a grantor trust, as defined in paragraph (d)(3)(i) of § 1.1371–1, each grantor must consent to the election; in the case of stock held by a voting trust, as defined in paragraph (d)(3)(ii) of § 1.1371–1, each beneficiary must consent to the election.

(3) The statement must set forth the name and address of the corporation and of the shareholder, the number of shares of stock owned by the shareholder, and the date (or dates) on which the stock was acquired. The consents of all stockholders may be incorporated in one statement. The consents of all persons who are shareholders at the time the election is made must be attached to the election of the corporation. For taxable years beginning before 1979, if the election is made before the first day of the corporation's taxable year for which it is effective, the consents persons who become shareholders after the date of election and are shareholders on such first day must be filed with the internal revenue officer with whom the election was filed as soon as practicable after such first day. The consents referred to in the preceding sentence are considered timely if they are filed on or before the last day prescribed for making the election. Where a consent is filed after the date of election, a copy of the consent must also be filed with the return required to be filed under section 6037.

(4) An election under section 1372 (a) is not valid if any of the consents are not timely filed. However, see paragraph (c) of this section for extension of time for filing consents.

(b) *New Shareholders*—(1) *General rule.* (i) If a person becomes a shareholder of an electing small business corporation after the day on which the election is made, the new shareholder must affirmatively refuse to consent to the election in order to terminate the election. The affirmative refusal to consent must be made in a statement filed (with the service center with which the election is filed) within the period of 60 days beginning with the day after the day on which the person becomes a new shareholder. A copy of the refusal to consent should be furnished to the corporation by the new shareholder. If the new shareholder is an estate, the 60–day period begins on the day after the day on which the executor or administrator of the estate has qualified under local law to perform his or her duties, but in no event does the period begin later than the day after the last day of the taxable year of the corporation in which the estate became a shareholder. The statement of affirmative refusal to consent must set forth the name and address of the corporation and of the new shareholder, the taxpayer identification number of the corporation, the number of shares of stock owned by the new shareholder, the date on which the shares were acquired, and the name and address of each person from whom the shares were acquired. A copy of the affirmative refusal to consent of the new shareholder must be filed with the return required to be filed by the electing small business corporation under section 6037 for the taxable year to which the affirmative refusal to consent applies.

(ii) An affirmative refusal to consent may be revoked at any time before the end of the 60-day period described in subdivision (i) of this paragraph (b)(1), but thereafter only with the consent of the district director. The burden is on the shareholder to establish any relevant facts and circumstances of unusual hardship which must ordinarily be present for the district director to consent to the revocation. For example, hardship may be present under the circumstances when a valid affirmative refusal to consent was made, and thereafter a court order enjoins the affirmative refusal to consent.

(2) *Years beginning after 1976 and before 1979.* For taxable years beginning after 1976 and before 1979, if a person becomes a shareholder of an electing small business corporation after the first day of the first taxable year for which the election is effective, or after the day on which the election is made (if that day is later than the first day of the taxable year), the new shareholder must affirmatively refuse to consent to the election in order to terminate the election. The affirmative refusal to consent is made in the same manner as for taxable years beginning after 1978 under paragraph (b)(1)(i) of this section.

(3) *Prior defective affirmative refusals to consent.* A timely defective affirmative refusal to consent filed by a shareholder with the Internal Revenue Service prior to [the date which is 30 days after the date on which these regulations are published in the **Federal Register** as a Treasury decision] will be considered effective by the Internal Revenue Service if the names of both the shareholder and the corporation are set forth in the statement of affirmative refusal to consent. For this purpose, a defective affirmative refusal to consent is one that was not properly filed or did not contain all the information required by paragraph (b) (1)(i) or (2) (as the case may be) of this section.

(4) *Years beginning before 1977.* For taxable years beginning before 1977, if a person becomes a shareholdder of an electing small business corporation after the first day of the first taxable year for which the election is made or after the day on which the election is made (if that day is later than the first day of the taxable year), the consent of the new shareholder is made in a statement filed (with the internal revenue officer with whom the election is filed) within the period of 30 days beginning with the day on which the person becomes a new shareholder. A copy of the consent should be furnished to the corporation by the new shareholder. If the new shareholder is an estate, the 30-day period does not begin until the executor or administrator has qualified under local law to perform his or her duties, but in no event does the period begin later than 30 days following the close of the corporation's taxable year in which the estate became a shareholder. The statement of consent must set forth the name and address of the corporation and of the new shareholder, the number of shares of stock owned by the shareholder, the date on which the shares were acquired, and the name and address of each person from whom the shares were acquired. A copy of the consent of the new shareholder must be filed with the return required to be filed under section 6037 for the first taxable year to which the consent applies.

(c) *Extension of time for filing consents.* An election which is timely filed for any taxable year and which would be valid, or would not have terminated, except for the failure of any shareholder to file a consent within the time prescribed in paragraph (a) or (b)(4) of this section is not invalid, or is not treated as having terminated, for such reason if—

* * * * *

Par. 7. Section 1.1372–4 is amended by deleting paragraph (b)(5)(iii), by renumbering paragraph b)(5) (iv) through (xi) as (b)(5) (iii) through (x), and by revising paragraphs (b)(1) and (b)(3), the second sentence of paragraph (b)(4)(i), and the second to the last sentence of paragraph (b)(5)(ix) (as renumbered), to read as follows:

§ 1.1372–4 Termination of election.

* * * * *

(b) *Methods of termination*—(1) *New shareholders*—(i) *General rule.* An election under section 1372(a) terminates if any person who was not a shareholder on the day on which the election was made becomes a shareholder and affirmatively refuses to consent to the election under section 1372(a) in the manner and within the time prescribed in paragraph (b)(1) of § 1.1372–3. The termination of the election is effective for the taxable year of the corporation in which the person becomes a shareholder in the corporation and for all succeeding taxable years of the corporation.

(ii) *Years beginning after 1976 and before 1979.* For taxable years beginning after 1976 and before 1979, an election under section 1372(a) terminates if any person who was not a shareholder on the first day of the first taxable year for which the election is effective, or on the day on which the election is made (if that day is later than the first day of the taxable year), becomes a shareholder and affirmatively refuses, in the manner and within the time prescribed in paragraph (b)(2) of § 1.1372–3, to consent to the election under section 1372(a). The termination of the election is effective for the taxable year of the corporation in which the person becomes a shareholder in the corporation and for all succeeding taxable years of the corporation.

(iii) *Years beginning before 1977.* For taxable years beginning before 1977, an election under section 1372(a) terminates if any person who was not a shareholder on the first day of the first taxable year for which the election is effective, or on the day on which the election is made (if that day is later than the first day of the taxable year), becomes a shareholder and does not

consent to the election under section 1372(a). In the event of a termination caused by the failure of a new shareholder to consent to the election within the required time, the corporation must notify the district director with whom the election under section 1372(a) was filed.

* * * * *

(3) *Ceases to be small business corporation.* An election under section 1372(a) terminates if at any time after the first day of the first taxable year of the corporation for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the corporation ceases to be a small business corporation as defined in section 1371(a). Thus (for taxable years beginning after 1978), the election is terminated if a sixteenth person, a nonresident alien, or a nonqualifying trust, partnership, or corporation becomes a shareholder, or if another class of stock is issued by the corporation. In the event of a termination under this subparagraph the corporation must immediately notify the internal revenue officer with whom the election under section 1372(a) was filed. Such notification must set forth the cause of the termination and the date thereof. In addition, if the termination was caused by the transfer of stock to a sixteenth shareholder, to a nonresident alien, or to a nonqualifying trust, partnership, or corporation, the notification must specify the number of shares transferred to such person, the name of such person (or in the case of a trust the name of the trustees and beneficiaries), and the name of the shareholder who transferred such stock to such person. If the termination was caused by the issuance of a second class of stock, the notification must indicate the number of shares of such new class issued and must describe the differentiating characteristics of the new class of stock.

(4) *Foreign income.* (i) * * * For the meaning of the term "gross receipts," see subparagraph (5)(iii) of this paragraph. * * *

(5) *Passive investment income*—(i) *In general.* Except as otherwise provided in subdivision (ii) of this subparagraph, an election under section 1372(a) terminates if for any taxable year of the corporation the corporation has gross receipts more than 20 percent of which is derived from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (hereinafter referred to as "passive investment income"), as determined in accordance with the rules of this subparagraph. * * *

* * * * *

(ix) *Gross receipts from the sale of stock or securities.* * * * However, gross receipts do not include certain amounts which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock (see subdivision (x) of this subparagraph). * * *

* * * * *

§ 1.1373—1.1378 [Deleted]

Par. 8. Sections 1.1373, 1.1374, 1.1375, 1. 1376, 1.1377, and 1.1378 are deleted.

PART 14—TEMPORARY REGULATIONS UNDER ACT OF APRIL 14, 1966, RELATING TO ELECTING SMALL BUSINESS CORPORATIONS [DELETED]

Par. 9. Part 14, Temporary Regulations under Act of April 14, 1966, Relating to Electing Small Business Corporations (26 CFR Part 14), is deleted.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-11691 Filed 4-16-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Civil Rights Division, Department of Justice.

ACTION: Semiannual agenda of regulations.

SUMMARY: The Civil Rights Division is publishing its semiannual agenda of regulations under Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: For information regarding individual regulations, contact the individual identified as the knowledgeable official.

Semiannual Agenda of Regulations

Education Programs or Activities Receiving or Benefiting from Federal Financial Assistance—Implementation of Title IX of the Education Amendments of 1972, as amended.

Discussion of the Regulation

The regulation will establish standards to assure nondiscrimination on the basis of sex in education programs and activities receiving Federal financial assistance from all components of the Department of Justice except the Law Enforcement Assistance Administration.[1] It will define and prohibit discrimination on the basis of sex in these programs and activities, encompassing such matters as recruitment, admissions, the delivery services, and employment. Covered programs and activities will include training programs provided by the Bureau of Prisons through its National Institute of Corrections, training assistance provided by the Drug Enforcement Administration, citizenship education and training funded by the Immigration and Naturalization Service, and education assistance provided by the Federal Bureau of Investigation.

Legal Basis

Title IX of the Education Amendments of 1972, as amended, §§ 901, 902, 20 U.S.C. 1681 *et seq.*

Regulatory Analysis

The appropriateness of regulatory analysis is presently under consideration.

Knowledgeable Official

Stewart B. Oneglia, Office of Coordination and Review, Civil Rights Division, Department of Justice, Washington, D.C. 20250, (202) 724-6757.

Matters Relevant to Section 2(b) of Executive Order 12044

Issues and Alternatives Considered

Section 902 of the Education Amendments of 1972, as amended, mandates the issuance of a regulation to enforce the prohibition of Section 901 of the statute against discrimination because of sex in educational programs or activities receiving Federal financial assistance. Furthermore, Section 902 requires approval of the proposed regulation by the President before it becomes effective. Such approval will be obtained prior to publication of this regulation in final form in the **Federal Register.**

Every effort has been made to keep this regulation as consistent as possible with the Title IX regulations promulgated by the Department of Health, Education, and Welfare and the Department of Agriculture.

[1] Section 518(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, prohibit sex discrimination by any recipient of Federal financial assistance under those Acts. Since the scope of these Acts is broader than that of Title IX, the Law Enforcement Assistance Administration regulation implementing the nondiscrimination provisions of those Acts, 28 CFR Part 42.201 *et seq.*, will be amended to include Title IX in its authority, and a reference to 28 CFR Part 42.201 *et seq.* will be made in the proposed Title IX regulation.

Public Comment

A sixty-day comment period will be provided after initial publication of the proposed regulation in the **Federal Register.** In addition, the proposed regulation will be brought to the attention of persons known to have a particular interest in the enforcement of Title IX of the Education Amendments of 1972.

Timetable

NPRM—March, 1980.
Final Rule—July, 1980.

Nondiscrimination Based on Handicap in Federally Assisted Programs—Implementation of Section 504 of the Rehabilitation Act of 1973 and Executive Order 11914.

Discussion of the Regulation

The regulation will establish standards to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Justice. It will define and prohibit acts of discrimination against qualified handicapped persons in employment and as beneficiaries of programs and activities receiving assistance from the Department. Covered programs and activities will include those administered by state and local units of the criminal justice system receiving grants and Federal assistance contracts from the Law Enforcement Assistance Administration (*e.g.*, police departments, prisons, courts), training programs and laboratory facilities provided by the Federal Bureau of Investigation and the Drug Enforcement Administration, training programs provided by the Bureau of Prisons through its National Institute of Corrections, and grants provided to states by the Department of Justice for antitrust enforcement. Procurement contracts and contracts of insurance or guaranty are not considered Federal financial assistance within the meaning of § 504 of the Rehabilitation Act.

This regulation will affect a substantial number of public and private agencies. For example, in Fiscal Years 1977 and 1978 LEAA made 6,840 and 10,398 grants and contracts respectively.

Legal Basis

Rehabilitation Act of 1973, § 504, 29 U.S.C. 794; Executive Order 11914, 41 FR 17871–3 CFR 1976 Comp., pp. 117–118, HEW Guidelines on Rehabilitation, 43 FR 2132.

Regulatory Analysis

The appropriateness of regulatory analysis is presently under consideration.

Knowledgeable Official

Robert N. Dempsey, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 633–2374.

Matters Relevant to Section 2(b) of Executive Order 12044

Issues and Alternatives Considered

The Rehabilitation Act of 1973, as amended, mandates the issuance of a regulation to enforce the prohibition of § 504 of that statute against discrimination because of handicap in Federal assistance programs. Further, Executive Order 11914 requires all Federal departmental regulations implementing § 504 to be consistent with those issues by HEW. Accordingly, there are no alternatives to the standards which HEW has published (43 FR 2132) in terms of scope, timing or substantive requirements. Within that context, the major issues will become more clearly defined once the comment period has closed and the comments have been analyzed.

Public Comment

The public has already received notice of the Department's pending § 504 regulation through an advance notice of proposed rulemaking (ANPRM) in the Regulatory Council's first Calendar of Federal Regulations (44 FR 11388, 11428 (February 28, 1979)). There was no public response to the ANPRM. The proposed regulation calls for a ninety day comment period during which a public meeting on the proposed regulation will be held in Washington, D.C.

Timetable

NPRM—September 21, 1979.
Final Rule—On or before May 16, 1980.

Programs or Activities Receiving or Benefiting from Federal Financial Assistance—Implementation of Age Discrimination Act of 1975, as amended.

Discussion of the Regulation

The regulation will establish standards to assure nondiscrimination on the basis of age in programs and activities receiving Federal financial assistance from all components of the Department of Justice. It will define and prohibit discrimination on the basis of age against beneficiaries in these programs and activities and will detail statutory exceptions contained in the Act. Covered programs and activities would include those administered by state and local units of the criminal justice system receiving Federal assistance in the form of grants and Federal assistance contracts from the Law Enforcement Administration (*e.g.*, police departments, prisons, courts) or training from the Federal Bureau of Investigation or other agencies within the Department of Justice. Procurement contracts and contracts of insurance or guaranty are not considered Federal assistance within the meaning of the Age Discrimination Act of 1975, as amended.

Legal Basis

Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; Department of Health, Education, and Welfare Government-Wide Age Discrimination regulations, 44 FR 33768 (June 12, 1979).

Regulatory Analysis

A regulatory analysis is not required.

Knowledgeable Official

Cizo S. Aloot, Office of Coordination and Review, Civil Rights Division, Department of Justice, Washington, D.C. 20250, (202) 724–6799.

Matters Relevant to Section 2(b) of Executive Order 12044

Issues and Alternatives Considered

In furtherance of its statutory authority, the Department of Health, Education, and Welfare has required each Federal department or agency to issue regulations which are consistent with the Federal-wide regulations promulgated by that Department. Section 90.31(c) requires each Federal department or agency to submit its final regulation to HEW for review no later than 120 days after publication of proposed age discrimination regulations. Accordingly, there are no alternatives to the standards which HEW has published (44 FR 33768) in terms of scope, timing or substantive requirements obligating recipients of Federal assistance from the Department of Justice.

Public Comment

A thirty-day comment period will be provided after initial publication of the proposed regulation in the **Federal Register.** In addition, the proposed regulation will be brought to the attention of persons known to have a particular interest in the enforcement of Age Discrimination Act of 1975.

Timetable

NPRM—February/March, 1980.
Final Rule—June/July, 1980.

Procedures for the Administration of Section 5 of the Voting Rights Act of 1965 (28 CFR Part 51)

Discussion of the Regulation

Section 5 of the Voting Rights Act of 1965, as amended in 1970 and 1975, 42 U.S.C. 1973c, requires that certain states, counties, cities, school districts, and other political units (primarily in the South and Southwest) submit to the Attorney General (or to the United States District Court for the District of Columbia) any changes in voting procedures, practices, or standards for a determination that such changes do not have the purpose and will not have the effect of discriminating on the basis of race, color, or membership in a language minority group. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965 were first published on September 10, 1971, 36 FR 18186. These procedures are currently under revision. The procedures explain the preclearance requirement, the Department's internal procedures, the submissions process to be followed by affected jurisdictions, the information required by the Attorney General to evaluate proposed changes and the standards utilized in reviewing such changes. They also inform interested persons of the manner in which they can be notified of submitted changes and can comment upon them.

The Section 5 procedures do not impose new requirements on the affected jurisdictions. Rather, they provide guidance on compliance with requirements imposed by Congress. The procedures allow the preclearance requirements of Section 5 to be more easily understood, facilitate the preparation of submissions without legal counsel, and enable the submission process to operate more expeditiously than it otherwise would.

Legal Basis

Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c; *Georgia* v. *United States*, 411 U.S. 526 (1973).

Regulatory Analysis

A regulatory analysis is not required.

Knowledgeable Official

David H. Hunter, Voting Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 724–7189.

Matters Relevant to Section 2(b) of Executive Order 12044

Issues and Alternatives Considered

Section 5 of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1970 and 1975, 42 U.S.C. 1973c, requires that certain states, counties, cities, school districts, and other political units (primarily in the South and Southwest) submit to the Attorney General (or to the United States District Court for the District of Columbia) any changes in voting procedures, practices, or standards for a determination that such changes do not have the purpose and will not have the effect of discriminating on the basis of race, color, or membership in a language minority group. Procedures for the Administration of Section 5 were first published on September 10, 1971, 36 FR 18186. These procedures are currently under revision.

Three alternatives have been considered: (1) Have no published procedures; (2) Retain the existing procedures; (3) and Prepare revised procedures. The third alternative has been selected. The Section 5 procedures were originally adopted in 1971, after six years of experience without such published procedures demonstrated a need for them. Since 1971, the passage of the Voting Rights Act Amendments of 1975, a number of court decisions, and the experience of the Department have made necessary the preparation of revised procedures. Within this context, the major issues will become more clearly defined once the comment period has closed and the comments have been analyzed.

Public Comment

A sixty-day comment period will be provided after initial publication of the proposed revised procedures in the **Federal Register.** At that time copies of the proposed revised procedure will also be sent to all persons and organizations listed in the Registry of Interested Individuals and Groups (see 28 CFR 51.13), and to officials of affected jurisdictions. In addition, the procedures will be brought to the attention of other persons known to have a particular interest in the administration of Section 5.

Timetable

NPRM—March, 1980.
Final Rule—May, 1980.

Notice of Memorandum for the Heads of Executive Departments and Agencies on the Collection of Race, Ethnic, Age, and Sex Information on Application for Benefits issued November 23, 1979.

Discussion of the Regulation

The Memorandum, in the form of a Directive, implements § 42.406(a) of the Department of Justice's Coordination regulations. This section requires that.

[e]xcept as determined to be inappropriate in accordance with paragraph (f) of this Section or § 42.404(b), federal agencies * * * shall in regard to each assisted program provide for the collection of data and information from applicants for and recipients of federal assistance sufficient to permit effective enforcement of Title VI.

Collecting and reviewing data on the race, ethnic background, age, and sex of persons applying for benefits or services under a federally assisted program is an essential element in determining the compliance status of that program. Additionally, this data may be required for enforcement purposes after a finding of probable noncompliance has been made.

Legal Basis

Section 42.412 of Department of Justice regulations at 18 CFR Part 42 Subpart F, issued pursuant to Executive Order 11764, 39 FR 2575.

Regulatory Analysis

A regulatory analysis is not required.

Knowledgeable Official

David A. Morman, Office of Coordination and Review, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 724–6766.

Matters Relevant to Section 2(b) of Executive Order 12044

Issues and Alternative Considered

Executive Order 11764 charges the Attorney General with the responsibility to "prescribe standards and procedures regarding the implementation of Title VI," and further provides the authority "to issue such orders as he deems necessary" to discharge this responsibility. The responsibility and authority have been delegated to the Assistant Attorney General for Civil Rights.

Since this Order was issued in 1974, the Civil Rights Division has continuously assessed the effectiveness of Federal Title VI enforcement programs. One persistent and recurring deficiency that has been identified is the lack of sufficient race/ethnic data upon which to base agency determinations of compliance. Over these years, several alternatives to this Directive have been tried; none have proven effective.

Public Comment

Memorandum is being published as a general notice to the public; a public comment period is not required.

Timetable

Final Notice—February, 1979.

Approved: February 19, 1980.

John H. Shenefield,

Associate Attorney General.

[FR Doc. 80-11590 Filed 4-16-80; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1463-2]

Proposed Revision to the New York State Implementation Plan; Reopening Comment Period

AGENCY: Environmental Protection Agency.

ACTION: General notice reopening comment period.

SUMMARY: The purpose of this notice is to reopen the period for comment on a notice of proposed rulemaking published by the Environmental Protection Agency (EPA) in the January 17, 1980 issue of the Federal Register (45 FR 3331). This earlier notice concerns a proposed revision to the New York State Implementation Plan which, if approved by EPA, would have the effect of allowing the Consolidated Edison Company of New York, Inc. to use fuel oil with a sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility on Staten Island, New York and unit 3 of its Ravenswood generating station in Queens, New York.

The Environmental Protection Agency is reopening the comment period on its earlier proposed action in order to receive additional comment on two issues: Its impact on potential regional growth and development and, recent air quality data indicating its potential to violate the annual average national ambient air quality standard for sulfur dioxide.

DATES: Comments must be received on or before May 19, 1980.

ADDRESSES: All comments should be addressed to: Charles S. Warren, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 908, Region II Office, 26 Federal Plaza, New York, New York 10007.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233.

New York State Department of Environmental Conservation, Region II, Two World Trade Center, New York, New York 10047.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTARY INFORMATION: In the January 17, 1980 issue of the **Federal Register** (45 FR 3331) the Environmental Protection Agency (EPA) published a notice of proposed rulemaking with regard to the New York State Implementation Plan (SIP). The comment period established by that notice ended on February 19, 1980 and was subsequently extended to March 5, 1980 by another notice (45 FR 12266, February 25, 1980). Because new information bearing on this proposal has come to EPA's attention, EPA is today providing an additional 30-day comment period on its January 17, 1980 proposal.

The January 17, 1980 notice of proposed rulemaking fully discusses the proposed revision to the New York SIP submitted by the State on November 29, 1979. In summary, the proposed revision concerns a "special limitation" which, if approved by EPA for inclusion in the SIP, would allow the Consolidated Edison Company of New York, Inc. (Con Ed) temporarily to use fuel oil with a higher sulfur content than is currently permitted by State regulation. The "special limitation" applies to units 2 and 3 of the Arthur Kill generating facility on Staten Island, New York and unit 3 of the Ravenswood generating station in Queens, New York. These three units currently are permitted to burn fuel oil with a sulfur content not in excess of 0.30 percent, by weight.

EPA is reopening the comment period on its proposal based upon two factors: significant public comments received regarding the implications of its proposed action upon regional growth potential and, the acquisition of recently available air quality data which indicates a violation in lower Manhattan of the annual national ambient air quality standard for sulfur oxides.

Many commentors raised the issue of the potential impact of this action upon future new source development and growth of the regional economy. This issue is briefly discussed in EPA's January 17, 1980 notice of proposed rulemaking in the context of the Clean Air Act's Prevention of Significant Deterioration (PSD) program. Specifically, commentors objected to use of a large portion of the available PSD increment to accommodate Con Ed's "special limitation." They did not believe the increment should be allocated on a "first come-first served" basis without carefully considering the implication of growth needs in other states, notably New Jersey. They pointed out the likelihood that many powerplants in the New York City metropolitan area may be required by the U.S. Department of Energy to convert to coal, and that the impact of all such conversions should be analyzed and only proceed according to a program based upon the cumulative air quality impact of such conversions. Commentors also made reference to the provisions of Sections 126 and 110(a)(2)(E) of the Clean Air Act under which EPA may assume a role in interstate air quality impact decisions.

Consequently, EPA requests further comments regarding whether this situation warrants EPA involvement consistent with the above referenced sections of the Clean Air Act and whether the Administrator of EPA should initiate proceedings to decide the merits of this case with regard to these concerns.

The second issue relates the levels of sulfur dioxide measured at the Mabel Dean Bacon High School on the lower east side of Manhattan. At the time of EPA's January 17, 1980 proposal, the available data indicated that this area was marginally attaining national ambient air quality standards. However, later data from this monitor indicated that, for the 12-month period ending December 31, 1979, the annual average sulfur dioxide concentration was 81 ug/m^3. This concentration exceeds the national ambient air quality standard, which is 80 ug/m^3.

Technical analyses submitted by Con Ed and the New York State Department of Environmental Conservation indicate that the increased sulfur oxide emissions which would result from EPA approval of the proposed "special limitation" would lead to a further deterioration in air quality at this site by 2 ug/m^3. The most recently available measured air quality data (for the 12-month period ending on February 29, 1980), shows that the annual average sulfur dioxide concentration at the Mabel Dean Bacon site appears to be below the national ambient air quality standard by almost 2 ug/m^3. EPA solicits public comment on the issue of the observed violation of the annual national ambient air quality standard for sulfur dioxide at the Mabel Dean Bacon monitor particularly with regard to the following specific issues:

• The degree to which this violation should be considered in EPA's decision to approve or disapprove Con Ed's "special limitation" in light of air quality trends at this site,

• The degree to which short term variances to State sulfur-in-fuel-oil limitations issued during the 1978–1979 heating season may have affected observed sulfur dioxide concentrations at this site, and the extent to which the effect of such variances should be considered, and

• The need for offsetting measures (such as additional conversions to natural gas burning) so as to accommodate the impact of the proposed "special limitation" at this site.

(Secs. 110, 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: April 8, 1980.

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 80-11641 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1076

Rural Development Loan Fund Program

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration is filing a proposed rule governing its Rural Development Loan Fund Program authorized under Title VII, part C, of the Economic Opportunity Act of 1964, as amended. This proposed rule details the policies governing the Program, eligible applicants, the procedures to be followed in applying for financial assistance, and the post-award requirements. CSA will make or guarantee loans under this Program based on the policies published in the final rule.

CSA believes it is in the public interest to expedite the application and loan award process for this Program. Therefore, CSA requests, and will accept, submission of applications for assistance under this program based on this proposed rule. These applications may be filed immendiately. All loans awarded under this Program shall be subject to the provisions of the final rule regardless of whether such loans are awarded to applicants who filed applications prior to or after publication of the final rule. No loans will be awarded under this Program until after publication of a final rule.

Based on its published criteria, CSA has determined that this is a significant rule.

DATE: CSA welcomes and encourages comments on the proposed rule. Comments received by June 16, 1980 will be considered in drafting the final rule.

Send all comments to: James Digilio, Chief Program Development and Demonstration Division, Office of Economic Development, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: James Digilio at the above address, (202) 254–5320.

SUPPLEMENTARY INFORMATION: The Rural Development Loan Fund currently authorized under Title VII, Part C, Section 731 of the Economic Opportunity Act of 1964, as amended (EOA), grew out of the Title III–A rural loan program, a program established in 1964 by the EOA which authorized a revolving loan fund. Congress shifted the program to Title VII–C in 1972 and amended this Title in 1974 and 1978. The amendments include the transfer of the remaining assets of the Title III–A program to the new Revolving Loan Fund under Title VII and broadened the class of community-based eligible borrowers.

These proposed regulations are the first to be developed for the Rural Development Loan Fund Program under Title VII–C.

The Rural Development Loan Fund Program covers two distinct types of loan and guaranty making mechanisms. The first is direct assistance, i.e., loans and guaranties made by CSA directly to eligible borrower organizations (recipients); and the second, loans and guaranties from CSA to recipients which in turn relend or guaranty the funds to other eligible recipients and in certain limited cases to low-income families and businesses organized for profit.

Families and businesses organized for profit can borrow only from recipients—not directly from CSA—and only if such relending activities are approved by CSA as a part of the recipient's approved work program. Eligible recipient organizations are generally non-profit tax-exempt organizations such as CAAs, CDCs and cooperatives.

All projects must be located in rural areas. Loans and guaranties to eligible recipient organizations can be made only for business facilities and community development projects, i.e., group ventures aimed at providing increased income, employment and ownership opportunities for low income local residents.

Preference in providing assistance will be given to those applicants who can demonstrate a concern for rural community economic develop, a representative governing board, a program emphasis on providing new jobs, increased income and ownership opportunities for the rural poor, and ability to significantly affect rural economic enterprise and to leverage other sources of financial and technical assistance.

The proposed rule provides details on other aspects of the Program including the process by which eligible applicants may apply for financial assistance and the conditions which will govern the operation of the program.

William W. Allison,

Acting Director, Community Services Administration.

Authority: The provisions of this subpart are issued under Section 602, 78 Stat. 530; 42 U.S.C 2942. 45 C.F.R. 1076 is proposed to be amended by adding new subpart, 1076.50 to read as follows:

PART 1076—ECONOMIC DEVELOPMENT PROGRAM

Subpart 1076.50—Rural Development Loan Fund Program

Sec.

1076.50–1 Definitions.
1076.50–2 Objectives of the Rural Development Loan Fund Program.
1076.50–3 Organizations eligible for financial assistance under this program.
1076.50–4 Eligible activities.
1076.50–5 Program priorities.
1076.50–6 Loans; interest on; allowable costs.
1076.50–7 Terms of loans and guaranties.
1076.50–8 Application process.
1076.50–9 Content of applications.
1076.50–10 Loans and guaranties made by recipients to other eligible organizations.
1076.50–11 Security.
1076.50–12 Post-award requirements.
1076.50–13 Liquidation; default.
1076.50–14 Conflict of interest.

§ 1076.50–1 Definitions.

For the purpose of providing assistance under this subpart:

(a) "Business facilities and community development projects" means group ventures, including community development credit unions, located in rural areas. Such projects are primarily aimed at providing increased income, ownership, or employment opportunities for low-income rural area residents and which either (1) are organized to earn a profit or on a cooperative basis, or (2) directed primarily to improving the physical or environmental infrastructure such as land development, industrial parks and commercial centers. The term does not embrace social service projects operated on a not-for-profit basis such

as job training, day-care or health services.

(b) "Community action agency" means an organization as defined in Section 210(a) of the Economic Opportunity Act of 1964 (EOA), as amended.

(c) "Community-based organization" means a cooperative or private non-profit organization at least 50 per centum of whose governing body is composed of local area residents and which is eligible for financial assistance under Title II of the EOA. The term also shall include a national, regional or state organization at least 50 per centum of whose governing board is composed of representatives of other community-based organizations.

(d) "Community development corporation" means an organization receiving assistance from CSA under EOA Part A of Title VII, which includes any organization more than 50 per centum of which is owned or controlled by such a community development corporation.

(e) "Community development credit union" means a type of business facility and community development project which is chartered under federal or state law as a community development credit union and is operated or controlled by low-income rural area residents.

(f) "Cooperative" means an incorporated or unincorporated association, in existence or being organized: (1) whose members are allowed only one vote each; (2) at least 50 per centum of which is owned or controlled by low-income rural residents; (3) which conducts for the mutual benefit of its members such operations as producing, purchasing, marketing, processing and other activities primarily aimed at improving its members' income as producers or their purchasing power as consumers.

(g) Indian groups whose governance is controlled by the populations to be served are eligible to apply for Indian project funds. This includes Indian nations, tribes, bands, pueblos, or other organized groups or communities, including Alaskan Native villages as defined in the Alaskan Claims Settlement Act who are either indigenous to the United States, or a state, through treaty agreement, executive order, law, court order, or administrative action of the Department of Interior, except as otherwise provided by federal law.

(h) "Director" means the Director of the Community Services Administration (CSA).

(i) "Private non-profit" means an organization which is eligible for or has received exemption from federal income taxes under Internal Revenue Code (IRC) § 501(c)(3).

(j) "Rural" means any area that is not within the boundaries of a city having a population of 50,000 or more nor within such a city's immediately adjacent urbanized area having a population density of more than 200 persons per square mile as determined by the Secretary of Agriculture according to the latest decennial census.

(k) "Supportive organization of cooperatives" means an organization whose primary purpose is to provide economic, technical or financial assistance to cooperatives.

§ 1076.50–2 Objectives of the Rural Development Loan Fund Program.

(a) The objective of the Fund is to test the premise of community economic development financing concepts in rural areas. The program emphasizes an attack on rural poverty by organizations, representative of low-income area residents, experienced in dealing with economic development problems. It stresses group, rather than individual, efforts to provide expanded opportunities for rural residents to increase their ownership of, employment in, or income from local economic enterprise.

(b) In accomplishing this objective, the program seeks to coordinate and leverage its own resources with those of other government agencies and private sources. The Fund's monies should be complemented by provision of ample technical assistance in order to enhance the ability of rural group ventures to grow and prosper. However, while encouraging the development of new and imaginative community development ventures, CSA will assure that the program's operations are conducted on a sound business basis.

(c) The Program's purpose is not only provision of loans and guaranties to eligible borrowers at the lowest reasonable cost, but also embraces the broader objectives of arresting tendencies toward dependency, chronic unemployment, and community deterioration in rural areas. To this end, the Program seeks to attract additional private capital into rural communities, build and expand the ability of rural institutions to better serve the economic needs of local residents, and provide new employment and ownership opportunities for low-income persons through group ventures and community economic development financing techniques.

§ 1076.50–3 Organizations eligible for financial assistance under this program.

(a) CSA will provide financial assistance in the form of loans or guaranties under this Program to carry out eligible activities directly or indirectly through re-lending or guaranteeing to the following types of organizations:

(1) Community development corporations;

(2) Community Action agencies;

(3) Supportive organizations of cooperatives;

(4) Local cooperatives;

(5) Public agencies;

(6) Private non-profit groups;

(7) Community based organizations eligible for financial assistance under Title II of the EOA;

(8) Community development credit unions.

(b) Recipients who have received financial assistance for the purpose of re-lending or guaranteeing loans, may make loans and guaranties to:

(1) The type of organizations listed in (a) above;

(2) Low-income families; or

(3) Businesses organized for profit which are 50% owned or controlled by low-income persons; or which employ primarily low-income residents and would not have expanded or moved into the rural area without such assistance.

§ 1076.50–4 Eligible activities.

(a) Loans and guaranties from CSA to a recipient under this Program may be used only for business facilities and community development projects in rural areas. These also are the only acceptable activities for use of the monies which recipients have received for re-lending or guaranteeing purposes.

(b) Guaranties may be made for the purpose of (1) guarantying principal only, interest only, or both principal and interest; (2) guarantying up to 90 per centum of any loan in either an exposed or subordinated position; or (3) making deposits in financial institutions to secure the loans authorized hereunder.

(c) Loans and guaranties under this program generally will not be made for refinancing existing debts of borrowers. Relenders must obtain prior CSA approval for any such refinancing activities.

§ 1076.50–5 Priorities.

In making assistance available to eligible organizations for business facilities and community development projects, CSA will give priority to those applications which can best demonstrate one or more of the following:

(a) *Program priorities.* (1) A program emphasis which is likely to provide increased income, ownership and employment opportunities for low-income rural residents;

(2) A national, regional, or local approach to community economic development which enables institutions to become more sensitive and responsive to the economic needs of low-income rural residents.

(3) A strategy which will leverage other sources of financial and technical assistance so as to appreciably affect the creation of increased ownership and provide employment and income opportunities for low-income rural residents.

(4) The creation of a model-type of non-profit community economic development finance corporation which would be user-controlled, independent and professionally operated, and provide long-term financial support for eligible economic development organizations.

(b) *Organizational priorities.* (1) A history of rural community economic development efforts or concern for the problems of low-income residents.

(2) A governing body representative of the organizations or persons to be served by the program.

(3) The ability to get low-income rural residents to cooperate and pool their talents and resources so as to create or expand economic enterprise on a significant scale.

§ 1076.50–6 Loans, interest on; allowable costs.

(a) Loans made under this subpart shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield of outstanding Treasury obligations of comparable maturity, plus such additional charge if any toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower which rate shall not be lower than 1 per centum.

(b) Interest repaid on loans, premiums earned on guaranties, investment or interest income, service fees or other authorized financing charges collected may be retained by those recipients re-lending or guarantying funds with written CSA approval, and may be used to cover the costs of administering the loan and guaranty program authorized hereunder.

(c) Costs of administering the loan and guaranty program authorized hereunder shall include, but not be limited to, costs of program administration and management: i.e., monitoring and evaluation; costs of collection, other charges and provision of technical assistance and training; legal and accounting services; preparation of financial, planning, management, feasibility, technical, product development and marketing reports and studies, and development of additional grant, loan or guaranty applications and proposals.

§ 1076.50–7 Terms of loans and guaranties.

No loan or guaranty can be extended hereunder either by CSA to a recipient or by a recipient to another eligible borrower for a term exceeding 30 years from the date of initial borrowing from CSA.

§ 1076.50–8 Application process.

(a) *Dates of submission.* Annually or more often, CSA will publish in the **Federal Register** the dates for submission of applications for assistance.

(b) *Processing procedures.* Applications to CSA for loans or guaranties under this subpart for Fiscal Year 1980 may be made immediately, and no later than August 1, 1980, by written submission to: Rural Development Loan Fund Program, Office of Economic Development, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506. All loans awarded under the Program shall be subject to the provisions of the final rule regardless of whether such loans are awarded to applicants who have filed applications prior to or after publication of the final rule. No loan will be awarded under this program until publication of the final rule.

§ 1076.50–9 Contents of applications.

All applications for assistance shall contain:

(a) *Eligibility documents.* (1) Standard Form 424, Financial Assistance.

(2) Articles of Incorporation (or Association), Bylaws and IRC § 501(c)(3) determination letter. If applicant is a non-profit corporation without such an IRS letter, it must include a certification by an attorney that it is so organized and operated that it would be eligible for a § 501(c)(3) determination.

(3) Description of its governing board and its representational nature, if applicable.

(4) Characteristics of the rural area where the project is to be located.

(5) Resumes of management team.

(6) Record of concern for and experience with community economic development on behalf of low-income rural residents.

(b) *Financial proposals.* (1) A full description of the proposed use of the requested financial assistance, whether it is a business facility or community development project, and how increased income, ownership or employment opportunities for low-income area residents will be provided. In order to assure CSA that there is reasonable assurance of repayment of the loan and that the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is being made, this description also should be accompanied by:

(i) A summary statement detailing the total cost of the project, delineating fixed assets and working capital, and explaining what other funds may be available or committed;

(ii) Detailed and realistic feasibility studies and cost analyses;

(iii) Audited balance sheets and profit and loss statements for the immediately preceding three years or from the commencement of its operation, whichever period is shorter, and if funds will be used for the acquisition, preservation or expansion of an existing business, similar audited financial statements for such venture;

(iv) Cash-flow projections and pro forma profit and loss statements and balance sheets estimated on a monthly basis for two years;

(v) Estimated purchase price or annual rent for any proposed purchase or lease of real property, accompanied by an independent appraisal of the property establishing that the proposed purchase price or annual rent is reasonable;

(vi) A statement detailing what other conventional private sources or Federal, state or local programs have resources available, and why those resources are not being utilized for the proposed project.

(c) *Additional requirements for re-lending or guarantying.* If the assistance being requested is for re-lending or guarantying funds to other eligible recipients, applicants must also submit the information required by the next section.

§ 1076.50–10 Loans and guaranties made by recipients to other eligible organizations.

(a) Where the purpose of the financial assistance awarded by CSA to an organization is for relending or guarantying, the recipient, in addition to submitting the eligibility documents for itself and financial proposals for those borrowers it has identified, must submit its work program for such relending and

quarantying activities. The work program must contain:

(1) Standards and criteria for relending and guarantying, including determinations of rates of interest, fees, terms, repayment schedules, collateral security, default and collection procedures and how the same may be adjusted.

(2) Basis for determining any priorities or preferences in awarding assistance.

(3) A plan for providing technical assistance to, and an evaluation and monitoring of, its proposed activities.

(b) When an applicant plans to relend or guaranty to low-income families or profit-making businesses, it must also show how such activity will contribute to community economic development and directly benefit rural residents.

(c) Applications to recipients with approved work programs for relending or guarantying under this subpart may be made 30 days after the publication of the rule. CSA's Office of Economic Development will periodically publish in the **Federal Register** the names and addresses and amounts available from those organizations which CSA already has funded.

(d) Notice of availability of loans and guaranties from recipients with approved work programs shall be given the widest possible publicity among potential eligible applicants. Such recipients, however, may utilize RFPs to limit the number and diversity of applications by subject matter areas and amounts with the express consent of CSA. RFPs, where used, generally should state total funds to be made available thereunder and approximate number or size of the expected awards.

§ 1076.50–11 Security.

(a) *As a credit factor.* Except in the case of certain types of seasonal loans, the availability of collateral security normally shall be considered as a secondary consideration in making loans or guaranties. The types and amount of collateral security required should be governed by the relative strengths and weaknesses of other credit factors. However, the taking of collateral as security should be considered in each loan making or guaranty transaction. Collateral security should be sufficient to provide the lender reasonable protection from loss in the case of adversity, but such security or lack thereof should not be used as the primary basis for deciding whether to extend credit. Endorsements or guaranties by other organizations, directors, or persons should be used only in unusual cases.

(b) *Security interests.* Security interests which may be taken by the lender or guarantor include but are not limited to liens on real or personal property, including leasehold interests, assignments of income and accounts receivable, and liens on inventory or proceeds of inventory sales, as well as marketable securities and cash collateral accounts.

(c) *Motor vehicles.* Liens ordinarily should be taken on licensed motor vehicles or boats purchased hereunder in order to be able to transfer title easily should the lender need to declare a default or repossess the property.

(d) *Additional security.* The lender or guarantor may require collateral security or additional security at any time during the term of a loan or guaranty if after review and monitoring an assessment indicates the need for such security.

(e) *Insurance on property secured.* Ordinarily, hazard insurance up to the amount of the loan or the depreciated replacement value of the property secured (whichever is less) will be taken naming the lendor as beneficiary. Such insurance includes fire and extended coverage, public liability, property damage, and other appropriate types of hazard insurance.

(f) *Appraisals.* Property serving as collateral security will be appraised by a qualified appraiser.

§ 1076.50–12 Post award requirements.

(a) *Applicability of CSA policies.* Financial assistance to recipients and to those who borrow from recipients with approved work programs for relending or guarantying is subject to the conditions currently set forth in Appendix A and Appendix B, 45 CFR 1067.5.

(b) *Deposits.* (1) Unless otherwise specifically agreed to in writing by CSA, loan proceeds and any interest thereon not immediately needed or disbursed by the borrower should be deposited in an interest bearing account or time deposit in a bank or other financial institution which can be fully covered by a form of federal deposit insurance.

(2) Deposits and accounts in financial institutions owned or controlled by minorities shall be encouraged provided they are adequately covered by a form of federal deposit insurance.

(3) Any interest or other income earned as a result of such accounts or deposits shall be used by the borrower only for the authorized purposes of the loan involved or its approved work program.

§ 1076.50–13 Liquidation; default.

Should the Director determine that it is necessary or desirable to take action to protect or further the interests of CSA in connection with any default or breach of conditions under any loan or guaranty made hereunder, the Director may:

(a) Declare that the loan is immediately due and payable.

(b) Assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions as he shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by him in connection with financial assistance extended hereunder.

(c) Adjust interest rates, use fixed or variable rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him and take such other actions in respect to such loans and guaranties as are necessary or appropriate, consistent with the objectives of the Program and this subpart.

(d) In taking the actions provided for in paragraph (c) above the Director shall take into account such factors as:

(1) The inherent difficulty of creating or expanding rural enterprises which can offer real and increased ownership, employment and income opportunities for low-income persons.

(2) The need for new and more responsive national, regional and local financial institutions to serve low-income rural residents.

(3) The lead time, mobilization of resources, and leveraging required for rural residents to successfully pool their talents and abilities to engage in meaningful community economic development.

(4) The need for adequate technical assistance, training and skills development to accompany financial assistance for community-based, economic development efforts.

(5) The experimental and demonstrational nature of the program balanced with the desire to operate the program on a sound business basis.

(6) Other particular needs of the borrower.

§ 1076.50–14 Conflict of interest.

No recipient shall relend or guaranty to or for the benefit of:

(a) Any person who is also a board member of such recipient without specific prior CSA written approval given with knowledge of the relationship involved; or

(b) Any organization which has on its governing board or as agent, consultant or employee, a person who is also a board member of the recipient without specific prior CSA written approval given with knowledge of the relationship involved.

[FR Doc. 80–11274 Filed 4–16–80; 8:45 am]

BILLING CODE 6315–01–M

Notices

Federal Register
Vol. 45, No. 76
Thursday, April 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

Flue-Cured Tobacco Advisory Committee; 2-Day Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605, on Thursday, May 1, at 1 p.m. and Friday, May 2, at 10 a.m.

The session scheduled for 1 p.m. on May 1 will be devoted to orientation of the newly reconstituted membership, with distribution of informational materials and explanation of responsibilities of individual Committee members.

The purpose of the session scheduled for 10 a.m. on May 2 will be election of officers, review of various regulations issued under the Tobacco Inspection Act, 7 U.S.C. 511–511q, and discussion of quantities of tobacco designated to warehouses in each marketing area for the 1980 flue-cured season.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. Thomas A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW., United States Department of Agriculture, Washington, D.C., 20250, (202) 447–2567.

Dated: April 11, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80–11621 Filed 4–16–80; 8:45 am]

BILLING CODE 3410–02–M

Forest Service

George Washington National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the George Washington National Forest's Land and Resource Management Plan. The George Washington National Forest is located in Alleghany, Amherst, Augusta, Bath, Botetourt, Frederick, Highland, Nelson, Page, Rockbridge, Rockingham, Shenandoah and Warren Counties in Virginia and Hampshire, Hardy, Monroe and Pendleton Counties in West Virginia.

Public Law 94–588 (National Forest Management Act of 1976) directs the Secretary of Agriculture to develop land management plans for unis of the National Forest System in accordance with regulations promulgated under the Act.

The Land and Resource Management Plan will provide for multiple uses and a sustained yield of goods and services from the George Washington National Forest, will guide all natural resource management activities, and will establish management standards and guidelines. A reasonable range of alternatives will be developed and considered. Continuation of current management direction will be expressed as the "no action" alternative. Other alternatives will be presented which respond to public issues and reflect a range of management options in terms of resource production and expenditure levels.

No formal scoping session is planned. Scoping will be attained through the initial public participation phase in tentatively identified issues and concerns. Federal agencies and State agencies in Virginia and West Virginia, as well as interested publics, will be involved in this process during the period April 15 to May 15, 1980. The draft environmental impact statement is currently scheduled for completion in January 1983. It will be available for public comment for three months, after which the final environmental statement will be prepared and is expected to be filed in September 1983.

Lawrence M. Whitfield, Regional Forester, Southern Region of the Forest Service, is the responsible official for approval of the environmental impact statement and plan. George M. Smith, Forest Supervisor, George Washington National Forest, will supervise the interdisciplinary team for preparation of the statement and plan.

Written comments and suggestions concerning this Notice of Intent or the proposal should be sent to the Forest Supervisor by May 15, 1980.

For further information about the proposed Forest Plan, the availability of the environmental impact statements, or other documents relevant to the planning process, contact: Joseph Hudick, George Washington National Forest, 210 Federal Building, Harrisonburg, Virginia 22801 (Phone: 703–433–2491).

Dated: April 11, 1980

Lawrence M. Whitfield,

Regional Forester.

[FR Doc. 80–11634 Filed 4–16–80; 8:45 am]

BILLING CODE 3410–11–M

Southwestern Region, Western Spruce Budworm Suppression, Kaibab National Forest, Grand Canyon National Park; Supplement and Supplement Review Period for an Environmental Statement

A supplement to the Draft Environmental Statement is scheduled for circulation in April 1980. The review period for the supplement will be 60 days from the date of transmittal of the supplement.

During 1980, the Forest Service will continue to monitor and evaluate the potential effects of the Western Spruce Budworm infestation and possible control measures. As part of this continuing evaluation, several different formulations of the microbial insecticide, *Bacillus thuringensis* (B.T.), will be tested in a field research project to see if satisfactory suppression can be achieved with any of the formulations.

No firm date has been set, at this time, for the issuance of the Final Environmental Statement.

Comments on the supplement to the Draft Environmental Statement should be sent to Leonard A. Lindquist, Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona 86046.

Leonard A. Lindquist,

Forest Supervisor.

April 10, 1980.

[FR Doc. 80-11667 Filed 4-16-80; 8:45 am]

BILLING CODE 3410-11-M

National Forest System Advisory Committee; Meeting

The National Forest System Advisory Committee will meet at the Greak Smokies Hilton Inn, Asheville, North Carolina, May 8–10, 1980.

This Committee, comprised of 12 members from a broad spectrum of geogrpahic and interest areas, advises the Secretary of Agriculture and the Forest Service on the planning and management of the National Forests. This meeting will concentrate on issues and concerns in the geographical area of the National Forests in North Carolina.

The portion of the meeting scheduled for May 8 will be devoted to a field trip on the Pisgah and Nantahala National Forests, visiting natural resource management activities and human resource projects. On May 9 the Committee will discuss and develop positions on eastern National Forests, the integration of human resource activities and natural resource management, and land management planning. The morning of May 10 the group will tour the Cradle of Forestry in America. Dr. M. Rupert Cutler, Assistant Secretary for Natural Resources and Environment, will chair the meeting.

The meeting will be open to the public. Persons who wish to attend should notify Floyd J. Marita, Executive Secretary, USDA-Forest Service, P.O. Box 2417, Room 3021-S, Washington, D.C. 20013, telephone (202) 447–6341. Written statements may be filed with the Committee before or after the meeting.

Dated: April 11, 1980.

Glenn P. Haney,

Acting Deputy Chief.

[FR Doc. 80-11695 Filed 4-16-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket No. 38029, Order 80-4-94]

Norfolk-Baltimore-Cincinnati-Nashville-Houston Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80–4–94, Norfolk-Baltimore-Cincinnati-Nashville-Houston Subpart Q Proceeding, Docket 38029.

SUMMARY: The Board is proposing to amend the certificate of Piedmont Aviation to award nonstop air route authority in the Baltimore-Cincinnati, Baltimore-Norfolk, Cincinnati-Nashville and Houston-Nashville markets, and that of Republic Airlines to award nonstop authority in the Baltimore-Cincinnati, Cincinnati-Nashville and Houston-Nashville markets under the expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by May 15, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38029, which we have entitled the *Norfolk-Baltimore-Cincinnati-Nashville-Houston Subpart Q Proceeding.* They should be addressed to Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Piedmont Aviation and Republic Airlines; the Mayors of Baltimore, Chesapeake, Cincinnati, Houston, Nashville, Norfolk, Portsmouth, Virginia Beach and Washington; the Airport Managers of Baltimore-Washington Airport, Dulles International Airport, Greater Cincinnati Airport, Houston International Airport, Nashville Metropolitan Airport, Norfolk International Airport, and Washington National Airport.

FOR FURTHER INFORMATION CONTACT: Charles Stohr, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673–5000.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–4–94 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–4–94 to that address.

By the Bureau of Domestic Aviation: April 11, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-11690 Filed 4-16-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Massachusetts 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 Massachusetts Advisory Committee (SAC) of the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on May 20, 1980, at the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

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, Massachusets 02110.

The purpose of this meeting is the analysis of the Affirmative Action Factfinding Meeting.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 14, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-11668 Filed 4-16-80; 8:45 am]

BILLING CODE 6335-01-M

Nebraska 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 Nebraska Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and will end at 12:30 p.m., on May 16, 1980, at the State Capitol Building, Room 1003, Lincoln, Nebraska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue program planning for the remainder of the year.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 14, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-11669 Filed 4-16-80; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on May 12, 1980, at the Tavern Motor Inn, 100 State Street, Montpelier, Vermont.

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 teacher training in Vermont's colleges; and the Franco-American study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 14, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-11670 Filed 4-16-80; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin 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 Wisconsin Advisory Committee (SAC) of the Commission, will convene at 10:30 a.m. and will end at 12:00 p.m., on May 9, 1980, at the Federal Building, 517 E. Wisconsin, Room 264, Milwaukee, Wisconsin 53202.

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 to plan information gathering activities for Vocational Education and Bilingual Education Assessment projects.

This meeting will be conducted pursuant to the provisons of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 14, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-11671 Filed 4-16-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Consideration for Surveys

Notice is hereby given that the Bureau of the Census proposes to conduct a Company Organization Survey for 1980 under the provisions of title 13, United States Code, sections 182, 224, and 225. This survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multiestablishment companies. The information will be used to make company and establishment changes to the data for multiestablishment companies in the Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies, and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than December 1, 1980.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing on or before June 16, 1980, will receive consideration.

Dated: April 14, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-11689 Filed 4-16-80; 8:45 am]

BILLING CODE 3510-07-M

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) FX Systems Corporation, 77 Cornell Street, Kingston, New York 12401, a producer of computer equipment (accepted April 1, 1980); (2) Schick Incorporated, 33 Riverside Avenue, Westport, Connecticut 06880, a producer of electric shavers, hair dryers and other personal care products (accepted April 2, 1980); (3) The Model Bride, Inc., 318 West 39th Street, New York, New York 10018, a producer of apparel accessories, including hats, vests and handkerchief (accepted April 2, 1980); (4) Teena Creations, Inc., 104 East 25th Street, New York, New York 10010, a producer of jewelry (accepted April 2, 1980); (5) Triangle Enterprises, Dilliner, Pennsylvania 15325, a producer of coal (accepted April 4, 1980); (6) Mayfair Industries, Inc., 37 S. 7th Street, Allentown, Pennsylvania 18101, a producer of women's slacks, skirts and blouses; children's dresses; baby blankets (accepted April 4, 1980); (7) National Fiber Glass Products, Inc., 979 Saw Mill River Road, Yonkers, New York 10710, a producer of fishing rods, billiard cues and other rod items (accepted April 4, 1980); (8) Sendor Bindery, Inc., 161 Avenue of the Americas, New York, New York 10013, a producer of bound books and other publications (accepted April 4, 1980); (9) Vanette Originals, Inc., 2299 McDonald Avenue, Brooklyn, New York 11223, a producer of women's blouses, shirts and skirts (accepted April 4, 1980); (10) Bettencourt Tanning Company, Inc., 340 Merrimack Street, Lawrence, Massachusetts 01843, a producer of leather (accepted April 4, 1980); (11) Boston Leather Company, Inc., 20 Willow Avenue, Hyannis, Massachusetts 02601, a producer of handbags, coin purses, cigarette and key cases (accepted April 4, 1980); (12) Hardesty-Quittner, Inc., No. 1 James Street, Sinking Spring, Pennsylvania 19608, a producer of fireplace accessories (accepted April 4, 1980); (13) State Beef Company, Inc., 18 Foodmart Road, Boston, Massachusetts 02106, a processor of beef (accepted April 4, 1980); (14) Leird Church Furniture Mfg. Company, Inc., 3300 South Woodrow Street, Little Rock, Arkansas 72204, a producer of church furnishings (accepted April 7, 1980); (15) Jules T. Garfall, Inc., 10–14 Glenwood Avenue, Johnstown, New York 12095, a producer of leather jackets, vests and other apparel (accepted April 8, 1980); (16) Walton-East Branch Foundry Corporation, 9 West Street, Walton, New York 13856, a producer of iron castings (accepted April 8, 1980); (17) Davis & Furber Machine Company, 6 Elm Street, North Andover, Massachusetts 01845, a producer textile machinery (accepted April 8, 1980); (18) Julius and Sons, Inc., 33 Harrison Avenue, Boston, Massachusetts 02111, a producer of

men's leather coats and jackets (accepted April 8, 1980); (19) Harry Shumsky and Brothers, Inc., 242 West 36th Street, New York, New York 10018, a producer of buckles, buttons and pins (accepted April 8, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80–11638 Filed 4–16–80; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

Carbon Steel Cold Rolled Sheet From Belgium, the Federal Republic of Germany, France, Italy, the Netherlands, and the United Kingdom; Initiation of Antidumping Investigations

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Initiation of antidumping investigations.

SUMMARY: This notice is to advise the public that the Department of Commerce has determined that antidumping investigations are warranted for the purpose of determining whether imports of carbon steel cold rolled sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value. The International Trade Commission is being notified of this action so that it may, in accordance with the Tariff Act of 1930, as amended, make a determination no later than May 5, 1980, of whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1781).

SUPPLEMENTARY INFORMATION: On March 21, 1980, petitions in proper form were received from the United States Steel Corporation, Pittsburgh, Pennsylvania, alleging that carbon steel cold rolled sheet from Belgium, the Federal Republic of Germany (FRG), France, Italy, the Netherlands, and the United Kingdom (UK) is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) (hereinafter referred to as "the Act").

For purposes of this investigation, the term "carbon steel cold rolled sheet" is defined as flat-rolled products in coils or cut to length under 0.1875 inch in thickness and over 12 inches in width provided for in item number 607.8744 on and after January 1, 1980, and during 1979 and prior years, provided for in item number 608.8744 of the Tariff Schedules of the United States.

Based upon the Commerce Department's review of the petitions it has been determined that there is not sufficient evidence of sales at less than fair value of organic coated cold rolled sheet to warrant the initiation of antidumping investigations with respect to this product from the above named countries. Therefore, for purposes of these investigations, the definition of cold rolled sheet does not include organic coated cold rolled sheet.

Based on petitioner's information on home market prices and prices for export to the U.S. for the fourth quarter 1978, and first quarter and third quarter of 1979, there is a reasonable basis to believe that dumping margins exist on cold rolled sheet from each of the above named countries.

Petitioner has also alleged that home market sales of cold rolled sheet in each of the countries are being made at prices below the cost of production and that pursuant to section 773(b) of the Act, such below cost home market sales must be disregarded in determining fair value. The cost of production for cold rolled sheet in Belgium, the FRG, France, italy, the Netherlands, and the U.K. was derived from the estimated average cost of producing all steel products as calculated from the financial statements of major steel producers in each country. It has been determined that the methodology utilized by the petitioner is reasonable in light of the information publicly available regarding the cost of producing cold rolled sheet in each of these countries and that a sufficient basis exists for the Commerce Department to initiate an inquiry into the cost of producing cold rolled sheet in each of these countries. This inquiry will permit the determination of whether, in fact, home market sales in each of these countries are being made at prices less than the cost of production within the meaning of section 773(b) of the Act.

The petitioner has requested that we investigate sales and cost of production for a five year period, 1975–1979, to determine whether cold rolled sheet from these countries has been sold at less than fair value in the United States throughout this period.

After reviewing the petitioner's arguments in support of its request for the five year period of investigation, we have determined that there is no justification for utilizing a period of investigation of this length. Consistent practice under the antidumping law has been to investigate sales or cost of production over a recent representative period. We have determined that the appropriate period of investigation of sales in the U.S. and home markets is April 1, 1979 through September 30, 1979. Cost of production data will be collected for a recent period, which will vary as to specific producers depending upon factors such as the accounting year of the company concerned.

In considering petitioner's request for a five year period of investigations, we noted that the information on home market prices submitted for the period 1975–1977 appears to be inadequate. The home market prices for this time period have only been provided for manufacturers in France with the suggestion that the French prices are representative of prices in all of the above mentioned countries.

The petitioner has not provided information supporting this contention. Indeed, the specific country price information provided by the petitioner for the later time periods indicates clear differences in price levels between the countries subject to the petitions.

There is evidence on record concerning material injury or likelihood of material injury from the alleged less than fair value imports from Belgium, the FRG, France, Italy, the Netherlands and the U.K. The evidence includes data showing reduced profitability, reduced capacity utilization, declining employment, reduced cash flow and difficulties in capital formation experienced by the U.S. steel industry.

The petition also contains information with regard to price undercutting by the subject merchandise which would be eliminated if the alleged margins of dumping were eliminated.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine that investigations should be initiated to determine whether imports of carbon steel cold rolled sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)), the U.S. International Trade Commission ("U.S.I.T.C.") is being notified of this determination. A copy of the information upon which these investigations are being initiated is being delivered to the U.S.I.T.C. All nonprivileged and nonconfidential information in the files of the International Trade Administration is being made available to the U.S.I.T.C., and all privileged and confidential information in the files will be made available upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Assistant Secretary for Trade Administration.

In accordance with section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the U.S.I.T.C. will make a determination within 45 days after the date on which the petition was filed as to whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of the aforementioned merchandise. If that determination is negative, this investigation will be deemed terminated and no further notice will be published by the International Trade Administration. Otherwise, these investigations will continue.

Pursuant to section 733 of the Act and § 353.39 of the Commerce Regulations (19 CFR 353.30, 45 FR 8200), the International Trade Administration normally is required to issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that merchandise which is the subject of these investigations is being sold, or is likely to be sold, at less than fair value within 160 days after the date of which the petition was filed. Pursuant to section 735 of the Act and § 353.44 of the Commerce Regulations (19 CFR 353.44, 45 FR 8203), a final decision normally is required within 75 days after the preliminary determination. Therefore, a preliminary determination of this petition, absent an extension of these investigations, will be made no later than August 28, 1980, as to whether cold rolled sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom is being sold, or is likely to be sold, at less than fair value within the meaning of the Act.

This notice is published pursuant to section 732 of the Act and § 353.37(b) of the Commerce Regulations (19 CFR 353.37(b), 45 FR 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-11626 Filed 4-16-80; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Galvanized Sheet From Belgium, the Federal Republic of Germany, France, Italy, the Netherlands, and the United Kingdom; Initiation of antidumping investigations

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Initiation of Antidumping Investigations.

SUMMARY: This notice is to advise the public that the Department of Commerce has determined that antidumping investigations are warranted for the purpose of determining whether imports of carbon steel galvanized sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value. The International Trade Commission is being notified of this action so that it may, in accordance with the Tariff Act of 1930, as amended, make a determination no later than May 5, 1980, of whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1781).

SUPPLEMENTARY INFORMATION: On March 21, 1980, petitions in proper form were received from the United States Steel Corporation, Pittsburgh, Pennsylvania, alleging that carbon steel galvanized sheet from Belgium, the Federal Republic of Germany (FRG), France, Italy, the Netherlands, and the United Kingdom (UK) is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) (hereinafter referred to as "the Act").

For purposes of this investigation, the term "carbon steel galvanized sheet" is defined as a cold rolled sheet which has been coated or plated with zinc, provided for in item number 608.0730 and 608.1300 on and after January 1, 1980, and during 1979 and prior years, provided for in item number 608.9430 and 608.9530 of the Tariff Schedules of the United States.

Based upon the Commerce Department's review of the petitions it has been determined that there is not sufficient evidence of sales at less than fair value of organic coated galvanized sheet to warrant the initiation of antidumping investigations with respect to this product from the above named countries. Therefore, for purposes of these investigations, the definition of galvanized sheet does not include organic coated galvanized sheet.

Based on petitioner's information on estimated home market prices and prices for export to the U.S. for the fourth quarter 1978, and first quarter and third quarter of 1979, there is a reasonable basis to believe that dumping margins exist on galvanized sheet from each of the above named countries.

Petitioner has also alleged that home market sales of galvanized sheet in each of the countries are being made at prices below the cost of production and that pursuant to section 773(b) of the Act, such below cost home market sales must be disregarded in determining fair value. The cost of production for galvanized sheet in Belgium, the FRG, France, Italy, the Netherlands and the U.K. was derived from the estimated average cost of producing all steel products as calculated from the financial statements of major steel producers in each country. It has been determined that the methodology utilized by the petitioner is reasonable in light of the information publicly available regarding the cost of producing galvanized sheet in each of these countries and that a sufficient basis exists for the Commerce Department to initiate an inquiry into the cost of producing galvanized sheet in each of these countries. This inquiry will permit the determination of whether, in fact, home market sales in each of these countries are being made at prices less than the cost of production within the meaning of section 773(b) of the Act.

The petitioner has requested that we investigate sales and cost of production for a five year period, 1975-1979, to determined whether galvanized sheet from these countries has been sold at

less than fair value in the United States throughout this period.

After reviewing the petitioner's arguments in support of its request for the five year period of investigation, we have determined that there is no justification for utilizing a period of investigation of this length. Consistent practice under the antidumping law has been to investigate sales or cost of production over a recent representative period. We have determined that the appropriate period of investigation of sales in the U.S. and home markets is April 1, 1979 through September 30, 1979. Cost of production data will be collected for a recent period, which will vary as to specific producers depending upon factors such as the accounting year of the company concerned.

In considering petitioner's request for a five year period of investigations, we noted that the information on home market prices submitted for the period 1975–1977 appears to be inadequate. The home market prices for this time period have only been provided for manufacturers in France with the suggestion that the French prices are representative of prices in all of the above mentioned countries.

The petitioner has not provided information supporting this contention. Indeed, the specific country price information provided by the petitioner for the later time periods indicates clear differences in price levels between the countries subject to the petitions.

There is evidence on record concerning material injury or likelihood of material injury from the alleged less than fair value imports from Belgium, the FRG, France, Italy, the Netherlands and the U.K. the evidence includes data showing reduced profitability, reduced capacity utilization, declining employment, reduced cash flow and difficulties in capital formation experienced by the U.S. steel industry. The petition also contains information with regard to price undercutting by the subject merchandise which would be eliminated if the alleged margins of dumping were eliminated.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determined that investigations should be initiated to determine whether imports of carbon steel galvanized sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)), the U.S. International Trade Commission ("U.S.I.T.C.") is being notified of this determination. A copy of the information upon which these investigations are being initiated is being delivered to the U.S.I.T.C. All nonprivileged and nonconfidential information in the files of the International Trade Administration is being made available to the U.S.I.T.C., and all privileged and confidential information in the files will be made available upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under a administrative protective order, without the express written consent of the Assistant Secretary for Trade Administration.

In accordance with section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the U.S.I.T.C. will make a determination within 45 days after the date on which the petition was filed as to whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of the aforementioned merchandise. If that determination is negative, this investigation will be deemed terminated and no further notice will be published by the International Trade Administration. Otherwise, these investigations will continue. Pursuant to section 733 of the Act and § 353.39 of the Commerce regulations (19 CFR 353.30, 45 FR 8200), the International Trade Administration normally is required to issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that merchandise which is the subject of these investigations is being sold, or is likely to be sold, at less than fair value within 160 days after the date of which the petition was filed. Pursuant to section 735 of the Act and § 353.44 of the Commerce Regulations (19 CFR 353.44, 45 FR 8203), a final decision normally is required within 75 days after the preliminary determination. Therefore, a preliminary determination of this petition, absent an extension of these investigations, will be made no later than August 28, 1980, as to whether galvanized sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom is being sold, or is likely to be sold, at less than fair value within the meaning of the Act.

This notice is published pursuant to section 732 of the Act and § 353.37(b) of the Commerce Regulations, (19 CFR 353.37(b), 45 FR 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-11625 Filed 4-16-80; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Hot Rolled Sheet From Belgium, the Federal Republic of Germany, France, Italy, the Netherlands, and the United Kingdom; Initiation of antidumping investigations

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Initiation of Antidumping Investigations.

SUMMARY: This notice is to advise the public that the Department of Commerce has determined that antidumping investigations are warranted for the purpose of determining whether imports of carbon steel hot rolled sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value. The International Trade Commission is being notified of this action so that it may, in accordance with the Tariff Act of 1930, as amended, make a determination no later than May 5, 1980, of whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: April 17, 1980.

FOR FUTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1781).

SUPPLEMENTARY INFORMATION: On March 21, 1980, petitions in proper form were received from the United States Steel Corporation, Pittsburgh, Pennsylvania, alleging that carbon steel hot rolled sheet from Belgium, the Federal Republic of Germany (FRG), France, Italy, the Netherlands, and the Unites Kingdom (UK) is being or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) (hereinafter referred to as "the Act").

For purposes of this investigation, the term "carbon steel hot rolled sheet" is defined as a flat rolled product in coils or cut to length under 0.1875 inches in thickness and over 12 inches in width which is imported under TSUS items 607.6700 and 607.8342 on and after January 1, 1980 and during 1979 and prior years in item numbers 608.8440 and 608.8742.

Based on petitioner's information on home market prices and prices for export to the U.S. for the fourth quarter 1978, and first quarter and third quarter of 1979, there is a reasonable basis to believe that dumping margins exist on hot rolled sheet from each of the above named countries.

Petitioner has also alleged that home market sales of hot rolled sheet in each of the countries are being made at prices below the cost of production and that pursuant to section 773(b) of the Act, such below cost home market sales must be disregarded in determining fair value. The cost of production for hot rolled sheet in Belgium, the FRG, France, Italy, the Netherlands and the U.K. was derived from the estimated average cost of producing all steel products as calculated from the financial statements of major steel producers in each country. It has been determined that the methodology utilized by the petitioner is reasonable in light of the information publicly available regarding the cost of producing hot rolled sheet in each of these countries and that a sufficient basis exists for the Commerce Department to initiate an inquiry into the cost of producing hot rolled sheet in each of these countries. This inqury will permit the determination of whether, in fact, home market sales in each of these countries are being made at prices less than the cost of production within the meaning of section 773(b) of the Act.

The petitioner has requested that we investigate sales and cost of production for a five year period, 1975–1979, to determine whether hot rolled sheet from these countries has been sold at less than fair value in the United States throughout this period.

After reviewing the petitioner's arguments in support of its request for the five year period of investigation, we have determined that there is no justification for utilizing a period of investigation this length. Consistent practice under the antidumping law has been to investigate sales or cost of production over a recent representative period. We have determined that the appropriate period of investigation of sales in the U.S. and home markets is April 1, 1979 through September 30, 1979. Cost of production data will be collected for a recent period, which will vary as to specific producers depending upon factors such as the accounting year of the company concerned.

In considering petitioner's request for a five year period of investigations, we noted that the information on home market prices submitted for the period 1975–1977 appears to be inadequate. The home market prices for this time period have only been provided for manufacturers in France with the suggestion that the French prices are representative of prices in all of the above mentioned countries.

The petitioner has not provided information supporting this contention. Indeed, the specific country price information provided by the petitioner for the later time periods indicates clear differences in price levels between the countries subject to the petitions.

There is evidence on record concerning material injury or likelihood of material injury from the alleged less than fair value imports from Belgium, the FRG, France, Italy, the Netherlands and the U.K. The evidence includes data showing reduced profitability, reduced capacity utilization, declining employment, reduced cash flow and difficulties in capital formation experienced by the U.S. steel industry. The petition also contains information with regard to price undercutting by the subject merchandise which would be eliminated if the alleged margins of dumping were eliminated.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine that investigations should be initiated to determine whether imports of carbon steel hot rolled sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)), the U.S. International Trade Commission ("U.S.I.T.C.") is being notified of this determination. A copy of the information upon which these investigations are being initiated is being delivered to the U.S.I.T.C. All nonprivileged and nonconfidential information in the files of the International Trade Administration is being made available to the U.S.I.T.C., and all privileged and confidential information in the files will be made available upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Assistant Secretary for Trade Administration.

In accordance with section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the U.S.I.T.C. will make a determination within 45 days after the date on which the petition was filed as to whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of the aforementioned merchandise. If that determination is negative, this investigation will be deemed terminated and no further notice will be published by the International Trade Administration. Otherwise, these investigations will continue.

Pursuant to section 733 of the Act and § 353.39 of the Commerce Regulations (19 CFR 353.30, 45 FR 8200), the International Trade Administration normally is required to issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that merchandise which is the subject of these investigations is being sold, or is likely to be sold, at less than fair value within 160 days after the date of which the petition was filed. Pursuant to section 735 of the Act and § 353.44 of the Commerce Regulations (19 CFR 353.44, 45 FR 8203), a final decision normally is required within 75 days after the preliminary determination. Therefore, a preliminary determination of this petition, absent an extension of these investigations, will be made no later than August 28, 1980, as to whether hot rolled sheet from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom is being sold, or is likely to be sold, at less than fair value within the meaning of the Act.

This notice is published pursuant to section 732 of the Act and § 353.37(b) of the Commerce Regulations. (19 CFR 353.37(b), 45 FR 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80–11824 Filed 4–16–80; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Plate From Belgium, the Federal Republic of Germany, France, Italy, the Netherlands, and the United Kingdom; Initiation of Antidumping Investigations

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Initiation of antidumping investigations.

SUMMARY: This notice is to advise the public that the Department of Commerce had determined that antidumping investigations are warranted for the purpose of determining whether imports of carbon steel plate from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value. The International Trade Commission is being notified of this action so that it may, in accordance with the Tariff Act of 1930,

as amended, make a determination no later than May 5, 1980, of whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1781).

SUPPLEMENTARY INFORMATION: On March 21, 1980, petitions in proper form were received from the United States Steel Corporation, Pittsburgh, Pennsylvania, alleging that carbon steel plate from Belgium, the Federal Republic of Germany (FRG), France, Italy, the Netherlands, and the United Kingdom (UK) is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) (hereinafter referred to as "the Act").

For purposes of this investigation, the term "carbon steel plate" is defined as a flat rolled product in coils or cut to length, 0.1875 inches or more in thickness, and, if not cold rolled, over 8 inches in width, or if cold rolled, over 12 inches in width provided for in TSUS numbers 607.6610, 607.6615, 607.8320, 607.9400, 608.0710 and 608.1100 on and after January 1, 1980, and during 1979 in prior years in item numbers 608.8410, 608.8415, 608.8720, 608.8900, 608.9410 and 608.9510.

Based on petitioner's information on home market prices and prices for export to the U.S. for the fourth quarter 1978, and first quarter and third quarter of 1979, there is a reasonable basis to believe that dumping margins exist on plate from each of the above named countries.

Petitioner has also alleged that home market sales of plate in each of the countries are being made at prices below the cost of production and that pursuant to section 773(b) of the Act, such below cost home market sales must be disregarded in determining fair value. The cost of production for plate in Belgium, the FRG, France, Italy, the Netherlands and the U.K. was derived from the estimated average cost of producing all steel products as calculated from the financial statements of major steel producers in each country. It has been determined that the methodology utilized by the petitioner is reasonable in light of the information publicly available regarding the cost of producing plate in each of these countries and that a sufficient basis exists for the Commerce Department to initiate an inquiry into the cost of producing plate in each of these countries. This inquiry will permit the determination of whether, in fact, home market sales in each of these countries are being made at prices less than the cost of production within the meaning of section 773(b) of the Act.

The petitioner has requested that we investigate sales and cost of production for a five year period, 1975–1979, to determine whether plate from these countries has been sold at less than fair value in the United States throughout this period.

After reviewing the petitioner's arguments in support of its request for the five year period of investigation, we have determined that there is no justification for utilizing a period of investigation of this length. Consistent practice under the antidumping law has been to investigate sales or cost of production over a recent representative period. We have determined that the appropriate period of investigation of sales in the U.S. and home markets is April 1, 1979 through September 30, 1979. Cost of production data will be collected for a recent period, which will vary as to specific producers depending upon factors such as the accounting year of the company concerned.

In considering petitioner's request for a five year period of investigations, we noted that the information on home market prices submitted for the period 1975–1977 appears to be inadequate. The home market prices for this time period have only been provided for manufacturers in France with the suggestion that the French prices are representative of prices in all of the above mentioned countries.

The petitioner has not provided information supporting this contention. Indeed, the specific country price information provided by the petitioner for the later time periods indicates clear differences in price levels between the countries subject to the petitions.

There is evidence on record concerning material injury or likelihood of material injury from the alleged less than fair value imports from Belgium, the FRG, France, Italy, the Netherlands and the U.K. The evidence includes data showing reduced profitability, reduced capacity utilization, declining employment, reduced cash flow and difficulties in capital formation experienced by the U.S. steel industry. The petition also contains information with regard to price undercutting by the subject merchandise which would be eliminated if the alleged margins of dumping were eliminated.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine that investigations should be initiated to determine whether imports of carbon steel plate from Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)), the U.S. International Trade Commission ("U.S.I.T.C.") is being notified of this determination. A copy of the information upon which these investigations are being initiated is being delivered to the U.S.I.T.C. All nonprivileged and nonconfidential information in the files of the International Trade Administration is being made available to the U.S.I.T.C., and all privileged and confidential information in the files will be made available upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Assistant Secretary for Trade Administration.

In accordance with section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the U.S.I.T.C. will make a determination within 45 days after the date on which the petition was filed as to whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of the aforementioned merchandise. If that determination is negative, this investigation will be deemed terminated and no further notice will be published by the International Trade Administration. Otherwise, these investigations will continue.

Pursuant to section 733 of the Act and § 353.39 of the Commerce Regulations (19 CFR 353.30, 45 FR 8200), the International Trade Administration normally is required to issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that merchandise which is the subject of these investigations is being sold, or is likely to be sold, at less than fair value within 160 days after the date of which the petition was filed. Pursuant to section 735 of the Act and § 353.44 of the Commerce Regulations (19 CFR 353.44, 45 FR 8203), a final decision normally is required within 75 days after the preliminary determination. Therefore, a preliminary determination of this petition, absent an extension of these investigations, will be made no later than August 28, 1980, as to whether plate from Belgium, the Federal Republic of

Germany, France, Italy, the Netherlands and the United Kingdom is being sold, or is likely to be sold, at less than fair value within meaning of the Act.

This notice is published pursuant to section 732 of the Act and § 353.37(b) of the Commerce Regulations, (19 CFR 353.37(b), 45 FR 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-11623 Filed 4-16-80; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Structural Shapes From Belgium, the Federal Republic of Germany, France, Luxembourg, and the United Kingdom; Initiation of Antidumping Investigations

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Initiation of antidumping investigations.

SUMMARY: This notice is to advise the public that the Department of Commerce has determined that antidumping investigations are warranted for the purpose of determining whether imports of carbon steel structural shapes from Belgium, the Federal Republic of Germany, France, Luxembourg, and the United Kingdom are being, or are likely to be, sold at less than fair value. The International Trade Commission is being notified of this action so that it may, in accordance with the Tariff Act of 1930, as amended, make a determination no later than May 5, 1980, of whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1781).

SUPPLEMENTARY INFORMATION: On March 21, 1980, petitions in proper form were received from the United States Steel Corporation, Pittsburgh, Pennsylvania, alleging that carbon steel structural shapes from Belgium, the Federal Republic of Germany (FRG), France, Italy, Luxembourg, and the United Kingdom (UK) are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) (hereinafter referred to as "the Act").

For purposes of this investigation, the term "carbon steel structural shapes" is defined as in the TSUSA as structurals (angles, shapes, and sections) which are products which do not conform completely to the respective specifications set forth in the TSUSA for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, or tie plates and do not include any tubular products. The angles, shapes and sections which are the subject of this investigation are those of carbon steel having a maximum cross sectional dimension of 3 inches or more, and which are imported under TSUS items 609.8005, 609.8015, 609.8035, 609.8041 and 609.8045.

Based upon the Commerce Department's review of the petitions it has been determined that there is not sufficient evidence of sales at less than fair value of special sections to warrant the initiation of antidumping investigations with respect to this product from the above named countries. Therefore, for purposes of these investigations, the definition of structural shapes does not include special sections.

Based on the Commerce Department review of the petitions it has been determined that there is not sufficient evidence of sales of less than fair value of light I-beams from Belgium to warrant initiation of an antidumping investigations with respect to this product.

Light I-beams (hot rolled steel I-beams with symmetrical flanges or with one or more flanges offset, less than six inches in height and weighing not over 4½ pounds per linear foot, provided for under TSUS item 609.80) from Belgium were the subject of a September 1979 negative less than fair value determined and U.S. Steel has offered no evidence that conditions have changed since this determination. Therefore, for purpose of this investigation, the definition of structural shapes will not include such light I-beams from Belgium.

In light of the *de minimis* amount of U.S. imports of structural shapes from Italy and the lack of evidence provided by the petitioner that the level of imports would increase or that less than fair value sales are likely to occur, we have determined that an antidumping investigation of this product from Italy is not warranted at this time.

Based on petitioner's information on home market prices and prices for export to the U.S. for the fourth quarter 1978, and first quarter and third quarter of 1979, there is a reasonable basis to believe that dumping margins exist on structural shapes from Belgium, the FRG, France, Luxembourg and the United Kingdom.

Petitioner has also alleged that home market sales of structural shapes in each of the countries are being made at prices below the cost of production and that pursuant to section 773(b) of the Act, such below cost home market sales must be disregarded in determining fair value. The cost of production for structural shapes in Belgium, the FRG, France, Luxembourg, and the U.K. was derived from the estimated average cost of producing all steel products as calculated from the financial statements of major steel producers in each country. It has been determined that the methodology utilized by the petitioner is reasonable in light of the information publicly available regarding the cost of producing structural shapes in each of these countries and that a sufficient basis exists for the Commerce Department to initiate an inquiry into the cost of producing structural shapes in each of these countries. This inquiry will permit the determination of whether, in fact, home market sales in each of these countries are being made at prices less than the cost of production within the meaning of section 773(b) of the Act.

The petitioner has requested that we investigate sales and cost of production for a five year period, 1975-1979, to determine whether structural shapes from these countries have been sold at less than fair value in the United States throughout this period.

After reviewing the petitioner's arguments in support of its request for the five year period of investigation, we have determined that there is no justification for utilizing a period of investigation of this length. Consistent practice under the antidumping law has been to investigate sales or cost of production over a recent representative period. We have determined that the appropriate period of investigation of sales in the U.S. and home markets is April 1, 1979 through September 30, 1979. Cost of production data will be collected for a recent period, which will vary as to specific producers depending upon factors such as the accounting year of the company concerned.

In considering petitioner's request for a five year period of investigation, we noted that the information on home market prices submitted for the period 1975-1979 appears to be inadequate. The home market prices for this time period have only been provided for manufacturers in France with the suggestion that the French prices are representative of prices in all of the above-mentioned countries.

The petitioner has not provided information supporting this contention. Indeed, the specific country price information provided by the petitioner for the later time periods indicates clear differences in price levels between the countries subject to the petitions.

There is evidence on record concerning material injury or likelihood of material injury from the alleged less than fair value imports from Belgium, the FRG, France, Luxembourg and the U.K. The evidence includes data showing reduced profitability, reduced capacity utilization, declining employment, reduced cash flow and difficulties in capital formation experienced by the U.S. steel industry. The petition also contains information with regard to price undercutting by the subject merchandise which would be eliminated if the alleged margins of dumping were eliminated.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determined that investigations should be initiated to determine whether imports of carbon steel structural shapes from Belgium, the Federal Republic of Germany, France, Luxembourg and the United Kingdom are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d), the U.S. International Trade Commission ("U.S.I.T.C.") is being notified of this determination. A copy of the information upon which these investigations are being initiated is being delivered to the U.S.I.T.C. All nonprivileged and nonconfidential information in the files of the International Trade Administration is being made available to the U.S.I.T.C., and all privileged and confidential information in the files will be made available upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Assistant Secretary for Trade Administration.

In accordance with section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673(b)(a)), the U.S.I.T.C. will make a determination within 45 days after the date on which the petition was filed as to whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reasons of imports of the aforementioned merchandise. If that determination is negative, this investigation will be deemed terminated and no further notice will be published by the International Trade Administration. Otherwise, these investigations will continue.

Pursuant to section 733 of the Act and § 353.39 of the Commerce Regulations (19 CFR 353.30, 45 FR 8200), the International Trade Administration normally is required to issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that merchandise which is the subject of these investigations is being sold, or is likely to be sold, at less than fair value within 160 days after the date of which the petition was filed. Pursuant to section 735 of the Act and § 353.44 of the Commerce Regulations (19 CFR 353.44, 45 FR 8203), a final decision normally is required within 75 days after the preliminary determination. Therefore, a preliminary determination of this petition, absent an extension of these investigations, will be made no later than August 28, 1980, as to whether structural shapes from Belgium, the Federal Republic of Germany, France, Luxembourg and the United Kingdom are being sold, or are likely to be sold, at less than fair value within the meaning of the Act.

This notice is published pursuant to section 732 of the Act and § 353.37(b) of the Commerce Regulations, 19 CFR 353.37(b), 45 FR 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-11622 Filed 4-16-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Report of a Workshop on Stock Assessment and Incidental Take of Marine Mammals; Availability

A Notice was published in the **Federal Register** (45 FR 21672) on April 2, 1980, that Applications has been received from Mr. Douglas Chipman and the Pacific Coast Federation of Fisherman's Association for General Permits under Categories 1, 3, 4, and 5 for Marine Mammals Taken Incidental to Commerical Fishing Operations. The Notice announced that A Report of a Workshop on Stock Assessment and Incidental Take of Marine Mammals would be available to the public on April 14, 1980, and a Notice of Availability would be published. Notice is hereby given that the report is available and the thirty days public review period has commenced. Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of the applications and the report to the Marine Mammal Commission.

Written data or views, on these applications should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in the applications are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

The Applications, Notice of Receipt and the Report are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

April 11, 1980.

[FR Doc. 80-11696 Filed 4-16-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel; Correction

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

ACTION: Correction to notice on "Determinations of Active Military Service and Discharge."

SUMMARY: In FR Doc. 80-10526, appearing on page 23716, in the issue for Tuesday, April 8, 1980, make the following correction:

In the twelfth line of the first paragraph, change "Women's Army Air Corps" to "Women's Army Auxiliary Corps."

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-11683 Filed 4-16-80; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 9, 1980.

The USAF Scientific Advisory Board Operational Test and Evaluation Advisory Group will meet at Kirtland Air Force Base, New Mexico, on May 29 and 30, 1980. The meeting will convene at 8:00 a.m. with no schedule adjournment time on May 29 and will convene at 7:30 a.m. and adjourn at 2:00 p.m. on May 30.

The group will receive classified briefings on the operational test and evaluation planned for the MX strategic missile system. The meetings will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

FOR FURTHER INFORMATION CONTACT: The Scientific Advisory Board Secretariat at (202) 697–4811.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80–11648 Filed 4–16–80; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

April 9, 1980.

The USAF Scientific Advisory Board Foreign Technology Division Advisory Group, Air Force Systems Command, will meet on June 26, 1980 from 8:00 a.m. to 5:00 p.m., and June 27, 1980 from 8:00 a.m. to 1:00 p.m. at Wright-Patterson Air Force Base, Ohio, Room E202, Building 856.

The Division Advisory Group will receive classified briefings and participate in discussions related to assessments of foreign developments in operations research and operations analysis and their applications. In addition, the role of futures forecasting in the formulation of threat packages supportive of the weapons acquisition process will also be reviewed.

The meetings will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

FOR FURTHER INFORMATION CONTACT: The Scientific Advisory Board Secretariat at (202) 697–8404.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80–11649 Filed 4–16–80; 8:45 am]

BILLING CODE 3910–01–M

Corps of Engineers, Department of the Army

Intent To prepare a Draft Environmental Impact Statement (DEIS) for the Rio Grande de Loiza, P.R., Flood Control Study

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The study is in response to a request by the Governor of the Commonwealth of Puerto Rico for a flood control study of the Rio Grande de Loiza Basin, Puerto Rico. The objectives of the study include:

a. Reduce flood damages along the Rio Grande de Loiza and its major tributaries, for existing and potential future development.

b. Provide for an efficient development of municipal, agricultural and industrial water supplies to insure an adequate supply of water to satisfy the needs of the residents of the study area and the San Juan metropolitan area.

c. Provide additional outdoor recreation opportunities along the Rio Grande de Loiza, consistent with recreational needs and desires.

d. Preserve the existing critical wildlife areas and mangrove forest in the Pinones-Punta Vacia Talega area.

e. Provide measures to control streambank and channel erosion.

f. Land enhancement for future urban expansion of the San Juan metropolitan area.

To accomplish these objectives, nonstructural and structural measures that will provide protection for the 100-year or standard project flood will be evaluated. Nonstructural measures include the use of zoning, flood insurance, building code regulations, relocation, temporary and permanent floodplain excavation plans, and flood proofing requirements. Structural measures include the development of a multireservoir system on the Rio Grande de Loiza and its effluents, construction of levees at various towns in the floodplain, and limited channel improvements.

2. Alternatives include modification to the nonstructural and structural measures that will give varying degrees of flood protection based on economic, social, and environmental factors.

3. a. The process for determining the scope of issues to be addressed and identifying the significant issues related to alternative actions has been completed. Two public meetings were held during Stage I planning. Additional meetings will be scheduled during the study to provide an active and continuous process for public involvement. The study is being coordinated with the Puerto Rico Department of Natural Resources, Puerto Rico Public Recreation and Parks Administration, Puerto Rico Office of Cultural Affairs, the U.S. Fish and Wildlife Service, and the U.S. Heritage Conservation and Recreation Service. Affected Federal, State, and local agencies, Indian tribes, and other interested organizations and individuals are invited to identify issues, problems, needs, and alternative courses of action not already considered during the scoping process by communicating with the addressee listed below.

b. Significant issues to be analyzed in the DEIS include flood protection requirements, fish and wildlife requisites, water quality and supply considerations, recreation demands, soil erosion impacts, and archeological and historical considerations.

c. Consultation with the Commonwealth of Puerto Rico Office of Cultural Affairs and the U.S. Heritage Conservation and Recreation Service has been initiated in accordance with the National Historic Preservation Act of 1966 and Executive Order 11593. The project study has been coordinated with the U.S. Fish and Wildlife Service as required by the Fish and Wildlife Coordination Act of 1973. Section 7 requirements of the Endangered Species Act of 1973, as amended, have been initiated.

4. The scoping process has been accomplished through the Corps' public involvement program.

5. The DEIS will be available for review in September 1981.

ADDRESS: Questions about the proposed action and DEIS can be referred to Dr. Lloyd Saunders, Chief of the Environment and Resources Branch, U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida, 32201, telephone (904) 791–2202.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80–11650 Filed 4–16–80; 8:45 am]

BILLING CODE 3710–AJ–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Fourteenmile Slough Small Flood Control Project in San Joaquin County, Calif.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. *Proposed Action.*—The proposed project consists of approximately 2 miles of levee improvements to Smith Levee from the Calaveras River to Fourteenmile Slough and the southside of Fourteenmile Slough from Smith Levee to Interstate Highway 5. Levees would be improved by widening, raising, and generally strengthening them. Smith Levee presently provides a 100-year level of flood protection and would be improved to provide a higher degree of protection to an existing urban area. Preliminary studies indicate that upgrading Smith Levee will not significantly affect the quality of the human environment and that an Environmental Assessment and Finding of No Significant Impact (FONSI) may be adequate environmental documentation.

2. *Alternatives.*—Three other alternatives were considered which include: no action; levee improvements along the San Joaquin River and Fourteenmile Slough; and levee improvements along Tenmile Slough. The last two alternatives would have made possible urban development in an agricultural area and were excluded from further consideration because they were locally unacceptable and would be economically infeasible for only agricultural protection.

3. *Scoping of the DEIS.*—The scoping process has been substantially completed. After a letter request from the San Joaquin County Board of Supervisors dated 8 March 1977, a study for a possible small flood control project under authority of Section 205 of the Flood Control Act of 1948, as amended (33 USC 7015) was initiated. The Reconnaissance Report was circulated for public review in 1978; several agencies with varied environmental expertise participated throughout the investigation. Preliminary coordination has indicated that an Environmental Assessment and FONSI may be adequate environmental documentation.

4. *Estimated date of DEIS.*—A draft Environmental Assessment and FONSI are expected to be circulated for public review in early 1981. A decision on whether or not to prepare and circulate a DEIS will be made after evaluation of responses to the Environmental Assessment and FONSI.

ADDRESS: Questions concerning the proposed action and environmental documentation can be answered by Mr. Keith Steele, Planning Engineer, Sacramento, District, Corps of Engineers, 650 Capitol Mall, Sacramento, CA 95814, telephone (916) 440-3164 (FTS 448-3164).

Dated: March 20, 1980.

Paul F. Kavanaugh,

Colonel, CE, District Engineer.

[FR Doc. 80-11651 Filed 4-16-80; 8:45 am]

BILLING CODE 3710-GH-M

Department of the Army

Privacy Act of 1974; Notice of Deletions/Addition of Systems of Records

Correction

In FR Doc. 80-10014, appearing at page 21673, in the issue for Wednesday, April 2, 1980, the following change should be made: on page 21674, in the middle column, the bold face system designation which currently reads "A1012.04hDAPE" should read "A1012.04HDAMO".

BILLING CODE 1505-01-M

Department of the Navy

Draft Environmental Impact Statement for the Continued Use of the Atlantic Fleet Weapons Training Facility Inner Range (Vieques)

The Department of the Navy hereby announces an extension of the current comment period for this Statement from April 15, 1980 (as previously published in 45 FR 3946 (Jan. 21, 1980)), until May 15, 1980.

Dated: April 16, 1980.

P. B. Walker,

Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 80-12027 Filed 4-16-80; 11:03 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Report to Congress on the Study of Compliance Problems of Small Electric Utility Systems With the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Public meeting and request for comments.

SUMMARY: Section 744 of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) requires the Department of Energy (DOE) to conduct a study of the problems of compliance with the Act experienced by electric utilities with a total system generating capacity of less than 2,000 MW. The study will concentrate on the special difficulties that utilities may face in complying with the FUA prohibitions against the use of natural gas and/or oil, that are a consequence of their small size, and will identify possible technical, regulatory, or legislative remedies.

DOE invites interested persons to provide information, views, and comments and/or to attend a public meeting regarding this study. DOE will consider comments received and make such modifications as appropriate before submitting a final report to Congress. In addition (unless otherwise requested by the commentor), DOE will append to the final report a copy of each set of comments.

DATES: Written comments must be received no later than May 23, 1980. A public meeting will be held on the following date and location: May 15, 1980, Dallas, Texas, Downtown Federal Office Building, Room 7A23, 1100 Commerce Street, Dallas, Texas 75235.

The meeting will commence at 9:30 a.m. local time. Persons wishing to make a presentation are requested to bring six copies of their statement to the meeting location. Persons who notify in advance any of the persons listed below will be scheduled first, followed by others with prepared comments. All persons attending the meeting will then have an opportunity to participate in an informal discussion with the study team.

ADDRESSES: Send written comments to: Small Utilities Study, Office of Utility Systems, Department of Energy, Room 4002, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Alan W. Starr, Division of Power Supply and Reliability, U.S. Department of Energy, 2000 M Street, NW., Washington, D.C. 20461. (202) 653-3903.

John H. Williams, Division of Power Supply and Reliability, U.S. Department of Energy, 2000 M Street NW., Washington, D.C. 20461. (202) 653-3899.

Lana Ekimoff, Division of Power Supply and Reliability, U.S. Department of Energy, 2000 M Street NW., Washington, D.C. 20461. (202) 653-3899.

Pat Rooney, Office of Fuels Conversion, U.S. Department of Energy, 2000 M Street NW., Washington, D.C. 20461. (202) 254-9795.

SUPPLEMENTARY INFORMATION:

Background

The Powerplant and Industrial Fuel Use Act of 1978 (FUA) prohibits the use of petroleum and natural gas in certain

new (generally, any unit which began construction after November 9, 1978) powerplants, prohibits the use of the natural gas in certain existing powerplants after 1990, limits gas consumption by certain powerplants before 1990 to the average yearly proportion of natural gas which such powerplant used as a primary energy source in calendar years 1974–1976, allows the Secretary of Energy to prohibit, by order, the use of petroleum or natural gas, or both, in certain existing powerplants, and restricts the increased use of petroleum by certain existing powerplants unless a permit is issued by the Secretary authorizing such use. Generally, the act covers boilers, combined cycle, and combustion turbine units whose fuel input design capability exceeds 100 million BTU per hour, which corresponds to approximately ten megawatts of electrical output. In some cases, units as small as five megawatts would be covered by the Act.

Section 744 of FUA requires that the Secretary of Energy conduct a study, to be reported to Congress by November 1980, of the problems of small electric utilities (less than 2,000 MW in total system generating capacity) in complying with the act. The study will—

(1) Identify the small utilities likely to have difficulties in complying with FUA.

(2) Perform *case studies* for a representatives sample of utilities, analyzing a variety of compliance strategies.

(3) Estimate the likely contribution of various *technologies* (available now or in the near future) for using coal or alternate fuels on a scale compatible with small utility operations.

(4) Evaluate the *institutional arrangements* that would enable small utilities to share in the use of large scale powerplants (e.g., joint action agencies, joint ownership, generation and transmission cooperatives, or power purchases).

(5) Develop overall conclusions concerning—

(i) The nature and extent of the special problems FUA presents to small utilities.

(ii) Administrative, procedural, or legislative changes to FUA that could alleviate these problems.

(iii) Other Federal or state actions that could improve the ability of small utilities to reduce their dependence on oil and gas.

Request for Information

In order to assure that this study will cover the full range of problems that FUA imposes on small utilities as well as the full range of strategies that small utilities have considered for dealing with these problems, DOE invites comments from small utilities and other interested parties on the following subjects:

(1) Impact of FUA on a specific utility's operating and development plans, and possible strategies for complying with the Act.

(2) Technical and financial feasibility of using coal, either in new boilers or by converting existing boilers, on a scale compatible with the small utility.

(3) Experience (successful and unsuccessful) in using (or considering the use of) unusual alternate fuels such as coal-oil mixtures, lignite, wood urban waste, peat, geothermal, or small hydro, or unusual technoligies such as fluidized bed, gasifiers, compressed air storage, fuel cells, wind or solar.

(4) Attempts to develop local opportunities for cogeneration.

(5) Specific problems involving the process for obtaining exemptions under the Fuel Use Act.

(6) Problems (solved or unsolved) in gaining access to large powerplant projects (for example, via joint action agencies or via part ownership) as well as to needed transmission facilities.

(7) Possible Federal (or State) actions that could help small utilities reduce their dependence on oil and gas. These suggestions should be separated into the following categories:

(i) Changes in FUA administrative procedures.

(ii) Changes in FUA rules.

(iii) Legislative amendments to the Fuel Use Act.

(iv) Other Federal actions, policies, or programs.

(v) State actions, policies, or programs.

Issued in Washington, D.C., on April 11, 1980.

Howard F. Perry,

Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration, (202) 653–3917.

[FR Doc. 80–11688 Filed 4–16–80 8:45 pm]

BILLING CODE 6450–01–M

Union Texas Petroleum Corp.; Proposed Consent Order

Correction

In FR Doc. 80–9853 appearing at page 21340, in the first column on page 21341, in the second paragraph under *"B Other Comment:* the eighth line should read as follows: "4:30 p.m., local time, on May 1, 1980. You".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–C31027A, FRL 1463–4]

Chevron Chemical Co.; Receipt of Application To Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Chevron Chemical Co. has submitted an application to conditionally register the pesticide product ORTHENE 2.5 PROFESSIONAL SPRAY which contains the active ingredient acephate.

COMMENTS: Interested person are invited to submit written comments on this application. Comments submitted should bear a notation indicating the EPA "File Symbol 239–EUAU." Comments may be submitted, and inquiries directed, to: Mr. William Miller, Product Manager (PM) 16, (TS–767), Room E–343, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–426–9458).

The label furnished by Chevron Chemical Co. as well as all written comments filed in connection with this notice, will be available for public inspection in the Product Manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments must be received by May 19, 1980. Comments received by the specified date will be considered before a final decision is made; comments received after the specified date will be considered only to the extent possible without delaying processing of the application.

FOR FURTHER INFORMATION CONTACT: Mr. William Miller at the above address.

SUPPLEMENTARY INFORMATION: Chevron Chemical Co., Ortho Div., 940 Hensley Street, Richmond, CA 94804, has submitted an application to conditionally register the pesticide product ORTHENE 2.5 PROFESSIONAL SPRAY (EPA File Symbol 239–EUAU) containing 23.7 % of the active ingredient acephate (*O,S*-dimethyl acetylphosphoramidothioate). The application received from Chevron proposed that the use pattern be changed to include use in food areas of food handling establishments. The application proposes that the pesticide be classified for general use.

Notice of approval or denial of this application to conditionally register ORTHENE 2.5 PROFESSIONAL SPRAY

will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and regulations thereunder (40 CFR 162), that test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of this application does not indicate a decision by the Agency on the application.

(Sec. 3(c)(4), 86 Stat. 972, (7 U.S.C. 136a))

Dated: April 9, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11606 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-C31027B, FRL 1463-5]

Chevron Chemical Co.; Receipt of Application To Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Chevron Chemical Co. has submitted an application to conditionally amend the registration of the pesticide product Orthene Ornamental Insect Spray which contains the active ingredients acephate and resmethrin.

COMMENTS: Interested persons are invited to submit written comments on this application. Comments submitted should bear a notation indicating the EPA "File Symbol 239-2440." Comments may be submitted, and inquiries directed, to: Mr. William Miller, Product Manager (PM) 16, (TS-767), Room E-343, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460 (202-426-9458).

The label furnished by Chevron Chemical Co. as well as all written comments filed in connection with this notice, will be available for public inspection in the Product Manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments must be received by May 19, 1980. Comments received by the specified date will be considered before a final decision is made; comments received after the specified date will be considered only to the extent possible without delaying processing of the application.

FOR FURTHER INFORMATION CONTACT: Mr. William Miller at the above address.

SUPPLEMENTARY INFORMATION: Chevron Chemical Co., Ortho Div., 940 Hensley Street, Richmond, CA 94804, has submitted an application to conditionally amend the registration of the pesticide product Orthene Ornamental Insect Spray (EPA File Symbol 239-2440) containing 0.25% of the active ingredient acephate (*O,S*-dimethyl acetylphosphoramidothioate) and 0.1% of the active ingredient resmethrin (5-benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropane-carboxylate). The application received from Chevron proposes that the use pattern be changed from outdoor ornamental spray to indoor houseplant spray. The application also proposes that the pesticide be classified for general use.

Notice of approval or denial of this application to conditionally amend the registration Orthene Ornamental Insect Spray will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and regulations thereunder (40 CFR 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of this application does not indicate a decision by the Agency on the application.

(Sec. 3(c)(4), 86 Stat. 972, (7 U.S.C. 136a))

Dated: April 10, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11605 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[PW-20; FRL 1463-6]

Ciba-Geigy Corp.; Withdrawal of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Ciba-Geigy Corp. has withdrawn its petition requesting the establishment of tolerances for residues of 2-(*sec*-butylamino)-4-ethylamino-6-methoxy-alpha-triazine in or on a variety of raw agricultural commodities.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager (PM) 25, Room E-359, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202/755-2196.

SUPPLEMENTARY INFORMATION: On September 3, 1971, the EPA gave notice (36 FR 18260) that Ciba-Geigy Corp., Box 11422, Greensboro, NC 27409 (former address: Ardsley, NY 10502), had filed a petition (PP 2F1180) with the Agency. This petition proposed establishment of tolerances for combined residues of the herbicide 2-(*sec*-butylamino)-4-ethylamino-6-methoxy-alpha-triazine and its metabolites 2-amino-4-(*sec*-butylamino)-6-methoxy-*s*-triazine, 2-amino-4-(3-hydroxy-*sec*-butylamino)-6-methoxy-*s*-triazine, 2-amino-4-ethylamino-6-methoxy-*s*-triazine, and 2,4-diamino-6-methoxy-*s*-triazine in or on the raw agricultural commodities fresh alfalfa and alfalfa hay at 2 parts per million (ppm) and for negligible residues of the metabolite 2,4-diamino-6-methoxy-*s*-triazine in eggs and the meat, fat, and meat byproducts of goats, hogs, horses, poultry, and sheep at 0.02 ppm.

Ciba-Geigy Corp. has withdrawn this petition without prejudice to future filing in accordance with the regulations (40 CFR 180.8) pertaining to section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: April 9, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11607 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-66068; FRL 1463-3]

Intent To Cancel Registrations of Certain Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: List of firms who have requested voluntary cancellation of registration of their pesticide products as provided for in Section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

EFFECTIVE DATE: May 19, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lela Sykes, Process Coordination Branch (TS-767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202-426-8540.

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of thier intent to voluntarily cancel registration of their pesticide products.

Product name	Registration	Registrant	Date registered
Acaralate 2E Miticide	100-485	Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409.	Aug. 11, 1967.
Ortho Gramoxone Dual	239-2197	Chervon Chemical Co., 940 Hensley Street, Richmond, CA 94804.	July 25, 1966.
Weed-B-on Lawn Weed Killer	239-2425	....do	Aug. 28, 1974.
Vegatrol LV-4TP-Herbicide	876-227	Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611.	Nov. 21, 1975.
Gavicide D-D Soil Fumigant	1202-164	Puregro Co., 1111 West 6th Street, Los Angeles, CA 90017.	May 9, 1967.
Puregro Telone Soil Fumigant	1202-180	....do	Apr. 28, 1971.
GW Telone	8399-5	Great Western Sugar Co., P.O. Box 5308 T.A., Denver, CO 80217.	Apr. 17, 1975.
Mil-Du-Wash	8513-7	Devoe & Raynolds, Inc., P.O. Box 23603, Tampa, FL 33622.	Apr. 13, 1965.
Vidden D Soil Fumigant	8917-15	J. R. Simplot Co., P.O. Box 912, Pocatello, ID 83201.	Apr. 18, 1966.
Kwell Shampoo Gamma Benzene Hexachloride	9160-1	Reed & Carnrick Pharmaceuticals, 30 Boright Ave., Kenilworth, NJ 07033.	July 12, 1967.
Kwell Lotion	9160-2	....do	July 14, 1967.
Kwell Cream	9160-3	....do	July 14, 1967.
Life Weed "N" Feed	9348-5	Glacier Ice, Inc., 1518 East North Ave., Milwaukee, WI 53202.	May 24, 1967.
Inter-State Rose Spray	9445-3	Inter-State Nurseries, Hamburg, IA 51640	Oct. 6, 1966.
Vidden D	11261-1	Gasser & Dunham Inc., P.O. Box 527, Merrill, OR 97633.	Oct. 31, 1974.
Telone	11261-2	....do	Oct. 18, 1974.
Telone II	11261-6	....do	Nov. 12, 1975.
Simplot Soildbuilders Telone Soil Fumigant	11682-21	J. R. Simplot Co., P.O. Box 912, Pocatello, ID 83201.	Mar. 17, 1975.

The Agency has agreed that such cancellation shall be effective May 19, 1980 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66068]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the office of Process Coordination Branch at the above address from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136))

Dated: April 10, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-11603 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1463-7]

Intent To Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS).

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Clinton B. Spotts, Regional EIS Coordinator, USEPA, Region 6, 1201 Elm Street Dallas, Texas 75270, Telephone: (Commercial) 214-767-2716 (FTS) 729-2716.

SUMMARY:

1. *Description of Proposed Action:* The EPA action would be the approval of a facilities plan and the awarding of additional grant monies pursuant to Section 201 of the Clean Water Act for the detailed design and construction of any wastewater treatment facility improvements for the Northside planning area in Tulsa, Oklahoma.

2. *Public and Private Participation in the EIS Process:* Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. *Scoping:* The EPA, Region 6, will be holding public meetings to discuss the alternatives and the scope of the draft EIS. The first of these is scheduled for May 15, 1980 at 7:30 p.m., in the City Hall, 200 Civic Center, in Tulsa, Oklahoma. For additional information, contact the person indicated above.

4. *Timing:* EPA estimates the draft EIS will be available for public review and comment around July 1981.

5. *Requests for Copies of Draft EIS:* All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices.

Dated: April 11, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

[FR Doc. 80-11604 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51018A, FRL 1464-8]

Premanufacturing Notice; Extension of Review Period

April 8, 1980.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On January 9, 1980, EPA received a premanufacture notice (PMN), submitted under section 5 of TSCA. EPA assigned it the identification number 5AHQ-0180-0099. The PMN described a chemical substance that would be manufactured for use as a plasticizer in polyvinyl chloride (PVC) plastics. The submitter of this PMN is

Argus Chemical Corporation, a subsidiary of Witco Chemical Corporation. The specific chemical identity of the substance is fatty acid, tall oil, epoxidized C_7 alkyl and C_9 alkyl ester mixture.

In reviewing this PMN and other information pertinent to the new chemical substance, EPA has found that good cause exists under section 5(c) of TSCA to extend the notice review period for the following reasons:

1. EPA is concerned about the substantial exposure of consumers to final articles containing the PMN substance and of fabricators who come into contact with the substance during processing. The large production volume predicted for the PMN substance by the manufacturer suggests that release to the environment will be substantial. EPA lacks test data of any type on this substance. This lack of data greatly impairs EPA's ability to adequately evaluate the risks presented by this substance, which is particularly significant in light of concerns we have already identified.

2. The Agency also is concerned about potential risks that the substance may present, both to people and to ecological populations. This PMN substance may display biological activity and be a low to moderate potency carcinogen. At present no toxicity data exist on the substance to support or allay this concern.

3. EPA needs more time to determine whether regulatory controls respecting this new chemical substance are necessary, especially regarding what further information and data are needed to evaluate the risks that the substance may present to human health and the environment.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey Premanufacturing Review Division (TS–794), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460. Telephone 202/426–3936.

SUPPLEMENTARY INFORMATION:

Background

Under section 5 of TSCA, any person who intends to manufacture in or import into the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA at least 90 days prior to commencement of manufacture or import. On January 9, 1980, EPA received a PMN describing a new chemical substance that is to be manufactured for use as a plasticizer for polyvinyl chloride (PVC) plastics from Argus Chemical Corporation (Argus), a subsidiary of Witco Chemical Corporation. Argus has described the substance as fatty acid, tall oil, epoxidized C_7 alkyl and C_9 alkyl ester mixture.

Pursuant to section 5(d)(2) of TSCA, EPA published a summary of the PMN in the **Federal Register** on Janary 31, 1980 (45 FR 6999). Argus claimed confidential the identity of the epoxidizing agent used during the reaction process as well as any information relating to the epoxidizing agent, such as its impurities. Argus estimated an initial production volume of 50,000 kg/year to 10,000,000 kg/year at full capacity, but did not give a time schedule for reaching this level.

During EPA's initial evaluation of the PMN substance, Agency staff reviewed the information in the PMN and other information that Argus supplied during subsequent telephone conversations. Also, EPA conducted literature searches on the PMN substance, on structurally similar substances (i.e., structural analogues), and on chemicals with similar use patterns.

Using this information and data, EPA assessed seven major areas of potential concern: process chemistry, uses, worker and consumer exposures, environmental releases, health effects, environmental fate, and ecological effects. The Agency also considered other factors, such as economics and technological innovation, that are not directly associated with the assessment of the risks that the PMN substance may present to human health and the environment. When EPA completed this initial screening of the substance, the Agency concluded that it needed to study further certain areas that were central to its assessment of possible risks. Therefore, EPA entered the PMN into another series of analyses, the Detailed Review process. Agency staff conducted detailed evaluation and assessments of the following: (1) the degree to which structural and use analogues of the PMN substance could be relied upon to assess the risks that the PMN substance may present to human health and to the environment; (2) the nature and character of those risks; and (3) the exposures associated with the PMN substance.

Summary of Information on the PMN Substance

The PMN substance is a pale yellow liquid. EPA described the substance's physical and chemical properties in detail in the January 31, 1980 **Federal Register** notice (45 FR 6999). Argus intends to enter the PMN substance into a large and well-established market as a plasticizer for PVC plastics. The PMN substance is interchangeable with a C_8 alkyl ester that Argus currently produces and presently is on the market. According to Argus, the reason for the change from the C_8 alkyl ester to the C_7–C_9 alkyl ester mixture is that there is a shortage in the supply of the C_8 alchol, (2-ethylhexanol), one of the starting materials for the product for which the PMN substance will substitute.

PVC plastics consume two-thirds of all plasticizers produced in the United States, and approximately .7 million metric tons of plasticizers are produced annually in this country. In 1977, 54 thousand metric tons of epoxy ester plasticizers were produced in the United States, and most were consumed domestically. Of this 54 thousand metric tons, 12 thousand metric tons were tall oil- and linseed oil-based epoxidized esters.

Plasticizers are used to give flexibility to a large variety of plastic products. This particular epoxidized C_7–C_9 alkyl ester mixture not only will provide flexibility but also will provide color stabilization. It will be used in such articles as shower curtains, boots, draperies, umbrellas, seat covers and upholstery. To make PVC plastics, the liquid plasticizer is blended with the PVC resin, and the resulting PVC plastic then is fabricated into the final articles. Usually, four different companies would be involved in this process—the producer of the plasticizer, the producer of the bulk PVC resin, the producer of the bulk PVC plastic, and the producer of the final plastic products. PVC articles may contain as much as 60–70 percent plasticizer by weight.

EPA has no definitive data on the extent to which the PMN substance will be released into the environment. In telephone conversations between Argus and EPA, Argus stated that it disposes of its wastes (from leaks and spills) into deep wells located on the manufacturing site, and these wastes are estimated to be approximately one percent of total production (i.e. 100,000 kg/yr at full production capacity). During processing (i.e. compounding with PVC plastics), EPA estimates that one percent of total production volume (i.e. 100,000 kg/yr at full production capacity) as leaks and spills will be discharged to rivers, public owned treatment works, and landfills. Also one percent loss of PVC scrap material (i.e. 100,000 kg/yr) will be released to landfills or incinerators. Once the final plastic articles have outlived their usefulness, they usually are discarded to landfills.

EPA has examined the potential for human exposure to the PMN substance as a plasticizer at all stages of its life cycle. During initial production, Argus will use a continuous, automated production process for 200–300 days per

year. Eight to twelve workers will be exposed to the PMN substance primarily through dermal contact, but also through low-level inhalation. The low vapor pressure of the plasticizer reduces the likelihood of significant exposure from this latter route. The number of workers involved in the two stages of processing is substantially larger. EPA estimates that 500 to 1,000 people could be exposed to the plasticizer during the manufacture of the PVC plastic, and as many as 15,000 to 30,000 workers could be exposed during manufacture of PVC articles. Because both processing steps occur at elevated temperatures, the risk of inhalation exposure is increased. With regard to consumer exposures, EPA expects a high poetntial (conceivably the entire U.S. population) for extremely low-level dermal exposures to the plasticizer. In summary the two exposed populations that are of most concern are (1) general consumers, and (2) the 15,000–30,000 workers employed by fabricators, who will come in contact with PMN substance almost daily 250 days/year (via dermal, inhalation, and ingestion exposure routes).

Argus Chemical Corporation submitted information on the physical and chemical properties of both the C_7–C_9 alkyl ester mixture and the C_8 alkyl ester. The manufacturer also provided information for an acute oral study on rats (LD_{50}: 32,000 mg/kg) for a related product, identity unknown, presumably the C_8 alkyl ester. However, despite the significant potential for environmental release of and human exposure to the PMN substance.

Argus has not submitted any data relevant to the substance's persistence or bioaccumulation in the environment, its effects on aquatic or other ecological populations, or its effects upon human health. Thus, in the absence of other such data, EPA evaluated the PMN substance on the basis of available information and data on both structural and use analogues.

Based upon EPA's own search, review, and evaluation of literature published on related chemical substances, EPA is concerned over the lack of testing to ascertain whether about this substance has the potential for being a carcinogen. Because Argus did not provide information concerning the PMN substance's possible oncogenic and mutagenic effects, and because there is no information on the C_7–C_9 alkyl ester mixture in the published literature, the Agency relied heavily upon the information we obtained in the literature on monoepoxide and diepoxide substances. That information indicates that epoxides generally are reactive species and have been identified as the probable mutagenic form of many carcinogens. A large number of epoxides have been demonstrated to be mutagenic. Studies further indicate that diepoxides tend to be more mutagenic than the monoepoxides. The PMN substance contains approximately equal portions of monoepoxide and diepoxide functions. Again, not having any test data on the mutagenic potential of this substance, EPA believes that the structural relationships of the PMN substance to other mutagenic substances suggests that the PMN substance may have mutagenic potential. EPA has been unable to find any studies which have been conducted on diepoxides which are sufficiently close structural analogues to the PMN substance. Based upon the available information that epoxides display mutagenic tendencies, and the lack of information on diepoxides, EPA has difficulty concluding that the diepoxide function of this substance will not display oncogenic effects. If the PMN substance is a carcinogen, EPA expects it to be of low potency. Because of the projected levels of exposure to the PMN substance to humans it is possible that the substance may present an unreasonable risk, particularly in light of the concerns discussed above.

In addition to our concerns about possible risks to humans, this substance may present significant ecological risks as well. Although no literature has been published on the PMN substance, studies on structurally similar substances indicate that epoxides are toxic to aquatic organisms. Studies on rabbits have shown that epoxides at the 10 mg/kg level have been shown to cause severe skin irritation. Based upon the toxicity of analogues, the PMN substance may present a hazard to aquatic organisms in the areas of acute toxicity, chronic toxicity, and bioconcentration potential.

It may be that the precise extent of the possible risks presented by this PMN substance cannot be confirmed or denied without appropriate test data. EPA believes that more data on this substance may be needed before it can be properly evaluated and a decision made concerning whether it should enter the marketplace.

Extension of the Notice Review Period

In general, section 5 provides that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c) for good cause EPA may extend the notice period for additional periods, not to exceed an aggregate of 90 days. EPA proposed rules to implement the premanufacture notification program in the **Federal Register** of January 10, 1979 (44 FR 2263). Section 720.35 of the proposed regulations addressed the section 5(c) extension in which EPA believed there would be good cause to extend the notice period. Although EPA has not yet promulgated these rules, the provision of the proposal that would apply in this case is that:

> EPA has received the notice and has determined that there is significant possibility that the chemical will be regulated under section 5(e) or section 5(f) of the Act, but the Agency is unable to initiate regulatory action wihtin the initial 90-day period. (44 FR 2273).

On the basis of the concerns raised during EPA's evaluation of the PMN substance, and because of the limited time before the end of the review period (which closes on April 8, 1980), EPA has determined that good cause exists to extend the notice period for an additional 45 days, until May 23, 1980.

During the additional 45 days EPA will: (1) evaluate the need for additional data on the PMN substances, (2) examine possible control options, and (3) determine the need for control in the light of EPA's concerns about the PMN substance. Extension of the notice period preserves EPA's authority to initiate a regulatory action, if the Agency's deliberations conclude that such an action is appropriate.

The PMN, summaries of communications between the submitter and EPA, and other written material, are available for public inspection in Room 447 East Tower at the EPA headquarters address given above. The public record is available from 8 a.m. to 4 p.m. on normal business days. All information that the manufacturer has claimed to be confidential has been deleted from the documents in the public record.

Dated: April 8, 1980.

Steven D. Jellinek

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-11608 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL-1465-2]

Beker Industries, Inc.; Denial of Application for a Fuel Additive Waiver

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of decision.

SUMMARY: Pursuant to section 211(f)(4) of the Clean Air Act (Act), as amended, 42 U.S.C. 7545(f)(4), the Administrator of

EPA is denying the waiver requested by Beker Industries, Inc. for a mixture of crude methanol from zero to fifteen percent, by volume, and unleaded gasoline. The waiver is denied because the applicant failed to establish that the crude methanol/unleaded gasoline mixture will not cause or contribute to a failure of any 1975 or subsequent model year vehicle to comply with the emission standards with which it was certified under the Act.

PUBLIC DOCKET: Copies of information on this waiver application are available for inspection in public docket EN–79–20 at the Central Docket Section (A–130) of the Environmental Protection Agency, Room 2903B, 401 M Street, SW., Washington, D.C. 20460, between the hours of 8 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Field Operations and Support Division (EN–340), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472–9367.

Decision of the Administrator

I. Introduction

Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer to first introduce or increase the concentration in use of any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of EPA may waive the prohibitions of section 211(f)(1) upon application of any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny an application within 180 days of its receipt, the waiver shall be treated as granted.

An application for a waiver was submitted by Beker Industries Corp. (Beker) on October 17, 1979, to allow the blending of up to 0–15 percent anhydrous crude methanol into unleaded gasoline.[1] The application defines the anhydrous crude methanol as 75 percent methanol, 5 percent ethanol, 7.5 percent n-propanol, and 12.5 percent i-butanol. The 180 day review period terminates on April 14, 1979.

A **Federal Register** notice was published December 14, 1979 (44 FR 72643), acknowledging receipt of Beker's application. The notice also solicited comments and data from other interested parties on Beker's crude methanol mixture in unleaded gasoline.

Beker concluded from the information it submitted in support of its application that unleaded gasoline containing its crude methanol from 0 to 15 percent, by volume, and its emission products do not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act.

II. Summary of the Decision

I have determined that Beker has not met the burden established under section 211(f)(4) necessary to obtain a waiver for crude methanol in unleaded gasoline from 0 to 15 percent, by volume. The data which Beker and other interested parties have submitted, together with the data which EPA has researched, are not sufficient to establish that the crude methanol/unleaded gasoline mixture will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. I hereby deny the waiver requested by Beker for its crude methanol from 0 to 15 percent, by volume, in unleaded gasoline. All section 211(f) prohibitions remain in effect. Beker or any other manufacturer is free to reapply for a waiver under section 211(f) provided additional data are submitted specifically on Beker's crude methanol/unleaded gasoline mixtures.

III. Method of Review

In order to obtain a waiver for a fuel or fuel additive (hereinafter, fuel or fuel additive will be collectively referred to as "additive") the applicant must establish that the additive and its emission products will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such system or device is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. This burden, which Congress has imposed on the applicant, if interpreted literally, is virtually impossible to meet as it require the proof of a negative proposition, i.e., that no vehicle will fail to meet emission standards with respect to which it has been certified. Taken literally, it would require the testing of every vehicle. Recognizing that Congress contemplated a workable waiver provision, some mitigation of this stringent burden was deemed necessary. For purposes of the waiver provision, EPA has previously indicated that reliable statistical sampling and fleet testing protocols may be used to demonstrate that an additive under consideration would not cause or contribute to failure of emission standards by vehicles in the national fleet (See, Waiver Decision on Tertiary Butyl Alcohol (TBA), 44 FR 10530 (1979)).

Emissions data submitted in support of a waiver request are analyzed by appropriate statistical methods in order to characterize the effect that an additive (which is expected to have an instantaneous emissions effect) will have on emissions.[2] The statistical tests applied to the emission data provided in support of a waiver request are: a Paired Difference Test, Sign of Difference Test, and a Deteriorated Emissions Test (a test which compares the deteriorated emissions with the emission standards.[3] These statistical tests are described in Appendix A to this decision.

An alternative to providing the amount of data necessary to meet the statistical requirements, is to make

[1] Beker's crude methanol, in the concentration range requested, would not lie within the definition of substantially similar contained in the June 2, 1978 **Federal Register**, 43 FR 24131, or the proposed definition in the March 16, 1979 **Federal Register**, 44 FR 16033.

[2] Which tests are appropriate to characterize the emission effects of an additive depends on whether the additive is expected to have an instantaneous effect or a long-term deteriorative effect on emissions or both. If a long-term deteriorative effect is expected, then 50,000 mile durability testing would be required. The results would be analyzed using the tests used in the MMT decision (see 43 FR 41424 (1978)). Experience with other oxygenated hydrocarbon additives leads EPA to believe that this mixture would probably have an instantaneous effect. Thus, the method of review set out in the decision which is designed to test instantaneous effects would apply. The Beker mixture may also exhibit long-term deteriorative effects on fuel system components. Therefore, any future waiver application should be supported with materials compatibility testing.

[3] These tests may only be performed when sufficient data are available. Sufficient data to perform these tests were not available on Beker's crude methanol/unleaded gasoline mixture.

judgments based upon a reasonable theory regarding emission effects supported by confirmatory testing. If there exists a reasonable theory which predicts the emission effects of an additive, an applicant may only need to conduct a sufficient amount of testing to demonstrate the validity of such theory. This theory and confirmatory testing then form the basis from which the Administrator may exercise his judgment on whether the additive will cause or contribute to a failure of any emission control device or system to achieve compliance by the vehicle with emissions standards. In addition to emissions data, EPA also reviews data on materials compatibility, driveability, fuel composition and specifications. This information is necessary to fully characterize an additive, and to determine whether such additive will cause or contribute to a failure of vehicles to comply with appropriate emission standards.

IV. Analysis

In order to make a determination under section 211(f), data on the particular additive normally must be provided. Beker did not submit any data on its particular crude methanol/unleaded gasoline mixture. Beker did submit general reports and data on methanol in gasoline and presented the argument that the other higher molecular weight alcohols in its mixture would minimize any adverse effects that a neat methanol/unleaded gasoline mixture would exhibit.[4]

Notwithstanding the policy that EPA will consider engineering arguments in lieu of sufficient test data to make its waiver determinations, there still must be some accompanying solid confirmatory information on the additive on which to base a determination. Data from testing on a closely related additive is generally not sufficient in itself to support a waiver request. While such data on related additives do provide insight into general trends on an additive's effect, some data on the waiver additive is necessary to ensure that it too follows the trends and is not an exception to those trends. In short, the data submitted by Beker on methanol/gasoline mixtures do not make their case for a waiver for the crude methanol/gasoline mixture.[5]

The Agency also requested comments on the Beker waiver request in the **Federal Register.** American Motors, General Motors, Ford Motor Company and Chrysler Corp. responded to this notice and submitted information regarding methanol/gasoline mixtures but not on Beker's crude methanol/gasoline mixture. Although not specifically required to do so, the Agency independently searched for sources of test data and information regarding methanol/gasoline mixtures. EPA has reviewed all the data obtained regarding neat methanol/gasoline mixtures. In summary, the data thus obtained, while instructive in understanding the emission effect of alcohol/methanol gasoline mixtures, are not sufficient to justify granting a waiver; in fact, the data suggest that there may be a problem with the additive.

The results of this review are contained in the Characterization Report (attached). To summarize, the various data on methanol/gasoline mixtures are not encouraging. Generally such mixtures exhibit only slight effects on tailpipe exhaust emissions, but they generally appear to have appreciably greater evaporative emissions than gasoline. This is because of the higher volatility of fuels containing a significant amount (approximately 10%) of methanol. Methanol/gasoline mixtures are also more chemically active than gasoline because of the methanol. Thus, such mixtures may exhibit materials compatibility problems. Finally, driveability may be a problem at higher concentrations of methanol because of the increased oxygen content of the fuel. As oxygen content increases, the air/fuel ratio shifts outside the design specifications (enleanment).

These observations on methanol/gasoline fuels. A waiver request for such methanol gasoline fuels are not intended as final judgments concerning methanol, but to highlight EPA's concerns about methanol/gasoline fuels will have to be supported by sufficient data to overcome the existing data which suggest that methanol/gasoline mixtures may cause or contribute to a failure of vehicles to comply with emission standards over their useful life.

VII. Findings and Conclusions

I have determined that Beker has not established that its crude methanol from 0 to 15 percent, by volume, in unleaded gasoline or the emission products thereof will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. I hereby deny the waiver requested by Beker for its crude methanol from 0 to 15 percent, by volume, in unleaded gasoline. The applicant, or any other manufacturer, may reapply for a waiver for this crude methanol/unleaded gasoline mixture in the event that additional relevant data become available.

Dated: April 11, 1980.

Douglas M. Costle,

Administrator.

Appendix A—Statistical Criteria

The following is a brief description of the statistical tests used to characterize the emission effects of an additive:

(1) *The Paired Difference Test.* For each vehicle tested on a base fuel and on the waiver fuel or fuel additive, the difference between the waiver fuel or fuel additive emissions and the base fuel emissions is calculated. A 90% confidence interval is constructed for the mean differences. If the resulting interval lies entirely below zero it is indicative of no adverse effect from this waiver fuel or fuel additive. If the entire interval is above zero, it is indicative of an adverse effect from the waiver fuel or fuel additive. If the interval contains zero, there is arguably no difference between the base fuel and the waiver fuel or fuel additive with regard to emissions provided the confidence interval is small.

(2) *The Sign of Difference Test.* For each vehicle tested with a base fuel and the waiver fuel or fuel additive, the sign of the emission difference between the waiver fuel or fuel additive emissions and base fuel emissions is ascertained. This test is designed to determine whether the number of vehicles demonstrating an increase (+) in emissions with the waiver fuel or fuel additive significantly (at a 90% confidence level) exceeded those showing a decrease (−) in emissions with the waiver fuel or fuel additive.

(3) *The Deteriorated Emissions Test.* For each vehicle, the effect the waiver fuel or fuel additive had on emissions is determined. This incremental effect, either positive or negative, is added to the 50,000 mile certification emission value of the certification emission vehicle which the test vehicle

[4] While Beker's argument concerning the mitigating effects of the higher molecular weight alcohols may be correct, there is no basis (since no data on this mixture were submitted) to conclude that these other alcohols would sufficiently compenate for the adverse effects of methanol in the mixture.

[5] The paucity of data submitted by Beker on neat methanol/gasoline mixtures precluded statistical analysis even on these mixtures. In fact, some of the data received were on 1974 model year vehicles (which are not part of the class of vehicles designed to be protected by section 211(f)) or were not derived from the Federal Test Procedure on which the emission standards are based.

represented. This incremented 50,000 mile emission value is compared to emissions standards to determine if it did or did not exceed the standards. Either a pass or fail is assigned accordingly. The pass/fail results are analyzed using a one-sided sign test.

The first two methods of analysis are designed to determine whether the waiver fuel or fuel additive has an adverse effect on emissions as compared to the base fuel. Each characterizes a different aspect of adverse effect. The Paired Difference Test determines the mean difference in emissions between the base fuel and the waiver fuel or fuel additive. The Sign of Difference Test assesses the number of vehicles indicating an increase or decrease in emissions. The two tests are considered together in evaluating whether an adverse effect exists to assure that a mean difference determination is not unduly influenced by very high or very low emission results from only a few vehicles.

The Deteriorated Emissions Test analysis indicates whether the waiver fuel or fuel additive causes a vehicle to fail to meet emission standards. This test examines each vehicle's emission performance as compared to each pollutant standard.

It is useful to perform this analysis even if the first two analyses indicate the waiver fuel or fuel additive has no adverse effect. The analysis indicates whether the emissions from any particular type of vehicles or special emission control technologies are uniquely sensitive to the waiver fuel or fuel additive, thus causing vehicles to fail to meet emission standards. This effect could be masked in the previous analyses which consider the emissions results as a group without distinguishing the emissions impact on subgroups.

[FR Doc. 80-11660 Filed 4-16-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1464-7; PP 8G2066/T234]

Ethephon; Extension of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the plant growth regulator ethephon on cottonseed at 0.5 part per million (ppm).

ADDRESS COMMENTS TO: Robert J. Taylor, PM-25, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M St. SW, Washington, DC 20460, 202-755-7013.

SUPPLEMENTARY INFORMATION. On June 8, 1979 the EPA in response to a pesticide petition (PP 8G2066) announced an extension of a temporary tolerance (44 FR 33150) for the pesticide ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodity cottonseed at 0.5 ppm. This temporary tolerance is scheduled to expire June 15, 1980.

Union Carbide Agricultural Products Co., Inc. requested a one-year extension of the temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 264-EUP-55 that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Union Carbide Agricultural Products, Co., Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 15, 1981. Residues not in excess of 0.5 ppm in or on the above raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: April 10, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11609 Filed 4-16-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1464-3; OPP-180356A]

Florida Department of Agriculture and Consumer Services; Amendment to Specific Exemption To Use Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an amendment to a specific exemption issued to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant"), under the Federal Insecticide, Fungicide, and Rodenticide Act, to use permethrin on lettuce to control the vegetable leafminer in Florida. The amended specific exemption permits the use of permethrin in an additional three counties.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767), Rm. E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 18, 1979 (44 FR 54112), EPA published a notice which announced the granting of a specific exemption to the Applicant to use a maximum of 23,600 pounds of permethrin on a maximum of 11,800 acres of lettuce in Lake, Orange, Palm Beach, and Seminole Counties, Florida.

Since then, the Applicant has requested permission to add 985 acres in Hillsborough, Hendry, and Collier Counties to the program. This amendment would raise the total acreage from 11,800 to 12,785 acres, and the amount of active ingredient from 23,600 pounds to 25,578 pounds. According to the Applicant, the same emergency conditions exist in these three counties as in those already covered by the specific exemption.

After reviewing the application and other available information, EPA has determined that the requested amendment would not result in significant environmental risks. Accordingly, EPA has amended the specific exemption for the use of permethrin on lettuce to include the counties named above and by substituting the following for items 2 and 3 as found on p. 54112 of the **Federal Register** of Tuesday, September 18, 1979:

2. Total acreage may not exceed 12,785 acres; and

3. A maximum of 25,578 pounds of active ingredient may be applied at a maximum rate of 0.2 pound active ingredient per acre.

All other terms and conditions of the specific exemption granted on August 3, 1979 still apply.

(Sec. 18, as amended, 92 Stat. 819, (7 U.S.C. 136))

Dated: April 10, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-11613 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180427; FRL 1463-8]

Florida Department of Agriculture and Consumer Services; Issuance of Specific Exemption To Use Oxamyl To Control Pepper Weevil on Bell Peppers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use Vydate L (oxamyl) to control pepper weevils on 10,000 acres of bell peppers in Florida. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on October 31, 1980.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767), Rm. E-107, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, the pepper weevil, *Anthonomus eugenii*, has become a major pest on peppers in Florida within the past five to six years. Feeding and oviposition by adult weevils may cause flower bud abortion, fruit drop or fruit damage. Weevil larvae feed, pupate and emerge inside the fruit, making it unmarketable, the Applicant claims. In previous years where low levels of economic losses due to the pepper weevil occurred, control was obtained with the only product currently registered for that use, toxaphene. However, the Applicant claims that toxaphene, which has given only 15 to 30 percent control over the past four years, will not provide economic control now due to more intensive weevil population pressures. Crop yields averaged 450 bushels per acre from 1974 to 1978 for the entire State, the Applicant reported. Using currently available controls, the Applicant estimates the yield this year in severely infested areas at 300 bushels per acre.

The Applicant anticipates that oxamyl will provide 70 to 100 percent control, depending on conditions, which could result in a yield of up to 600 bushels per acre. The Applicant claims that the use of oxamyl could result in a savings of $11 million in production costs and the realization of $19.5 million in marketing returns.

The Applicant proposes to treat a maximum of 10,000 acres of bell peppers with Vydate L, which contains the active ingredient (a.i.) oxamyl. Applications are to be made when pepper weevils first appear and be repeated at 7- to 14-day intervals. A total of 12,000 gallons of product are expected to be used; however, this figure may vary depending on the number of repeat applications needed.

EPA has determined that the proposed use of oxamyl should not result in residues of oxamyl in or on peppers of more than 3 parts per million (ppm). this level has been judged adequate to protect the public health. EPA does not anticipate any serious hazard to the environment from this program.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of pepper weevils is likely to occur this year on bell peppers in Florida; (b) there is no effective pesticide presently registered and available for use to control this pest in Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 31, 1980, to the extent and in the manner set forth in the application. The specific exemptions is subject to the following conditions:

1. The product Vydate L, EPA Reg. No. 352-372, may be used. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. A maximum of 10,000 acres of bell peppers may be treated;

3. Vydate L will be applied at a rate of 2 to 4 pints formulation (0.5 to 1.0 lb. a.i.) per acre;

4. Applications may be made when insects first appear and be repeated at 7- to 14-day intervals as necessary. Low rates are to be applied for light infestations, highest rates and shorter intervals for severe infestations;

5. No application will be made within 7 days of harvest;

6. Applications will be made using ground equipment only in sufficient water (minimum 100 gallons) to obtain uniform coverage;

7. All applicable directions, restrictions and precautions on the EPA-registered label must be followed;

8. Residues of oxamyl in the raw agricultural commodity bell peppers are not likely to exceed 3 ppm from this use. Bell peppers with residue levels not exceeding 3 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

9. The Applicant is responsible for insuring that the restrictions of this specific exemption are met, and must submit a report summarizing the results of this program by December 31, 1980; and

10. The EPA shall be immediately informed of any adverse effects resulting from the use of oxamyl in connection with this exemption.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: April 10, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-11616 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1464-6; OPP-50470]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

NO. 264-EUP-55. Union Carbide Corp., Ambler, PA 19002. This experimental use permit allows the use of 4,800 pounds of the plant growth regulator ethephon on cotton for accelerating opening of mature cotton bolls and preconditioning cotton for defoliation. A total of 2,400 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective

from June 15, 1980 to June 15, 1981. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established. (PM–25, Robert J. Taylor, Room: E–301, Telephone: 202–755–2196)

No. 707–EUP–83. Rohm and Haas Co., Philadelphia, PA 19105. This experimental use permit allows the use of 20,000 pounds of the herbicide oxyflurofen on soybeans to evaluate control of weeds. A total of 72,000 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from June 5, 1980 to June 5, 1981. A temporary tolerance for residues of the active ingredient in or on soybeans has been established. (PM–25, Robert J. Taylor, Room: E–301, Telephone: 202/755–2196)

Persons wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. Inquiries regarding these permits should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made available for inspection from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: April 10, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–11610 Filed 4–16–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1464–2; OPP–180426]

North Carolina Department of Agriculture; Issuance of Specific Exemption To Use Captafol To Control Anthracnose in Strawberries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the North Carolina Department of Agriculture (hereafter referrred to as the "Applicant") to use captafol to control anthracnose in 500 acres of strawberry transplant production fields in North Carolina. This specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby, Welch, Registration Division (TS–767), Office of Pesticide Programs, Rm. E–124, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 202/426–0223.

It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Anthracnose has been a destructive disease during the past few years for strawberry plant producers in North Carolina when high temperatures and rainfall favor disease development. Anthracnose (*Colletotrichum fragariae*) attacks the mature crown, runners, and runner plants. The fungus enters the crown at the soil line and causes reddish-brown discolored areas in the white tissues in the center of the crown. Infected mature plants wilt and die. The fungus is carried over from year to year in crowns that become infected in late summer. The fungus produces masses of spores on diseased plant tissues and these spores are spread to nearby plants by splashing water or winds.

According to the Applicant, North Carolina produces more strawberry plants than any other state east of California. Plants grown in North Carolina are shipped to many states and foreign countries for fruit production. Approximately 75 percent of the strawberry transplants commercially produced in North Carolina are intended for export, 60 percent of which are shipped to Florida. The Applicant claims that this latter segment would be virtually lost if anthracnose is not controlled, since Florida would embargo shipments of plants that are not certified as being apparently free of anthracnose. Without an effective control program, the Applicant anticipates losses of approximatey $1.5 million.

Despite the use of repeated applications of benomyl, which is registered for control of anthracnose, the Applicant anticipates that emergency conditions will continue to exist in strawberry plant producing areas through September. No other fungicide registered for strawberry use will control anthracnose and there are no alternative control methods.

The Applicant's treatment plan consists of using captafol on up to 500 acres of strawberries being grown for plant production (no fruit will be harvested) at a rate of two pounds active ingredient per acre every 7 to 10 days, during periods of whether conditions favorable for pathogen dissemination, through September. Approximately 19,000 pounds of the active ingredient will be used. The fungicide will be applied over the row with ground equipment. Data indicate that Difolatan should be effective in controlling anthracnose.

EPA has determined that residues of captafol on strawberries should not exceed 5 parts per million (ppm) from the proposed use. This level has been judged adequate to protect the public health. Precautions on the Difolatan 4F label should be adequate to protect the environment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of anthracnose has occurred; (b) there is no effective pesticide presently registered and available for use to control anthracnose in North Carolina; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if anthracnose is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Use of the product Difolatan 4F, EPA Reg. No. 239–2211, manufactured by Chevron Chemical Co., is authorized. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. Difolatan will be applied at a rate of 2.0 pounds active ingredient per acre every 7 to 10 days through September;

3. A maximum of 500 acres may be treated;

4. All applications will be made over the row with ground equipment in sufficient water to obtain thorough coverage of all plant parts;

5. No applications will be made within 90 days of any harvest of fruit;

6. Applications may be made by either private or commercial applicators;

7. All label directions, precautions, and restrictions of the product label must be followed;

8. Strawberries with residues of captafol not exceeding 5 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of

Health, Education, and Welfare, has been advised of this action;

9. A full report summarizing the results of this program must be submitted to EPA by March 31, 1981;

10. The EPA shall be immediately informed of any adverse effects from the use of Difolatan in connection with this exemption; and

11. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are met.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: April 10, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-11614 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1464-5; PP 5G1581/T235]

Oxyfluorfen; Extension of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the herbicide oxyfluorfen on soybeans at 0.05 part per million (ppm).

ADDRESS COMMENTS TO: Robert J. Taylor, PM-25, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-755-7013).

SUPPLEMENTARY INFORMATION: On April 18, 1978, the EPA announced (43 FR 16405) an extension of a temporary tolerance for combined residues of the herbicide oxyfluorfen (2-chloro-1- (3-ethoxy-4-nitrophenoxy) -4- (trifluoromethyl) benzene) and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodity soybeans at 0.05 part per million (ppm).

Rohm and Haas, Co., requested a one-year extension of the temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit 707-EUP-83 that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Company must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 5, 1981. Residues not in excess of 0.05 ppm in or on the above raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: April 10, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11611 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1464-1; OPP-180357A]

Washington State Department of Agriculture; Amendment to Specific Exemption for Benomyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an amendment to a specific exemption granted to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use benomyl on 500,000 acres of wheat to control *Cercosporella* foot rot. The amendment permits the Applicant to tank-mix benomyl with fertilizer or other pesticides.

FOR FURTHER INFORMATION CONTACT: Patricia Critchlow, Registration Division (TS-767), Rm. E-107, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 18, 1979 (44 FR 54117), EPA announced the granting of a specific exemption to the Applicant to use a maximum of 250,000 pounds of benomyl to control *Cercosporella* foot rot of wheat on 500,000 acres of wheat. Since then, the Applicant has requested that the specific exemption be amended to permit tank-mixing of benomyl with herbicides or nitrogen fertilizer solutions provided that such mixtures are not prohibited by the herbicide labels and provided that all other conditions of the specific exemption are followed. The Applicant requested to be allowed to tank-mix herbicides such as bromoxynil, MCPA, diuron, terbutryn, chlorbromuron, and 2,4-D. The Applicant indicated that pesticide applicators would have to make additional trips to apply the benomyl and other materials separately, increasing the cost of the applications and using extra fuel for the second trip.

After reviewing the application and other available information, EPA has determined that all of the products involved are registered and apparently compatible as tank mixes with benomyl and that the requested amendment should not result in any additional environmental problems. Accordingly, EPA has granted the amendment so that benomyl may be applied in a tank-mix with nitrogen fertilizer solutions and with other pesticides registered for use on wheat, providing that such mixtures are not prohibited by the various product labels. All other provisions and restrictions of the specific exemption granted on August 8, 1979, still apply.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: April 10, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-11615 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1464-4; PP 5G1581/T236]

S-[(4-Chlorophenyl)Methyl] Diethylcarbamothioate; Extension of a Temporary Tolerance

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the herbicide S-[(4-chlorophenyl)methyl] diethylcarbamothioate in or on rice grain at 0.1 part per million (ppm).

ADDRESS COMMENTS TO: Willa Y. Garner, PM–23, Office of Pesticide Programs, Registration Division (TS–767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202/755–1397.

SUPPLEMENTARY INFORMATION: On January 30, 1976 the EPA announced (41 FR 4636) establishment of a temporary tolerance for residues of S-[(4-chlorophenyl)methyl] diethylcarbamothioate in or on the raw agricultural commodity rice grain at 0.1 ppm. This temporary tolerance is scheduled to expire June 30, 1980.

Chevron Chemical Co., requested a one-year extension of the temporary tolerance to permit the marketing of the above raw agricultural commodity treated in accordance with the provisions of the experimental use permit 239–EUP–78 that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experiemtnal use permit.

2. Chevron Chemical Co., must immediately notify the EPA of any findings from the experiemtnal use that have a bearing on safety. The firm must also keep records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 30, 1981. Residues not in excess of 0.1 ppm in or on the above raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: April 10, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–11612 Filed 4–16–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1465–6]

Science Advisory Board; Toxic Substances Subcommittee; Rescheduling of Open Meeting

The meeting of the Toxic Substances Subcommittee of the Science Advisory Board, previously scheduled for 9:00 AM, April 24 and 25, 1980, in the HEW North Building, 330 Independence Avenue, S.W., Room 4131–37, Washington, D.C. and announced in the April 7, 1980 issue of the **Federal Register** p. 23514 has been rescheduled. The meeting will now be held Thursday and Friday, May 22 and 23, 1980, at 9:00 AM in the EPA Visitor Center, West Tower Lobby, Gallery 2, 401 M St., S.W., Washington, D.C. 20460.

The Subcommittee will be meeting for the ninth time. The agenda will be announced at a future date.

The meeting will be open to the public. Any member of the public wishing to attend should pre-register by contacting Dr. Helene N. Guttman, Deputy Staff Director, Science Advisory Board (A–101M), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472–9444.

Dated April 14, 1980.

Richard M. Dowd,

Staff Director, Science Advisory Board.

[FR Doc. 80–11561 Filed 4–16–80; 8:45 am]

BILLING CODE 6560–01–M

[OPTS—40006; FRL 1466–5]

Organization for Economic Cooperation and Development (OECD) Chemicals Program; Final Reports on Testing Guidelines; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that the Office of Pesticides and Toxic Substances is making available the final reports on testing guidelines produced by the various Expert Groups of the OECD Chemicals Testing Program. The EPA chairs the U.S. Delegation to the OECD Chemical Program and is, by this distribution, fulfilling the U.S. commitment of make these reports publicly available to interested organizations and private citizens in the United States for review and comment prior to their adoption by OECD. Five final reports are being made available covering (1) short- and long-term toxicology, (2) physical-chemical properties, (3) degradation/accumulation, (4) ecotoxicology and (5) good laboratory practices. In addition, the preliminary report of the Expert Group on Step-sequence Testing Systems is being circulated as part of this distribution. Comments from the public are welcome and should be received by EPA by May 28, 1980, in order to be incorporated in the U.S. national comment in time to meet the May 31 deadline established by OECD. The reports are being distributed to all EPA Regional offices as well as major trade and professional associations, labor unions, and environmental and other public interest groups that have expressed an interest in them. A list of the EPA regional offices appears below.

DATE: Comments must be received by EPA on or before May 28, 1980.

ADDRESSES: Written comments should be addressed to the Document Control Office (TS–793), Office of Pesticides and Toxic Substances (OPTS), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460. Comments should bear the identifying document control number: OPTS 40006. All written comments filed pursuant to this notice will be available for public inspection at the OPTS Reading Room, E–447, at the above address from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John B. Ritch, Jr., Industry Assistance Office (TS–799), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, toll-free 800–424–9065 or, in Washington, 554–1404.

SUPPLEMENTARY INFORMATION: In April 1978, representatives of 16 countries and six international organizations met in Stockholm to discuss the control of toxic substances with special regard to chemicals affecting the environment. Recognizing the desirability of improved national controls on toxic chemicals, the meeting at the same time agreed on the urgent need to harmonize national efforts to best utilize available resources and to avoid unnecessary barriers to international trade. Six priority areas were identified where work should be completed as soon as possible: (1) The development of consistent data requirements and testing methods; (2) The development of consistent standards for good laboratory practices and effective means of enforcing them; (3) A mechanism to facilitate

information exchange; (4) Problems with respect to confidentiality of data; (5) Development of consistent methodologies for analyzing the economic and trade impact of actions in regulating toxic chemicals; and (6) Development of an international glossary of key terms.

Action was initiated within the OECD Environment Committee Chemicals Group on each of the priority areas identified at Stockholm. The current status of these activities is as follows:

Chemicals Testing Program (Part I)

Established in 1977, the program consists of six expert groups under the leadership of individual member countries (as indicated below). Five of the expert groups are mandated to prepare "state of the art" reports (compendia of methods), or other appropriate studies on mutually agreed scientifically sound test methods that can be used to provide information for predictive purposes on: (1) Physical-Chemical Properties (Germany); (2) Eco-Toxicology (Netherlands); (3) Degradation/ Accumulation (Japan/ Germany); (4) Long-Term Toxicology (U.S.); and (5) Short-Term Toxicology (U.K.).

The last Chemicals Group meeting (in December 1979) determined that by and large the work and reports of the five groups, in developing harmonized guidelines for testing new chemicals, would be completed by January, 1980 and that their reports would be made available to member countries for government, international organization, and public review and comment preparatory to release by the end of 1980. This done, the five groups will terminate their work with the exception of the Eco-toxicology Group because of uncompleted activities, and the Long- and Short-Term Toxicology Groups' work in mutagenicity and reproductivity. It was further recommended that an updating mechanism be put into place by 1981 to ensure that the test methodologies and guidelines could be reviewed and revised as the state of the art advances.

The sixth expert group, convened under the leadership of Sweden, is considering the concept of step-sequence testing systems. To date, it has recommended a minimum pre-market data set and, using the output of the other five groups, expects to proceed to develop higher tiers of tests as part of an overall test-sequence scheme.

Special Program on the Control of Chemicals (Part II)

Three additional programs were created in 1978 under separate Chemicals Group auspices: (1) Good Laboratory Practices (GLP) under the leadership of the U.S.; (2) Confidentiality of Data chaired by France; and (3) International Glossary of Key Terms chaired by West Germany. Each of these three-year programs is now well under way, with completion scheduled for 1981.

In December, approval was given for an expanded Information Exchange Program consisting of three parts: (1) Strengthening and building on the present OECD Complementary Information Exchange Procedure to make it more effective; (2) A two-year study of information needs, associated with exports of chemicals from the perspective of both the exporting and the importing country; and (3) Two one-year reports on the general question of labeling in international trade.

One report will (a) review on-going international and national activities in the field of labeling of hazardous substances and (b) consider whether this role should be that of coordination or whether a separate OECD activity should be started to better meet the international needs of countries. The second will be a report on labeling as a means of meeting the needs of importing countries, the results of which could be useful in harmonization efforts in this area.

The next major step in the OECD Chemicals Program is a three-day, High Level Meeting (HLM) of member country policymakers to be held May 19–21, 1980. It will review elements of the work to date, address issues requiring resolution, and provide a direction and impetus for the future course of the Chemicals Program. The HLM is expected to reach agreement in principle in a number of areas, includings: The testing guidelines from the five expert groups, the pre-market data set and continuing work of the step-systems group, principles of good laboratory practice, and a proposed updating mechanism for testing guidelines and GLPs. The Meeting will also consider what measures are available for implementation of its decisions, including the possibility of an OECD Council decision in early 1981.

Procedure for Commenting

The following should be kept in mind when making comments on the guidelines: the test guidelines are found in the following sections of the reports—Physical Chemistry (vol. II, part 3), Degradation/Accumulation (vol. II, part 3), Ecotoxicology (vol. I, annex 5), Short-term and Long-term Toxicology (pp. 6, 25–113, 121–156, 169–184); at this time the OECD Review Panel is particularly interested in comments on consistency, clarity and correction of errors; comments on substance are also welcome, however, suggestions for new protocols will not be dealt with during this 1980 review process (Such issues will be looked at during an updating process to be established after 1980.); because the OECD Chemicals Group Review Panel will only accept national comments, all comments from U.S. sources will be reviewed by EPA in the preparation of the U.S. national comment; comments must be received by EPA before Thursday, May 28, 1980, in order to be considered for incorporation in the official U.S. national comment. Send comments to the address listed above.

DISTRIBUTION POINTS

Mr. Charles Lincoln, Toxic Substances Coordinator, EPA Region I, Pesticide Branch, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617) 223–0585.

Mr. Mike Bonchonsky, Toxic Substances Coordinator, EPA Region II, 26 Federal Plaza, New York, New York 10007 (212) 264–4296.

Mr. Charles Sapp, Toxic Substances Coordinator, EPA Region III, Pesticides Branch, Curtis Building, 6th & Walnut Street, Philadelphia, PA 19106 (215) 597–4058.

Mr. Ralph Jennings, Toxic Substances Coordinator, EPA Region IV, Pesticide Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30308 (404) 881–3864.

Mr. Karl Bremer, Toxic Substances Coordinator, EPA Region V, Pesticide Branch, 230 South Dearborn Street, Room 1165, Chicago, Illinois 60604 (312) 353–2291.

Dr. Norman Dyer, Chief, Pesticides & Hazardous Materials, EPA Region VI, Pesticide Branch, First International Building, 1201 Elm Street, Dallas, Texas 75207 (214) 767–2734.

Mr. Wolfgang Brandner, Toxic Substances Coordinator, EPA Region VII, Pesticide Branch, 324 East 11th Street, Kansas City, Missouri 64106 (816) 374–3036.

Mr. Dean Gillam, Toxic Substances Coordinator, EPA Region VIII, Pesticide Branch, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837–3926.

Mr. Kirby Narcisse, Toxic Substances Coordinator, EPA Region IX, Pesticide Branch, 215 Fremont Street, San Francisco, California 94105 (415) 556–4606.

Mr. Jim Everts, Toxic Substances Coordinator, EPA Region X, Pesticide Branch, 1200 6th Avenue, Seattle, Washington, 98101 (206) 442–1090.

Dated: April 14, 1980.

Steven D. Jellinek,

Assistant Administrator, Office of Pesticides and Toxic Substance.

[FR Doc. 80–11985 Filed 4–16–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL ELECTION COMMISSION

Filing Date for West Virginia Special General Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing date for West Virginia special general election.

SUMMARY: Committees required to file reports in connection with the special general election to be held in the 3rd Congressional District of West Virginia on June 3, 1980, must file the 12 day pre-election report by May 22, 1980 and a July 15 quarterly report by July 15, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Corley, Public Information Office, 1325 K Street, N.W., Washington, D.C. 20463, Tel: (202) 523–4068, Toll-free (800) 424–9530.

Notice of Filing Date for Special General Election, 3d Congressional District, West Virginia

All principal campaign committees of candidates in the special general election and all other quarterly filing political committees supporting candidates in this special general election shall file a 12 day pre-election report due May 22, 1980, with coverage dates from date of candidacy through May 14, 1980, and a quarterly report due on July 15, 1980, with coverage dates from May 15, 1980, through June 30, 1980. The 30 day post special general election report which would have been due on July 3, 1980, with coverage dates from May 15, 1980, through June 23, 1980 is waived. The 12 day pre-nomination report is waived. The 12 day pre-nomination report is waived because the parties are nominating candidates in convention.

Dated: April 11, 1980.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 80-11636 Filed 4-16-80; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA 616-DR]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–616–DR), dated April 9, 1980, and related determinations.

DATED: April 9, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7845.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of April 9, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from severe storms and flooding which took place March 26 through March 31, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Louisiana.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Joe D. Winkle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Louisiana to have been affected adversely by this declared major disaster.

St Tammany Parish for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery Federal Emergency Management Agency.

[FR Doc. 80-11635 Filed 4-16-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

[Docket No. 80-21]

Independent Ocean Freight Forwarder License No. 1778; Crescent Navigation, Inc.; Order of Investigation and Hearing

Based on information developed by the Commission's Bureau of Enforcement, it appears that Crescent Navigation, Inc., 30 Vesey Street, New York, New York, may have violated section 16, Initial Paragraph, of the Shipping Act, 1916 (46 U.S.C. 815), and provisions of the Commission's General Order 4 (46 CFR Part 510), which regulates the conduct of independent ocean freight forwarders. Crescent is an independent ocean freight forwarder operating pursuant to FMC License No. 1778, effective April 20, 1976.

During a compliance investigation of Crescent's operations, certain questionable courses of conduct were noted. Discrepancies were discovered between the cargo measurements on bills of lading for shipments for which Crescent performed the forwarding services and the measurements appearing on the packing lists corresponding to those shipments. On eight bills of lading issued between May 23, 1977 and August 30, 1977, for shipments of the same type of cargo, the cargo measurements listed on the bills of lading were less than the measurements on the packing lists for those shipments. Further investigation showed that Crescent may have known of the discrepancies on six of those bills of lading and that the bill of lading information was incorrect. Such conduct would be violative of section 16, Initial Paragraph, of the Shipping Act, 1916, which prohibits a forwarder from knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means to obtain or attempt to obtain transportation by water for property at less than the rates or charges which would otherwise be applicable.

This alleged activity on the part of Crescent may also violate provisions of the Commission's General Order 4. Section 510.23(c) requires a licensee who has reason to believe that a principal has made, with respect to a shipment handled by the licensee, an error or misrepresentation in, or omission from, any export declaration, bill of lading, affidavit, or other paper which the principal executes in connection with such shipment, to advise its principal promptly of the suspected noncompliance, error, misrepresentation

or omission and shall decline to participate in such transaction involving such document until the matter is clarified. Section 510.23(d) requires every licensee to exercise due diligence to ascertain the correctness of any information which it imparts to a principal and prohibits that licensee from knowingly imparting to an oceangoing common carrier false information relative to any forwarding transaction. Section 510.23(h) prohibits a licensee from filing or assisting in the filing of any document with respect to a shipment handled by such licensee which it has reason to believe is false or fraudulent. By participating in forwarding transactions in which it appears cargo mismeasurements were knowingly used on bills of lading, Crescent may have violated sections 510.23 (c), (d) and (h) of General Order 4.

Crescent has also apparently been involved in forwarding transactions in which the actual shipper's name did not appear on the ocean bills of lading. On 12 occasions between October 30, 1976 and May 25, 1978, the name of the actual shipper did not appear on the bills of lading issued on shipments for which Crescent performed the forwarding services. This appears to have been done to assist the shipper to circumvent a dual rate contract to which it was a party. This activity would also appear to violate sections 510.23 (c), (d) and (h) of General Order 4. On eight of the twelve shipments, it appears that Crescent collected compensation which would be in violation of section 510.24(a) which prohibits a licensee from charging or receiving from an ocean common carrier, either directly or indirectly, any compensation or payment of any kind whatsoever, unless the name of the actual shipper is disclosed on the shipper identification line on the ocean bill of lading.

Now, therefore, *it is ordered*, That, pursuant to sections 16, Initial Paragraph, 22, 32 and 44 of the Shipping Act, 1916 (46 U.S.C. 815, 821, 831 and 841(b)) that a proceeding be instituted to determine:

1. Whether Crescent has violated section 16, Initial Paragraph of the Shipping Act, 1916, by knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means obtained or attempted to obtain transportation by water for property at less than the rate or charges which would otherwise be applicable;

2. Whether Crescent has violated § 510.23(c) of General Order 4, by participating in a forwarding transaction involving an export declaration, bill of lading, affidavit or other paper executed by its principal in connection with a shipment handled by Crescent, in which Crescent had reason to believe the principal made an error or misrepresentation or omission;

3. Whether Crescent has violated § 510.23(d) of General Order 4, by not exercising due diligence to ascertain the correctness of any information which it imparts to a principal and by knowingly imparting to an oceangoing common carrier false information relative to a forwarding transaction;

4. Whether Crescent has violated § 510.23(h) of General Order 4, by filing or assisting in the filing of any paper or document with respect to a shipment handled by Crescent which it had reason to believe was false or fraudulent;

5. Whether Crescent has violated § 510.24(a) of General Order 4, by charging or receiving from an oceangoing common carrier any compensation or payment of any kind whatsoever in connection with any cargo or shipment for which the name of the actual shipper was not disclosed on the shipper identification line on the ocean bill of lading;

6. Whether Crescent should be assessed civil penalties pursuant to section 32 of the Shipping Act, 1916, if it is found to have violated section 16, Initial Paragraph, of the Shipping Act, 1916, and/or provisions of General Order 4, and, if so, the amount of such penalties which should be imposed taking into consideration factors in possible mitigation of such a penalty;

7. Whether Crescent's independent ocean freight forwarder license should be revoked or suspended pursuant to:

a. Section 44(d), Shipping Act, 1916, for willful violations of the Shipping Act, 1916, the Commission's Orders, Rules or Regulations, or both;

b. Section 510.9(e) of General Order 4 for conduct which renders the licensee unfit to carry on the business of forwarding.

It is further ordered, That Crescent Navigation, Inc. be made the Respondent in this proceeding and that the matter be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, shall commence on or before October 7, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue are such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That notice of this Order be published in the **Federal Register** and a copy thereof and notice of hearing be served upon Respondent, Crescent Navigation, Inc.

It is further ordered, That any person other than Respondent and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's Rules of Practice and Procedure.

It is further ordered, That all future notices issued by or on behalf of the Commission, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-11592 Filed 4-16-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

FB&T Financial Corp.; Formation of Bank Holding Company

FB&T Financial Corp., Marietta, Georgia, 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 80 percent or more of the voting shares of First Bank & Trust Co., Marietta, Georgia. The facts that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1980. Any comment on a application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

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

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11630 Filed 4-16-80; 8:45 am]

BILLING CODE 6210-01-M

Horton Bancshares, Inc.; Formation of Bank Holding Company

Horton Bancshares, Inc., Horton, Kansas, 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 92.2 per cent or

more of the voting shares of Bank of Horton, Horton, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

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

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11629 Filed 4-16-80; 8:45 am]

BILLING CODE 6210-01-M

Talmage Investment Co.; Formation of Bank Holding Company

Talmage Investment Company, Talmage, Kansas, 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 100 per cent (less directors' qualifying shares) of the voting shares of Talmage State Bank, Talmage, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

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

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11628 Filed 4-16-80; 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 April 11, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such 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 NRC 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 May 5, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests an extension-without-change clearance of the application, recordkeeping and reporting requirements contained in 10 CFR Part 73, Physical Protection for Plants and Materials, specifically §§ 73.20(c)(1), 73.40(b), 73.40(d), 73.46(b)(3)(i), 73.46(b)(4), 73.46(d)(13), 73.46(g)(6), 73.46(h)(1), 73.46(h)(2), 73.47(c)(1), 73.47(e)(1)(i), 73.47(1)(ii), 73.47(e)(2)(ii), 73.47(e)(3)(v), 73.47(e)(3)(vi), 73.47(e)(4), 73.47(e)(5), 73.47(g)(1)(i), 73.47(g)(1)(ii), 73.47(g)(2)(ii), 73.47(g)(3)(ii), 73.47(g)(3)(iii), 73.47(g)(4), 73.47(g)(5), 73.50(a)(4), 73.50(g)(2), 73.50(h), 73.55, 73.55(b)(3)(i), 73.55(b)(4), 73.55(d)(6), 73.55(g), 73.70(a), 73.70(b), 73.70(c), 73.70(d), 73.70(e), 73.70(f), 73.70(g), 73.70(h), 73.71(a), 73.71(b), and 73.72. Part 73 prescribes requirements for physical protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used for the purpose of protection against the acts of industrial sabotage and protection of special nuclear materials against theft by establishment and maintenance of a physical protection system. The NRC estimates that respondents number approximately 134 licensees and that the application, recordkeeping and reporting burden for each respondent may average 297 to 349 hours annually.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 80-11687 Filed 4-16-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Mine Health Research Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Mine Health-Research Advisory Committee.

Date: May 15-16, 1980.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Time: 9:00 a.m. to 4:30 p.m.—May 15; 9:00 a.m. to 12 noon—May 16.

Type of Meeting: Closed: 9 a.m. to 12 noon on May 15. Open: 1 p.m. on May 15 through adjournment on May 16.

Contact Person: William A. Felsing, Jr., Executive Secretary, 5600 Fishers Lane, Room 8-47, Rockville, Maryland 20857, Phone: (301) 443-6437.

Purpose: The Committee is charged with advising the Secretary of Health, Education, and Welfare, on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda: Beginning at 9 a.m. on May 15, the Committee will be performing the final review of the mine health research grant applications for Federal assistance. This portion of the meeting will not be open to the public in accordance with the provisions set forth in Section 552(c)(6), Title 5 U.S. Code and the Determination of the Director, Center for Disease Control, pursuant to Pub. L. 92-463.

Agenda items for the open portion of the meeting beginning at 1 p.m. on May 15, will include announcements, consideration of minutes of previous meeting and future meeting dates, committee recommendations on policy issues relating to the National Institute for Occupational Safety and Health (NIOSH) mine health hazard evaluation program evaluation of the NIOSH research contract program, and report on current status of NIOSH respirator program. Discussions will also be held relative to the proposed request for applications relative to the mine extramural research grant program.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and

participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 11, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-11652 Filed 4-16-80; 8:45 am]

BILLING CODE 4110-87-M

Clinical Laboratories—Data Repository for Examinations To Qualify as Clinical Laboratory Technologists and Cytotechnologists

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Notice.

SUMMARY: As provided for in an Interagency Agreement between the Public Health Service and the Health Care Financing Administration, the Center for Disease Control (CDC) gives Notice that the data repository and the responsibility for records retention and files maintenance for the written proficiency examinations to qualify as a clinical laboratory technologist or cytotechnologist given during the period February 1975 to March 1979 have been transferred from the Health Care Financing Administration to the Center for Disease Control, Public Health Service. Similar records concerning the written examinations to qualify as a laboratory director given during the period June 1967 to July 1970 have also been transferred to CDC. This Notice does not affect the Notice of Proposed Rulemaking in 44 FR 58923 issued October 12, 1979, concerning proposed personnel standards.

DATE: The transfer is effective on April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Marion M. Brooke, Associate Director, Laboratory Training and Consultation Division, Bureau of Laboratories, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Ga. 30333, Telephone: (404) 329-3770 or FTS: 236-3770.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to advise the public where information can be obtained with respect to the written proficiency examinations which have been given in the past for clinical laboratory technologists and cytotechnologists.

For clinical laboratories certified for Medicare reimbursement, regulatory provisions for written examinations for individuals to qualify as clinical laboratory technologists or cytotechnologists are contained in 42 CFR 405.1315 (b)(6) and (c)(3), respectively. For clinical laboratories licensed under the Clinical Laboratories Improvement Act of 1967, regulatory provisions for the referenced examinations are contained in 42 CFR 74.30 and incorporate by reference the Medicare standards for qualification. The legislative requirement that such examinations be developed is stated in Section 1123 of the Social Security Act (42 U.S.C. 1320a-2).

On June 29, 1973, a contract was let to the Professional Examination Service by the Public Health Service to develop written examinations for individuals to qualify as technologists and cytotechnologists. During the period March 1975 to March 1979, 47,159 individuals took the written examination for technologists and 21,404 successfully qualified as technologists. The written examination for cytotechnologists was taken by 672 individuals and 422 sucessfully qualified. None of the referenced examinations are scheduled to be given again.

Medicare State agencies maintain lists of the names of individuals who passed the examinations given in their State. Individuals may authorized a Medicare State agency to release their names to a prospective employer or other interested party. Information concerning the design and administration of the examinations and requests for name changes, reissuance of test results, and various reports and analyses may be directed to Dr. Marion M. Brooke at the address stated above.

Dated: March 27, 1980.

William H. Foege,

Director, Center for Disease Control.

[FR Doc. 80-11673 Filed 4-16-80; 8:45 am]

BILLING CODE 4110-86-M

Indian Health Service

Indian Self-Determination Act; Funds Available for Grants and Contracts With Indian Tribes

Notice is hereby given that the Indian Health Service has the following funds available during the period October 1, 1979 through September 30, 1980, for grants and contracts with Indian tribes under sections 103 and 104(b) of the Indian Self-Determination Act, Pub. L. 93-638, 25 U.S.C. 450g and 450h(b). This notice is published in accordance with § 36.109 of 42 CFR providing for periodic publication of funds available for grants under the Indian Self-Determination Act and the policy of the Secretary, published at 40 FR 42658, periodically to announce in the **Federal Register** the funds available for grants and contracts under the Act.

The amounts available are listed below by funding category for each Indian Health Service Area and Program Office. As these funds are normal operating funds used by the Indian Health Service, the amount of funds available for grants and contracts under the Indian Self-Determination Act decreases over time as the funds are utilized.

Each tribe should contact its respective Indian Health Service Area or Progam office to determine amounts specifically available for grants and contracts with the tribe.

Aberdeen	
Patient Care	$23,492,000
Preventive Health and Ambulatory Care	20,362,000
Albuquerque	
Patient Care	18,492,000
Preventive Health and Ambulatory Care	15,669,000
Anchorage	
Patient Care	43,274,000
Preventive Health and Ambulatory Care	33,589,000
Bemidji	
Patient Care	8,979,000
Preventive Health and Ambulatory Care	13,976,000
Billings	
Patient Care	17,356,000
Preventive Health and Ambulatory Care	14,544,000
California	
Patient Care	4,683,000
Preventive Health and Ambulatory Care	3,026,000
Navajo	
Patient Care	35,571,000
Preventive Health and Ambulatory Care	27,156,000
Oklahoma	
Patient Care	22,600,000
Preventive Health and Ambulatory Care	28,897,000
Phoenix	
Patient Care	29,875,000
Preventive Health and Ambulatory Care	24,394,000
Portland	
Patient Care	13,121,000
Preventive Health and Ambulatory Care	12,285,000
Tucson	
Patient Care	6,369,000
Preventive Health and Ambulatory Care	5,505,000
Uset	
Patient Care	9,222,000
Preventive Health and Ambulatory Care	7,272,000
Total	439,711,000

Dated: April 8, 1980.

Emery A. Johnson,

Director, Indian Health Service.

[FR Doc. 80-11571 Filed 4-16-80; 8:45 am]

BILLING CODE 4110-84-M

Office of the Assistant Secretary for Health

National Council on Health Care Technology; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that the fifth meeting of the National Council on Health Care Technology (Council), which was established pursuant to the Health Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95-623) and which advises the Secretary and the Director of the National Center for Health Care Technology (Center) on the activities of the Center, will convene on Friday, May 9, 1980 at 9:00 in the Auditorium of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. This meeting will be open to the public from 9:00a.m. to 2:00 p.m. to discuss the business of the Council and the Center. Principal consideration and discussion will be devoted to the reports of the Subcommittees. Additionally, there will be discussion on Hypertension as it relates to End Stage Renal Disease, updates on maternal serum alfa fetoprotein and the assessment activity surrounding cesarean section, and a discussion of the Council Goals.

This meeting will be closed to the public from 2:30 p.m. to adjournment in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

On Thursday, May 8, 1980, the Subcommittee on Criteria and Research Agenda will convene at 9:30 a.m. in the Auditorium of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C., the Subcommittee on Coverage will convene at 9:30 a.m. in Room 425A of the Hubert H. Humphrey Building, and the Subcommittee on Grants Review will convene in Room 525A of the Hubert H. Humphrey Building at 9:30 a.m.

The Subcommittee on Criteria and Research Agenda and the Subcommittee on Coverage will be open to the public from 9:30 a.m. to adjournment.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the Subcommittee on Grants Review will be closed from 9:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

Further information regarding the Council may be obtained by contacting Sharon Paino, Executive Secretary, National Council on Health Care Technology, Room 17-A-29, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: April 9, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-11572 Filed 4-16-80; 8:45 am]

BILLING CODE 4110-85-M

Office of Education

Commission on the Review of the Federal Impact Aid Program; Hearing

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of hearings.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold hearings in New York, New York, on May 15, 1980 and May 16, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Pub. L. 874, Eighty-first Congress. At the hearings, the Commission is to take evidence from representatives of local educational agencies in Connecticut, Maine, New Hampshire, Massachusetts, Vermont, Rhode Island, New York and New Jersey. The hearings will be open to the general public, and all interested persons are invited to attend. Those interested in presenting their views should submit a request to testify including: The person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission as soon as possible. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission by the end of April, 1980. Notice of the hearings are given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATES: May 15, 1980 and May 16, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: Graduate Center of City University of New York, 33 West 42nd Street, New York, New York 10036.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036, tel. No. (202) 653-5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Pub. L. 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, NW., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C. on the 14th day of April, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-11693 Filed 4-16-80; 8:45 am]

BILLING CODE 4110-02-M

Office of the Secretary

Office of Child Support Enforcement; Statement of Organization, Functions and Delegations of Authority

Part X (formerly Part 10) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for Non-Affiliated Organizations. The Statement of Organization, Functions and Delegations of Authority for the Office of Child Support Enforcement (OCSE), a nonaffiliated organization, was republished at 42 FR 55928-30, dated October 20, 1977. Standard Administrative Codes were published at that time. By the Secretary's Reorganization Order (42 FR 13262-13263, dated March 9, 1977) it was established that "* * * The Office of Child Support Enforcement, a separate unit * * * shall remain a separate organizational unit, and the Commissioner of Social Security shall be its director." The entire OCSE **Federal Register** statement is now being republished to reflect a restructuring of the OCSE Central Office to comply with Departmental initiatives to provide greater services to States and improve management effectiveness by: (1) establishing the National Child Support Enforcement Reference Center to serve as a central resource for information exchange, publish a Child Support Enforcement newsletter, and provide technical assistance to States; (2) establishing a management consultant service to assist the State with CSE activities; and (3) developing, improving and implementing advanced ADP model systems for State handling of CSE cases from start to finish. The organizational changes are as follows:

A. Expansion of the functions of the Administrative Division to provide for accounting and disbursement controls, and travel management, and change the division name to Division of Management and Budget.

B. Parent Locator Service Division is being abolished and its functions are being integrated into other Divisions.

C. Divide the Policy and Planning Division into two divisions (1) the Policy and Planning Division and (2) the new Program Operations Division which will operate the Federal Parent Locator Service, operate the National Child Support Enforcement Reference Center and serve to centralize those functions that involve direct dealings with States.

D. Establish a new division, the Information and Management Systems Division, which will provide products for States such as model computer and management systems and provide direct technical assistance and consulting services and maintain the OCSE Management Information System (MIS) which provides OCSE officials with statistical and financial reports. The revised material for OCSE reads as follows:

Sec. X.00 *Office of Child Support Enforcement*—(Mission): The mission of OCSE is to provide leadership in the planning, development, management and coordination of the Department's CSE program and activities authorized and directed by title IV-D of the Social Security Act and other pertinent legislation. The general purpose of the CSE legislation is to require States to enforce support obligations owed by absent parents to their children, by locating absent parents, establishing paternity when necessary and obtaining child support. The specific responsibilities of this office are to: establish regulations and standards for State programs for locating absent parents, establishing paternity, and obtaining child support; establish minimum organizational and staffing requirements for State units engaged in carrying out the CSE program; review and approve or disapprove State plan material; conduct annual audits of State programs to assure their conformity with appropriate requirements and to determine whether the actual operation of such programs conform to Federal requirements, and conduct such other audits as may be necessary; assist States in establishing adequate reporting procedures and maintaining records for the operation of the CSE programs; maintain records of all amounts collected and disbursed under the CSE program and of the costs incurred in collecting such amounts; provide technical assistance to the States to help them establish effective systems for establishing paternity and collecting child support; certify applications from States for permission to utilize the Courts of the United States to enforce court orders for support against absent parents; operate and improve the Federal Parent Locator Service; certify to the Secretary of the Treasury amounts of child support obligations that require collection in appropriate instances; submit an annual report to Congress on all activities undertaken relative to the CSE program; and establish regulations and standards for Federal financial participation in the cost of State CSE programs.

Sec. X.10 *Office of Child Support Enforcement*—(Organization): The Office of Child Support Enforcement (X) is comprised of the following components:

A. Office of the Director (XW).

B. Division of Management and Budget (XWA).

C. Audit Division (XWB).

D. OCSE Regional Offices (XWD).

E. Program Operations Division (XWO).

F. Policy and Planning Division (XWP).

G. Information and Management Systems Division (XWS).

Sec. X.20 *Office of Child Support Enforcement*—(Functions):

A. *Office of the Director (XW):* The Director reports directly to the Secretary of Health, Education, and Welfare and delegates day-to-day operational responsibility to the Deputy and Associate Deputy Director. They are responsible for: establishing regulations and standards for States to observe in locating absent parents, establishing paternity and support obligations, and enforcing support obligations; maintaining relationships with members of Congress, the Secretary and other officials of the Department of Health, Education, and Welfare, other Federal departments, State and local officials, and private organizations and individuals interested in the CSE program; coordinating and planning child support enforcement activities to maximize program effectiveness; and approving all instructions, policies, publications and final grant awards issued by OCSE staff.

B. *Division of Management and Budget (XWA):* Directs the overall OCSE administrative management support effort by planning and managing financial, human and material resources; develops and implements administrative management policies and procedures and appraises the overall effectiveness of the OCSE administrative management effort; prepares, presents and executes the OCSE program and operating budget; assures that OCSE officials and their staffs operate in accordance with OCSE policies regarding budget activities, personnel management, manpower and organizational management, travel management, and space management; serves as focal point for interface between OMB, SSA, and OCSE on matters dealing with Central Office and coordinates such matters for

OCSE assuring that uniform and orderly practices are adhered to in the Central Office and the 15 area audit offices; serves as administrative focal point for the 10 OCSE regional offices providing technical assistance and coordinating operations to assure uniform and orderly operating practices within the regions; provides administrative management support services including coordination and management of office space, equipment, supplies, and printing procurement requirements; provides management services for administrative publications, forms, property, travel, mail, messenger and payroll; provides personnel management services including staff resource planning, position development, training, recruitment, career development and employee relations; manages the OCSE travel function including the coordination and development of annual travel plans and assures adherence to uniform and acceptable accounting practices; serves as focal point for management of delegations of authority and organizational control through the issuance of procedures and manuals; establishes fiscal policies and procedures to be used in claiming FFP; develops forms to be used in claiming FFP and reporting collections and obtains approval for them; issues grant awards to States for the Federal share of the administrative costs of operating the program; with the Office of Family Assistance, SSA develops policies and procedures to assure reimbursement of the Federal Government for the Federal share of child support collections which have been retained by States to reimburse AFDC assistance payments; prepares Director's decisions on State requests for review of disallowed claims for Federal financial participation prior to appeal to the Department Grant Appeals Board; and monitors the processing of child support obligations being certified to the IRS for collection.

C. *Audit Division (XWB):* Develops plans and schedules annual audits of State CSE programs required by section 452(a)(4) of the Social Security Act (the Act); conducts an extensive annual audit of all State CSE programs and proposes recommendations, for the purpose of the penalty provision of section 403(h) of the Act, whether the actual operation of CSE programs in each State conforms to Federal requirements; develops and conducts full-scope administrative cost audits to assess adequacy of financial operations and compliance with applicable laws and regulations; develops consolidated reports for the Director and Deputy Director, OCSE, based on findings; provides specifications for the development of audit regulations and requirements for the annual audits of State CSE programs; coordinates and maintains effective liaison with regional CSE officials on audit and program issues; and maintains liaison with the HEW Inspector General, GAO, and other operating groups within OCSE. Recommends remedial action.

D. *OCSE Regional Offices (XWD1–XWD0):* Provides interpretation of CSE program regulations to State agencies; provides assistance to State agencies in developing State plans and amendments; reviews and approves or disapproves (after consultation with the Deputy Director) State plans, State plan amendments and certain project grants; evaluates the implementation of State programs and reviews State activities to determine legitimacy of claims for Federal financial participation, including cost allocation procedures; reviews State projected collections and expenditures and provides estimates to Central Office; provides technical assistance to States in establishing effective programs including the development of solutions to unique problems encountered in meshing Federal requirements with State operations; monitors State agency operations to maintain a broad awareness of program activity and assure consistency with Federal laws and Department regulations; stimulates State action toward achievement of selected program objectives; receives, reviews and certifies, when appropriate, certain requests to use the IRS and the Federal courts for collection or enforcement of support obligations; serves as liaison with the audit functions, with responsibility for ensuring that States take corrective action on audit findings; manages administrative budgetary and personnel matters of the Regional Office; negotiates with States to resolve problems identified by audits including financial adjustments and appropriate program and procedural changes; approves or disapproves (after consultation with the Deputy Director) State claims for Federal financial participation for expenditures made under an approved IV–D State plan; and approves and disapproves State requests for waiver of regulations concerning sparsely populated geographical areas; and represents the program in the region in accordance with Departmental procedures through such activities as testifying before State Legislatures, negotiating with high level State officials, responding to inquiries from Members of Congress and the public, and addressing press and media inquires.

E. *Program Operations Division (XWO):* Operates the Federal Parent Locator Service under Section 452(a)(9) of the Act which provides assistance to States in locating absent parents by providing data obtained from States and Federal agencies such as the Internal Revenue Service on the location of absent parents; develops guides for program reviews, coordinates reviews of States and monitors corrective action plans for discovered deficiencies; tracks audit closures and monitors corrective action plans; provides technical assistance to States and Regional Offices on program operations; coordinates all IRS related activities; operates the National Child Support Reference Center which publishes a monthly newsletter, quarterly information sharing index, subject bibliographies, State profiles and the Annual Report to the Congress as required by Section 452(a)(10) of the Act; oversees the contract under which the National Institute for Child Support Enforcement is operated; develops Techniques for Effective Management of Program Operations (TEMPO's) and publishes all TEMPO's developed by the Center and other branches; and operates an information exchange service responding to State requests for assistance.

F. *Policy and Planning Division (XWP):* Develops, reviews, and manages all matters related to the policies, regulations, legislation, planning and evaluation relevant to the CSE program; develops OCSE long- and short-range plans and objectives, including the Operation Management System (OMS); manages OMS and provides liaison with SSA and HEW for OMS matters; plans, develops, coordinates and monitors research and demonstration projects; plans, develops, coordinates and conducts evaluation studies and their utilization; evaluates budgetary and programmatic impact of legislative and regulatory changes on State programs and provides data analyses in support of five-year budget projections; provides liaision with SSA Office of Research and Statistics; develops forms to be used to collect data and obtain approval for them; prepares narrative analyses of statistical, financial and trend data from OCSE data series and other sources in response to special requests; develops in coordination with CSE program components as necessary all regulations relating to Child Support Enforcement; establishes and clarifies program policy through Action Transmittals and other means and responds to inquiries on

policy matters; develops, coordinates and reviews all legislative proposals related to child support enforcement and drafts legislative language; provides technical assistance on policy matters to OCSE staff and State and local governments; develops procedures for OCSE Regional Representatives' review and approval of State plans, reviews Regional Office recommendations for State plan disapproval and provides Deputy Director with options and transmittal documents; provides on-going liaison with the Office of the General Counsel; arbitrates policy questions when the Audit Division and Regional Representative disagree on applicable policy; provides support to the Office of the General Counsel in litigation affecting OCSE; and performs special projects and initiatives.

G. *Information and Management Systems Division (XWS):* Provides a variety of management consulting services to State Child Support Enforcement agencies including organizational planning, staffing and skill needs, office management, work measurement, performance standards development, productivity analysis and evaluation, operations research, work flow and control, information management and managerial decision-making; designs, develops and assists in the installation of automated systems for program use by States; provides consulting services and technical assistance to States on ADP and ADPE matters; establishes and maintains ADP and ADPE standards for the States; and designs, develops (in conjunction with other OCSE users), maintains and operates the OCSE data analysis and management information reporting system.

Dated: April 2, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-11631 Filed 4-16-80; 8:45]

BILLING CODE 4110-07-M

Office of Human Development Services; Statement of Organization, Functions, and Delegation of Authority; Amendment

This notice amends Parts D, Chapter DC of the statement of organization, functions and delegations of authority of the Department of Health, Education, and Welfare, Office of Human Development Services to change the name of the Office on Families (as cited in 44 FR 66693, November 20, 1979) to the Office for Families.

Dated: April 7, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-11632 Filed 4-16-80; 8:45 am]

BILLING CODE 4110-92-M

Office of the Inspector General; Statement of Organization, Functions, and Delegations of Authority

Part A, Chapter AF (Office of Inspector General) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (42 FR 17532, April 1, 1977) is amended to include the functions of the divisions of the Assistant Inspector General for Health Care and Systems Review.

Section AF.20.E of part AF is amended to read as follows:

E. The Office of the Assistant Inspector General for Health Care and Systems Review (AFF). The Assistant Inspector General for Health Care and Systems Review is responsible to the Deputy Inspector General and the Inspector General. The Office of the Assistant Inspector General for Health Care and Systems Review leads the Inspector General's efforts directed at improving the management of programs administered or financed by the Department in order to promote efficiency and economy and to prevent fraud and abuse. The staff of the office are specialists in social science, statistics, administrative-management analysis, econometrics, medical science, computer technology, and the principal programs of the Department. Staff of the office work directly with staff and officials of the program offices, congressional committees, and State and local governments.

1. The Office of Assistant Inspector General for Health Care and Systems Review:

(a) Reviews management by the Department of its programs, giving particular attention to management information systems, quality control systems, and program integrity. Reviews the working relationship between HEW and the States in order to promote optimum levels of economy and efficiency in the planning and control of program operations and to prevent or detect fraud and abuse. Provides the analysis and system development necessary to keep the Secretary and Congress fully informed about problems and deficiencies relating to the administration of Department programs and operations and the necessity for, and progress of, corrective action.

(b) Develops and recommends policies for the conduct, direction, or management of interdepartmental, interagency, interstate, interprivate agency, and international working relationships in all matters relating to promotion of economy and efficiency in the prevention and detection of fraud and abuse in all programs and operations administered or financed by the Department, and for the identification and prosecution of participants in such fraud and abuse;

(c) Keeps the Secretary and Congress fully informed concerning fraud and abuse and provides information on the nature of serious problems, abuses, and deficiencies relating to management of programs and operations administered or financed by the Department; recommends corrective action; and reports on the progress of corrective action;

(d) Places special emphasis on health care program initiatives of the Department, with a special staff to carry out specific Inspector General responsibilities involving the medicaid, medicare, renal disease, and maternal and child health programs.

2. The functions of the divisions of AFF are as follows:

(a) The Division of Health Care Financing:

(i) Works with Department components administering health care programs to insure that the design concept for program planning and control provides the optimum systems approach to prevent fraud and abuse, and insure efficiency and economy.

(ii) Maintains relationships with Department components, States, local governments and the private sector to perform, or coordinate the conduct of, in-depth analyses, studies, and operation research, to identify and measure inefficiencies, fraud, and abuse; and to develop management systems that provide a capability to recommend corrective action and negotiate changes to improve efficiency and to prevent conditions and circumstances that provide the potential for fraud, abuse, and waste.

(iii) With respect to carrying out the functions described in (i) and (ii) above, is concerned specifically with: medicaid, medicare, renal disease, maternal and child health, and all other health programs.

(b) The Division of General Systems Review:

(i) Works with the Department components administering all programs (except health care) to develop management planning and control systems, policy guidance, and procedures that will most likely prevent

the conditions that lead to fraud, abuse, inefficiency, and waste.

(ii) Maintains relationships with Department components, states, local governments, the private sector, and program recipients to perform, or coordinate the conduct of, in-depth analyses, studies, and operational research to identify and measure inefficiences, fraud, and abuse; and to develop management systems that provide a capability to recommend corrective action and negotiate changes in control programs and systems to improve efficiency and to prevent conditions and circumstances that provide the potential for fraud, abuse, or waste.

(iii) Is concerned specifically with: all welfare, human services, and education programs and special responsiblities such as refugees, drug abuse, and delinquency.

(c) Service Delivery Assessment (SDA) Staff:

(i) Provides the Secretary, Under Secretary and the Heads of HEW's principal operating components with information and recommendations for improving the effectiveness, timeliness, and economy with which HEW programs are serving clients.

(ii) Conducts service delivery assessments, at the direction of the Secretary and Under Secretary, which are national in scope and are intended to assess programs in each agency of HEW, and the roles of state and local government, the private sector and other Federal Departments in the operation of HEW programs. As part of the Office of the Assistant Inspector General for Health Care and Systems Review, the Service Delivery Assessment Staff manages the national Service Delivery Assessment program.

(iii) The functions of the office include: the development of national SDA policy and operational direction; the provision of substantive guidance and oversight for each SDA project; the functional management of the ten Regional Service Delivery Assessment Offices; the preparation and coordination of the national work plan; the determination of Regional Office project assignments; the development of quality control standards; and, the management of the national training program.

Dated: April 2, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-11633 Filed 4-16-80; 8:45 am]

BILLING CODE 4110-12-M

INTERAGENCY TASK FORCE STUDY OF THRIFT INSTITUTIONS

Request for Comments From the Public Regarding Options To Enhance Economic Vitality of Nation's Thrift Industry

On March 31, 1980, the President signed into law the Depository Institutions Deregulation and Monetary Control act of 1980 (Pub. L. 96-221) (the "Act").

Section 406 of the Act requires the President to convene an interagency task force consisting of the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the National Credit Union Administration Board. The task force is to conduct a study and make recommendations regarding:

(A) The options available to provide balance to the asset-liability management problems inherent in the thrift portfolio structure;

(B) The options available to increase the ability of thrift institutions to pay market rates of interest in periods of rapid inflation and high interest rates; and

(C) The options available through the Federal Home Loan Bank System and other Federal agencies to assist thrifts in times of economic difficulties.

As required by the Act, the study must be submitted to the President and the Congress by June 30, 1980.

In carrying out this study, the task force is directed to solicit the views of consumer and public interest groups, business, labor and State regulators of depository institutions on all aspects of the study. Members of these groups and any member of the public may comment by filing a written submission to be received not later than May 12, 1980. All submissions will become part of the record and be available for public review.

All written comments, or requests for further information should be directed to John J. Mingo, Deputy Assistant Secretary of the Treasury for Capital Markets Policy, Room 3025, Department of the Treasury, 15th street and Pennsylvania Avenue, NW., Washington, D.C. 20220, telephone (202)566-4211.

Dated: April 15, 1980.

Roger C. Altman,

Assistant Secretary for Domestic Finance, Department of the Treasury.

[FR Doc. 80-11736 Filed 4-16-80; 8:45 am]

BILLING CODE 4810-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Great Rift Proposed Wilderness Environmental Impact Statement (Draft), Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to Notice of DEIS Availability.

SUMMARY: Information published in 45 FR 14252 (Wednesday, March 5, 1980) on the deadline to receive written testimony was in error. The deadline for receiving written testimony on the lands determined suitable for the Great Rift Proposed Wilderness EIS (Draft) is hereby amended to read April 25, 1980.

Dated: April 8, 1980.

O'dell A. Frandsen,

Idaho Falls District Manager.

[FR Doc. 80-11573 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

Big Desert Planning Unit Management Framework Plan and Rangeland Management Environmental Impact Statement; Notice of Intent

In accordance with 43 CFR, 1601.3(g), the Bureau of Land Management, Idaho Falls District, intends to prepare a Management Framework Plan (MFP) and Rangeland Management Environmental Impact Statement (EIS) on the Big Desert Planning Unit located in eastern Idaho. The unit encompasses portions of Bingham, Bonneville, Blaine, Butte, Power and Minidoka counties. Land status in the unit is as follows:

Land ownership	Acres	Percent
[1] Public Lands (BLM)	946,273	52.19
Withdrawals (via agencies other than BLM & DOE)	1,586	.09
National Park Service	45,316	2.50
Department of Energy	213,850	11.79
State	84,800	4.68
Private	521,318	28.75
	1,813,143	100.00

[1] Includes omitted lands adjacent to Snake River.

The Big Desert contains 46 grazing allotments used by 94 operators. Current grazing preference is 65,673 AUMs (Animal Unit Months—the amount of forage needed to sustain one cow for one month). Average yearly licensed use

for 1975 through 1979 was 43,609 AUMs. A preliminary analysis of the vegetation inventory data shows that reductions are necessary on some allotments.

Issues that are anticipated to be significant are: The importance of public lands to the livestock industry and local economies; wilderness review and potential wilderness study areas; protection or development of Big Southern Butte; livestock grazing on Idaho National Engineering Laboratory; protection of wildlife habitat along the Snake River (and the omitted lands program); acceptance or rejection of Desert Land Entry (DLE) applications; and the potential to increase forage production through vegetation manipulation. The significance of these issues, and others that may emerge during the planning process, will be used to determine the planning criteria and the degree of detail needed in the EIS.

Public involvement in the identification and refinement of issues will be accomplished through: individual interviews with the livestock operators; interagency coordination with Department of Energy, Fish and Wildlife Service, Bureau of Indian Affairs, Soil Conservation Service, Aberdeen Experiment Station, Dubois Experiment Station, Idaho Department of Lands and Idaho Fish and Game; meetings with affected County Commissioners, County Planning and Zoning Commissions and County Extension Agents; meetings with other affected interests such as the Multiple Use Advisory Council, Grazing Advisory Board, local wildlife, conservation and recreation groups, DLE applicants, communication site permittees, the academic community and local political and media representatives; a periodic newsletter with a comment-response sheet; and open houses in Aberdeen, Arco and Idaho Falls. These meetings and coordination sessions will be conducted primarily in late April and early May, 1980.

When the Area Manager has determined his management recommendations (MFP Step II), an interdisciplinary team will be formed to write the EIS. That team will have members representing the following disciplines: soils, vegetation, livestock grazing, wildlife and socioeconomics. In July, 1980, that team will develop a proposed action and several alternatives for rangeland management which will be published in a subsequent Federal Register Notice.

Further information may be obtained from: O'dell A. Frandsen, Idaho Falls District BLM, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Dated: April 8, 1980.

O'dell A. Frandsen,

District Manager, Idaho Falls District.

[FR Doc. 80-11574 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

Idaho—Wilderness Inventory

In the January 16, 1980 **Federal Register** a notice listed the intended final decision for Wilderness Intensive Inventory in the Owyhee Planning Area of the Boise, Idaho, BLM District, and indicated a 30-day period ending February 15, 1980, during which protests to the intended final decision would be received.

For the following inventory units no protests were received, therefore, the decision to drop the units from further wilderness consideration is now final:

16-16	Windy Point	All
16-25	Mud Spring	All
16-31	Brown's Creek	All
16-34	Boulder Creek	All
16-36	White Horse	Eastern portion only
16-38	Little Brown's Creek	All
16-40	North Fork Owyhee River	(1)
16-42	Squaw Creek Canyon	(1)
16-43	Smith Creek	All
16-44	Deep Creek-Nickel Creek	(1)
16-45	Middle Fork Owyhee River	(1)
16-46	46Fild Creek	All
16-47	West Fork Red Canyon	(1)
16-49a	Deep Creek-Owyhee River	(1)
16-49d	Yatahoney Creek	(1)
16-51a	Coyote Rim	All
16-51b	Pack Saddle	All
16-52	Upper Owyhee River	(1)
16-61	Sinker Creek	All
16-64	Buckaroo Creek	All
111-26	Blue Creek	All

[1] Portion as identified in the January 16, 1980 FEDERAL REGISTER Notice.

This final decision is subject to appeal under the provisions of Title 43, Code of Federal Regulations (CFR), Part 4.

The decision on the following inventory units is under formal protest and the effective date is deferred pending a decision on the protests.

(1) Protest of decision to identify unit as Wilderness Study Area:

16-40	North Fork Owyhee River
16-41	Horsehead Spring
16-42	Squaw Creek Canyon
16-44	Deep Creek—Nickel Creek
16-45	Middle Fork Owyhee Rivcer
16-47	West Fork Red Canyon
16-49a	Deep Creek—Owyhee River
16-49d	Yatahoney Creek
16-49e	Battle Creek
16-52	Upper Owyhee River

(2) Protest of decision concluding that unit lacked wilderness characteristics:

16-26	Hinke Gulch
16-28	Gertie Butte
16-36	White Horse (western portion only)
16-49b	Lambert Table

All inventory units under formal protest will remain under wilderness interim management until the protests have been resolved.

BLM office addresses for further information are as follows:

Idaho State Office, Federal Building, Box 042, 550 W. Fort St., Boise, Idaho 83724;
Boise District Office, 230 Collins Road, Boise, Idaho 83702.

Dated: April 8, 1980.

Robert O. Buffington,

State Director, Idaho.

[FR Doc. 80-11575 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Area Managers, Phoenix District, Arizona Redelegation of Authority To Issue Free Use Permit and Material Sales

Under the provisions of Bureau Order No. 701, as amended, authority is hereby redelegated to the Area Managers, Phoenix District, Arizona, to issue Free Use Permits and Material Sales for materials other than forest products not exceeding $10,000. (B.O. 701, Part III, sec. 3.9(g)).

Dated: March 10, 1980.

William K. Barker,

District Manager.

[FR Doc. 80-11576 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Area Managers, Arizona Strip District, Arizona Redelegation of Authority To Issue Free Use Permit and Material Sales

Under the provisions of Bureau Order No. 701, amended, authority is hereby redelegated to the Area Managers, Arizona Strip District, Arizona, to issue Free Use Permits and Material Sales for materials other than forest products not exceeding $10,000. (B.O. 701, Part III, sec. 3.9 (g)).

Dated: April 10, 1980.

Billy R. Templeton,

District Manager.

[FR Doc. 80-11577 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Area Managers, Yuma District, Arizona Redelegation of Authority To Issue Free Use Permit and Material Sales

Under the provisions of Bureau Order No. 701, amended, authority is hereby redelegated to the Area Managers, Yuma District, Arizona, to issue Free Use Permits and Material Sales for materials other than forest products not exceeding $10,000. (B.O. 701, Part III, sec. 3.9 (g)).

Dated: April 2, 1980.

H. M. Bruce,

District Manager.

[FR Doc. 80-11578 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Area Managers, Safford District, Arizona Redelegation of Authority To Issue Free Use Permit and Materials Sales

Under the provisions of Bureau Order No. 701, as amended, authority is hereby redelegated to the Area Managers, Safford District, Arizona, to issue Free Use Permits and Material Sales for materials other than forest products not exceeding $10,000. (B.O. 701, Part III, sec. 3.9(g)).

Dated: March 31, 1980.

Guy E. Baier,

District Manager.

[FR Doc. 80-11579 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board, Mid-Atlantic Technical Working Group Committee; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Public Law No. 92-463.

Name: Mid-Atlantic Technical Working Group Committee.

Dates: May 5-6, 1980.

Place: World Trade Institute (Conference Rooms 3-4), One World Trade Center (55th Floor), New York, New York.

Time: 5th: 1 p.m.-5 p.m., 6th: 8:30 a.m.-4:30 p.m.

Committee membership consists of representatives from Federal agencies, the coastal states from New York through North Carolina, the petroleum industry, and other private interests.

Agenda: Presentation on deepwater and offshore drilling technology; recommendations on the work plan for the first phase of the Mid-Atlantic transportation management plan; and recommendations for development scenarios and critical issues for the proposed OCS Sale #59 environmental statement.

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact Richard Barnett of the New York OCS Office (212-264-5580) by April 28, 1980. Written statements should be submitted by May 13, 1980 to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York 10007.

Minutes of the meeting will be available for public inspection and copying by July 1, 1980 at the above address.

Frank Basile,

Manager, New York OCS Office.

[FR Doc. 80-11580 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

[W-69545 Amendment]

Wyoming; Application

April 9, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Panhandle Eastern Pipe Line Company of Brighton, Colorado filed an amendment to their pending application W-69545 for a right-of-way to construct an additional 4 inch buried pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 23 N., R. 97 W.,
Secs. 23 and 26.

The proposed additional pipeline will transport natural gas from the Texas Oil and Gas Federal "G" 1 well located in the N½NE¼ of Section 26 to a point of connection with an existing pipeline located in the NE¼NE¼ of Section 23, all within T. 23 N., R. 97 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations

[FR Doc. 80-11653 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ARCO Oil Gas Co.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3019, OCS-G 3021, and OCS-G 3022, Blocks 757, 762, and 763, Mustang Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11654 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ARCO Oil Gas Co.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3218 and OCS-G 3219, Blocks 967 and 968, North Padre Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–11655 Filed 4–16–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2111, Block 314, Eugene Island Area, offshore, Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 8, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–11656 Filed 4–16–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; McMoRan Offshore Exploration Co.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that McMoRan Offshore Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4102, Block 36 (Portion), Vermilion Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–11657 Filed 4–16–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulfphur Operations in the Outer Continental Shelf; Mobil Oil Exploration & Producing Southeast Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration & Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2925, Block 10, South Pelto Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–11658 Filed 4–16–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Texaco Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texaco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 0317, Block 47, Eugene Island Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–11659 Filed 4–16–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulfur Operations in the Outer Continental Shelf; Chevron U.S.A., Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the Main Pass Block 299 Federal Unit, Agreement No. 14–08–0001–8850, submitted on March 25, 1980, a proposed Supplemental Plan of Development/Production describing the activities it proposes to conduct on the Main Pass Block 299 Federal Unit, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–11581 Filed 4–16–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A., Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the South Bay Marchand Federal Unit, Agreement No. 14–08–001–3915, submitted on March 7, 1980, a proposed Supplemental Plan of Development/Production describing the activities it proposes to conduct on the South Bay Marchand Federal Unit, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–11581 Filed 4–16–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Grand Isle—CATCO Federal Unit, Agreement No. 14–08–001–2021, submitted on March 21, 1980, a proposed Supplemental Plan of Development/Production describing the activities it proposes to conduct on the Grand Isle—CATCO Federal Unit, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is avialable for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Lousiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 11, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11583 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the West Delta—Grand Isle Federal Unit, Agreement No. 14-08-001-2454, submitted on March 25, 1980, a proposed Supplemental Plan of Development/Production describing the activities it proposes to conduct on the West Delta—Grand Isle Federal Unit, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11584 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil of Calif.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Union Oil of California, Unit Operator of the Vermilion Block 14 Federal Unit, Agreement No. 14-08-0001-12339, submitted on March 6, 1980, a proposed Annual Plan of Development/Production describing the activities it proposes to conduct on the Vermilion Block 14 Federal Unit, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room, 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11585 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-31-M

Water and Power Resources Service

Lower Gunnison Basin Salinity Control Unit, Colorado—Colorado River Water Quality Improvement Program; Intent To Prepare an Environmental Impact Statement; Scoping Session

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement on the Lower Gunnison Basin Salinity Control Unit of the Colorado River Water Quality Improvement Program. The study area is located in west-central Colorado in Montrose and Delta Counties.

The objective of the Lower Gunnison Basin Unit is to improve the quality of water originating from the basin. Feasibility studies on the Lower Gunnison Basin Unit are being conducted under the Colorado River Water Quality Improvement Program. Several alternatives are being considered to accomplish the project objective. Alternatives include the lining of existing canals and laterals with concrete, plastic, and compacted earth. "On-farm" improvements including ditch lining and better irrigation management are being assessed. Wildlife mitigation and cultural resource plans are included with all alternatives.

A scoping session will be conducted by the Water and Power Resources Service with participation by the Soil Conservation Service to solicit information from all interested individuals and organizations to assist planners in determining the scope of issues to be addressed in environmental analyses and to identify the significant issues related to the unit. The scoping session will be held at 7:30 p.m. on April 30, 1980, at Olathe High School, 410 Highway 50 (Business Loop), Olathe, Colorado.

Inquiries should be addressed to Mr. J. F. Rinckel, Projects Manager, Water and Power Resources Service, 764 Horizon Drive, Grand Junction, Colorado 81501, telephone (303) 243-4992.

Dated: April 10, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power.

[FR Doc. 80-11414 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 80–2629, published at page 6484, on Monday, January 28, 1980, on page 6497, in the third column, in the second full paragraph, delete the sixteenth and seventeenth lines, and also delete "United States" in the eighteenth line.

BILLING CODE 1505-01-M

Permanent Authority Decisions Notice

Correction

In FR Doc. 80–4702 appearing at page 10051 in the issue for Thursday, February 14, 1980, on page 10088, in the third column, the paragraph for MC 133689 (Sub-281F), the thirteenth line reads "and east of MD, SD, NE, KS, OK, and" should be corrected to read "and east of ND, SD, NE, KS, OK, and".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–6988 appearing at page 14673 in the issue for Thursday, March 6, 1980, make the following corrections:

1. On page 14710, in the Third column, in the paragraph "MC 113678 (Sub-874F)", the tenth line reads "KY, MO, AR, and LA (except AK, AZ," should be corrected to read "KY, MI, AR, and LA (except AK, AZ,".

2. On page 14712, in the first column, the first paragraph, the first line reads "MC 23329 (Sub-51F), filed October 29," should be corrected to read "MC 123329 (Sub-51F), filed October 29,".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–7430 appearing at page 15689 in the issue for Tuesday, March 11, 1980, on page 15715, in the first column, the second paragraph, the first line reads "MC 24679 (Sub-109F), filed November" should be corrected to read "MC 124679 (Sub-109F), filed November".

BILLING CODE 1505-01-M

Permanent Authority Decision; Decision-Notice

Correction

In FR Doc. 80–10502 appearing at page 23751 in the issue for Tuesday, April 8, 1980, on page 23803, in the third column, the heading reading **"Volume No. 19"** should be corrected to read **"Volume No. 119".**

BILLING CODE 1505-01-M

[ICC Order No. 65 Under S.O. No. 1344]

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport promptly all traffic offered for movement via a portion of its lines, because of an embargo of a substantial portion of its line.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), being unable to transport promptly all traffic offered for movement via its lines, because of an embargo of a substantial portion of its lines, which results in embargo of various gateways, that line and its connections are authorized to divert or reroute such traffic via Kansas City in lieu of junctions previously shown in tariffs which are now embargoed.

Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 1:00 p.m., April 4, 1980.

(g) *Expiration date.* The order shall expire at 11:59 p.m., April 25, 1980, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 4, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80–11709 Filed 4–16–80; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should

comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC–F–14288F, filed January 7, 1980. WAKEFERN FOOD CORPORATION (Wakefern) (600 York Street, Elizabeth, NJ 07207)—Continuance in control—NATIONAL TRANSPORT SERVICES CO., INC. (National) (100 Industrial Avenue, Edison, NJ 08817). Representative: Philip J. Harter, 1101 Connecticut Avenue, NW, Washington, DC 20036. Wakefern seeks to continue in control of National upon the institution by National of operations, in interstate or foreign commerce, as a motor contract carrier. Wakefern, a non-carrier, is a retailer-owned co-operative, owned by the more than 188 member stores. Wakefern is also the sole stockholder of Food Haulers, Inc. (Haulers) (600 York Street, Elizabeth, NJ 07027). Wakefern and Haulers also share common officers and directors. Haulers is a motor contract carrier pursuant to Permits issued in MC 123408 and sub-numbers thereunder, transporting *prescription drugs and medicines,* and *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, in the States of CT, DE, FL, MA, MD, NJ, NY, RI, VA, PA, and DC, under continuing contract(s) with Wakefern Food Corporation, of Elizabeth, NJ. National currently holds no operating authority from the Commission. However, in MC 149114F, National seeks authority to operate as a motor contract carrier, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by wholesale, retail, and chain grocery stores, drug stores, and food business houses, and in connection therewith, *equipment, materials, and supplies* used to conduct such businesses, between Edison, NJ, and Wallkill, NY, on the one hand, and, on the other, points in CT, DE, FL, MA, MD, NJ, NY, PA, RI, VA, and DC, under continuing contract(s) with Wakefern Food Corporation, of Elizabeth, NJ. (Hearing site: Washington, DC, or New York, NY.)

Note.—National has filed, as a directly related application, its initial contract carrier application. This application, docketed MC 149114F, is published in this same **Federal Register** issue.

MC–F–14290F, filed January 10, 1980. A. WAYNE SCOTT (Scott) (an individual)—Continue in control—McBREEN TRUCKING, INC. (McBreen) and FITCHETT TRUCK LINES, INC. (Fitchett) (all of 3641 N.W. Front Avenue, Portland, OR 97210). Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Scott seeks to continue in common control and management of McBreen and Fitchett, upon the institution by Fitchett of operations, in interstate or foreign commerce, as a motor common carrier. McBreen holds motor common carrier in MC 112188 and sub-numbers thereunder, to transport *films* and *articles associated with the exhibition of motion pictures,* over regular routes serving points in WA and OR, and to transport *theatre advertising matter, breads, pies, and pastries, blood specimens, time dated magazines,* and *paper back books,* over irregular routes between points in WA and OR. Fitchett presently holds temporary authority as a common carrier in MC 52914. (Hearing site: Portland, OR.)

Note.—Fitchett has filed, as a directly related application, its initial common carrier application for permanent authority. This application, docketed MC 52914 (Sub-3F), is published in this same **Federal Register** issue.

MC–F–14297F, filed January 21, 1980. THE WAGGONERS TRUCKING (Waggoners) (P.O. Box 31357, Billings, MT 59107)—Purchase (portion)—Ernest McRae, trustee in bankruptcy, and the First National Bank & Trust Company of Salina, KS, a secured creditor, for Dalke Transport, Inc. (Dalke) (104 South Broadway, Wichita, KS 67202). Representatives: Brian K. Ridenour, P.O. Box 82028, Lincoln, NE 68501, and William B. Barker, 641 Harrison Street, Topeka, KS 66603. Waggoners seeks to purchase a portion of the interstate operating rights of Dalke. W. W. Inc., a non-carrier and sole stockholder of Waggoners, and in turn, Wayne M. Waggoner, the sole stockholder of W. W. Inc., seek authority to acquire

control of said rights through the transaction. Waggoners is purchasing the interstate operating rights contained in Dalke's Certificate No. MC–140241 (Sub-No. 3), which authorizes the transportation, as a motor common carrier, over irregular routes, of (1) *clay products,* from specified points in IA, KS, OK, CO, NE, TX, and MO, to points in KS, MO, OK, NE, IA, NM, CO, WY, TX, and AR, (2) *artificial stone,* from Oklahoma City, OK, to points in KS and TX, and (3) *clay products, masonry products, masonry articles, refractories, concrete blocks, and concrete brickstone,* between points in KS, MO, OK, TX, CO, NE, IL, SD, MN, AR, NM, WY, WI, and ND, and between points in IA, on the one hand, and, on the other, points in MO, KS, OK, TX, NM, AR, WY, and CO. Waggoners is authorized to operate pursuant to Certificates issued in MC–26396 and sub-numbers thereunder, as a motor common carrier in the continental United States. Condition: W. W. Inc., shall continue to be deemed a carrier within the meaning of 49 U.S.C. § 11348, as previously subjected in MC–F–13908 in decision served June 8, 1979. (Hearing site: Kansas City, MO.)

Notes.—(1) Application for temporary authority has been filed. (2) A directly related gateway application has been filed in MC–26396 (Sub.No. 329F), published in this same **Federal Register** issue. (3) Waggoners also seeks to purchase authority granted to Dalke in MC–140241 (Sub-Nos. 30, 41, and 43). This authority has not been certificated. Waggoners should file a Petition for Substitution of Applicant in these pending sub-numbers.

Decided: April 4, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. (Board Member Taylor dissents in MC–F–14288F to the extent that the authority sought in MC–149114F duplicates that held by Food Haulers.)

Interstate Commerce Commission

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343, or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the applications, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated:

By the Commission, Review Board Number 5, Members.

MC 149114F, filed January 7, 1980. Applicant: NATIONAL TRANSPORT SERVICES CO., INC.—initial contract carrier, 100 Industrial Avenue, Edison, NJ 08817. Representative: Philip J. Harter, 1101 Connecticut Avenue, NW, Washington, DC 20036. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by wholesale, retail, and chain grocery stores, drug stores, and food business houses, and in connection therewith, *equipment,*

materials, and supplies used to conduct such businesses, between Edison, NJ, and Wallkill, NY, on the one hand, and, on the other, points in CT, DE, FL, MD, MA, NJ, NY, PA, RI, VA, and DC, under continuing contract(s) with Wakefern Food Corporation, of Elizabeth, NJ. (Hearing site: Washington, DC, or New York, NY.)

Note.—This application is directly related to MC–F–14288F, published in this same **Federal Register** issue.

MC 52914 (Sub-3F), filed January 10, 1980. Applicant: FITCHETT TRUCK LINES, INC., P.O. Box 10799, 3641 N.W. Front Avenue, Portland, OR 97210. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. To operate as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers and trailers, between Portland, OR, on the one hand, and on the other, points in OR, restricted to the transportation of traffic having a prior or subsequent movement by water, air, freight forwarder or cooperative. (Hearing site: Portland, OR.)

Note.—This application is directly related to MC–F–14290F, published in this same **Federal Register** issue.

MC 26396 (Sub-329F), filed January 21, 1980. Applicant: THE WAGGONERS TRUCKING—Gateway elimination—P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay products* (except commodities in bulk, in tank vehicles), from Denver, CO, to points in WA, OR, ID, and MT. (Hearing site: Kansas City, MO.)

Notes.—This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC–F–14297F, published in this same **Federal Register** issue. The purpose of this application is to eliminate the gateway of points in WY in order to provide a through service.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–11705 Filed 4–16–80; 8:45 am]

BILLING CODE 7035–01–M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

We also find that the transaction is consistent with the public interest, will enable the rail carrier to use motor carrier transportation to public advantage in its operation, and will not unreasonably restrain competition.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

BN TRANSPORT INC. (BN) (6775) East Evans Avenue, P.O. Box 22694, Wellshire Station, Denver, CO 80224)—Purchase (Portion)—Interfreight Corporation (Interfreight) (2429 E. Washington Blvd., Los Angeles, CA 90021). Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307, and Milton W. Flack, Suite 300, 4311Wilshire Blvd., Los Angeles, CA 90010. BN seeks authority to purchase a portion of the interstate operating rights of Interfreight. Burlington Northern, Inc., the sold stockholder of BN also seeks authority to acquire control of said rights through the transaction. Burlington Northern,

Inc., a publicly held corporation, is a Class I rail carrier operating in 17 States in the northwest one-quarter of the United States, as well as two Canadian provinces. BN is purchasing the portion of the operating rights of Interfreight evidenced by a Certificate of Registration in No. MC–98890 (Sub-No. 3) which is supported by a Certificate of Public Convenience and Necessity granted by Decision No. 62224, dated June 30, 1961, and transferred by Decision 81660, dated July 31, 1973, issued by the Public Utilities Commission of the State of California, which authorizes the transportation of *general commodities*, with usual exceptions, as follows: (1) to, from and between all points and places located in the Los Angeles Basin Territory described as follows: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base and (2) between Los Angeles Basin Territory, on the one hand, and, on the other, the San Diego Territory, as described below, via Interstate Highways 5 and 15 (U.S. Hwy 395) and State Highway 1, serving all intermediate points and places located within twenty miles laterally of the named highways. (San Diego Territory described as follows: The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Hwy 395; then following an imaginary line running southeasterly to Lakeside on State Hwy 67; then southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; then due south following an imaginary line to the California-Mexico boundary Line, then westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning. BN is authorized, pursuant to MC 63562 and sub-numbers thereunder, to operate as a common carrier in CO, ID, IL, IN, IA, KS, MN, MO, MT, NE, ND, OR, SD, WA, WI, and WY.

Notes.—(1) Application has been filed for temporary authority. (2) A directly related application seeking a conversion of the Certificate of Registration in MC–98890 (Sub-3) into a Certificate of Public Convenience and Necessity has been filed under MC–63562 (Sub-64F), published in this same **Federal Register** issue. (Hearing site: Los Angeles, CA.)

Decided: April 3, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. (Board Member Taylor dissents. The instant proceeding is not one susceptable of handling under the summary grant proceeding. Moreover, the evidence of record is not sufficient to justify the required statutory findings in a situation such as here presented where it is clear that Burlington Northern seeks to extend its rail service to an area not previously served by it.)

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of

record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: By the Commission, Review Board Number 5, Members.

MC 63562 (Sub-64F), filed January 3, 1980. Applicant: BN TRANSPORT INC.—conversion and extension, 6775 East Evans Avenue, P.O. Box 22694, Wellshire Station, Denver, Colorado 80224. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50307. To operate, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, in the transportation of *general commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) Between San Diego and Los Angeles, CA: (1) From San Diego over Interstate Hwy 5 to junction with CA Hwy 1, then over CA Hwy 1 to Los Angeles and return over the same route, serving all intermediate points and all off route points located within 20 miles of CA Hwy 1, (2) From San Diego over Interstate Hwy 5 to Los Angeles and return over the same route, serving all intermediate points and all off route points located within 20 miles of Interstate Hwy 5, (3) From San Diego over Interstate Hwy 15 to junction with CA Hwy 71, then over CA Hwy 71 to junction with Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles and return over the same route, serving all intermediate points on said route, and serving all off route points located within 20 miles of Interstate Hwy 15 north of San Diego and south of its junction with CA Hwy 71. (B) Serving as off route points all points in the Los Angeles Basin Territory described as follows: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Hwy 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Hwy 38); westerly along Mill Creek Road to Bryant Street, southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Hwy 10; northwesterly along Interstate Hwy 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Hwy 60; southeasterly along State Hwy 60 and U.S. Hwy 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Hwy 79; southerly along State Hwy 79 to State Hwy 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Hwy 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Hwy 395; southerly along U.S. Hwy 395 to Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. (Hearing site: Los Angeles, CA.)

Note.—The purpose of filing this application is to convert applicant's Certificate of Registration to a Certificate of Public Convenience and Necessity and also to remedy a splitting problem related to a finance proceeding docketed No. MC-F-14283F, published in this same **Federal Register** issue.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11704 Filed 4-16-80; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed on or before May 7, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Pohost, and Williams.

Agatha L. Mergenovich,

Secretary.

Federal Register Summary for Certificate or Permit

MC–FC–78509. By decision of April 8, 1980 issued under 49 U.S.C. § 10926 and the transfer rules at 49 C.F.R. 1132. The Motor Carrier Board approved the transfer to Mel Jarvis Construction Co., Inc. of Certificate No. MC–140241 (Sub-Nos. 11F, 14F, and 20F) issued March 8, 1979, July 3, 1979 and November 29, 1979 to Ernest McKae, Trustee, Dalke Transport, Inc. authorizing transportation as set forth below.

Sub	MC 140241
	Irregular Routes
11	Agricultural and industrial trailers, wood burning stoves, grain dryers, lawn mowers, and spring-tooth harrows from Moundridge, KS to points in the United States (except AK, HI and KS), and (2) materials and supplies used in the manufacture of the commodities in (1) above (except in bulk, in tank vehicles) from points in the United States (except AK, HI, and KS) to the facilites of Jantz Manufacturing, Inc., and Moridge Manufacturing, Inc., at Moundridge, KS, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations.
14	Iron and steel articles, from the facilities of Penn-Dixie Steel Corporation, at or near Joliet, IL, to points in AR, CO, IA, KS, MN, MO, NE, OK, SD, and TX, restricted to the transportation of traffic originating at the above-named origin facilities.
20	(1) Lawn mowers, tractor cabs, and parts for lawn mowers and tractor cabs, from the facilities of Excel Industries, at or near Hesston, KS, to points in Arizona, California, Colorado, Idaho, Illinois (except points in Rock Island County), Indiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) materials and supplies used in the manufacture of the commodities in (1) above (except Alaska and Hawaii), to the facilities of Excel Industries, at or near Hesston, KS, restricted in (1) and (2) above to the transportation of traffic originating at the indicated origins and destined to the indicated destinations.

Applicant's representative is: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. TA application has not been filed. Transferee holds no authority.

Federal Register Summary for Certificate or Permit

MC–FC–78537. By decision of April 8, 1980 issued under 49 U.S.C. § 10926 and the transfer rules at 49 C.F.R. 1132 The Motor Carrier Board approved the transfer to Rudy G. LeBlanc, of Miles City, MT, d/b/a Rule Trucking Co., of Permit No. MC–144902 (Sub-No. 1F) issued August 9, 1979 to Ace Beverage Company of Billings, MT authorizing the transportation by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages,* (1) from Milwaukee, WI, Los Angeles, CA, and Portland, OR, to Billings, MT, under continuing contract(s) with Dunham Distributing, Inc., of Billings, MT, (2) from St. Paul, MN and Milwaukee, WI, to Billings, MT, under continuing contract(s) with Fred Briggs Distributing Co., of Billings, MT, and (3) from St. Louis, MO, LaCrosse and Milwaukee, WI, and Minneapolis, MN, to Miles City, MT, under continuing contract(s) with M & C Beverage, Inc., of Miles City, MT. Applicant's representative is: Cherie Holland, Secretary—Treasurer, Rule Trucking Co., Box 3011, Miles City, MT 59031.

Federal Register Summary for Certificate or Permit

MC–FC–78225. By decision of March 8, 1980 issued under 49 U.S.C. § 10926 and the transfer rules at 49 C.F.R. 1132 The Motor Carrier Board approved the transfer to Blackmon Trucking Company of DeRidder, LA of certificate No. MC–140881 (Sub-No. 1) issued December 22, 1977 to Jack Young and Ida L. Yound d/b/a J&L Truck Lines of Silsbee, TX. The certificate was the subject of a transfer to E.P. Bourrous Trucking Company, Inc. of Diboll, TX in MC–FC–77715, approved November 24, 1978, and served November 30, 1978. A certificate was never reissued to Bourrous although the transfer was soncummated January 4, 1979. No. MC–140881 authorizes transportation over irregular routres of *veneer* from Starks, LA, to Houston, TX, *wood chips, bark, wood waste,* and *sawdust* (except in bulk, in tank vehicles), from points in Calcasieu Parish, LA, to Silsbee, TX, and from Starks, LA, to points in Newton, Jasper, Hardin, and Orange Counties, TX. Applicant's representative is: Timonthy Mashburn, P.O. Box 2207, Austin, TX 78768.

MC–FC–78349, filed October 1, 1979. Transferee: Richard Herr, d.b.a. Herr Trucking Company, 1600 Emmett Drive, Fremont, Ohio 43420. Transferor: Estate of Joseph Herr, d.b.a. Herr Trucking Company, 1600 Emmett Drive, Fremont, Ohio 43420. Applicant's representatives: Paul F. Beery, Beery & Spurlock Co., L.P.A., 275 East State Street, Columbus, Ohio 43215. C. Wesley Bristley, Attorney at Law, 323 High Street, Fremont, Ohio 433420. Authority sought for purchase by Transferee of the operating rights of Transferor, as set forth in Permit No. MC 110a468, as follows: *Lime* and *limestone products,* over irregular routes, from points in Wood Co., OH, to points in Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, KY, Brooke, Cabell, Hancock, Jackson, Marshall, Mason, OH, Pleasants, Tyler, Wayne, Wood, and Wetzel Counties, WV, that part of MI on and south of Michigan Highway 55, that part of IN on and north of a line extending along U.S. Highway 52 and the Ohio-Indiana State line to junction Indiana Highway 46, thence along Indiana Highway 46 to Terre Haute, IN, thence along U.S. Highway 40 to the Indiana-Illinois State line. *Materials, supplies, equipment* and *machinery* used in the quarrying, refining, preparation and shipment of lime and limestone products, over irregular routes, from points in the above specified destination territory to points in Wood count, OH, and Permit No. MC 110a468 (Sub. 3), as follows: *lime,* and *limestone products,* (except commodities in bulk), from the plant site of National Gypsum Co., located at or near Gibsonburg, OH to points in KY, WV, PA, MI, and IN; and *materials, supplies, equipment* and *machinery* used in the manufacture of lime and limestone products (except commodities in bulk) from points in KY, WV, PA, MI, and IN to the plant site of National Gypsum Co., located at or near Gibsonburg, OH. RESTRICTION: The

operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with National Gypsum Co. Transferee holds no authority from the Commission. An application seeking temporary lease authority has not been filed.

MC–FC–78469. By decision of April 8, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Yuma County Transportation Co., a Corporation, Yuma, CO, of the remaining portion of the operating authority in MC–73639, issued to Edward P. Ruff and Thomas E. Brooks, a Partnership, d.b.a. Brooks Transportation Company, Sterling, CO, authorizing the transportation of *general commodities,* (except those of unusual value, Classes A and B explosives, Household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Sterling, CO and Ogallala, NE, serving all intermediate points, from Sterling, CO over U.S. Highway 6 to Holyoke, CO, then over U.S. Highway 385 to junction CO Highway 148, then over CO Highway 148 to the CO–NE State line, then over NE Highway 23 to Grant, NE, then over NE Highway 61 to Ogallala, NE, and return over the same route; (2) between Holyoke, CO and Imperial, NE, serving all intermediate points and serving Imperial, NE for purposes of joinder only, from Holyoke, CO, over U.S. Highway 6 to Imperial, NE, and return over the same route; and (3) between Grant and Imperial, NE, serving all intermediate points and serving Imperial, NE for purposes of joinder only, From Grant over NE Highway 61 to Imperial, and return over the same route. Applicants' Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203.

Note.—The other portion of the transferor's certificate in MC–73639, was previously authorized to be transferred to transferee in Docket No. MC–FC–78068.

Federal Register Summary for Certificate or Permit

MC–FC–78504. By decision of March 2, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Beltway Movers Associates, Inc., of Forestville, MD, of Certificates MC–93641 and MC–93641 (Sub-No. 3), both issued August 11, 1972, to Duncan Transfer, Inc. (Gerald M. O'Donnell, Trustee in Bankruptcy), authorizing the transportation of *Household goods* as defined by the Commission, between Alexandria, VA and points in Arlington County, VA, on the one hand, and, on the other, points in MD within 50 miles of Alexandria; and (2) *used household goods,* between Alexandria, Falls Church and Fredericksburg, VA Dover, DE, points in Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, and Stafford Counties, VA, points in Anne Arundel, Calvert, Charles, Montgomery, Prince Georges, and St. Marys Counties, MD, and points in the District of Columbia, restricted in (2) to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Applicant's representative is: Greg Young, 6724 Fleet Drive, Alexandria, VA 22310.

Federal Register Summary for Certificate or Permit

MC–FC–78508. By decision of April 2, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Robert D. Thompson and Judith C. Thompson, d.b.a. Republic-Colville Storage Lines, of Malo, WA, of Certificate No. MC 129178 (Sub-No. 1) issued November 20, 1968 to Royal T. Kellogg, d.b.a. Republic-Colville Storage Line, of Republic, WA, authorizing the transportation of *passengers and their baggage, and express,* and mail, in the same vehicle with passengers between Colville, WA, and the United States-Canada Boundary line, serving all intermediate points: from Colville over U.S. Highway 395 to the United States-Canada Boundary line, and return over the same route, between Republic, WA, and the United States-Canada Boundary line, serving all intermediate points: from Republic over Washington Hwy 21 (formerly Washington Hwy 4A) to the United States-Canada Boundary line, and return over the same route, incidental charter rights are also authorized. Applicant's representative is: Robert D. and Judith C. Thompson, P.O. Box 82, Malo, WA 99150. Transferee is not a carrier. An application seeking temporary lease authority has not been filed.

Federal Register Summary for Certificate or Permit

MC–FC–78456. By decision of March 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Frank J. Ciavanella, of Wilkes Barre, Pennsylvania, of Certificate No. MC–134245 (Sub-No. 1), issued October 20, 1978, to Kenneth A. Roushey, of Wapwallopen, Pennsylvania, authorizing the transportation of *Shredded paper and polyurethane foam,* From West Pittston, Pa., to Leitchfield, Ky., Stamford, Conn., New York, N.Y., Elizabeth, N.J., Chicago, Ill., Framingham, Mass., Baltimore, Md., and Columbus and Dayton, Ohio. Applicant's representative is: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505.

Federal Register Summary for Certificate or Permit

MC–FC–78529. By decision of March 25, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Calaway Transfer & Storage, Inc., of McAlester, OK, of Certificate No. MC–120500 (Sub-No. 2) issued June 18, 1970, to Johnston Transfer & Storage, Inc., of McAlester, OK, authorizing the transportation of *used household goods,* between points in OK, with restrictions. Applicant's representative is: Dean Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transferee holds no authority from the Commission. An application seeking temporary lease authority has not been filed.

Federal Register Summary for Certificate or Permit

MC–FC–78536. By decision of March 21, 1980 issued under 49 U.S.C. 1132, The Motor Carrier Board approved the transfer to M & M Wrecker Service, Midwest City, OK of Certificate No. MC–139656 issued March 12, 1975, Northeast Wrecker Service, Inc. authorizing the transportation, over irregular routes, of: (1) *Wrecker, disabled or repossessed vehicles* (except trailers designed to be drawn by passenger vehicles), From points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, South Dakota, and Texas, to Oklahoma City, Okla.; and (2) *Replacement vehicles* for wrecker or disabled vehicles, From Oklahoma City, Okla., to points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, South Dakota, and Texas, by use of wrecker equipment only. Applicant's representative is: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112.

Federal Register Summary for Certificate or Permit

MC–FC–78539. By decision of March 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part

1132. The Motor Carrier Board approved the transfer to Carl O. Boone, Sr., of Smyrna, TN, of Certificate No. MC–16550 Sub-6, and a portion of Certificate No. MC–16550 Sub-7, issued May 22, 1974 and October 6, 1976, to Walter Potter, of Goodlettsville, TN, authorizing the transportation of *automotive parts and automotive supplies and accessories,* between Nashville, TN, and Beaver Dam, KY, serving all intermediate points in KY, over four specified regular routes, with restrictions and automotive parts, supplies, and accessories, between Nashville, TN, on the one hand, and, on the other, Morganville, Henderson, Marion, and Greenville, KY. Applicant's representative is: Carl O. Boone, 102 Cumberland Dr., P.O. Box 114, Smyrna, TN 37167.

MC–FC–78540. By decision of March 21, 1980 issued under 49 CFR Part 1132. The Motor Carrier Board approved the transfer to Kenneth W. Straub, III, of Weissport, PA, of Permit No. MC–125463 issued June 24, 1975, to Jack A. Waltz, of Bethlehem, PA, authorizing the transportation of *waste textile scrap materials,* between Allentown, PA, on the one hand, and, on the other, points in CT, MA, RI, NJ, DE, MD, points in that part of NY, south of the northern boundaries of Jefferson, Lewis, Herkimer, Fulton, Saratoga, and Washington Counties, and points in those parts of WV and Va, on, north, and east of a line beginning at a point on the Pennsylvania-West Virginia State line and extending along U.S. Highway 250 to Richmond, VA, thence along U.S. Highway 60 to Newport News, VA, under a continuing contract, or contracts, with S. Levine and Sons, of Allentown, PA. Applicant's representative is: Francis W. Doyle, 323 Maple Avenue, Southampton, PA 18966 (212)–357–7220. Application for TA authority has not been filed. Transferee presently holds no authority.

MC–FC–78541. By decision of March 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to Harry's Transportation Company, Inc. of Pocatello, ID, of Certificate No. MC–115904 (Sub-35) issued October 31, 1975 to Grover Trucking Co., of Idaho Falls, ID, authorizing the transportation of *Crushed scrap automobiles and parts,* From points in Colorado, to points in California, Nevada, Oregon, Utah, and Washington, From points in Idaho, to points in California, Nevada, and Utah, From points in Kansas (except Parsons), to points in California, From points in Kansas (except Kansas City), to points in Oregon and Washington, From points in Kansas (except Kansas City and Parsons), to points in Utah, From points in Montana, to points in California, Nevada, and Utah, From points in Nebraska, to points in California, Nevada, Oregon, Utah, and Washington, From points in Nevada, to points in California, Oregon, Utah, and Washington, From points in New Mexico, to points in California, Nevada, Oregon, Utah, and Washington, From points in Oregon, to points in California, and Nevada, From points in Utah, to points in California and Nevada, From points in Washington (except Vancouver), to points in Nevada, From points in Wyoming, to points in California, Nevada, Oregon, Utah, and Washington. Applicant's representative is: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transferree holds no authority from the Commission. An application seeking TA lease has not been filed.

Federal Register Summary for Certificate or Permit

MC–FC–78542. By decision of March 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to Hudson Velley Bulk Service, Inc. of a portion of the Certificate No. MC–103490 (Sub-No. 36) and all of the operating rights under Certificate No. MC–103490 (Sub-No. 60) issued January 25, 1972, and April 22, 1969, respectively, to Provon Transport Corp., of Newburgh, NY, authorizing the transportation of *Light weight kiln processed aggregates,* in bulk, From points in Ulster County, N.Y., to points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.), and points in that part of Maine on and south of Maine Highway 25; and in MC–103490 (Sub-No. 60), of *Dry cement,* From the plant sites of Century Cement Manufacturing Co., and Century Cement Sales Company, Inc., at or near Rosendale, N.Y., to points in Pennsylvania. Applicant's representative is: John L. Alfano, Esquire, 550 Mamaroneck Avenue, Harrison, NY 10528 (914) 835–4411. Morton E. Kiel, Attorney, 2 World Trade Center, New York, NY 10048, 212–466–0220. Application for TA authority has not been filed. Transferee presently holds no authority.

Federal Register Summary for Certificate of Registration

MC–FC–78543. By decision of March 25, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Dennis K. Burke, Inc. of Chelsea, MA of Certificate of Registration No. MC–96833 Sub-No. 1 issued Decemer 6, 1963, to George L. Smith, d/b/a Lynnway Despatch, Michaelina Smith, Executrix evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate Nos. 3518 and 469 dated September 20, 1957 and September 30, 1957 issued by the Massachusetts Department of Public Utilities subject to the following conditions: (d) transferee shall file the following with this Commission's Office of Proceedings (either prior to or concurrently with the consummation of this transfer): (i) a certified copy of the State certificate as reissued to transferee, or—if the State Commission does not reissue the certificate—a certified copy of the State order approving the transfer of the underlying intrastate rights; and (ii) a written notice confirming the date of consummation of that intrastate transaction. Applicant's representative is: Frank J. Weiner, 15 Court Square, Boston, MA 02108. TA application has not been filed. Transferee holds no authority.

Federal Register Summary for Certificate or Permit

MC–FC–78544. By decision of March 25, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to C. A. Murrey Trucking, Inc. of Lanesville, OH of Permit No. MC–143319 (Sub-No. 3) issued October 26, 1978 to Irish Ridge Trucking Company, Inc. of Philo, OH authorizing the transportation of (1) Coal, from the facilities of Irish Ridge Coal Company, Inc., at or near Philo, OH to the facilities of Dundee Cement Company at or near Dundee, MI under continuing contract(s) with Irish Ridge Coal Company, Inc. of Philo, OH, (2) *gypsum rock,* in bulk, in dump vehicles, from the facilities of (a) Columbia Cement Company at or near East Fultonham, OH, and (b) Southwestern Portland Cement Company at or near Fairborn, OH, and points in PA on and west of U.S. Highway 219, under continuing contract(s) with Michigan Gypsum Company of Saginaw, MI. Applicant's representative is: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. TA application have been filed.

[FR Doc. 80–11703 Filed 4–16–80; 8:45 am]

BILLING CODE 7035–01–M

Long- and Short-Haul Application for Relief; Formerly Fourth Section Application

April 14, 1980.

This application for long- and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before May 2, 1980.

No. 43813, Southwestern Freight Bureau, Agent, No. B–57, on Alloys or Metals, from Philo (Duncan Falls) and Relief, OH, to Lufkin, TX, published in Supplement 201 to Southwestern Freight Bureau, Agent's Tariff ICC SWFB 3001–G, effective May 13, 1980. Grounds for relief—destination rate relationsships.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–11706 Filed 4–16–80; 8:45 am]

BILLING CODE 7035–01–M

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission on or before May 19, 1980. Such protests shall confirm with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 77594 (Sub–14F), filed April 3, 1980. Applicant: OZONE MOTOR LINE, INC., 4552 North Villere, New Orleans, LA 70117. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1)(a) Between New Orleans, LA and Bogalusa, LA: From New Orleans, LA over U.S. Hwy 11 to its junction with LA Hwy 41 near Pearl River, LA; then over LA Hwy 41 to its junction with LA Hwy 21 at Bush, LA; then over LA Hwy 21 to Bogalusa, LA, and return over the same routes, serving all intermediate points. (b) Between New Orelans, LA and Slidell, LA: From New Orleans, LA over Interstate Hwy 10 and U.S Hwys 90 and 190 to Slidell, LA, and return over the same routes, serving all intermediate points. (c) Between New Orleans, LA and Pearl River, LA: From New Orleans, LA over Interstate Hwy 10 to junction Interstare Hwy 59; then over Interstate Hwy 59 to Pearl River, LA, and return over the same routes, serving all intermediate points. (2) Between Slidell, LA and Bogalusa, LA: From Slidell, LA over U.S. Hwy 190 (also Interstate Hwy 12) to their junction with LA Hwy 25; then over LA Hwy 25 to its junction with LA Hwy 10 at Franklinton, LA; then over LA Hwy 10 to Bogalusa, LA, and return over the same routes, serving all intermediate points. (3) Between Covington, LA and Bush, LA over LA Hwy 21, and return over the same route, serving all intermediate points. (4) Between Covington, LA and Albita Springs, LA over LA Hwy 36, and return over the same route, serving all intermediate points. (5) Between Covington, LA and Mandeville, LA: From Covington, LA over LA Hwy 21 to its junction with LA Hwy 22; then over LA Hwy 22 to its junction with U.S. Hwy 190 near Mandeville, LA, and return over the same routes, serving all intermediate points. (6)(a) Between Hammond, LA and Bogalusa, LA: From Hammond, LA over U.S. Hwy 51 (and Interstate Hwy 55) to its junction with LA Hwy 16 near Amite, LA; then over LA Hwy 16 to its junction with LA Hwy 21; then over LA Hwy 21 to Bogalusa, LA, and return over the same routes, serving all intermediate points. (b) Between Covington, LA and Hammond, LA over U.S. Hwy 190 (and Interstate Hwy 12), and return over the same routes, serving all intermediate points. (c) Between Madisonville, LA and Ponchatoula, LA over LA Hwy 22, and return over the same route, serving all intermediate points. (7)(a) Between Amite, LA and the LA–MS state line over U.S Hwy 51 (and Interstate Hwy 55), and return over the same routes, serving all intermediate points. (b) Between Kentwood, LA and Bogalusa, LA: From Kentwood, LA over LA Hwy 38 to its junction with LA Hwy 25 at Clifton, LA; then over LA Hwy 25 to its junction with LA Hwy 10 at Franklinton, LA; then over LA Hwy 10 to its junction with LA Hwy 62 at Pine, LA; then over LA Hwy 62 to its junction with LA Hwy 438; then over LA Hwy 438 to its junction with LA Hwy 21 at Angie, LA; then over LA Hwy 21 to Bogalusa, LA, and return over the same routes, serving all intermediate points. (8) Between Kentwood, LA and St. Francisville, LA: From Kentwood, LA over LA Hwy 38 to its junction with LA Hwy 10 near Darlington, LA; then over LA Hwy 10 to St. Francisville, LA, and return over the same routes, serving all intermediate points. (9) Between Norwood, LA and the junction of U.S. Hwy 61 and LA Hwy 19 near Scotlandville, LA over LA Hwy 19, and return over the same route, serving all intermediate points. (10) Between Felps, LA and the junction of U.S. Hwy 61 and LA Hwy 67 near Scotlandville, LA over LA Hwy 67, and return over the same route, serving all intermediate points. (11) Between St. Francisville, LA and Laurel Hill, LA over U.S. Hwy 61 and return over the same

route, serving all intermediate points. (12) Between Clinton, LA and Amite, LA: From Clinton, LA over LA Hwy 67 to its junction with LA Hwy 63; then over LA Hwy 63 to its junction with LA Hwy 37; then over LA Hwy 37 to its junction with LA Hwy 63, then over LA Hwy 63 to its junction with LA Hwy 16; then over LA Hwy 16 to Amite, LA, and return over the same routes, serving all intermediate points. (13) Between Denham Springs, LA and junction LA Hwy 16 and LA Hwy 63 south of Grangeville, LA over LA Hwy 16, and return over the same route, serving all intermediate points. (14) Between New Orleans, LA and St. Francisville, LA: From New Orleans, LA over U.S Hwy 61 (and Interstate Hwy 10) to Baton Rouge, LA, and return over the same routes, serving all intermediate points. (15) Between LaPlace, LA and Baton Rouge, LA: From LaPlace, LA over U.S. Hwy 51 (and Interstate Hwy 55) to its junction with U.S. Hwy 190; then over U.S. Hwy 190 (and Interstate Hwy 12) to Baton Rouge, LA, and return over the same routes, serving all intermediate points. (16) Between Liverpool, LA and the LA–MS state line over LA Hwy 43, and return over the same route, serving all intermediate points. (17) Between New Orleans, LA and the junction of U.S. Hwy 190 and the Lake Pontchartrain Causeway over the Lake Pontchartrain Causeway and return over the same route, serving all intermediate points. Condition: Issuance of a Certificate in this proceeding is subject to prior or coincidental cancellation of Certificates of Registration in MC–77594 Subs 7, 11 and 12). (Hearing Site: Jackson, MS or New Orleans, LA.) The foregoing description of routes is intended to restate the authority contained in the Certificates of Registration in accordance with present-day highway route designations, and current Commission instructions on certificate preparation. To the extent the restatement and the elimination of unclear and unenforceable restrictions results in more authority than was contained in the underlying Certificates of Registration, applicant requests that the application also be treated as a directly related extension application.

Note.—The purpose of this application is to convert the Certificates of Registration in MC–77594 (Subs 7, 11 and 12) to a Certificate of Public Convenience and Necessity. This application is filed in connection with a previously filed Section 11343 (formerly Section 5) application. (MC–F–13991), publshed in the May 22, 1979 issue of the **Federal Register.**

MC 8028 (Sub-4F), filed November 5, 1979. Applicant: BARRIEAU EXPRESS, INC., 301 Murphy Road, Hartford, CT 06114. Representative: Robert J. Gallagher, esq., 1000 Connecticut Avenue, NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, Between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, on the one hand, and, on the other, points in AL, AZ, CA, CO, NE, NV, and UT. (Hearing site: Hartford, CT.)

Note.—This application is directly related to MC–F–14201F, Barrieau Express, Inc.—Purchase (portion)—Plymouth Van Lines, Inc., published in the **Federal Register** of March 27, 1980. The purpose of this application is to eliminate the gateway of CT.

MC 121044 (Sub-6F), filed April 6, 1979. Applicant: CITY DELIVERY SERVICE, INC., P.O. Box 722, Boise, ID 83701. Representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in express service between Weiser and New Meadows, ID. (Hearing site: Boise, ID.)

Notes.—The purpose of this application is (1) to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity; (2) to eliminate the gateway at Weiser, ID, to enable applicant to tack its present authority to the authority it is seeking in the pending transfer application. This application is directly related to MC–FC–78136, published in the November 27, 1979, issue of the **Federal Register.**

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–11702 Filed 4–16–80; 8:45 am]

BILLING CODE 7035–01–M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of trafffic handled for the United States Government or on behalf of the United States Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC–107, *Government Traffic*, 131 M.C.C. 845 (1979).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before May 7, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication's effective date, or the filing of an effective tender pursuant to 49 U.S.C. 10721.

GT–103–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: CENTRAL TRANSPORTATION CO., INC., 2500 N. 13th St., P.O. Box 249, Norfolk, NE 68701. Representative: Donald L. Stern, c/o Stern & Becker, P.C., Omaha, NE 68106. Government Agency involved: Department of Defense, Defense Logistics Agency.

GT–104–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Government Agency involved: Defense Logistics Agency.

GT–105–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th St., Tulsa, OK 74121. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Government Agency involved: Departments of Defense, Agriculture, Education, Commodities Credit Corp., General Services Administration.

GT–106–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: LEONARD BROS. RIGGINGS & TRUCKING CO., INC., 2515 NW 20th St., Miami, FL 33152. Representative: Robert F. McCaughey, (address same as applicant). Government Agency involved: Departments of Energy, Defense, Agriculture, Treasury, General Services Administration, Bureau of Indian Affairs, National Aeronautics and Space Administration.

GT–107–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., Jacksonville, FL 32209. Representative: S. E. Somers, Jr.

(address same as applicant). Government Agency involved: Departments of Defense, Treasury, Housing and Urban Development, Energy, Agriculture, and Transportation; General Services Administration, Post Office Department, U.S. Coast Guard, National Aeronautics and Space Administration, Government Printing Office, Veterans Administration, Internal Revenue Service, Bureau of Mines, Tennessee Valley Authority.

GT–108–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (address same as applicant). Government Agency involved: Departments of Defense, General Services Administration, U.S. Coast Guard, National Aeronautics and Space Administration, Department of Commerce, Atomic Energy Commission, Department of Agriculture, Department of Energy, Treasury Department, Departments of Interior, and Transportation; Post Office Department, Veterans Administration, American Red Cross, Department of Labor and Government Printing Office.

GT–109–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: ALFARM TRUCKLINES, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Government Agency involved: General Services Administration, Department of Army, Defense Logistics Agency, Veterans Administration, Department of Agriculture, Internal Revenue Service, and Bureau of Indian Affairs.

GT–110–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" St., Omaha, NE 68127. Representative: Donald L. Stern, c/o Stern & Becker, P.C., 7171 Mercy Rd., Omaha, NE 68106.

GT–111–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: SUNBELT EXPRESS INC., 118 Hamilton Circle, Bremen, GA 30100. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Government Agency involved: Department of Agriculture.

GT–112–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Fred Worsham, Vice President (address same as applicant). Government Agency involved: Department of Defense.

GT–113–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: TAMPA BAY MOVING SYSTEMS, INC., 5100 Tampa W Blvd., Tampa, FL 33614. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036. Government Agency involved: Departments of Defense, and Transportation, and General Services Administration.

GT–114–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 N 11th St., Omaha, NE 68110. Representative: Donald L. Stern, c/o Stern & Becker, P.C., 7171 Mercy Rd., Omaha, NE 68106. Government Agency involved: Department of Defense, and Defense Logistics Agency.

GT–115–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: FORD L. AND MARIE A. WRIGHT, d.b.a. ALL-AMERICAN MOVING & STORAGE, 4340 Hwy 51 North, Memphis, TN 38127. Representative: Ford L. Wright (address same as applicant). Government Agency involved: Department of Defense and General Services Administration.

GT–116–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, Baker & Hostetler, 100 E. Broad St., Suite 1800, Monroeville, PA 15146. Government Agency involved: Department of Defense and General Services Administration.

GT–117–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland County, Murrysville, PA 15668. Representative: A. Charles Tell, Baker & Hostetler, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Government Agency involved: Department of Defense and General Services Administration.

GT–118–80 (Special Certificate—Government Traffic), filed March 24, 1980. Applicant: DOUBLE J MACHINERY TRANSPORT, INC., 1730 West 124th St., Calumet Park, IL 60643. Representative: A. Charles Tell, Baker & Hostetler, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Government Agency involved: Department of Defense, General Services Administration.

GT–2–80 (Special Certificate—Government Traffic), filed March 18, 1980, and republished this issue to correctly set forth agencies involved. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Rd., San Antonio, TX 78219. Representative: Robert J. Brooks, 1747 Pennsylvania Ave, NW, Suite 1050, Washington, DC 20006. Government Agency involved: General Services Administration, U.S. Coast Guad; Department of Defense.

GT–73–80 (Special Certificate—Government Traffic), filed March 19, 1980, and republished this issue to correctly set forth applicant's name as: EVANS TRANSPORTATION CO., 7800 Route #13, Levittown, PA 19057.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–11707 Filed 4–16–80; 8:45 am]

BILLING CODE 7035–01–M

[Application No. 1938]

Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, released rates application No. 1938.

SUMMARY: The Transcontinental Freight Bureau, Agent, and Western Trunk Line Committee, Agent, by W. J. Hardin, Tariff Publishing Officer for and on behalf of carriers parties to Tariffs ICC WTL 7450–E and ICC TCFB 7011–M to the extent they participate from and to the points herein involved, requests authority under 49 CFR 10730 to establish and maintain Plan II ½ trailer-load rates on:

Electronic Data Processing Machines or associated equipment or parts, viz: Terminals, input-output keyboard; video and hardcopy, parts and accessories, from Phoenix, Arizona and Colorado Springs, Colorado to Worcester and Fitchburg, Massachusetts when released as to value by shipper to not exceeding $5.00 per pound.

ANYONE SEEKING COPIES OF THIS APPLICATION SHOULD CONTRACT: Mr. William J. Hardin, TPO, Western Trunk Line Committee, Room 300, 300 West Adams Street, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Mr. Howard J. Rooney, Unit Supervisor, Informal Rate Cases Branch, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, tele. (202) 275–7390.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730 and 11707.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–11708 Filed 4–16–80; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitoner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if not representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation of policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before May 19, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices by May 19, 1980, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 74

Decided: Feb. 27, 1980

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 4405 (Sub-619F), filed January 15, 1980. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *steel tanks,* (2) *equipment, parts, accessories, and attachments* used in the storage, processing, or preparation of oil, gas, or chemicals, and (3) *manufacturing machinery,* between the facilities of Maloney Crawford Corp., at or near Pearland, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 8535 (Sub-113F), filed January 15, 1980. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, DC 20036. Transporting *iron and steel articles,* from the facilities of United States Steel Corporation, at Fairless, PA, to points in CT, MA, and RI. (Hearing site: Trenton, NJ, or Washington, DC.)

MC 36974 (Sub-11F), filed January 15, 1980. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, So. Plainfield, NJ 07080. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities,*

(except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New Brunswick, NJ, and points within 15 miles of New Brunswick, NJ, Newark, NJ, points in Middlesex, Somerset, Monmouth, and Union Counties, NJ, and New York, NY, on the one hand, and, on the other, points in Berks, Northampton, Lancaster, Monroe, Lehigh, Bucks, Montgomery, and Chester Counties, PA, and Philadelphia, PA. (Hearing site: Newark, NJ.)

MC 36974 (Sub-12F), filed January 15, 1980. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, So. Plainfield, NJ 07080. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between South Plainfield and East Brunswick, NJ, on the one hand, and, on the other, points in NJ. (Hearing site: Newark, NJ.)

MC 36974 (Sub-13F), filed January 15, 1980. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, So. Plainfield, NJ 07080. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between New Brunswick, NJ, and points within 15 miles of New Brunswick, NJ, Newark, NJ, points in Middlesex, Somerset, Monmouth, and Union Counties, NJ, and New York, NY, on the one hand, and, on the other, points in Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, NY. (Hearing site: Newark, NJ.)

MC 60014 (Sub-166F), filed January 14, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting *lumber, and forest products,* from the facilities of Weyerhaeuser Corp., at or near Lewiston, Plymouth, Jacksonville, Weyco, NC, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 60014 (Sub-167F), filed January 14, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *metal articles,* from points in AL, AZ, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NC, OH, OK, TN, TX, and WI to points in the United States (except AK, and HI). (Hearing site: Washington, DC.)

MC 60014 (Sub-168F), filed January 14, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *iron and steel articles,* (1) from the facilities of Florida Wire and Cable Company, at or near Jacksonville and Sanderson, FL, to points in the United States (except AK, and HI), and (2) *materials* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 60014 (Sub-169F), filed January 14, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *iron and steel articles and fabricated metal products,* from the facilities of Owen Steel Company of Florida, at or near Jacksonville, FL, to those points in the United States in and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 60014 (Sub-170F), filed January 14, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *concrete products and roof slabs,* from the facilities of Concrete Products, Inc., at (a) Terry, MS, and (b) Brunswick, GA, to points in the United States (except AL, and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 60014 (Sub-171F), filed January 14, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *mulch in bags, lumber, and lumber mill products,* from the facilities of American Wood Products, Inc., at or near (a) Lake City, Perry, and Longwood, FL, and (b) Fargo, GA, to those points in the United States in and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 60014 (Sub-172F), filed January 14, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *iron and steel articles, machinery, and machinery parts,* from points in Volusia County, FL, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 97394 (Sub-24F), filed January 14, 1980. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 13303, Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 13th St., NW., Washington, D.C. 20004. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville, TN, and Owensburg, KY, from Nashville over Interstate Hwy 24 to junction U.S. Hwy 41 near Hopkinsville, KY, then over U.S. Hwy 41 to Henderson, KY, then over U.S. Hwy 60 to Owensboro, and return over the same route, serving as intermediate points Henderson, KY, and all points between Henderson and Owensboro, KY, restriction: Service at Nashville, TN, and points in its commercial zone is restricted against the handling of traffic which originates at, is destined to, or interlined at Owensboro, KY, and points in its commercial zone. (Hearing site: Owensboro, KY.)

MC 105045 (Sub-141F), filed January 17, 1980. Applicant: R. L. JEFFERIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *lumber and lumber products,* from the facilities of Georgia-Pacific Corp., at or near Dudley, NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 106674 (Sub-470F), filed January 17, 1980. Applicant: SCHILLI MOTOR LINES INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *silica sand and silica products,* from the facilities of Ottawa Silica Company, at or near Mystic, CT, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 109324 (Sub-48F), filed January 17, 1980. Applicant: GARRISON MOTOR FREIGHT, P.O. Box 1278, Harris, AR 72601. Representative: Francis W. McInerny, Suite 502, 1000 16th St., NW., Washington, DC 20036. Over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Joplin, MO, and Quapaw, OK,

over U.S. Hwy 66, (2) between junction U.S. Hwy 82 and Interstate Hwy 30 and Sherman, TX, over U.S. Hwy 82, and (3) between Sherman, TX, and Dallas, TX, serving no intermediate points, and serving junction U.S. Hwy 82 and Interstate Hwy 30 for purpose of joinder only, over U.S. Hwy 75, serving no intermediate points, restricted in (1), (2) and (3) above against traffic moving between any two points in TX. (Hearing site: Washington, DC, or Oklahoma City, OK.)

Note.—Tacking to regular routes is intended.

MC 111045 (Sub-182F), filed January 17, 1980. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *citrus by-products,* in bulk, from Bradenton and Ft. Pierce, FL, to Clairton, PA, and Newark, E. Hanover, and Boonton, NJ. (Hearing site: Tampa, FL.)

MC 111545 (Sub-299F), filed January 14, 1980. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: J. Michael May (same address as applicant). Transporting *buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), between the facilities of Butler Manufacturing Company, at San Marcos, TX, on the one hand, and, on the other, points in the United States (except AK, and HI), restricted to traffic originating at or destined to the facilities of Butler Manufacturing Company located at San Marcos, TX. (Hearing site: Dallas, TX, or Chicago, IL.)

MC 111594 (Sub-92F), filed January 17, 1980. Applicant: C W TRANSPORT, INC., 610 High St., Wisconsin Rapids, WI 54494. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Cleveland Cliffs Iron Co., Forest Center Sawmill, at or near Munising, MI, as an off-route point in connection with carrier's otherwise authorized regular-route operations to and from Munising, MI. (Hearing site: Chicago, IL.)

Note.—Applicant proposes to tack the requested authority with its existing authority.

MC 113855 (Sub-505F), filed January 15, 1980. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *motorcycles,* (2) *parts and accessories* for motor vehicles; and (3) *equipment, materials, and supplies* used in the manufacture and distribution of motor vehicles, (except commodities in bulk, in tank vehicles), between points in Union County, OH, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Washington, DC.)

MC 113855 (Sub-506F), filed January 15, 1980. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *buildings, building panels, building parts,* and (2) *materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), between the facilities of Butler Manufacturing Company, at San Marcos, TX, on the one hand, and, on the other, points in the United States (except AK, and HI), restricted to traffic originating at or destined to the facilities of Butler Manufacturing Company at San Marcos, TX. (Hearing site: Chicago, IL, or Washington, DC.)

MC 113855 (Sub-507F), filed January 15, 1980. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *lumber products, and wood products, millwork, molding, playground equipment and parts* for playground equipment, between points in the United States (except AK, and HI), restricted to traffic originating at or destined to the facilities of Niedermeyer-Marin Company. (Hearing site: Portland, OR.)

MC 113974 (Sub-69F), filed January 15, 1980. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield, 211 Washington Ave., Dravosburg, PA 15034. Transporting *building materials,* between points in the United States (except AK, and HI). (Hearing site: Washington, DC.)

MC 115654 (Sub-188F), filed January 17, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193. Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St., N.W., Washington, DC 20004. Transporting *printed matter,* from Nashville, TN, to Detroit, MI. (Hearing site: Nashville, TN.)

MC 133095 (Sub-290F), filed January 14, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting *alcoholic beverages, and materials and supplies* used in the distribution of alcoholic beverages, from points in MO to points in TX, LA, and AR. (Hearing site: Dallas, TX.)

MC 133095 (Sub-291F), filed January 17, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting (1) *power transmission machinery, and iron and steel castings,* and (2) *parts, attachments, and accessories* for the commodities in (1) above, (except commodities which because of size or weight require the use of special equipment), between Trenton, TN, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Dallas, TX.)

MC 135524 (Sub-103F), filed January 14, 1980. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting (1) *refractories, refractory products, and brick,* and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between Farber, MO, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, NH, NJ, NY, OH, PA, RI, VA, VT, WI, WV, and DC. (Hearing site: Columbus, or Cleveland, OH.)

MC 135524 (Sub-105F), filed January 14, 1980. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *metal rolling mill machinery, parts, and supplies,* between Salem, OH, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Columbus, or Cleveland, OH.)

MC 135895 (Sub-80F), filed January 14, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *glass containers and closures* for glass

containers, and (2) *equipmemt, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in AL, AR, FL, GA, IL, IN, KS, LA, MO, MS, NC, OK, PA, SC, TN, and TX, restricted to traffic originating at or destined to the facilities of Glass Containers Corporation. (Hearing site: New Orleans, LA, or Dallas, TX.)

MC 138144 (Sub-56F), filed January 14, 1980. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *hides, pelts, and pieces* of hides and pelts, from points in CO, KS, MN, MO, NE, IA, IL, ND, and SD, to points in IL, and WI, restricted to the traffic originating at the indicated origins. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 139495 (Sub-524F), filed January 15, 1980. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *paper and paper products*, from the facilities of Scott Paper Company, at or near Mobile, AL, to those points in the United States in and east of MN, IA, MO, AR, and LA, and those in TX. (Hearing site: Washington, DC.)

MC 139495 (Sub-525F), filed January 16, 1980. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting (1) *carpeting, hard surface floor covering, wallboard, wall panels, floor screens, ceiling panels, and insulation material*, and (2) *materials, accessories, and supplies* used in the installation of the commodities in (1) above, from points in Lancaster County, PA, to points in GA, IL, IN, IA, KY, MI, MN, NE, OH, and WI. (Hearing site: Washington, DC.)

MC 139785 (Sub-2F), filed January 17, 1980. Applicant: LIETZ TRANSPORTATION, INC., Route 1, Coloma, WI 54930. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703. *Contract carrier*, transporting *wood furnaces and furnace parts*, from the facilities of Weber Industries, Inc., at LaCrosse, WI, to points in AR, CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, and DC, under continuing contract(s) with Weber Industries, Inc., of LaCrosse, WI. (Hearing site: Madison or Milwaukee, WI.)

MC 140945 (Sub-4F), filed January 15, 1980. Applicant: JAMES W. CROWE, INC., 307 Brennan Rd., Columbus, GA 31903. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *Contract carrier*, transporting *precast concrete, precast tile, slabs, and building components*, between the facilities of Kendrick Concrete Products Company, Inc., at or near Columbus, GA, on the one hand, and, on the other, points in FL, GA, and AL, under continuing contract(s) with Kendrick Concrete Products Company, Inc., of Columbus, GA. (Hearing site: Atlanta, GA.)

MC 141804 (Sub-337F), filed January 14, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *foodstuffs and paper bags*, (1) from Seeleyville, IN, to Los Angeles, CA, (2) from Springfield, IL, to Los Angeles, CA, Ogden and Clearfield, UT, and Dallas and Houston, TX, (3) from St. Louis, MO, and Wellsburg, WV, to Los Angeles, CA, and Ogden, UT, (4) from Ogden, UT, to Los Angeles and San Francisco, CA, (5) from Minneapolis, MN, to Ogden, UT, and Portland, OR, (6) from Martell, OH, to Atlanta, GA, and Chattanooga, TN, and (7) from Los Angeles, CA, to Portland, OR, and Seattle, WA, restricted in (1) through (7) above to traffic originating at the facilities of Pillsbury Co. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-340F), filed January 14, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *hair and skin care products, and health and beauty aids*, and (2) *equipment, materials, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, between points in CA, OR, and WA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 141925 (Sub-5F), filed January 17, 1980. Applicant: KOHN BEVERAGE, INC., d.b.a. KOHN TRANSPORT, 4850 Southway, S.W., Canton, OH 44706. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Contract carrier*, transporting *such commodities* as are dealt in or used by printers (except commodities in bulk), from the facilities of Danner Press Corporation at or near Canton, OH, to points in IL, IN, KY, MD, MI, NJ, NY, NC, PA, and WI, under continuing contract(s) with Danner Press Corporation. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 143214 (Sub-6F), filed January 15, 1980. Applicant: MATUSZKO FARMS TRUCKING, INC., 19 Ball Lane, North Amherst, MA 01059. Representative: David M. Marshall, 101 State St.—Suite 304, Springfield, MA 01103. *Contract carrier*, transporting *such commodities* as are dealt in by department stores (except commodities in bulk), between Holyoke and Chicopee, MA, on the one hand, and, on the other, points in NY, under continuing contract(s) with Halmar Distributors, Inc. (Hearing site: Boston, MA, or Washington, DC.)

MA 143775 (Sub-138F), filed January 17, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *paper and paper labels*, and (2) *materials, supplies and equipment* used in the manufacture, sale, and distribution of paper and paper labels, between Azusa and Monrovia, CA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 144054 (Sub-12F), filed January 17, 1980. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Road, Medford, OR 97501. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *lawn furniture, plastic articles, and horticultural materials and supplies*, between the facilities of Harry and David, at or near Medford, OR, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Medford, OR.)

MC 145515 (Sub-8F), filed January 15, 1980. Applicant: GREENE'S CARTAGE CO., INC., 1934 Avalon Ave., Muscle Shoals, AL 35660. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309. Transporting (1) *aluminum and aluminum products*, from Russellville, Muscle Shoals, and Sheffield, AL, to points in AR, DE, FL, GA, IA, IL, IN, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, WI, and DC, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, from points in AR, DE, FL, GA, IA, IL, IN, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, WI, and DC, to Russellville, Muscle Shoals, and Sheffield, AL. (Hearing site: Birmingham, AL, or Chicago, IL.)

MC 145715 (Sub-14F), filed January 17, 1980. Applicant BELL TRUCKING, INC., 2504 Industrial Park Rd., Van Buren, AR 72965. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting *meats, meat products, and meat by-products and articles distributed by meat-packing houses,* from the facilities of Land O' Frost, Inc., at Chicago and Lansing, IL, to points in ND and SD, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 146055 (Sub-6F), filed January 16, 1980. Applicant: JOHN H. SCHUEMAN & DENNY SCHUEMAN d.b.a. DOUBLE "S" TRUCK LINE, 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *meats, packinghouse products and commodities used by packinghouses,* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the facilities of Western Iowa Pork, at or near Harlan, IA, to points in AZ, NE, KS, OK, TX, MN, MO, WI, IL, MI, IN, OH, and WY. (Hearing site: Omaha, NE.)

MC 146174 (Sub-7F), filed January 17, 1980. Applicant: PD EXPRESS, INC. 817 W. Fifth Ave., Columbus, OH 43212. Representative: Thoman M. O'Brien, 10 S. LaSalle, Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in by manufacturers of paper and paper products (except commodities in bulk), from Chillocothe and Schooleys, OH, to those points in IN on, west, and north of line beginning at the MI–IN State line and extending along IN Hwy 15 to junction U.S. Hwy 24, and then along U.S. Hwy 24 to IN–IL State line , and those in IL on, north, and east of a line beginning at the IN–IL State line and extending along U.S. Hwy 24, to junction U.S. Hwy 51, and then along U.S. Hwy 51 to the IL–WI State line. (Hearing site: Dayton, or Columbus, OH.)

MC 147934 (Sub-6F), filed January 15, 1980. Applicant: COASTAL REFRIGERATED SERVICE, INC., 34 Market St., Room #30, Everett, MA 02149. Representative: Joseph F. Nomile, 71 Gale Ave., Haverhill, MA 01830. *Contract carrier,* transporting (1) *paint products, and materials* used in the manufacture of paint products, and (2) *petroleum products,* between Chelsea, MA, on the one hand, and, on the other, Brisbane and Bell Gardens, CA, Melrose Pk, IL, Minneapolis, MN, Marietta, GA, Charlotte, NC, Houston, TX, Fort Lauderdale, FL, Richmond, VA, and Grand Rapids, MI, under continuing contract(s) with Samuel Cabot, Inc., of Chelsea, MA. (Hearing site: Boston, MA.)

MC 147934 (Sub-7F), filed January 15, 1980. Applicant: COASTAL REFRIGERATED SERVICE, INC., 34 Market St., Room #30, Everett, MA 02149. Representative: Joseph F. Nomile, 71 Gale Ave., Haverhill, MA 01830. *Contract carrier,* transporting *paint products, and materials.* used in the manufacture of paint products, between Everett, MA, on the one hand, and, on the other, Lewiston and Augusta, ME, Rochester, NY, Montclair, NJ, Bridgeport and Westport, CT, Philadelphia, Erie, and Carlisle, PA, Atlanta, GA, Vienna, VA, Nashville, TN, Miami, FL, Dallas, TX, and Ogden, UT under continuing Contract(s) with Toraine Paints, Inc., of Everett, MA. (Hearing site: Boston, MA.)

Volume No. 76

Decided: Feb. 22, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 1515 (Sub-287F), filed January 7, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: Lat J. Celmins (same address as applicant). Over regular routes transporting (a) *passengers and their baggage* and express and newspapers in the same vehicle with passengers, over regular routes, between Kingsland, GA and the Kings Bay Submarine Support Base, at Kings Bay, GA, serving all intermediate points, from Kingsland, over GA Hwy 40 to junction unnumbered Hwy, then over unnumbered Hwy to the Kings Bay Submarine Support Base, and return over the same route; and (b) *passengers and their baggage,* in charter and special operations, over irregular routes, from points in Camden County, GA, to points in the United States (including AK but excluding HI). (Hearing site: Jacksonville, FL.)

Note.—Applicant proposes to tack the regular-route authority sought here with its existing authorities.

MC 8535 (Sub-110F), filed December 28, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. Transporting (1) *conveyors and conveyor parts,* (2) *machinery and machinery parts,* and (3) *iron and steel articles,* from Shepherdsville, KY, to points, in AL, AR, CT, FL, GA, IL, IN, IA, LA, ME, MA, MI, MN, MS, MO, NH, NC, RI, SC, TN, VT, and WI. (Hearing site: Louisville, KY, or Washington, DC.)

MC 22195 (Sub-184F), filed December 28, 1979. Applicant: DAN DUGAN TRANSPORT COMPANY, A Corporation, 41st & Grange Ave., Sioux Falls, SD 57105. Representative: F. Fred Fischer (same as applicant). Transporting *flour,* from Rapid City, SD, to points in ND, MT, WY, CO, NE, IA, and MN. (Hearing site: Mankato, MN, or Sioux Falls, SD.)

MC 29745 (Sub-8F), filed December 27, 1979. Applicant: BODGE LINES, INC., 501 South West St., P.O. Box 546, Indianapolis, IN 46206. Representative: Phillip V. Price, 1444 Consolidated Bldg., Indianapolis, IN 46204. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Indianapolis, IN and New Ross, IN, from Indianapolis, over Interstate Hwy 74 to junction IN Hwy 75, then over IN Hwy 75 to junction U.S. Hwy 136, and then over U.S. Hwy 136 to New Ross, and return over the same route, serving the facilities of Cerro Copper Tube Company, at or near New Ross, IN as an off route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN.)

MC 30844 (Sub-674F), filed December 27, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th St., Tulsa, OK 74121. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting (1) *garden, lawn, turf,* and *golf course care equipment* and *snow throwers,* and (2) *parts* and *accessories* for the commodities in (1) above, from the facilities of The Toro Company, in IA, MN, and WI, to points in CT, DE, ME, MD, MA, NJ, NY, PA, RI, VT, VA, WV, and DC, restricted to traffic originating at the named origins. (Hearing site: St. Paul, MN.)

MC 53965 (Sub-173F), filed January 7, 1979. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Post Office Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): (1) between Davenport, IA and Omaha, NE, over Interstate Hwy 80, serving Des Moines, IA as an intermediate point; (2) between Des Moines, IA and Kansas City, MO, over Interstate Hwy 35, serving no intermediate points; (3) between St.

Joseph, MO and Council Bluffs, IA, over Interstate Hwy 29, serving no intermediate points; and (4) between Omaha, NE and Denver, CO, from Omaha over Interstate Hwy 80 to junction Interstate Hwy 76, then over Interstate Hwy 76 to Denver, and return over the same route, serving as intermediate points junction Interstate Hwy 80 and U.S. Hwy 281, and all points between Omaha and junction Interstate Hwy 80 and U.S. Hwy 281. (Hearing site: Omaha, NE and Kansas City, MO.)

Note.—Applicant intends to tack this authority with its existing rights.

MC 85255 (Sub-72F), filed January 7, 1979. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, Seattle, WA 98124. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171. Transporting *paper* and *paper products*, between points in WA, OR, and ID. (Hearing site: Seattle, WA, or Portland, OR.)

MC 94265 (Sub-339F), filed December 27, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *hair care products, soaps, detergents, disinfectants, and fabric softeners*, from the facilities of J. L. Prescott Co., at or near South Holland, IL, to points in GA, MD, NC, SC, VA, WV, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 106674 (Sub-454F), filed December 27, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same as applicant). Transporting (1) *gas* and *electrical appliances*, (2) *parts* for the commodities in (1) above, and (3) *materials, supplies*, and *equipment* used in the distribution or repair of the commodities in (1) above, from the facilities of Whirlpool Corporation, at Evansville, IN, to points in AL, AR, CT, GA, IL, KY, MD, MI, MS, MO, NJ, NC, NY, OH, PA, SC, TN, TX, VA, WV, and WS. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-960F), filed December 27, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same as applicant). Transporting *buildings, and materials, acessories, and supplies* used in the installation, erection, and construction of buildings (except commodities in bulk), between the facilities of Butler Manufacturing Co., at San Marcos, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the named facilities of Butler Manufacturing Co. (Hearing site: Dallas, TX.)

MC 107445 (Sub-32F), filed December 31, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: K. Clay Smith, P.O. Box 33051 Indianapolis, IN 46203. Transporting *elevator* and *escalator parts*, from the facilities of Otis Elevator Company, at Bloomington, IN, to points in the United States (including AK, but excluding HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 107515 (Sub-1315F), filed December 28, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *frozen potatoes* and *frozen potato products*, from Clark, SD, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV. (Hearing site: Sioux Falls, SD.)

Note.—Dual operations may be involved.

MC 107515 (Sub-1316F), filed December 28, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE, 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *flour, in bags*, from Winston Salem, NC, to the facilities of Tennessee Doughnut Co., at or near Nashville, TN. (Hearing site: Nashville, TN.)

Note.—Dual operations may be involved.

MC 109365 (Sub-42F), filed January 4, 1980. Applicant: A & P TRUCK LINE, INC., P.O. Box 15, Hwy. 7 North, Ashdown, AR 71822. Representative: Louis Tarlowski, 401 Union Life Building, Little Rock, AR 72201. Transporting *wooden pallets*, from the facilities of International Paper Company, at Gurdon, AR, to Covington, Jackson, and Memphis, TN, to those points in AL on and west of Interstate Hwy 65, those points in IL on and south of U.S. Hwy 36 and points in KS, LA, MO, MS, OK, and TX. (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 110325 (Sub-129F), filed December 27, 1979. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between junction U.S. Hwy 212 and Interstate Hwy 35–W, and junction Interstate Hwy 35 and U.S. Hwy 6, over Interstate Hwys 35–W and 35; (2) between junction Interstate Hwy 35 and U.S. Hwy 6 and junction U.S. Hwys 66 and 75, from junction Interstate Hwy 35 and U.S. Hwy 6, over Interstate Hwy 35 to junction Interstate Hwy 435, then over Interstate Hwy 435 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction U.S. Hwy 66, and then over U.S. Hwy 66 to junction U.S. Hwy 75, and return over the same route. (Hearing site: Kansas City, MO.)

MC 113434 (Sub-153F), filed January 4, 1980. Applicant: GRA-BELL TRUCK LINE, INC., A5223 144th Ave., Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *food stuffs* (except in bulk), from the facilities of American Home Foods, Division of American Home Products Corporation, at or near Milton, PA, to LaPorte, IN and points in MI, restricted to the transportation of traffic originating at the named origin and destined to the named destination points. (Hearing site: Detroit, MI, or Pittsburgh, PA.)

MC 114725 (Sub-109F), filed December 27, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 N. 11th St., Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *petroleum products*, in bulk, in tank vehicles, between points in IA, KS, NE, SD, and points in Clay, Jackson, and Platte Counties, MO. (Hearing site: Omaha, NE.)

MC 116254 (Sub-307F), filed December 31, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same as applicant). Transporting *glass and glass articles and materials, equipment, and supplies* used in the manufacture of glass and glass articles, from Jeanette, PA; Clarksburg, WV, and Kingsport, TN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC, or Altanta, GA.)

MC 117765 (Sub-283F), filed January 4, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). Transporting (1) *refractory products and insulation*, (2) *materials, equipment and supplies* used in production and installation of the commodities in (1) above, between the facilities of A. P. Green Refractories Company, at or near (a) Climax, Leetsdale, Philadelphia, and Tarentum, PA, (b) East Greenville, Oak Hill, and Jackson, OH, (c) Goose Lake, Il, (d) Mexico and Fulton, MO, (e)

Woodbridge, NJ, (f) Pueblo, CO, (g) Kimberly and Bessemer, AL, (h) Macon, GA, (i) Thermo (Hopkins County), TX, (j) Pryor, OK, and (k) Troy, ID, on one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Oklahoma City, OK.)

MC 117765 (Sub-284F), filed January 4, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). Transporting (1) *non-alcoholic beverages*, in containers, from the facilities of Taylor Beverages, Inc., at or near Hazelwood, MO, to points in KS and OK, and (2) *foodstuffs* (except frozen), in containers, from the facilities of Lakeside Packing Co., at or near Plainview, MN, to points in KY. (Hearing site: Oklahoma City, OK.)

MC 123744 (Sub-77F), filed January 14, 1980. Applicant: BUTLER TRUCKING COMPANY, A CORPORATION, P.O. Box 88, Woodland, PA 16881. Representative: E. Steward Butler (same as applicant). Transporting *refractories*, from York, PA, to points in OH and MI. (Hearing site: Washington, DC.)

Note:—Dual operations may be involved.

MC 124004 (Sub-56F), filed January 4, 1980. Applicant: RICHARD DAHN, INC., 620 West Moutain Rd., Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *highway marking strip glass and broken glass*, and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above, between Apex, NC, Cleveland, OH, and Potsdam, NY, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, KS, and TX. (Hearing site: New York, NY, or Washington, DC.)

MC 134134 (Sub-56F), filed January 4, 1980. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, I–80 & Highway 50, P.O. Box 37205, Omaha, NE 68137. Transporting *such commodities* as are dealt in and used by producers and distributors of alcoholic beverages (except commodities bulk), between the facilities of Heublein, Inc., at or near Hartford and East Hartford, CT, on the one hand, and, on the other, points in OH, MI, IN, WI, IL, MN, IA, MO, ND, SD, NE, and CO, restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Boston, MA.)

MC 134134 (Sub-57F), filed January 4, 1980. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, I–80 & Highway 50, P.O. Box 37205, Omaha, NE 68137. Transporting *such commodities* as are dealt in and used by producers and distributors of alcoholic beverages (except commodities in bulk), between the facilities of Heublein, Inc., at or near Detroit and Allen Park, MI, on the one hand, and, on the other, points in OH, IN, WI, IL, MN, IA, MO, ND, SD, NE, KS, and CO, restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Boston, MA.)

MC 135235 (Sub-7F), filed December 31, 1979. Applicant: LOMA CARTAGE, INC., 11359 Franklin Ave., Franklin Park, IL 60131. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting *floor coverings, and materials and supplies* used in the installation of floor coverings, from points in Cook, Lake, and DuPage Counties, IL, to points in Adams, Columbia, Green Lake, Juneau, Marathon, Marquette, Portage, Sauk, Waupaca, Waushara, and Wood Counties, WI. (Hearing site: Chicago, IL.)

MC 135524 (Sub-104F), filed January 7, 1980. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *iron and steel articles*, from the facilities of National Wire Products, Inc., at Toledo, OH, to points in IL, IN, KY, MI, PA, TN, WI, and WV. (Hearing site: Columbus, OH, or Baltimore, MD.)

MC 135634 (Sub-11F), filed December 28, 1979. Applicant: J. M. HANEY TRUCKING COMPANY, INC., an Ohio corporation, 4754 Mahoning Ave., Youngstown, OH 44515. Representative: Gilbert J. Green, 4101 W. 42nd Place, Chicago, IL 60632. Transporting (1) *automobile parts, equipment, and supplies*, (2) *internal combustion engines*, (3) *parts* for internal combustion engines, and (4) *steel tubing*, between the facilities of Midas International Corporation at (a) La Mirada, and Woodland, CA, (b) Atlanta, GA, (c) Chicago, IL, (d) Norwood, MA, (e) Bay City, MI, (f) St. Louis, MO, (g) North Brunswick, NJ, (h) Perrysburg, OH, (i) Dallas, TX, and (j) Hartford, WI, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Midas International Corporation of Chicago, IL. (Hearing site: Chicago, IL, or Columbus, OH.)

MC 138875 (Sub-263F), filed December 28, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same as applicant). Transporting *doors, and materials, equipment, and accessories* used in the installation and repair of doors, from points in IA, to points in ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-264F), filed December 28, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same as applicant). Transporting *cans*, from points in WA, to points in MI. (Hearing site: Portland, OR, or Boise, ID.)

MC 138875 (Sub-265F), filed December 28, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same as applicant). Transporting *frozen foods* (except commodities in bulk, and except meats, meat products, and meat by-products, and articles distributed by meat-packing houses, as described in sections A and C of Appendix to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766), and *Potato products* (except frozen), from Clearfield, UT, to points in AL, AR, CT, DC, DE, FL, GA, IN, KY, LA, MA, MD, MI, MS, NC, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, and WV. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-266F), filed December 28, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same as applicant). Transporting (1) *plastic and plastic articles*, and (2) *materials and supplies* used in the manufacture and distribution of plastic and plastic articles, between the facilities of Mobil Chemical Co., in IL, on the one hand, and, on the other, points in the United States (except AK, and HI), restricted in (1) and (2) above, (a) against the transportation of commodities in bulk), and (b) to traffic originating at or destined to the named points. (Hearing site: Dallas, TX, or Washington, DC.)

MC 140464 (Sub-8F), filed January 4, 1980. Applicant: D–X TRUCKING, INC., 5660 Southwyck Blvd., Ste. P, Toledo, OH 43614. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting (1) *flat glass*, from the facilities of Guardian Industries Corp., at or near Corsicana, TX, to points in the United States (except AK, and HI), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of flat glass (except commodities in bulk), in the reverse direction. (Hearing site: Toledo, OH, or Washington, DC.)

MC 140635 (Sub-25F), filed January 6, 1980. Applicant: ADAMS LINES, INC., 2619 N. St., Omaha, NE 68107. Representative: John L. Hornung (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Minden Beef Company, at or near Minden, NE, to points in KS and MO, restricted to traffic originating at the named origins and destined to named destinations. (Hearing site: Omaha, NE.)

MC 140665 (Sub-82F), filed December 31, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *Water heaters, solar heating units, and parts and accessories* for water heaters and solar heating units, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Johnson City, TN, Cleveland, OH, and Santa Monica, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Cleveland, OH.)

MC 141205 (Sub-43F), filed December 28, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a corporation, 600 South Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier* transporting *crude oil, scrubber oil, and scrubber oil condensate,* from points in Williams County, ND, to the pipeline injection station of Portal Pipeline, near Stanley, ND, the Reserve Station of Portal Pipeline near Plentywood, MT, the Butte Pipeline injection station, near Baker, MT, the Donkey Creek Pipeline injection station, near Gillette, WY, and the Kenco refinery at Wolf Point, MT, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141804 (Sub-334F), filed January 7, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *canned or preserved foods,* from Tacoma, WA, to Mt. Summit, IN. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-343F), filed January 7, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *general commodities* (except foodstuffs, meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, articles of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), from the facilities used by Seaport Cooperative, Inc., at or near Portland, OR, to points in the United States (except AK, HI, and OR). (Hearing site: Los Angeles, CA.)

MC 142715 (Sub-83F), filed December 27, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *meats, meat products and meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities used by Farmland Foods, Inc., at (a) Carroll, Cherokee, Denison, Des Moines, Ft. Dodge, Iowa Falls, and Sioux City, IA, and (b) Crete, Lincoln, and Omaha, NE, to those points in the United States in and east of MN, WI, IL, KY, TN and AL, restricted to traffic originating at the named origins and destined to the described destinations. (Hearing site: Omaha, NE or St. Paul, MN.)

MC 142715 (Sub-84F), filed December 27, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *meats, meat products* and *meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Ft. Dodge and Spencer, IA, and Fremont and Schuyler, NE, to those points in the United States in and east of MN, WI, IL, KY, TN and AL, restricted to traffic originating at the named origins and destined to the decribed destinations. (Hearing site: Omaha, NE, or St. Paul, MN.)

MC 144305 (Sub-4F), filed December 27, 1979. Applicant: McCAIN TRANSPORT, INC. 5 Wade Road, Washburn, ME 04786. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. *Contract carrier,* transporting (A) *malt beverages,* from Fulton, NY, to Portland, ME, under continuing contract(s) with Nappi Distributors; (B) *such commodities as are dealt in by grocery and food business houses,* from points in MD, MA, MN, NH, NJ, NY, OH, and PA, to points in ME, under continuing contract(s) with Carl W. Smith Food Distributors, Inc.; (C) *fertilizer, fertilizer ingredients, and chemicals* between points in ME, under continuing contract(s) with McCain Fertilizer, a Division of Thomas Equipment, Ltd.; and (D) *fertilizer ingredients and chemicals,* from points in FL, IN, KY, and TN, to ports of entry on the international boundary line between the United States and Canada, located in ME, under continuing contract(s) with McCain Fertilizer a Division of Thomas Equipment, LTD. (Hearing site: Portland, ME, or Boston, MA.)

MC 145435 (Sub-8F), Filed December 28, 1979. Applicant: WESTERN AG INDUSTRIES, INC., 2750 North Parkway, Fresno, CA 93771. Representative: Roland J. Mefford (same address as applicant). Transporting *floor coverings,* between points in GA, IL, NJ, AZ, and CA, under continuing contract(s) with the Butler Johnson Corp., of Sacramento, CA. (Hearing site: Los Angeles, CA.)

MC 145904 (Sub-25F), filed December 31, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Roger D. Herman (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Chicago, IL and points in its commercial zone to points in IA and NE, restricted to traffic originating at the facilities used by Crooks Terminal Warehouses, Inc., at the named origins and destined to the named destinations. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 146265 (Sub-6F), filed December 27, 1979. Applicant: JAMES L. ENGLAND, d.b.a. JIM ENGLAND TRUCKING, 3905 Shamrock Dr., Huntsville, AL 35810. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309. *Contract carrier,* transporting *plastic film wrapping,* from Huntsville, AL, to those points in the United States in and east of TX, OK, KS, NE, IA, and MN, under continuing contract(s) with R.J.R. Filmco, Inc., of Huntsville, AL. (Hearing site: Birmingham, AL or Atlanta, GA.)

MC 146435 (Sub-3F), filed January 4, 1980. Applicant: SMITH TRUCK

BROKERAGE, INC., P.O. Box 974, Willmar, MN 56201. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *building materials (except commodities in bulk),* between Cuyahoga Falls, Wadsworth and West Salem, OH, on the one hand, and, on the other, points in ID, MN, MT, ND, OR, SD, UT, WA, and WY. (Hearing site: Minneapolis, or Saint Paul, MN.)

MC 148475 (Sub-2F), filed January 8, 1979. Applicant: E & B TRANSPORTATION CO. INC., P.O. Box 543, Providence, RI 02901. Representative: Samuel L. Watts, TDS, Inc., 54 Middlesex Turnpike, Burlington, MA 01803. *Contract carrier,* transporting (1) *wire, wire products, and iron and articles,* and (2) *materials* and *supplies* used in the application of the commodities in (1) above, between East Greenwich, RI, on the one hand, and on the other points in MA and CT, under continuing contract(s) with Bostitch Division, Textron, Inc. (Hearing site: Providence, RI or Boston, MA.)

Note.—Dual operations may be involved.

MC 148755 (Sub-1F), filed December 28, 1979. Applicant: WILLIAM E. SMITH, 5805 N.W. 54th Court, Des Moines, IA 50323. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Contract carrier,* transporting *fertilizers, feeds,* and *feed ingredients* (except commodities in bulk, in tank vehicles), (1) between the facilities of Man-an-so, at or near (a) Fremont, NE, and (b) Nevada, Oskaloosa and Plainfield, IA, on the one hand, and, on the other, points in IA, IL, and MN, and (2) from Ft. Worth, TX, Florence, CO, and Waterloo and Chicago, IL to Fremont, NE, and points in IA, IL, and MN, under continuing contract(s) in (1) and (2) with Man-an-so, of Nevada, IA. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 149004 (Sub-2F), filed December 28, 1979. Applicant: WHITE BROS., INC., R.R. #1, Box 566, Oakwood Station, Hannibal, MO 63401. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. *Contract carrier,* transporting (A) *processed oil,* in bulk in tank vehicles, from Tulsa, OK, to Hannibal, MO, (B) *carbon black,* in containers, from Franklin and Ville Platte, LA, to Hannibal, MO., and (C) *crude synthetic rubber,* from Beaumont, TX, Chicago, IL, and Louisville, KY, to Hannibal, MO, under continuing contract(s) in (A), (B), and (C) with Huntington Rubber Company of Hannibal, MO. (Hearing site: Hannibal or St. Louis, MO.)

MC 149055 (Sub-2F), filed December 27, 1979. Applicant: S. TRAUTNER TRANSPORT, INC., 56 Old Colony Rd., Wellesley Hills, MA 02181. Representative: George C. O'Brien, 12 Vernon St., Norwood, MA 02062. Transporting *scrap metals* and *junk motor vehicles,* between points in MA (except Berkshire County), and points in RI and CT. (Hearing site: Boston, MA.)

MC 149144 (Sub-1F), filed January 2, 1980. Applicant: SCHIERDING TRUCKING CO., a corporation, 3690 West Clay, St. Charles, MO 63301. Representative: James Schierding (same address as applicant). Transporting *malt beverages,* in containers, from Milwaukee, WI, Perry, GA, Ft. Wayne, IN, and St. Louis, MO, to St. Charles, Union and St. Louis, MO, and Peoria, IL. (Hearing site: St. Louis or Jefferson City, MO.)

Volume No. 131

Decided: April 7, 1980

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 98112 (Sub-19F), filed January 28, 1980. Applicant: C. F. KOLB TRUCKING CO., INC., Rural Route 1, Box 294, Mt. Vernon, IN 47620. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market St., Indianapolis, IN 46204. Transporting *building materials,* and *materials and supplies* used in the manufacture, distribution, and installation of building materials (except commodities in bulk, in tank vehicles), between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of GAF Corp. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 20992 (Sub-61F), filed January 28, 1980. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *iron and steel articles,* from the facilities of North Star Steel Company, at St. Paul, MN, to points in WI, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Minneapolis, MN.)

MC 32882 (Sub-138F), filed February 4, 1980. Applicant: MITCHELL BROS. TRUCK LINES, an Oregon corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Transporting *lumber, lumber mill products, wood products, and composition board* between points in WA, OR, CA, AZ, NV, NM, UT, ID, MT, WY and CO. (Hearing site: Portland, Oregon.)

MC 57992 (Sub-7F), filed January 7, 1980. Applicant: SEWELL MOTOR EXPRESS, INC., 149 South Mulberry St., Wilmington, OH 45177. Representative: Joe F. Asher, 88 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except those of unusual value, and classes A and B explosives), between points in Clinton County, OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI MN, MS, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Columbus or Dayton, OH.)

Note.—Applicant states it could tack with regular-route authority currently held to serve small portions of MI, IN, PA, WV, KY, VA, and TN.

MC 57992 (Sub-8F), filed January 8, 1980. Applicant: SEWELL MOTOR EXPRESS, INC., 149 South Mulberry St., Wilimington, OH 45177. Representative: Joe F. Asher, 88 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except those of unusual value and classes A and B explosives), between points in Fayette County, OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY , LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Columbus or Dayton, OH.)

Note.—Applicant states it could tack with regular-route authority currently held to serve small portions of MI, IN, PA, WV, KY, VA, and TN.

MC 58902 (Sub-19F), filed January 24, 1980. Applicant: MANLEY TRANSFER COMPANY, INC., P.O. Box 1575 SSS, Springfield, MO 65806. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave. Suite 600, Kansas City, MO 64105. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Joplin, MO, and Fort Smith, AR, over U.S. Hwy 71, serving all intermediate points and the off-route points in Newton and McDonald Counties, MO, and Benton, Washington, Crawford, and Sebastian Counties, AR; (2) between Sprinfield, MO, and junction U.S. Hwys 60 and 71, over U.S. Hwy 60, serving all intermediate points; (3) between Tulsa, OK and Fort Smith, AR, over U.S. Hwy 64, serving no intermediate points and serving junction U.S. Hwys 64 and 69 for purposes of joinder only; (4) between Neosho, MO, and Miami, OK: from Neosho over U.S. Hwy 71 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction MO Hwy 43, then over MO Hwy 43 to junction MO County Hwy U,

then over MO County Hwy U to the MO–OK State line, then over OK Hwy 10 C to junciton OK Hwy 10, then over OK Hwy 10 to Miami, and return over the same route, serving no intermediate points; (5) between Springdale, AR and Tulsa, OK, from Springdale over AR Hwy 68 to junction OK Hwy 33, then over OK Hwy 33 to Tulsa, and return over the same route, serving all intermediate points in AR, and the junciton of OK Hwy 33 and U.S. Hwy 69 for purpose of joinder only; (6) between Muskogee, OK, and junction U.S. Hwys 69 and 66, over U.S. Hwy 69, serving junction U.S. Hwys 69 and 66 and junction OK Hwy 33 and U.S. Hwy 69 for the purpose of joinder only and serving Muskogee for purposes of joinder only; (7) between Joplin, MO and Little Rock, AR: from Joplin over U.S. Hwy 71 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 65, then over U.S. Hwy 65 to Little Rock, and return over the same route, serving all intermediate points; (8) between Sprinfield, MO, and Little Rock, AR, over U.S. Hwy 65, serving all intermediate points; (9) Fort Smith and Little Rock, AR: from Fort Smith over U.S. Hwy 64 to junciton U.S. Hwy 65, then over U.S. Hwy 65, to Little Rock, and return over the same route, serving all intermediate points; and (10) between Fort Smith and Little Rock, AR, from Fort Smith over AR Hwy 22 to junction AR Hwy 7, then over AR Hwy 7 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction U.S. Hwy 65, then over U.S. Hwy 65 to Little Rock and return over the same route, serving all intermediate points. (Hearing site: Kansas City, MO.)

Note.—Applicant will tack with other regular-route authority in MO, KS, and OK.

MC 61592 (Sub-482F), filed January 2, 1980. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O Box 737, Moline, IL 61265. Transporting *such commodities* as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers (except commodities in bulk), between Armstrong, IA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Chicago, IL.)

MC 61592 (Sub-483F), filed January 17, 1980. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *aircraft ground support equipment*, from Litchfield, Minneapolis, and Glenwood, MN, and Fargo, ND, to points in the United States (except AK and HI); (2) *feed equipment and supplies* (except commodities in bulk), from points in AL, GA, IN, IL, IA, KS, MI, MN, MS, MO, MT, NE, OH, and TX, to points in MT, ID, and WY; (3) *agricultural, industrial, and construction equipment*, and *attachments, accessories, and parts* for agricultural, industrial, and construction equipment (except commodities in bulk), from Walhalla, ND, to points in the United States (except AK and HI); (4) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (3) above (except commodities in bulk), from points in the United States (except AK and HI) to Walhalla, ND; (5) *industrial and construction machinery and equipment, materials, and supplies* used in the manufacture and distribution of industrial and construction machinery (except commodities in bulk) (a) from the facilities of Auburn Consolidated Industries at or near Auburn, NE, to points in Los Angeles County, CA, Dallas County, TX, Mecklenburg County, NC, Hinds County, MS, and Gwinnett County, GA, and (b) from points in Mahoning County, OH, Lake County, IN, and Cook County, IL, to the facilities of Auburn Consolidated Industries at or near Auburn, NE. (Hearing site: Chicago, IL.)

MC 63562 (Sub-68F), filed January 24, 1980. Applicant: BN TRANSPORT, INC., 6775 East Evans Ave., P.O. Box 22694–Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *lumber and wood products*, (1) between points in MT, ID, WA, OR, and WY, and (2) from the States named in (1) above to points in ND, SD, CO, NE, KS, MO, IA, MN, WI, IL, IN, MI, and OH. (Hearing site: Spokane or Seattle, WA.)

MC 69292 (Sub-10F), filed January 10, 1980. Applicant: ATLAS TRANSPORTATION, INC., 8100 Stansbury Rd., Baltimore, MD 21222. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. Transporting *newsprint paper*, in rolls, from Alexandria, Richmond, Norfolk, and Newport News, VA, and Baltimore, MD to points in NC, VA, PA, DE, NJ, NY, MD, and DC. (Hearing site: Washington, DC.)

MC 71652 (Sub-42F), filed January 28, 1980. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Representative: David J. Stewart (same address as applicant). Transporting (1) *building materials*, and (2) *construction equipment, materials, and supplies*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: San Francisco, CA or Medford, OR.)

MC 95813 (Sub-15F), filed February 15, 1980. Applicant: SHUMAKER TRUCKING COMPANY, 601 U.S. Route 15 North, Dillsburg, PA 17019. Representative: J. Bruce Walter, Rhoads, Sinon & Hendershot, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Transporting *refractories and refractory products and supplies*, (1) from Baltimore, MD to points in PA on and west of U.S. Hwy 219 and on the south of U.S. Hwy 80, (2) from Baltimore and Leslie, MD, to points in OH in and east of Lorain, Medina, Wayne, Tuscarawas, Harrison and Belmont counties, (30 from Windham, OH, to points in CT, DE, MD, NJ and PA, and (4) from Templeton, PA, to points in DE, MD, NJ and Philadelphia, PA, with traffic destined to Philadelphia restricted to that having a subsequent movement by water. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 96992 (Sub-25F), filed January 25, 1980. Applicant: HIGHWAY PIPELINE TRUCKING CO., a corporation, P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. Transporting *meats, meat products, and meat by-products, and articles distributed by meatpacking houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Chicago, IL to points in TX, LA, and CA. (Hearing site: Chicago, IL.)

MC 103993 (Sub-1028F), filed January 4, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani, (same address as applicant). Transporting *buildings, building panels, and building parts*, and *materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), between the facilities of Butler Manufacturing Company at San Marcos, TX, on the one hand, and on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Butler Manufacturing Company located at San Marcos, TX. (Hearing site: Chicago, IL.)

MC 103993 (Sub-1032F), filed January 31, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani, attorney at law (same address as applicant). Transporting

glass and accessories from the facilities of Pittsburgh Corning Corporation at or near Port Allegany, PA, and Sedalia, MO, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Pittsburgh, PA.)

MC 103993 (Sub-1033F), filed January 31, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani, attorney at law (same address as applicant). Transporting *iron and steel articles* from the facilities of Feralloy Corporation at or near Chicago, IL, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 103993 (Sub-1034F), filed January 311980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani, attorney at law (same address as applicant). Transporting (1) *reinforced concrete products*, and (2) *parts and accessories* for reinforced concrete products between the facilities of Trenwa Products, Inc., at or near Cincinnati, OH, Leesburg, FL, North Brookfield, MA, Rosemount, MN, Tulsa, OK, Georgetown, TX, Denver, CO, and Warsaw, KY, on the one hand, and on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Cincinnati, OH.)

MC 104832 (Sub-13F), filed January 7, 1980. Applicant: HOLMAN TRANSFER CO., a corporation, 49 S.E. Clay, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Transporting *scrap metals*, from the facilities of Martin Marietta Aluminum, Inc., at or near Cliffs, WA, to Portland, OR. (Hearing site: Portland, OR.)

MC 105813 (Sub-270F), filed February 19, 1980. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *foods and foodstuffs* (except commodities in bulk), from points in FL to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Orlando, FL.)

MC 107002 (Sub-569F), filed January 21, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. Transporting *hydrogen peroxide*, in bulk, in tank vehicles, from Memphis, TN, to points in the United States (except AK and HI). (Hearing site: Memphis, TN.)

MC 107002 (Sub-570F), filed January 21, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. Transporting *chemicals*, in bulk, in tank vehicles, from Tuscaloosa, AL, to points in NE, ND, SD, and OH. (Hearing site: Birmingham, AL.)

MC 107403 (Sub-1309F), filed January 8, 1980. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *liquid chemicals and petroleum products*, in bulk, in tank vehicles, from the facilities of Basf–Wyandotte in Wayne County, MI, to points in AL, CA, CT, DE, GA, IL, IN, IA, KY, MA, MD, ME, MN, MO, MS, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, UT and WI. The sole purpose of this application is to substitute single line for joint line operations. (Hearing site: Washington, DC.)

MC 107403 (Sub-1316F), filed February 1, 1980. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same address as applicant). Transporting *dry chemicals*, in bulk, in tank vehicles, from Baton Rouge, LA, to points in AZ, CA, CO, DE, ID, IN, IA, KS, MD, MN, MO, MT, NB, NV, NM, ND, OR, SD, UT, WA, WI and WY. (Hearing site: Washington, DC.)

MC 111812 (Sub-715F), filed January 25, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *water clarifying, hardening, purifying and softening compounds* (except liquid commodities and those in bulk), from the facilities of Diamond Shamrock Corporation at or near Oakland, Redwood City, and San Leandro, CA, to points in IL, IN, IA, KS, KY, MN, MO, NE, ND, OH, SD, and WI, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: San Francisco, CA.)

MC 112713 (Sub-298F), filed January 4, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: John M. Records (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under 49 U.S.C. § 10102(8), between San Antonio and Brownsville, TX: from San Antonio over U.S. Hwy 181 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route, serving no intermediate points. (Hearing site: Kansas City, MO or Washington, DC.)

MC 114552 (Sub-250F), filed January 24, 1980. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting (1) *newsprint paper*, from points in Laurens County, GA, to points in ND, SD, NE, MN, IA, WI, MI, NJ, NY, CT, VT, MA, NH, ME, RI, and DE; and (2) *waste paper, cores*, and *materials, supplies, and equipment* used in the manufacture of newsprint paper, in reverse direction. (Hearing site: Columbia, SC or Atlanta, GA.)

MC 115353 (Sub-43F), filed January 25, 1980. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a corporation, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier*, transporting *expanded plastic products*, from the facilities of Dow Chemical Company at Carteret, NJ, to points in MA, RI, CT, NY, DE, PA, WV, MD, VA, and DC, under continuing contract(s) with Dow Chemical Company, of Carteret, NJ. (Hearing site: New York, NY.)

MC 118803 (Sub-16F), filed January 4, 1980. Applicant: ATLANTIC TRUCK LINES, INC. 45 Gilpin Avenue, Hauppauge, NY 11787. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier*, transporting *such commodities* as are dealt in or used by manufacturers and distributors of construction materials (except commodities in bulk), between the facilities of Revere Aluminum Building Products, Inc., and Maywood Manufacturing Corporation, at Blacksburg, VA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, NE, KS, OK, and TX, under continuing contract(s) with Maywood Manufacturing Corp., of Blacksburg, VA, and Revere Aluminum Building Products, Inc., of Hauppauge, NY. (Hearing site: New York, NY or Washington, DC.)

MC 119012 (Sub-18F), filed January 25, 1980. Applicant: RIVER TERMINALS TRANSPORT, INC., 202 George St., Aurora, IN 47001. Representative: Fred Schmits (same address as applicant). Transporting (1) *concrete block*, from the facilities of C-Block of Ohio, Inc., in OH, and the facilities of C-Block of Indiana, Inc., in IN, to points in OH, IN,

KY, and WV; and (2) *Steel and brick*, from points in IN and OH to the facilities named in (1) above. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119702 (Sub-76F), filed January 8, 1980. Applicant: STAHLY CARTAGE CO., a corporation, 119 S. Main Street, Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *liquid fertilizer*, in bulk, in tank vehicles, from Fort Madison, IA, and points within 10 miles of Fort Madison, IA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Chicago, IL.)

MC 123272 (Sub-45F), filed January 25, 1980. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Ave., Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by manufacturers of glass and glass products, between points in IL, IN, FL, MN, OH, NJ, and PA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and NM, restricted to traffic originating at or destined to the facilities of the Anchor Hocking Corporation. (Hearing site: Chicago, IL.)

MC 123872 (Sub-115F), filed January 2, 1980. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). Transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from points in CA to points in GA, MD, NC, SC, TN, VA, and DC. (Hearing site: Los Angeles, CA or Washington, DC.)

Note.—Dual operations may be involved.

MC 124333 (Sub-33F), filed January 4, 1980. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. *Contract carrier*, transporting *fuel oils*, from Marcus Hook, PA to Dover, DE, under continuing contract(s), with the City of Dover, DE. (Hearing site: Washington, DC.)

MC 124692 (Sub-327F), filed January 28, 1980. Applicant: SAMMONS TRUCKING, a corporation, P.O. box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1) *construction materials* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of The Celotex Corporation at or near Tracy, CA, on the one hand, and, on the other, those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: San Francisco, CA.)

MC 124813 (Sub-223F), filed January 2, 1980. Applicant: MUTHUN TRUCKING CO., a corporation, 910 South Jackson, St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA, 50309. Transporting (1) *railroad crossties*, from points in IL, MO, and WI, to Boone, IA, (2) *pallets*, from Burlington and West Point, IA, to Chicago, IL, and (3) *prestressed and precast concrete products*, from Savage, MN, to points in IL, IN, IA, MI, ND, SD, and WI. (Hearing site: St. Paul, MN, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 125433 (Sub-383F), filed February 14, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, (same address as applicant). Transporting *plastic articles and styrofoam articles* (except in bulk), from points in AZ to points in the United States (except AK and HI). (Hearing site: Phoenix AZ.)

MC 125433 (Sub-385F), filed February 15, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *beverage preparation agents and citrus powers*, (except in bulk, in tank vehicles), from Corona, CA, to Chicago, IL, Berwick, PA, Jersey City, NJ, Forest Park, GA, and Jacksonville, FL. (Hearing site: Los Angeles, CA.)

MC 125433 (Sub-388F), filed February 1, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *multiple hearth furnaces*, and (2) *equipment, materials*, and *supplies* used in the manufacture, distribution and assemblage of the commodities in (1), between the facilities of BSP Division of Envirotech Corporation at or near Belmont, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of BSP Division Envirotech Corporation. (Hearing site: San Francisco, CA.)

MC 127042 (Sub-293F), filed February 8, 1980. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis, Director of Traffic (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Sterling Colorado Beef at or near Sterling and Denver CO to points in IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Denver, CO.)

MC 128573 (Sub-12F), filed January 3, 1980. Applicant: BARNETT TRUCK LINES, INC., 3404 Wheat Street, Kinston, NC 28501. Representative: Vaughan S. Winborne, Attorney, 1108 Capitol Club Building, Raleigh, NC 27601. Transporting *lumber and lumber mill products, forest products, wood products, and sawmill products* between points in NC, VA, MD, DC, WV, KY, TN, SC and GA. (Hearing site: Raleigh, Greensboro, or Charlotte NC.)

MC 130513 (Sub-1F), filed November 15, 1979. Applicant: FRANK SHERMAN, d.b.a. CARTER TOURS AND DOCKSIDE TRAVEL AGENCY, Box 523 Deale Road, Deale, MD 20751. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW, Washington, D.C. 20004. Transporting *passengers and their baggage*, in special operations, beginning and ending at points in Arlington, Fairfax, and Prince William Counties, VA, the City of Alexandria, VA, and points in Prince Georges, Anne Arundel, Montgomery, Howard, and Charles Counties, MD, and the District of Columbia, and extending to points in the United States (including AK but excluding HI.) (Hearing site: Washington, DC.)

MC 133233 (Sub-71F), filed January 9, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Contract carrier, transporting *stone, stone aggregates, and stone whiting*, from Wheatland, WY, to points in the United States (except AK, and HI), under continuing contract(s) with Basins Engineering Co., Inc., of Wheatland, WY. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 134833 (Sub-1F), filed January 22, 1980. Applicant: PRICE TRUCKING CORP., 67 Beacon Street, Buffalo, NY 14220. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, New York 14202. *Contract carrier*, transporting (1) *newsprint and printed material*, from the facilities of Greater Buffalo Press, Inc., at or near (a) Buffalo and Dunkirk, NY, and (b) Wilkes

Barre, PA, to points in the United States (except AK and HI), and (2) *materials, supplies, and equipment* used in the manufacture, sale, or distribution of printed material, in the reverse direction, under continuing contract(s) with Greater Bufflo Press, Inc. (Hearing site: Buffalo, NY.)

MC 133233 (Sub-71F), filed January 9, 1980. Applicant: CLARENCE L. WERNER, d.b.a WERNER ENTERPRISES, I–80 and Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Contract carrier, transporting *stone, stone aggregates, and stone whiting,* from Wheatland, WY, to points in the United States (except AK, and HI), under continuing contract(s) with Basins Engineering Co., Inc. of Wheatland, WY. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 134833 (Sub-1F), filed January 22, 1980. Applicant: PRICE TRUCKING CORP., 67 Beacon Street, Buffalo, NY 14220. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. *Contract carrier,* transporting (1) *newsprint and printed material,* from the facilities of Greater Buffalo Press, Inc., at or near (a) Buffalo and Dunkirk, NY, and (b) Wilkes Barre, PA, to points in the United States (except AK and HI), and (2) *materials, supplies, and equipment* used in the manufacture, sale, or distribution of printed material, in the reverse direction, under continuing contract(s) with Greater Buffalo Press, Inc. (Hearing site: Buffalo, NY.)

MC 134872 (Sub-17F), filed January 24, 1980. Applicant: GOSSELIN EXPRESS, LTD., 141 Smith Blvd., Thetford Mines, Quebec, Canada G6G 5R7. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. In foreign commerce only, transporting (1) *motorcycles,* from the ports of entry on the international boundary line between the United States and Canada in MI, NY, VT, and ME, to Duluth, MN, and (2)(a) *lawnmowers, tractors* (except highway tractors), *snow blowers, and hand-operated rotary tillers,* (b) *parts* for self-propelled machinery, and (c) *attachments* for the tractors in (2)(a) above, from the facilities of Simplicity at Port Washington, WI, to the ports of entry on the international boundary line between the United States and Canada located at Champlain, NY, and Detroit and Sault St. Marie, MI. (Hearing site: Albany or Plattsburg, NY.)

MC 134922 (Sub-318F), filed January 8, 1980. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers (except commodities in bulk), between points in the United States (except AK and HI.) (Hearing site: Tampa, FL.)

MC 135732 (Sub-42F), filed January 10, 1980. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove St., Elizabeth, NJ 07202. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *paints and waxes,* and *materials, equipment, and supplies* used in the manufacture, sale, and distribution of paints and waxes (except commodities in bulk), (1) between the facilities of the Minwax Company, Inc., at (a) Flora, IL, and (b) in NC, on the one hand, and, on the other, Sparks, NV, and points in CA, (2) between the facilities of Minwax Company, Inc., at Sparks, NV, on the one hand, and on the other, points in CA, and (3) between points in NC, on the one hand, and, on the other, Flora, IL. (Hearing site: New York, NY or Washington, DC.)

MC 138762 (Sub-52F), filed January 22, 1980. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. In foreign commerce only, transporting *polyvinyl chloride,* in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada in NY to Dover, DE. (Hearing site: Cleveland, OH.)

MC 138882 (Sub-343F), filed January 8, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *such commodities* as are dealt in by wholesale battery and golf cart distributors (except commodities in bulk, in tank vehicles), between the facilities of Dynacraft Corporation at or near Troy, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery or Birmingham, AL.)

MC 139642 (Sub-5F), filed January 11, 1980. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 9 East Fourth, Suite 305, Tulsa, OK 74103. Contract carrier transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Rouses Point, NY, and Swanton, VT, to points in AR, IL, IN, KS, KY, MI, MD, OK, OH, TN, and TX, under continuing contract(s) with Champlain Valley International Shippers and Receivers, Inc., of Rouses Point, NY. (Hearing site: Tulsa or Oklahoma City, OK.)

Note.—Dual operations may be involved.

MC 141532 (Sub-63F), filed January 8, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *roofing materials* from Stroud, OK, to points in CO and NM. (Hearing site: San Francisco, CA.)

MC 142592 (Sub-7F), filed January 2, 1980. Applicant: H. L. STANSELL, INC., 1221 U.S. Alternate Hwy 19, Palm Harbor, FL 33653. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *fruit juices and frozen foods,* from the facilities of H. P. Hood, Inc., at or near Dunedin, FL, to points in AZ, CA, CO, ID, NV, NM, OR, UT, and WA. (Hearing site: Tampa or Orlando, FL.)

Note.—Dual operations may be involved.

MC 142672 (Sub-120F), filed January 22, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *bananas,* from Tampa, FL, to points in the United States (except AK, AR, AZ, CA, CO, HI, IA, ID, KS, LA, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY). (Hearing site: Tampa, FL or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 143522 (Sub-2F), filed January 3, 1980. Applicant: CONSOLIDATED CARRIERS, INC., 123 Sunrise Drive, Irwin, PA 15642. Representative: Patrick E. Quinn, 1718 Estrellita Circle, Chattanooga, TN 37421. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Golden State Cooperative Shippers Association, Inc., at or near Oakland, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: San Francisco, CA.)

MC 144122 (Sub-70F), filed February 8, 1980. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Transporting *crude synthetic rubber, petroleum products,* and

chemicals (except commodities in bulk), (1) from Baton Rouge, LA, and Houston, TX, to points in IL, IN, and OH, and (2) from points in LA and TX to points in CA, WA, OR, and MD. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 144122 (Sub-71F), filed February 15, 1980. Applicant: CARRETTA TRUCKING, INC., S. 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta; S. 160 Route 17 North, Paramus, NJ 07652. Transporting *such commodities* as are dealt in or used by a manufacturer of paper and paper products (except commodities in bulk), from the facilities used by Georgia Pacific Corp., at (a) St. Louis, MO, and (b) Gary, IN, to points in VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Chicago, IL; Washington, DC.)

Note.—Dual operations may be involved.

MC 144303 (Sub-15F), filed January 21, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., U.S. Highway 25S, P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Contract carrier*, transporting (1) *paints*, and *caulking compounds;* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of United Coatings, Inc., at or near (a) Charlotte, NC, (b) Chicago, IL, (c) Indianapolis, IN, and (d) Memphis, TN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with United Coatings, Inc., of Chicago, IL. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144513 (Sub-15F), filed February 6, 1980. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *solvents and cleaning compounds* (except commodities in bulk), from the facilities of National Solvent Corp., at (a) Medina, OH, and Phoenix, AZ, to points in the United States (except AK and HI), (2) *adhesives*, and *materials, equipment, and supplies* used in the installation of floor coverings (except commodities in bulk), (a) from Columbus, OH, to points in AZ, CA, OR, and WA, and (b) from Dallas, TX, and Cerritos, CA, to points in the United States (except AK and HI), and (3) *materials, equipment and supplies* used in the production and distribution of the commodities named in (1) and (2) above (except commodities in bulk), in the reverse directions. (Hearing site: Cleveland, OH.)

Note.—Dual operations may be involved.

MC 144622 (Sub-132F), filed January 8, 1980. Applicant: GLEN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *fire retardant roofing materials*, between Torrance, CA, on the one hand, and, on the other, points in TX, OK, and AR. (Hearing site: Little Rock, AR, or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 144622 (Sub-133F), filed January 8, 1980. Applicant: GLEN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *foodstuffs, pet foods, and animal feeds*, and (2) *materials and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, between Elwood, KS, St. Joseph, MO, and Garland, and Mansfield, TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Little Rock, AR, or Los Angeles, CA.)

MC 144622 (Sub-134F), filed January 8, 1980. Applicant: GLEN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *flooring, hardwood, and mastic floor cement*, from the facilities of Sikes Flooring, Div. of Masonite, Inc., at Warren, AR, to points in the United States (except AK and HI). (Hearing site: Little Rock, AR, or Washington, DC.)

MC 144622 (Sub-149F), filed February 8, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting *plastic articles, rubber articles, and plastic and rubber articles* (except in bulk), between Irving, TX, on the one hand, and, on the other, points in AZ, CA, CO, FL, ID, IL, IN, KY, MI, MO, MT, NV, NJ, NM, NY, OH, OR, PA, UT, WA, WV, and WY. (Hearing site: Little Rock, AR.)

Note.—Dual operations may be involved.

MC 144622 (Sub-150F), filed February 15, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting *glassware, glass containers*, and *closures* for glass containers, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Libbey Glass Division of Owens-Illinois, Inc. (Hearing site: Little Rock, AR.)

MC 144653 (Sub-3F), filed February 11, 1980. Applicant: A & D HITCHCOCK TRUCKING, INC., 2990 Gramer Rd., Webberville, MI 48892. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *crushed limestone*, in bulk, in dump vehicles, from points in Ottawa County, OH, to points in MI. (Hearing site: Lansing, MI.)

Note.—Dual operations may be involved.

MC 145102 (Sub-48F), filed January 8, 1980. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *meats, meat products, and meat by-products, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by Farmland Foods, Inc., at or near (a) Carroll, Cherokee, Denison, Des Moines, Fort Dodge, Iowa Falls, and Sioux City, IA, and (b) Crete, Lincoln, and Omaha, NE, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Madison, WI or Sioux City, IA.)

Note.—Dual operations may be involved.

MC 145102 (Sub-50F), filed January 2, 1980. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *meats, meat products, and meat by-products, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by Hygrade Food Products Corporation at or near (a) Cherokee, Postville, Sioux City, and Storm Lake, IA, and (b) Omaha, NE to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Madison, WI or Detroit, MI.)

MC 145152 (Sub-171F), filed February 5, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box

706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses* (except hides and commodities in bulk), as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation, at or near (a) Marshall, MO, and (b) Monmouth, IL, to points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 145152 (Sub-174F), filed January 8, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *candy and confectionery*, from the facilities of E. J. Branch & Sons, Inc., at or near Chicago, IL, to points in AR, DE, GA, IA, MD, NJ, NM, NY, OH, OK, PA, TX, and VA. (Hearing site: Chicago, IL or Fayetteville, AR.)

MC 145152 (Sub-175F), filed February 8, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *foodstuffs*, from Humboldt, TN to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of J. Hungerford Smith Company, Inc. (Hearing site: San Francisco, CA or Fayetteville, AR.)

MC 145152 (Sub-176F), filed February 11, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *paper and paper products, casual furniture, and electric lighting fixtures, and (2) equipment, materials and supplies used in the production and distribution of the above products*, (A) from the facilities of Scott Paper Company in (1) WI, to points in AR, FL, IL, IN, IA, KS, MI, MN, MO and OH, (2) Dover, DE, to points in IL, IN, MI, OH, and WI, and (3) Philadelphia, PA, to points in AR, FL, GA, IL, LA, MI, MS, NC, SC, TN and TX, and (B) between the facilities of Scott Paper Company in AR, on the one hand, and, on the other, points in GA, IL, MI, MO, NC, NJ, OH, PA, SC, TN, TX, and WI. (Hearing site: Philadelphia, PA, or Fayetteville, AR.)

MC 145363 (Sub-8F), filed January 24, 1980. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton (same address as applicant). *Contract Carrier*, transporting: building materials, (except commodities in bulk, in tank vehicles), between those points in the United States in and east of ND, SD, NE, CO, and NM, under continuing contract(s) with American Paneling, of Nederland, TX. (Hearing site: Houston, TX or New Orleans, LA.)

MC 145363 (Sub-9F), filed January 11, 1980. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton, P.O. Box 508, Winnfield, LA 71483. *Contract carrier*, transporting *poles, pilings, posts, cross arms, and cross ties*, from Bossier City, LA Texarkana, TX, and Meridian and Columbus, MS, to points AL, AR, IL, IN, KS, KY, LA, MO, MS, OH, TN, and TX, under continuing contract(s) with Kerr-McGee Chemical Corporation, of Oklahoma City, OK. (Hearing site: Oklahoma City, OK.)

MC 145513 (Sub-16F), filed January 25, 1980. Applicant: SERVICE TRANSPORTATION, INC., P.O. Box 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Contract carrier*, transporting, coal, in containers from the facilities of Rynco Industries, Inc., in ID to points in CA, NV, OR, UT, and WA, under continuing contract(s) with Rynco Industries, Inc., of Payette, ID. (Hearing site: Boise, ID.)

MC 145743 (Sub-17F), filed February 2, 1980. Applicant: T.F.S., INC., RR 2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting (1) *canned goods*, from points in CA to points in ND, SD, NE, IA, MN, and WI, (2) *such commodities* as are dealt in by grocery businesses, from Minneapolis, MN, to points in Hall County, NE. (Hearing site: Lincoln, NE or Minneapolis, MN.)

MC 146203 (Sub-1F), filed January 30, 1980. Applicant: ERNEST C. LADNER, INC., 12921 Keith Place, Tustin, CA 92680. Representative: Ernest C. Ladner (same address as applicant). *Contract carrier*, transporting *canned goods and preserved foodstuffs*, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in AZ and NM, under continuing contract(s) with Case-Swayne Co., Inc., of Santa Ana, CA. (Hearing site: Los Angeles or San Diego, CA.)

MC 146753 (Sub-6F), filed February 4, 1980. Applicant: SAM YOUNG, INC. P.O. Box 337, Wolcott, IN 47995. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *plastic articles*, from the facilities of Gutman Plastics, Inc., in Kings County, NY, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 146892 (Sub-11F), filed February 4, 1980. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, those requiring the use of special equipment, and classes A and B explosives), between Cincinnati, OH, on the one hand, and, on the other, points in KY, TN, MI, IN, PA, OH, WV, VA, and IL. (Hearing site: Cincinnati, OH.)

MC 146892 (Sub-12F), filed February 4, 1980. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting (1) *such commodities* as are dealt in or used by manufacturers of food processing equipment and safe deposit boxes and vaults (except in bulk), between Hillsboro, OH, on the one hand, and, on the other, points in the United States (except AK and HI), (2) *such commodities* as are dealt in or used by manufacturers of fencing and conveyors (except in bulk), between Mt. Sterling, OH, on the one hand, and, on the other, points in the United States (except AK and HI), (3) *such commodities* as are dealt in or used by manufacturers of display cases and accessories thereto (except in bulk), between Fayetteville, OH, on the one hand, and, on the other, points in the United States (except AK and HI), and (4) *boat anchors, metal tent stakes, outdoor grills, and commodities* used in their manufacture or distribution (except in bulk), between Greenfield, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cincinnati, OH.)

MC 147043 (Sub-2F), filed February 15, 1980. Applicant: JAMES LOWELL BERGEN, d.b.a. BERGEN'S TRUCKING COMPANY, 1045 W. Rialto Ave., Rialto, CA 92376. Representative: James L. Bergen (same address as applicant). Transporting *general commodities* (except commodities in bulk) between points in Los Angeles, Orange, Riverside, and San Bernardino Counties, CA, on the one hand, and, on the other, Idyllwild, CA. Condition: To the extent

any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: San Bernardino or Los Angeles, CA.)

MC 148023 (Sub-2F), filed January 14, 1980. Applicant: RAY HACKE d.b.a., HACKE TRUCKING, 3742 Wadsworth Road, Waukegan, IL 60085. Representative: Joel H. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Contract carrier,* transporting *radioactive waste and radioactive waste shipping containers,* between Barnwell, SC, Beatty, NV, and Richland, WA, on the one hand, and, on the other, Palo, IA, Morris, Cordova, Zion, Braidwood, Byron, Seneca, Clinton, and Batavia, IL, and Bridgeman, MI, under continuing contract(s) with Hittman Nuclear and Development Corp. Condition: Any permit issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: Chicago, IL.)

MC 148083 (Sub-2F), filed February 5, 1980. Applicant: ROBERT W. SELLARS d.b.a. SELLARS TRANSPORT SERVICE, 1620 Parnell Drive, Eugene, OR 97404. Representative: Robert W. Sellars (same address as applicant). Transporting (1) *lumber,* and *wook components* for buildings, from points in WA and OR to points in AZ, CA, and NV, and (2) *chemicals and ground minerals,* in containers, from Los Angeles, San Francisco, Dunn, Baker, Lompoc, Lucerne Valley, Newark, Emeryville, Berkeley, Victorville, and McKittrick, CA, and Basalt, Colada, Cypress Mines, and Winnemucca, NV, to points in ID, OR, and WA. (Hearing site: Portland, OR or Los Angeles, CA.)

MC 148583 (Sub-4F), filed February 8, 1980. Applicant: LOOP CARTAGE, INC., 1818 North Commerce, Milwaukee, WI 53212. Representative: Lawrence P. Kahn, 161 West Wisconsin Ave., Suite 5170, Milwaukee, WI 53203. Transporting *plumbing fixtures and fittings, electric generators, and internal combustion engines,* between the facilities of The Kohler Company in Sheboygan County, WI, on the one hand, and, on the other, Chicago, IL, Milwaukee, WI, and points in Waukesha County, WI. (Hearing site: Milwauke, WI.)

MC 148736 (Sub-2F), filed February 11, 1980. Applicant: GRIBBLE BROS. RENTAL SERVICE, INC., 4958 Atlanta Road S.E., Smyrna, GA 30080. Representative: W. H. Gribble, Jr., 192 Pine Lake Drive N.W., Atlanta, GA 30327. Transporting *forest products, lumber, cedar shingles,* and *particleboard,* between Atlanta, GA, on the one hand, and, on the other, points in TN, AL, SC, and GA. (Hearing site: Atlanta, GA.)

MC 148752 (Sub-2F), filed January 21, 1980. Applicant: H & H SERVICES, INC., P.O. Box 155, Rock Springs, WY 82901. Representative: Burke & Horn P.C., Suite 200, City Ctr. Bldg., Casper, WY 82601. Transporting (1) *materials, 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, and (2) *materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in UT, ID, WY, NE, CO, NM, MT, SD, and ND, restricted against the transportation of complete oil drilling rigs. (Hearing site: Casper or Cheyenne, WY.)

MC 148852 (Sub-3F), filed January 24, 1980. Applicant: LINDSEY M. ROBISON, d.b.a. MIDWEST CARPET CARRIERS, 1312 S. Glenstone, Springfield, MO 65804. Representative: Lindsey M. Robison (same address as applicant). Transporting (1) *artificial flower products,* between points in Polk County, MO, on the one hand, and, on the other, points in GA, and (2) *floor and wall coverings,* and *materials and supplies* used in the installation of floor and wall coverings, (a) between points in AR and MO, on the one hand, and, on the other, points in AL, GA, MS, and TN, and (b) between points in Greene County, MO, on the one hand, and, on the other, points in AR. (Hearing site: Kansas City or St. Louis, MO.)

MC 149002 (Sub-2F), filed January 22, 1980. Applicant: CAMPBELL CARTAGE COMPANY, a corporation, 1109 E. Second St., Maryville, MO 64468. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Maryville and Kansas City, MO: from Maryville over U.S. Hwy 71 to junction Interstate Hwy 29, then over Interstate Hwy 29 to Kansas City, and return over the same route, serving all intermediate points and the off-route points of Pickering, Hopkins, Ravenwood, Parnell, Conception Junction, Conception, Clyde, Wilcox, Clearmont, Elma, Burlington Jct., Quitman, Skidmore, Maitland, Arkoe, Barnard and Guilford, MO. (Hearing site: Kansas City or Jefferson, MO.)

MC 149112 (Sub-1F), filed January 7, 1980. Applicant: FLORIDA-NEW ORLEANS EXPRESS, INC., 635 North Wabash St., Lakeland, FL. 33801. Representative: Rudy Yessin, 314 Wilkinson St., Frankfort, KY 40601. Transporting *fresh citrus products,* in containers, from the facilities of Tropicana Products Co., in Manatee County, FL, to New Orleans, LA, St. Louis, MO, Indianapolis, IN, and Minneapolis and Hopkins, MN. (Hearing site: Tampa, FL.)

MC 149273F, filed January 2, 1980. Applicant: NORTH STAR FREIGHT, INC., P.O. Box 587, St. Charles, MN 55972. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *such commodities* as are dealt in by poultry processors, from St. Charles, MN, to points in ND, SD, NE, KS, MO, IA, MN, WI, IL, IN, MI, KY, OH, NY, PA, and WV; and (2) *equipment, materials, and supplies* used in the production, sale, and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Minneapolis-St. Paul, MN.)

MC 149283F filed January 8, 1980. Applicant: HAYWARD TRUCKING, INC., 6549 Robinson Rd., P.O. Box 23462, Jacksonville, FL 32217. Representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. Transporting *road building and construction aggregates,* in bulk, between those points in AL and GA on and south of U.S. Hwy 80, and points in FL. (Hearing site: Jacksonville, FL.)

MC 149333F, filed February 4, 1980. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *contractors machinery, equipment, materials and supplies, iron and steel articles, metal tanks, highway and off-highway motor vehicle equipment and component and replacement parts,* and *commodities* which because of their size and weight require the use of special equipment, between points in the United States (except AK, HI, and ME). (Hearing site: Kansas City, MO.)

MC 150043F, filed February 8, 1980. Applicant: JACK L. WACH, 8822 South Cameo Way, Sandy, UT 84070. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Transporting *cups and closures,* from the facilities of Lily Division of Owens-Illinois, at or near Riverside, CA, to

points in AZ, ID, MT, NV, and UT. (Hearing site: Salt Lake City, UT.)

Volume No. 132

Decided: March 21, 1980.

By the Commission, Review Board Number 1, members Carleton, Joyce and Jones.

MC 47583 (Sub-122F), filed January 10, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *materials, equipment and supplies* used in the manufacture and distribution of fiberglass and fibrous glass products (except in bulk), from points in the United States (except AK and HI) to the facilities of CertainTeed Corporation at or near Wichita Falls, TX, restricted to traffic originating at the named origins and destined to the described facilities. (Hearing site: Kansas City, MO.)

MC 59583 (Sub-175F), filed January 8, 1980. Applicant: THE MASON AND DIXON LINES, INCORPORATED, East Stone Drive, Post Office Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *such merchandise as is dealt in by retail stores* from points in AL, CT, DE, GA, MA, MD, NC, NJ, NY, PA, RI, SC, TN, and VA to the facilities of T. G. & Y. Stores Company at or near Shelbyville, KY. (Hearing site: Louisville, KY, or Washington, DC.)

MC 59583 (Sub-176F), filed January 18, 1980. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, Post Office Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Greenback, TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Knoxville, TN, or Washington, DC.)

MC 61403 (Sub-281F), filed January 8, 1980. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Transporting *lacquer*, in bulk, in tank vehicles, from Rochester, PA, to Shawnee, OK, and Newport, AR. (Hearing site: Washington, DC.)

MC 69052 (Sub-40F), filed January 8, 1980. Applicant: REED TRUCKING COMPANY, INC., P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Transporting *foodstuffs* (except in bulk), from points in Sussex County, DE, to points in NY (except Albany, New York City and Schenectady), CT (except New Haven), MA (except Boston and Springfield), RI, VT, NH, and ME. (Hearing site: Georgetown, DE.)

MC 71593 (Sub-59F), filed January 14, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. Representative: David W. Swenson (same address as applicant). Transporting *sewing machines, sewing machine cabinets, parts, carrying cases, needles, scissors,* and *vacuum cleaners, and accessories* (except commodities in bulk) between the facilities of Singer Corp. at Truman, AR, Elizabeth, NJ, Anderson, SC, and points in the United States (except AK and HI). (Hearing site: Newark, NJ, or New York, NY.)

MC 80653 (Sub-28F), filed January 14, 1980. Applicant: DAVID GRAHAM COMPANY, a corporation, P.O. Box 254, Levittown, PA, 19059. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting *crude silicon carbide* and *crude silicon carbide briquettes,* from the facilities of the Carborundum Company at Niagara Falls, NY, to points in NJ, PA, DE, MD, VA, WV, OH, and DC. (Hearing site: Buffalo, NY or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 87103 (Sub-45F), filed January 22, 1980. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Edward P. Bocko (same address as applicant). Transporting (1) *iron or steel tubing,* and (2) *equipment, materials and supplies* used in its manufacture, production or distribution (except commodities in bulk), between the faciities of Plymouth Tube Company at Winimac, IN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the named facilities. (Hearing site: Indianapolis, IN or Washington, DC.)

Note.—Dual operations may be involved.

MC 95813 (Sub-14F), filed January 14, 1980. Applicant: SHUMAKER TRUCKING COMPANY, a corporation, 601 U.S. Route 15, North, Dillsburg, PA 17019. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting (1) *lime limestone, and limestone products* (except in bulk), from the facilities of the J. E. Baker Company at or near York, PA, to those points in OH in and east of Lorain, Medina, Wayne, Tuscarawas, Harrison, and Belmont Counties, OH, (2) *materials, equipment, and supplies* used in connection with (1) above, from the above OH counties to the facilities of the J. E. Backer Company at or near York, PA, and (3) *dolomite and refractory products,* from the facilities of the Dolomite Brick Corporation of America in West Manchester Township (York County), PA, to those points in OH in and east of Lorain, Medina, Wayne, Tuscarawas, Harrison, and Belmont Counties, OH, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 104683 (Sub-51F), filed January 10, 1980. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, MS 39401. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *liquefied petroleum gas,* in bulk, in tank vehicles, from the facilities of Dixie Pipeline at or near Demopolis, AL, and the facilities of Placid Oil Company at or near Womack Hill, AL, to points in MS. (Hearing site: Jackson, MS, or Mobile, AL.)

MC 105733 (Sub-79F), filed January 14, 1980. Applicant: RITTER TRANSPORTATION, INC., 928 East Hazelwood Avenue, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, DC 20005. Transporting *chemicals, in bulk, in tank vehicles,* from Bridgeville and Neville Island, PA, to points in NJ, MA, MD, and CT. (Hearing site: Washington, DC.)

MC 107403 (Sub-1307F), filed January 14, 1980. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *bicarbonate of soda,* in bulk, in tank vehicles, from Green River, WY, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 107403 (Sub-1308F), filed January 14, 1980. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *chemicals,* in bulk, in tank vehicles, from Cincinnati, OH, to points in IN, IL, KY, MI, MO, TN, WV, WI, NC, MN, PA, AL, and SC. (Hearing site: Washington, DC.)

MC 111812 (Sub-708F), filed January 4, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233,

Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). Transporting *confectionery*, from the facilities of E. J. Brach & Sons at or near Chicago and Carol Stream, IL to Sioux Falls, SD. (Hearing site: Chicago, IL.)

MC 114273 (Sub-693F), filed January 11, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *Chemicals*, in containers, from points in IA to points in NE. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 114273 (Sub-694F), filed January 14, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *Chemicals* (except in bulk, in tank vehicles) from Portsmouth, VA, to points in IA and IL. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 116763 (Sub-640F), filed December 18, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *general commodities* (except classes A and B explosives, commodities in bulk, in tank vehicles, household goods, commodities which require the use of special equipment, and automobiles, trucks, and buses), as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities used by Union Camp Corporation. (Hearing site: New York City, NY.)

MC 119573 (Sub-16F), filed January 7, 1980. Applicant: WATKINS TRUCKING, INC., 203–207 Trenton Avenue, Uhrichsville, OH 44683. Representative: Richard H. Brandon, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Transporting (1) *refractories*, and (2) *materials and supplies* used in their manufacture and installation (except commodities in bulk) between Carol Stream, IL, on the one hand, and on the other, points in IA, MN, MO, WI, IN, MI, OH, PA, NY, CT, WV, TN, KY, MA, DE, ME, MD, NH, NJ, RI, VT, VA, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 123993 (Sub-70F), filed January 18, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Building, Austin, TX 78701. Transporting *Such commodities* as are dealt in by wholesale and retail grocery and variety stores (except commodities in bulk and commodities requiring mechanical refrigeration in transit) between points in LA, on the one hand, and, on the other, points in TX, OK, KS, NE, MO, AR, LA, MS, TN, KY, IL, IN, AL, GA, and FL. (Hearing site: New Orleans, LA.)

Note.—Dual operations may be involved.

MC 124263 (Sub-5F), filed January 2, 1980. Applicant: SUN MOTOR LINE, INC., P.O. Box 32546, Oklahoma City, OK 73123. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *(1) fireplaces, (2) fireplace parts and accessories*, and *(3) materials, equipment and supplies used in the manufacture and distribution of fireplaces*, from the facilities of Heatilator Fireplaces, Division of Vega Industries, Inc., at or near Centerville and Mount Pleasant, IA, to points in AZ, CA, CO, NV, NM, and UT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 125433 (Sub-369F), filed January 10, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *attachments for aircraft, aircraft engines*, and *aircraft assemblies*, (2) *aero space craft materials and equipment* (except commodities in bulk in tank vehicles) used in the maintenance, operation, and manufacture of aircraft and aero space craft, and (3) *parts* for the commodities described in (1) and (2) above, between points in the United States (including AK but excluding HI). (Hearing site: Los Angeles, CA.)

Note.—Common control may be involved.

MC 125433 (Sub-370F), filed January 14, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *materials and container handling equipment*, and (2) *parts, accessories, and supplies* therefor, from Portland, OR, to points in the United States (except AK and HI). (Hearing site: Portland OR.)

MC 125433 (Sub-371F), filed January 14, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *plastic foam materials* (except in bulk) from Romeo, MI, and Philadelphia, PA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 125433 (Sub-374F), filed January 25, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *extruded aluminum construction forms*, from the facilities of Aluma Systems, Inc., at (a) Grand Prairie, TX, (b) Long Beach, CA, and (c) Hialeah, FL, to points in the United States (except AK and HI), and (2) *equipment, materials, and supplies* used in their manufacture, distribution, and assemblage, in the reverse direction. (Hearing site: Dallas, TX.)

MC 125533 (Sub-44F), filed January 14, 1980. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *clay and shale products, fitting compounds*, and *materials* and *supplies* used in the manufacture, distribution and installation thereof, from Gulf, NC, to points in GA, AL, and FL, (2) *materials*, and *supplies* used in the manufacture, distribution, and installation of clay and shale products and fitting compounds from those points in the United States and east of OH, KY, TN and AL to Gulf, NC, (3) *clay and shale products, fitting compounds*, and *materials* and *supplies* used in the manufacture, distribution and installation thereof, from Milledgeville, GA, to those points in the United States in and east of OH, KY, TN, and AL, (4) *clay products, shale products*, and *refractory products, fitting compounds*, and *materials*, and *supplies* used in the manufacture, distribution and installation thereof, from Columbia, SC, to those points in the United States in and east of OH, KY, TN, and AL, and (5) *iron and steel articles*, (a) from Roanoke, VA, to points in Guilford and Forsyth Counties, NC, (b) from Sparrows Point, MD, and Morrisville, PA, to Richmond, Roanoke, and Lychburg, VA, and points in Gilford, Lee, and Cumberland Counties, NC, (c) from Bethlehem, PA, to Richmond, Roanoke, and Lynchburg, VA, and points in Guilford, Lee, Cumberland, and Forsyth Counties, NC, and (d) from Middletown, OH, to points in Guilford County, NC. (Hearing site: Columbus, OH.)

MC 125813 (Sub-22F), filed January 9, 1980. Applicant: CRESSLER TRUCKING, INC., 125 West Orange Street, Shippensburg, PA 17257. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, DC 20004.

Transporting (1) *rock crushers, rock crusher parts, accessories and tools,* and *wooden patterns for rock crushers,* from Carlisle, PA, to points in AL, GA, IL, IN, NC, OH, and SC, and (2) *scrap steel, raw materials* used in the manufacture of rock crushers (except commodities in bulk), *wooden patterns, rock crusher parts,* and *used, damaged or defective rock crushers* in the opposite direction. (Hearing site: Carlisle, PA.)

MC 128273 (Sub-384F), filed January 29, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *animal feed ingredients,* in bags, from the facilities of American Cyanamid Company, at Liberty, MO, to points in AZ and CA. (Hearing site: Newark, NJ or Washington, DC.)

Note.—Common control may be involved.

MC 134783 (Sub-63F), filed January 9, 1980. Applicant: Direct Service, Inc., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat-packing houses,* as described in sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of MBPXL Corporation, (1) at or near Plainview, TX, to points in CT, DE, IL, IN, KY, MD, MI, NJ, OH, PA, RI, VA, WV, and DC, and (2) at or near Friona, TX, to points in AR, MO, LA, MS, TN, AL, GA, FL, NC, SC, IL, IN, KY, MI, OH, PA, WV, VA, MD, DE, NJ, NY, RI, CT, MA, and DC. (Hearing site: Wichita, KS, or Lubbock, TX.)

Note.—Common control and dual operations may be involved.

MC 135953 (Sub-14F), filed January 22, 1980. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *chemicals, cleaning, defoaming and paint removing compounds, solvents, plastic liquid, ink, plastic sheeting, machinery, machinery parts, paint, lacquer, varnish* and *paint thinner,* between points in the United States (except AK and HI), restricted to traffic originating at or destined to facilities of Thiokol/Dynachem Corporation. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 136343 (Sub-209F), filed January 8, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting (1) *such commodities as are dealt in and used by retail department stores, music stores, home entertainment center stores, and outlets of the foregoing stores, and* (2) *equipment, materials, and supplies used in the sale and manufacture of the foregoing commodities* between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Pickwick International, Inc. (Hearing site: Minneapolis, MN or Washington, DC.)

Note.—Dual operations may be involved.

MC 136553 (Sub-100F), filed January 10, 1980. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *pallets, pallet parts,* and materials and *supplies* used in the manufacture or pallets, from points in IL, MN, SD, and WI to Dubuque, IA, (2) *veneer* and *lumber* from Dubuque, IA, to points in the United States (except AK and HI), and (3) *hides,* from Maquoketa, IA, to points in IL, MI, and WI. (Hearing site: Chicago, IL.)

MC 139843 (Sub-12F), filed January 15, 1980. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203. Transporting (1) *plastic film and sheeting,* and (2) *materials, equipment, and supplies* used in the manufacture thereof, between Monroe, LA, and points in AL, AR, FL, GA, IL, KS, MS, MO, OK, TN, and TX, restricted to the transportation of traffic originating at or destined to the indicated points. (Hearing site: Monroe, LA or Little Rock, AR.)

MC 139923 (Sub-69F), filed January 14, 1980. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at (a) Albert Lea, MN, and (b) Cedar Rapids, IA, to points in CA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 139923 (Sub-70F), filed January 18, 1980. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D" Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from facilities of Farmland Foods, Inc., at or near (a) Carroll, Cherokee, Denison, Des Moines, Ft. Dodge, Iowa Falls and Sioux City, IA, and (b) Lincoln and Omaha, NE, to points in AR, AZ, CA, CO, ID, KS, LA, MT, NM, NV, OK, OR, TX, UT, WA and WY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Omaha, NE or Des Moines, IA.)

Note.—Dual operations may be involved.

MC 139923 (Sub-72F), filed January 18, 1980. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *(1) petroleum and petroleum products,* in containers, and *(2) such commodities as are dealt in or used by persons engaged in the distribution and marketing of petroleum products* (except commodities in bulk); from Ponca City, OK, to points in AZ, CA, IL, IN, IA, KY, MI, OH, TN, and WI. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 140193 (Sub-9F), filed January 8, 1980. Applicant: RICH GRANT, INC., 910 West 24th St., Ogden, UT 84401, Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Contract carrier transporting *malt beverages,* from Los Angeles, Irwindale, Fairfield, and Van Nuys, CA, to the facilities of Wasatch Distributing Company, at Ogden, UT, under continuing contract(s) with Wasatch Distributing Company, of Ogden, UT. (Hearing site: Salt Lake City, UT.)

MC 141012 (Sub-5F), filed December 5, 1979. Applicant: BINGHAM TRANSPORTATION, INC., Box 728, Baxter Springs, KS 66713. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. Contract carrier transporting *coal,* from points in Craig County, OK, to Riverton and Fredonia, KS, and Asbury, MO, under continuing contract(s) with Leon's Coal Company, of Blue Jacket, OK. (Hearing site: Kansas City, MO.)

MC 141443 (Sub-56F), filed January 14, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615—East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *alcoholic beverages,* in containers, from Oklahoma City, OK, to points in WA. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 141843 (Sub-3F), filed January 11, 1980. Applicant: BOND TRANSPORTATION, INC., P.O. Box 233, 155 Smith Street, Keasbey, 08832. Representative: Edward L. Nehez, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *residual fuel oil,* in bulk, in tank vehicles, from Bradford, PA, to those points in NJ on and north of NJ Hwy 528. (Hearing site: New York, NY.)

Note.—Common control may be involved.

MC 142603 (Sub-24F), filed January 11, 1980. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, NY 14580. Contract carrier transporting *candy,* between Atlanta, GA, on the one hand, and, on the other, points in CT, IL, IN, KY, MA, MD, MI, MN, MO, NY, OH, PA, and VA, under continuing contract(s) with Fine Products Company, Inc., of Augusta, GA. (Hearing site: Augusta, GA or Springfield, MA.)

MC 143143 (Sub-3F), filed January 14, 1980. Applicant: RICHARD L. HODGES, INC., P.O. Box 141, Unity, ME 04988. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. Contract carrier transporting *corrugated boxes, knocked down,* from Lowell, MA, to points in ME, under continuing contract(s) with Interstate Container Corp., of Lowell, MA. (Hearing site: Portland, ME or Boston, MA.)

Note.—Dual operations may be involved.

MC 144682 (Sub-35F), filed January 9, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *malt beverages,* from points in Jefferson County, CO, to points in ID, OK, and TX, and (2) *Used beverage containers for recycling and materials and supplies* used by and dealt in by breweries, in the reverse direction. (Hearing site: Dallas, TX.)

MC 144682 (Sub-36F), filed January 9, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities used by The Pillsbury Company and its affiliates and subsidiaries, Burger King Corporation, Green Giant Company, Poppin Fresh Pies, Inc., Steak and Ale Restaurants of America, Inc., LaChateau Restaurants, Henrici's Restaurants, and Hoffman House Restaurants, Inc. (Hearing site: Dallas, TX or Minneapolis, MN.)

MC 144682 (Sub-37F), filed January 17, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *foodstuffs,* from the facilities used by Texsun Corporation at (a) Weslaco, TX, (b) Plymouth, IN, and (c) points in FL, to points in WA, CA, OK, CO, KY, TN, AR, MS, LA, UT, NM, KS, IA, MO, IN, AL, OR, NE, AZ, IL, MI, WI, OH, NV, MT, MN, ND, and TX, and (2) *supplies, equipment, and materials* used in the manufacture of foodstuffs from points in the United States (except AK and HI) to the facilities used by Texsun Corportion at (a) Weslaco, TX, (b) Plymouth, IN, and (c) points in FL. (Hearing site: Dallas, TX.)

MC 144693 (Sub-2F), filed January 7, 1980. Applicant: GLENN'S TRUCK SERVICE, INC., #1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *paper and paper products,* from St. Genevieve, MO, St. Louis, MO, and Taylorville, IL, to points in the United States (except AK and HI). (Hearing site: St. Louis, MO.)

MC 144693 (Sub-3F), filed January 17, 1980. Applicant: GLENN'S TRUCK SERVICE, INC., #1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *paper and paper products,* from Cincinnati, OH, Gary, IN, and Kalamazoo, MI, to points in the United States (except AK and HI). (Hearing site: Hartford, CT.)

MC 144693 (Sub-4F), filed January 31, 1980. Applicant: GLENN'S TRUCK SERVICE, INC., #1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *paper and paper products,* from Burlington, IA, and Lockport, IL, to points in the United States (except AK and HI). (Hearing site: Hartford, CT.)

MC 146553 (Sub-13F), filed January 8, 1980. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *Such merchandise* as is dealt in by wholesale, retail and chain and grocery and food business houses and agricultural feed business houses, (2) *soy products, paste, flour products, and dairy based products,* and (3) *materials, equipment and supplies* used in the manufacture, distribution, and sale of the commodities named in (1) and (2) above, between points in the United States (except AK and HI), restricted against the transportation of commodities in bulk, and further restricted to traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 146553 (Sub-14F), filed January 7, 1980. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *canned tuna and pet food* (except in bulk) from the facilities of (1) Star-Kist Foods, Inc., at or near Perham, MN, El Paso, TX, and Terminal Island, CA, and (2) H. J. Heinz Company at or near Muscatine, IA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 146783 (Sub-3F), filed January 10, 1980. Applicant: S & L TRANSPORTATION, INC., 59–21 156th St., Flushing, NY 11355. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *milk and cream substitutes or solids* (except in bulk), from the facilities of Borden, Inc., at or near Rock Hill and Chester, SC, to those points in the United States in and east of MN, IA, KS, MO, OK, and TX, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Columbus, OH or Washington, DC.)

MC 146803 (Sub-2F), filed Janurary 15, 1980. Applicant: WILLIAMS PAPER COMPANY, INC., 934 North First St., St. Louis, MO 63102. Representative: Thomas D. Wilson (same address as applicant). *Contract carrier* transporting *candy* (except in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of Switzer Candy Company, at or near St. Louis, MO, on the one hand, and, on the other, points in CT, MA, NJ, NY, OH, RI, and PA, under continuing contract(s) with Switzer Candy Company, of St. Louis,

MO. (Hearing site: St. Louis, MO or Washington, DC.)

MC 146853 (Sub-4F), filed January 14, 1980. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *sawdust and shavings*, (1) from Hulett, WY, and Independence, WI, to points in IL, MO, NE, IA, and MN, (2) from Belle Fourche, SD, to points in IL, MO, NE, and MN, (3) from Anoka and Bayport, MN, to points in IL, MO, NE, and IA, and (4) from Des Moines, IA, to points in IL, MO, NE, IA, and MN. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 146973 (Sub-3F), filed Janaury 14, 1980. Applicant: SOUTHERN MOTOR FREIGHT, INC., 575 Great Southwest Parkway, Atlanta, GA 30336. Representative: Kim G. Meyer,, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *insulating materials and supplies, insulating equipment, and storm windows, and storm doors*, from the facilities of Suncoast Insulation, Inc., at or near Tampa, FL, to those points in the United States in and east of WI, IL, KY, TN, AR, and LA, and (2) *materials and supplies* used in the manufacture, installation, and distribution of insulating materials and supplies and storm windows and stornm doors, in the opposite direction. (Hearing site: Atlanta, GA.)

MC 148183 (Sub-18F), filed January 14, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348, Pennsylvania Bldg., 425–13th St., NW, Washington, DC 20004. Transporting *frozen foods*, from the facilities of Roman Meal Frozen Foods Company at Decatur, IN, to points in FL, GA, NC, and SC. (Hearing site: Atlanta, GA or Washington, DC.)

MC 148873 (Sub-4F), filed January 9, 1980. Applicant: ROAD CON SYSTEMS, INC., 2500 83rd St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier* transporting *canned hams* (1) from Port Elizabeth and Springfield, NJ, to points in the United States (except AK and HI), and (2) from Elkhart, IN, to Greenville, SC, under continuing contract(s) with Plumrose, Inc., of Springfield, NJ. (Hearing site: New York, NY or Washington, DC.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11447 Filed 4-16-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Continental Group, Inc., et al.; Proposed Consent Judgement, Stipulation, and Competitive Impact Statement as to Chase Bag Co.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed Consent Judgment, Stipulation and Competitive Impact Statement as to Chase Bag Company as set out below have been filed with the United States District Court for the Eastern District of Pennsylvania in *United States of American* v. *Continental Group, Inc., et al.*, Civil Action No. 75–3377. The Complaint in this case alleged that five (5) corporations, including Chase Bag Company, engaged in a combination and conspiracy to fix prices of consumer bags in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The proposed Consent Judgment enjoins Chase Bag Company from directly or indirectly entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, plan, program, combination or conspiracy with any other person engaged in the production or sale of consumer bags to: (a) Raise, fix, maintain or stabilize the price or other terms or conditions for the sale of consumer bags to any third person; (b) Submit noncompetitive, collusive, rigged, cover a complimentary bids or quotations for the sale of consumer bags; and (c) Refrain from submitting a bid or quotation for any sale of consumer bags. The proposed Judgment further enjoins Chase Bag Company from communicating or exchanging with any other manufacturer or seller of consumer bags any information regarding specific prices of consumer bags or material from which such specific prices may be computed. Chase Bag Company is also enjoined from distributing any pricing manuals or price lists used or to be used in computing prices, terms or conditions of sale charged or to be charged for consumer bags. Chase Bag Company is required to establish an antitrust compliance program which must include reporting to the Department of Justice all communications relating to prices of consumer bags between its employees and representatives of other consumer bag manufacturers.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Commments should be directed to John J. Hughes, Chief, Middle Atlantic Office, Antitrust Division, Department of Justice, 3430 United States Courthouse, Philadelphia, Pennsylvania 19106, (telephone: 215–597–7405).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court for the Eastern District of Pennsylvania

Civil Action No. 76–3377; Filed: April 3, 1980

United States of America, Plaintiff v. Continental Group, Inc., et al., Defendants

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: April 3, 1980.

For the plaintiff: Sanford M Litvack, Assistant Attorney General. Mark Leddy, John J. Hughes and Raymond D. Cauley, Attorneys, Department of Justice.

For defendant Chase Bag Company.

Walter L. Devany, Attorney, Department of Justice. Antitrust Division, Department of Justice 3430 United States Courthouse, Independence Mall West, 601 Market Street, Philadelphia, Pennsylvania 19106.

Henry T. Reath, Duane, Morris & Heckscher, 1600 Land Title Building, Philadelphia, Pennsylvania 19110.

U.S. District Court for the Eastern District of Pennsylvania

[Civil Action No. 76–3377; Filed: April 3, 1980]

United States of America, Plaintiff, v. Continental Group, Inc. et al., Defendants

Final Judgment as to Chase Bag Co.

Plaintiff, United States of America, having filed its Complaint herein on October 29, 1976, and the Plaintiff and the Defendant, Chase Bag Company ("Chase"), by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an

admission by any party with respect to any such issue, and this Court, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, having determined there is no just reason for delay in entering a Final Judgment as to all of Plaintiff's claims asserted in said Complaint against said Defendant and having directed the entry of such a Final Judgment;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against Chase under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "Person" means any individual, partnership, corporation, firm, association or other business or legal entity;

(B) "Consumer bags" or "small bags" shall include bags which are pre-formed by a manufacturer from one or more plies of paper, and which are sometimes combined with other materials used as linings and/or coatings, and which are designed for capacities of less than twenty-five pounds. They are normally used to pre-package products which are then marketed in such bags. Consumer bags are used for packaging a variety of products including, among others, pet foods, cookies, tea, coffee, kitty litter, chemicals and agricultural products. Consumer bags also include air sickness bags.

III

This Final Judgment applies to Chase and to its officers, directors, agents and employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, however, that this Final Judgment shall not apply to transactions or communications solely between Chase and its officers, directors, employees, agents, or to transactions or communications between or among Chase and its parent company, subsidiaries or companies more than fifty percent (50%) owned by Chase or its parent, or to activities outside the United States which do not affect the commerce of the United States.

IV

Chase is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, plan, program, combination or conspiracy with any other person engaged in the production or sale of consumer bags to:

(A) Raise, fix, maintain or stabilize the price or other terms or conditions for the sale of consumer bags to any third person;

(B) Submit noncompetitive, collusive, rigged, cover, or complimentary bids or quotations for the sale of consumer bags;

(C) Refrain from submitting a bid or quotation for any sale of consumer bags.

V

Chase is enjoined and restrained from:

(A) Communicating to, requesting from or exchanging with any other manufacturer or seller of consumer bags:

(1) Any price, price change, discount or other term or condition of sale charged or quoted to any customer or potential customer for consumer bags whether communicated in the form of a specific price or in the form of information from which such specific price may be computed;

(2) Any future price, price change, discount, or other term or condition of sale to be charged or quoted to any customer or potential customer for consumer bags whether communicated in the form of a specific price or in the form of information from which such specific price may be computed;

(3) Any plan or changes or revisions in the prices at which or the terms or conditions of sale upon which consumer bags are sold or offered for sale; and

(4) Any formula utilized for computing costs or prices or methods or means for computing prices at which consumer bags are sold.

(B) Distributing to any manufacturer of consumer bags any pricing manual, price lists, or similar pricing material which is used, has been used or will be used in computing prices or terms or conditions of sale charged or to be charged for consumer bags.

VI.

Nothing contained in this Final Judgment shall prohibit Chase's negotiations, arrangements or communications with another manufacturer or seller of consumer bags or with any agent, broker, distributor or representative of such manufacturer or seller solely in connection with *bona fide* proposed or actual purchases of consumer bags from, or sale of consumer bags to, that manufacturer or seller except as prohibited by Paragraph (B) of Section V of this Final Judgment. Each such negotiation, arrangement or communication, by an employee of Chase with a person whom Chase has reason to believe sells consumer bags, shall be reported in writing with a copy to his or her immediate superior stating the date, time and place of the negotiation, communication or arrangement, whether it was oral or written, the name and title of the other person or persons involved in the negotiation, arrangement or communication, a brief description of the transaction involved, and the price information transmitted to or from Chase; such reports shall be retained in the files of Chase and copies thereof shall be delivered to the Antitrust Division by Chase on each anniversary date of this Final Judgment along with a certification by the responsible officer of Chase stating that all reports responsive to this proviso have been delivered to the Antitrust Division without comparison of such reports with reports filed or to be filed with the Antitrust Division by any other company.

VII

(A) Within sixty (60) days after the date of entry of this Final Judgment, Chase shall furnish a conformed copy thereof to:

(1) Each of its officers and directors;

(2) Each officer and director of a domestic subsidiary engaged in the manufacture or sale of consumer bags;

(3) Each of its employees and managing agents who is engaged in, or has responsibility for or authority over, the pricing of consumer bags; and

(4) Each employee and managing agent of a domestic subsidiary who is engaged in, or has responsibility for or authority over, the pricing of consumer bags; and shall advise and inform each such person that violation of this Final Judgment could result in a conviction for contempt of Court and imprisonment and/or fine.

(B) Within ninety (90) days after the date of entry of this Final Judgment, Chase shall file with this court and serve upon the Plaintiff an affidavit concerning the fact and manner of compliance with Paragraph (A) of this Section.

(C) Within thirty (30) days after each such person becomes an officer, director, employee or agent of the kind described in Paragraph (A), Chase shall furnish to him or her a conformed copy of this Final Judgment together with the advice specified by said Paragraph (A).

(D) Each person receiving from Chase a conformed copy of this Final Judgment in accordance with this paragraph shall furnish chase a receipt therefor which Chase shall retain in its files.

VIII

(A) Chase shall advise each of its officers who has management responsibility for the manufacture or sale of consumer bags, and each of its employees and managing agents who is engaged in, or has responsibility for or authority over, the pricing of consumer bags, of its and their obligations under this Final Judgment. Chase shall maintain a program to insure compliance with this Final Judgment, which program shall include at a minimum the following with respect to each of the persons described immediately above:

(1) The annual distribution to them of this Final Judgment;

(2) The annual submission to them of a written directive setting forth Chase's policy regarding compliance with the Sherman Act and with this Final Judgment, with such directive to include advice that Chase will make legal advice available to such persons regarding any compliance questions or problems;

(3) The imposition of a requirement that each of them sign and submit to Chase, once a year, a certificate in substantially the following form:

"The undersigned: hereby (1) acknowledges receipt of a copy of the Final Judgment as to Chase Bag Company entered in United States v. Continental Group, Inc., et al., E.D. Pa., Civil Action No. 76–3377 and a written directive setting forth the Chase Bag

Company policy regarding compliance with the antitrust laws and with such Final Judgment, (2) represents that the undersigned has read and understands such Final Judgment and directive, (3) acknowledges that the undersigned has been advised and understands the company's policy with respect to compliance with the Sherman Act and the Final Judgment, and (4) acknowledges that the undersigned has been advised and understandss that non-compliance with the Final Judgment may also result in conviction for contempt of court and imprisonment and/or fine";

(4) The holding of one or more meetings with them to review the terms of this Final Judgment and the obligations it imposes, with such meetings to be arranged and conducted so that each of them attends at least one such meeting within a twelve (12) month period; and

(5) The imposition of a requirement that for a period of five (5) years from the entry of this Final Judgment each of them shall report, subject to any legally recognized privilege, to his or her immediate superior in writing each communication with any officer, director, representative or employee of any other company which manufactures consumer bags if such communication in any way involves prices or any of the terms or conditions of sale of consumer bags or any information from which a price or term or condition of sale may be computed. Each of them is to meet this requirement by completing a written report of each such communication, within thirty (30) days of the communication, stating the date, time and place of the communication, whether it was oral or written, the name and title of the other person or persons involved and a brief description of the topics discussed during the communication. Any person required to complete reports of communications by this Paragraph and who completes no such reports during any twelve (12) month period must certify that he or she had no communications of the type described in this Paragraph. Each such report and certification shall be retained in the files of Chase and copies thereof shall be delivered to the Antitrust Division by Chase on each anniversary date of this Final Judgment along with a certification by the responsible officer of Chase stating that all reports responsive to this proviso have been delivered to the Antitrust Division without comparison of such reports with reports filed or to be filed with the Antitrust Division by any other company. Chase shall include in its annual sworn statement required to be filed by Paragraph VIII(B) of this Final Judgment, the name and address of each person, if any, who has failed to submit a report or certification required by this Paragraph during the twelve (12) month period preceding the filing of Chase's sworn statement and the reason given or privilege claimed by each such person for not filing a report or certification.

(B) Chase shall file with the Court and with Plaintiff on or before each anniversary date of this Final Judgment, a sworn statement, by a responsible official designated by Chase to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under this Section VIII. This statement shall be accompanied by copies of all written directives issued by Chase during the prior year with respect to compliance with the antitrust laws and with this Final Judgment.

(C) Upon order of the Court, on motion by the Plaintiff for good cause shown, the designated official shall appear before the Court to give sworn testimony on the manner of compliance with the Final Judgment.

IX

Chase shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the design, printing, manufacture and sale of consumer bags, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

X

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Chase made to its principal office, be permitted:

(1) Access, during office hours of Chase, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Chase, which may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Chase and without restraint or interference from it, to interview officers, employees and agents of Chase, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to Chase's principal office, Chase shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment, as may be requested.

No information or documents obtained by the means provided in this Section X of the Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by Chase to Plaintiff, Chase represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Chase marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure", then ten (10) days notice shall be given by Plaintiff to Chase prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which Chase is not a party.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

XII

This Final Judgment will expire on the tenth anniversary of its date of entry.

XIII

Entry of this Final Judgment is in the public interest.

United States District Judge

Dated:

U.S. District Court for the Eastern District of Pennsylvania

[Civil Action No. 76–3377; Filed April 3, 1980]

United States of America, Plaintiff, v. Continental Group, Inc.; American Bag & Paper Corp.; Chase Bag Co.; Harley Corporation; and St. Regis Paper Co., Defendants.

Competitive Impacts Statement

Pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment as to Chase Bag Company (Chase) submitted for entry in this civil antitrust proceeding.

I.—Nature and Purpose of the Proceedings

On October 29, 1976 the United States filed a civil antitrust Complaint alleging that five corporations combined and conspired to fix prices of consumer bags in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The Complaint alleges that beginning at least as early as 1950 and continuing thereafter until the date of the filing of the Complaint the defendants engaged in a combination and conspiracy to raise, fix, maintain and stabilize the prices and terms and conditions of sale of consumer bags.

The Complaint seeks a judgment by the Court declaring that the Defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also seeks an order by the Court to enjoin and restrain the defendants from any such activities or other activities having a similar purpose or effect in the future.

II.—Description of the Practices Giving Rise to the Alleged Violations of the Antitrust Laws

As defined in the Complaint, consumer bags, also known in the trade as "small bags," are made from one or more plies of paper which may be combined with other

materials used as linings and/or coatings. Consumer bags are pre-formed by the manufacturer in many styles and sizes according to consumer specifications. Most consumer bags have printed exterior design as specified by the customer and are designed for capacities of less than 25 pounds. They are normally used to prepackage products which are then marketed in such bags. Consumer bags are used for packaging a variety of products including, among others, pet foods, cookies, tea, coffee, kitty litter, chemicals, and agricultural products. Consumer bags also include air sickness bags.

The Complaint further alleges that the defendant corporations accounted for aggregate sales of consumer bags of approximately $42 million in 1974. During the period of time covered by the Complaint the Defendants sold and shipped substantial quantities of consumer bags in a continuous and uninterrupted flow of interstate commerce to customers located in States other than the States in which such bags were manufactured.

The Complaint alleges that the Defendants engaged in a combination and conspiracy beginning at least as early as 1950 and continuing thereafter until the date of filing of the Complaint consisting of an agreement, understanding, and concert of action among themselves and co-conspirators, the substantial terms of which were to raised, fix, maintain, and stabilize the prices and terms and conditions of sale of consumer bags.

The Complaint further alleges that the combination and conspiracy had the following effects, among others:

1. Prices and terms and conditions of sale of consumer bags sold by the defendants and various co-conspirators have been raise, fixed, maintained and stablized at artificial and noncompetitive levels;

2. Buyers of consumer bags have been deprived of the benefits of free and open competition in the purpose of consumer bags; and

3. Competition among the defendants and various co-conspirators in the sale of consumer bags has been restrained.

III.—Explanation of the Proposed Final Judgment

The United States and the Defendant, Chase Bag Company, stipulated that a Final Judgment, in the form filed with the Court, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment provides that the entry of the Final Judgment does not constitute any evidence against or an admission by any party with respect to any issue of law or fact. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon the Court finding that its entry will be in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, Chase is enjoined from repeating the behavior which characterized the consumer bag conspiracy and from certain other conduct constituting *per se* violations of Section 1 of the Sherman Act. Second, the proposed Final Judgement places affirmative burdens on Chase to pursue a compliance program directed toward avoiding repetition of the consumer bag price-fixing conspiracy.

A. *Prohibited Conducted.*—Section IV of the proposed Final Judgement enjoins Chase from directly or indirectly entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, plan, program, combination or conspiracy with any other person engaged in the production or sale of consumer bags to raise, fix, maintain, or stabilize the price or other terms or conditions of sale of consumer bags to any third person; submit non-competitive, collusive, rigged, cover or complimentary bids or quotations for the sale of consumer bags and refrain from submitting a bid or quotation for any sale of consumer bags.

Section V(A) of the proposed Final Judgment also enjoins Chase from communicating to, requesting from or exchanging with any manufacturer or seller of consumer bags and past, present or future price, price change, discount or other terms or conditions of sale charged or quoted to any customer or potential customer whether communicated in the form of a specific price or in the form of information from which such specific price may be computed; any plan, change, or revision in the prices at which or the terms or conditions of sale upon which consumer bags are sold or offered for sale; and any formula utilized for computing cost of price or methods or means for computing price at which consumer bags are sold.

Section V(B) restrains Chase from distributing to any manufacturer of consumer bags any pricing manual or price lists for consumer bags.

The only exception to the broad prohibitions of Section V of the Judgment is contained in Section VI and permits necessary communications in connection with *bona fide* proposed or actual purchase or sales transactions between the parties to such communications. The exception, however, does not apply to the distribution of pricing manuals or price lists for consumer bags. Section VI further provides that any such excepted communication between an employee of Chase and a person whom Chase has reason to believe sells consumer bags shall be reported in writing with a copy to his or her immediate superior stating the date, time and place of the negotiation, arrangement or communication, whether oral or written, the identity of the other person or persons involved, a brief description of the transaction and the price information transmitted to or from Chase. Such reports shall be retained by Chase and copies delivered to the Antitrust Division without comparison with reports filed or to be filed with the Antitrust Division by any other company.

B. *Chase's Affirmative Obligations.*—Sections VII and VIII require that Chase adopt or pursue an affirmative compliance program directed toward insuring that its employees comply with the Antitrust laws.

Section VII requires Chase to furnish a copy of the Judgment within sixty (60) days of the date of entry to each of its officers and directors and each of its employees who is engaged in or has responsibility for or authority over pricing of consumer bags; obtain and retain a written receipt therefor; and file with the Court and serve on the Plaintiff an affidavit as to the fact and manner of its compliance with this provision. Chase is required to furnish a copy of the Final Judgment to each new officer, director and employee of the kind described above, and obtain and retain a written receipt therefor. Chase is also required to advise and inform each such person that violation of this Final Judgment could result in a conviction for contempt of court and imprisonment andor fine.

Section VII requires Chase to distribute annually the Final Judgment and its written Antitrust compliance program to each employee who has management responsibility for the manufacture or sale of consumer bags or who is engaged in or has responsibility for or authority over the pricing of consumer bags and hold annual meetings with these employees to review the terms and obligation of the decree. These employees must annually certify that they have read and understand the Final Judgment and Chase's compliance program and that they realize their failure to comply with the Final Judgment may place them in contempt of Court. Additionally, Subsection VIII(A)(5) requires for a five (5) year period that such employees must file written reports of all communications with other consumer bag manufacturers during which any prices or terms or conditions of sale of consumer bags were discussed. Any employee who files no reports during any twelve (12) month period must certify that he has had no communications of the type required to be reported. Chase must retain each such report and certification and deliver a copy thereof to the plaintiff annually.

Section VIII(B) of the proposed Judgment also requires Chase to file each year with the Plaintiff and the Court a sworn statement setting forth all steps it has taken during the proceeding year to discharge its obligations under Section VIII of the Judgment.

Finally, under Section X of the Judgment, the Justice Department will have access, upon reasonable notice, to records and personnel of Chase in order to determine compliance with the Judgment.

C. *Scope of the Proposed Judgment.*—(1) *Persons Bound by the Decree.* The proposed Judgment expressly provides in Section III that its provisions apply to Chase and to each of their officers, directors, agents and employees, subsidiaries, successors and assigns and to all other persons who receive actual notice of the terms of the Judgment except that the Final Judgment does not apply to transactions solely between Chase and its employees or to transactions between Chase, its parent company, or wholly or partially-owned subsidiaries.

In addition, Section IX of the judgment prohibits Chase from selling or transferring all or substantially all of its assets used in its consumer bag business unless the acquiring party files with the Court its consent to be bound by the provisions of the Judgment.

(2) *Geographic Coverage of the Decree.* The provisions of the proposed Judgment

apply to acts or transactions within the United States, its territories and possessions, but not to activities outside the United States which do not affect the commerce of the United States.

(3) *Duration of the Judgment.* Section XII provides that the Judgment will expire on the tenth anniversary of its entry. As explained above, the reporting provisions of Subsection VIII(A)(5) of the Judgment will terminate in five (5) years.

D. *Effect of the Proposed Judgment on Competition.*—The prohibition terms of Sections IV and V of the Judgment are designed to insure that Chase will act independently in determining the prices, terms and conditions at which it will sell or offer to sell consumer bags.

The affirmative obligations of Sections VI, VII and VIII are designed to insure that the employees of Chase are aware of their obligations under the decree in order to avoid a repetition of behavior that occurred in the consumer bag industry during the conspiracy period. Compliance with the proposed Judgment will prevent price collusion by Chase with other consumer bag manufacturers in the sale of consumer bags.

IV.—Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which he may have had if the proposed Judgment had not been entered. The proposed Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V.—Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and Chase which provides that the Government may withdraw its consent to the proposed Judgment any time before the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for the Court's retention of jurisdiction of this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act (15 U.S.C. 16), any person wishing to comment upon the proposed Judgment may, for a sixty (60) day period subsequent to the publishing of this document in the **Federal Register**, submit written comments to the United States Department of Justice, Attention: John J. Hughes, Chief, Middle Atlantic Office, Antitrust Division, 3430 United States Courthouse, Independence Mall West, 601 Market Street, Philadelphia, Pennsylvania 19106. Such comments and the Government's response to them will be filed with the Court and published in the **Federal Register.** The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Judgment.

VI.—Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial of the issues on the merits and on relief. The Division considers the substantive language of the proposed Judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the Judgment provides appropriate relief against the violations alleged in the Complaint.

VII.—Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

John J. Hughes
Raymond D. Cauley
Walter L. Devany, Attorney, Department of Justice, Antitrust Division, 3430 United States Courthouse, Independence Mall West, 601 Market Street.

[FR Doc. 80-11586 Filed 4-16-80; 8:45 am]
BILLING CODE 4410-01-M

United States v. RMI Co., et al.; Proposed Final Judgment, and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed with the United States District Court for the Western District of Pennsylvania in *United States of America* v. *RMI Company, et al.*, Civil Action No. 78-1108. The complaint in this case alleged that five (5) corporations engaged in a combination and conspiracy to fix prices of titanium mill products in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. Four (4) of these defendants—RMI Company, Crucible, Inc., Lawrence Aviation Industries, Inc., and Titanium Metals Corporation of America—have entered into the proposed Final Judgment. The proposed Judgment enjoins the defendants from entering into or maintaining any combination, conspiracy, agreement, understanding or concert of action with any other person to fix the prices or other conditions or terms of sale of titanium mill products, or to submit collusive bids for such products. The Judgment further enjoins the defendants from directly communicating or exchanging with any other manufacturer or seller of titanium mill products, or any association formed of or by such persons, information concerning prices or terms and conditions of sale of titanium mill products. An exception is made for *bona fide* conversion or sales transactions. Each defendant is required to establish an antitrust compliance program which must include group and individual meetings with employees for the purpose of explaining the requirements of the antitrust laws and the Judgment and discussing problems related to compliance. Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John Clark, Chief, Special Trail Section, Room 9120 Star Building, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone (202) 724-6335).

Joseph H. Widmar,
Director of Operations.

U.S. District Court for the Western District of Pennsylvania

United States of America, Plaintiff, v. *RMI Company; Crucible, Inc.; Lawrence Aviation Industries, Inc.; Martin Marietta Aluminum, Inc.; and Titanium Metals Corporation of America,* Defendants.

Civil Action No. 78-1108.

Filed: March 25, 1980.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

3. Plaintiff has reserved the right to file an action for damages under the Clayton Act, Sherman Act or False Claims Act based on the facts that gave rise to the complaint herein. Each of the undersigned defendants hereby agrees to maintain all documents submitted pursuant to any grand jury subpoena issued to it or retained pursuant to agreement with the plaintiff during the course of the criminal investigation that resulted in the filing of *United States* v. *RMI Company, et al.*, Criminal No. 78-225. The parties also agree that, in the event said action for damages is filed.

(A) said action for damages shall be deemed to have been filed September 28, 1978 for all purposes;

(B) nothing in this action shall operate as a bar or defense to said action for damages; and

(C) except as may be provided for in the portions of Pararaph 3 above, this action shall not operate as a waiver of any defense to said damage action.

4. The provisions of paragraph 3 shall remain in effect as to each of the undersigned defendants until such time as plaintiff's claims against such defendant for damages have been finally resolved, or until December 31, 1981, whichever date first occurs. However, in the event plaintiff files an action for damages prior to December 31, 1981 the provisions of paragraph 3 shall remain in effect as to each defendant therein until that action is finally resolved as to that defendant.

Dated: March 25, 1980.

For the Plaintiff: Richard J. Favretto, Deputy Assistant Attorney, General, Joseph H. Widmar, John W. Clark, Attorneys, Department of Justice. Frank N. Bentkover, Robert W. Wilder, Patricia G. Chick, James R. Weiss, Attorneys, Department of Justice, Antitrust Division, Washington, D.C. 20530, Tel. (202) 724–6336.

For the Defendants: Richard J. Holwell, Counsel for RMI Company, John Hart, Counsel for Lawrence Aviation Industries, Inc., Thomas L. VanKirk, Counsel for Titanium Metals Corporation of America, Robert A. Bicks, Counsel for RMI Company. Arthur L. Liman, Counsel for Crucible, Inc., J. Tomlinson Fort, Counsel for Crucible, Inc.

U.S. District Court for the Western District of Pennsylvania

United States of America, Plaintiff, v. *RMI Company; Crucible, Inc.; Lawrence Aviation Industries, Inc.; Martin Marietta Aluminum, Inc.; and Titanium Metals Corporation of America, Defendants.*

Civil Action No. 78–1108.

Filed: March 25, 1980.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on September 28, 1978, and plaintiff and defendants RMI Company, Crucible, Inc., Lawrence Aviation Industries, Inc., and Titanium Metals Corporation of America [hereinafter referred to as "defendants"], by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and defendant Martin Marietta Aluminum, Inc. not being a party to this Final Judgment, and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby, Ordered, Adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. 1). There is no just reason to delay the entry of this judgment.

II

As used herein:

(A) The term "titanium mill products" means titanium bar, billet, plate, sheet and strip;

(B) The term "person" means any individual, partnership, corporation, firm, association or other business or legal entity; and

(C) The term "conversion" means the contracting by a manufacturer of titanium mill products with another person for all or part of the intermediate manufacturing of titanium or titanium mill products to which it holds title.

III

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; *provided, however,* that this Final Judgment shall not apply to lawful transactions or communications solely between a defendant and its owners, officers, directors, employees, or agents, or to transactions or communications solely between or among a defendant and its parent company or companies, subsidiaries or companies fifty percent (50%) or more owned by the defendant or its parent(s), or to activities outside the United States which do not substantially affect, directly or indirectly, the commerce of the United States.

IV

Each defendant is hereby enjoined and restrained from:

(A) directly or indirectly entering into, adhering to, maintaining, enforcing or furthering, or attempting to enter into, adhere to, maintain, enforce or further, any combination, conspiracy, agreement, understanding or concert of action with any other person to:

(i) Raise, fix, maintain or stabilize prices, discounts or other terms or conditions for the sale of titanium mill products; or

(ii) Submit noncompetitive, collusive or rigged quotations or bids for titanium mill products.

(B) directly communicating to or exchanging with any other person engaged in the manufacture and/or sale of titanium mill products, or any association or other body comprised of or organized by such persons, information concerning the prices at which, or terms or conditions upon which, such products are or have been sold or offered for sale, or may be sold or offered for sale in the future; except that this Paragraph IV(B) shall not preclude the communication or exchange between a defendant and any other person, of any prices, terms or conditions of sale of such products solely in connection with conversion or a proposed or actual bona fide sale of such products or to any agreement to the prices, terms or conditions at which any such bona fide sale is actually made.

V

Any party that purchases or otherwise acquires all or substantially all of the assets used by any defendant in the manufacture and/or sale of titanium, shall be required by that defendant, as a condition of the sale or other disposition, to agree to be bound by the provisions of this Final Judgment, and such agreement shall be filed with the Court.

VI

Each defendant shall:

(A) Within sixty (60) days after the entry of this Final Judgment, furnish a copy of same to each of its officers and directors, and to each employee and agent who is engaged in, or has responsibility for or authority over the pricing or selling of titanium mill products produced or sold in the United States.

(B) Furnish a copy of this Final Judgment to each successor to the individuals described in Paragraph VI(A), above, within 60 days after such successor becomes employed by or associated with the defendant.

VII

For the duration of this Final Judgment, each defendant shall maintain a program to insure compliance with same, including at a minimum the following with respect to each of its directors, each of its officers who has management responsibility for the manufacture, pricing or sale of titanium mill products produced or sold in the United States, and each of its employees and agents who is engaged in the sale of or who has responsibility for or authority over pricing of titanium mill products produced or sold in the United States:

(A) the annual distribution of this Final Judgment.

(B) The annual submission to each of the individuals of a written directive setting forth the defendant's policy regarding compliance with the Sherman Act and with this Final Judgment, with such directive to include (a) an admonition that non-compliance with such policy and this Final Judgment will result in appropriate disciplinary action as determined by the defendant, which may include dismissal, and (b) advice that the defendant's legal advisors are available at all reasonable times to confer with such persons regarding any compliance questions or problems.

(C) The annual receipt from the individuals described of a signed certificate in substantially the following form:

"The undersigned hereby:

(1) acknowledges receipt of a copy of the Final Judgment in *U.S.* v. *RMI Company, et al.,* and a written directive setting forth the Company policy regarding compliance with the antitrust laws and with such Final Judgment; (2) represents that the undersigned has read and understands such Final Judgment and directive; (3) acknowledges that the undresigned has been advised and understands that non-compliance with such policy and Final Judgment will result in appropriate disciplinary measures as determined by the Company and which may include dismissal; and (4) acknowledges that the undersigned has been advised and understands that non-compliance with the Final Judgment may result in conviction for contempt of court, and that violation of the

antitrust laws may constitute a felony and could result in imprisonment and/or fine."

(D) the holding of at least on meeting every 12 months with each of the persons covered by this Paragraph VII, either in groups or individually, to review the requirements of the antitrust laws and the terms of this Final Judgment, and the obligations imposed upon them.

(E) The holding of at least one meeting every 12 months with each of the persons individually (except directors, for whom a group meeting may be held) to discuss problems related to compliance with the antitrust laws and this Final Judgment.

VIII

(A) For the duration of this Final Judgment, each defendant shall file with the plaintiff, on or before each anniversary date of this Final Judgment, a sworn statement, by a responsible official designated by the defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under Sections VI and VII. This statement shall be accompanied by copies of all written directives applicable to titanium operations issued by the defendant during the prior year with respect to compliance with the antitrust laws and with this Final Judgment. The sworn statement shall also contain a list of all those individuals in the company with whom meetings were held in accordance with paragraph VII (E) and a description of their respective positions and duties.

(B) Upon Order of the Court, on motion by the plaintiff for good cause shown, the designated official shall appear before the Court to give sworn testimony on the manner of compliance with this Final Judgment.

(C) The plaintiff may demand a more detailed statement of a defendant's compliance with this Final Judgment if plaintiff determines that such defendant's annual compliance statement incompletely states the steps it has taken to discharge its duties under this Section VIII.

IX

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days' notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XI

This Final Judgment shall be in effect for a period of ten (10) years from the date of its entry by this Court.

XII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge

U.S. District Court for the Western District of Pennsylvania

United States of America, Plaintiff, v. *RMI Company; Crucible, Inc.; Lawrence Aviation Industries, Inc.; Martin Marietta Aluminum, Inc.; and Titanium Metals Corporation of America*, Defendants.

Civil Action No. 78–1108.

Filed: March 25, 1980.

Competitive Impact Statement

The United States of America, Plaintiff herein, has this day submitted a proposal for a consent judgment in this proceeding. The proposed Final Judgment, if entered by the Court, would terminate this action as to defendants RMI Company, Crucible, Inc., Lawrence Aviation Industries, Inc., and Titanium Metals Corporation of America. Defendant Martin Marietta Aluminum, Inc. is not a party to the consent judgment, and this action continues as to it. Plaintiff hereby respectfully submits this Competitive Impact Statement pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16.

I

Nature and Purpose of the Proceeding

This is a civil antitrust action brought under Section 4 of the Sherman Act (15 U.S.C. 4) to prevent and restrain violation of Section 1 of said Act. Named as defendants are five companies engaged in the production and sale of titanium mill products.

The Complaint alleges that, beginning at least as early as 1970 and continuing until approximately 1976, defendants and their co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce, in violation of § 1 of the Sherman Act. This combination and conspiracy consisted of a continuing agreement, understanding and concert of action, the substantial terms of which were to raise, fix, maintain and stabilize the prices of titanium mill products. The Complaint also alleges that the combination and conspiracy charged may recur, and asked the Court to permanently enjoin each defendant and all persons acting on its behalf from continuing, maintaining of renewing the alleged combination and conspiracy or from engaging in any other combination or conspiracy with a similar purpose or effect.

The Complaint was filed on September 28, 1978. The same day a Grand Jury for the Western District of Pennsylvania returned an indictment charging four of the defendants herein (RMI Company, Crucible, Inc., Lawrence Aviation Industries and Martin Marietta Aluminum, Inc.) and five of their employees (J. William Price, Jr., Andrew N. Eshman, Robert E. Thomas, Gerald Cohen and George Herman) with a felony violation of § 1 of the Sherman Act, 15 U.S.C. 1, based on the same facts that gave rise to this action. This indictment named Titanium Metals Corporation of America ("TMCA") and certain of its employees as unindicted co-conspirators. One defendant entered a plea of guilty and was sentenced before trail. Six defendents entered pleas of *nolo contendere* before trial [1] and were sentenced thereon. The remaining two defendants entered pleas of *nolo contendere* after three days of trial. The court sentenced the individual defendents to a total of 15 years imprisonment, of which all but 195 days was suspended. Fines for all corporate and individual defendants totalled $1,242,500.

II

The Nature of the Alleged Violation

Titanium is a silvery-gray semiprecious metal used predominantly in aircraft and aerospace applications. The titanium is extracted from ore and converted into a material called sponge. This sponge is then

[1] Two defendants pled to a superseding felon information as part of a Rule 11 plea agreement with the Government. As to them a motion for serverance was granted and thereafter the indictment was dismissed.

melted to form ingots, which in turn are made into mill products—bar, billet, plate, sheet and strip. It is these mill products that are alleged to have been the object of the price fixing conspiracy charged. The mill product producers named as defendants in the Complaint accounted for the great majority of all titanium mill products produced during the period of the conspiracy.

The Government would have been prepared to prove at trail that representatives of TMCA, RMI, Lawrence Aviation, and Crucible began discussing and agreeing on prices for various titanium mill products in 1970, and continued this activity until 1976. In 1973, the conspiracy was joined by representatives of Martin Marietta, who also remained in the conspiracy until 1976. The primary focus of the conspiracy was on price lists issued and/or used by the defendants; in all, more than 100 price lists were subject to agreement among defendants. In addition, TMCA and RMI on one occassion reached agreement on prices they would submit in response to a request for a sealed bid.

Defendants had telephone conversations and face-to-face meetings and exchanged price lists through the mails. There were no group sessions, however. All contacts were one-on-one, involving representatives of only two companies. Some people involved had no contact with some others of their co-conspirators. Moreover, the only defendant company involved in every price list agreement was TMCA; none of the other defendant companies made all the mill products that were the subject of agreement. Crucible, for example, made only bar and certain forms of sheet and strip. Likewise, Martin Marietta made only bar and billet.

The conspiracy ended in 1976. On November 2, 1976, TMCA approached the Department of Justice and confessed that certain of its employees had been engaged in fixing prices. The investigation leading to the filing of the indictment and complaint was begun on the basis of the information provided by TMCA.

III

Explanation of Proposed Consent Judgment

The proposed Final Judgment, if entered by the Court, will terminate this action as to defendants RMI Company, Crucible, Inc., Lawrence Aviation Industries, Inc., and Titanium Metals Corporation of America (hereafter referred to as "defendants"). The Court will retain jurisdiction over this matter for such further proceedings as may be required to interpret, modify or enforce the proposed judgment.

A. Scope of the Judgment

The proposed consent judgment is, by its terms, in effect for 10 years from the date of entry. Pursuant to Section III, the decree applies to defendants and to each of their officers, directors, agents, employees, subsidiaries, successors and assigns and to all other persons in active concert with any of them who receive actual notice of this Final Judgment. In addition, pursuant to Section V of the decree, the judgment will apply to any party that purchases or otherwise acquires all or substantially all of the assets used by any defendant in the manufacture and/or sale of titanium. Excepted, however, are lawful transactions solely within a defendant company or among a defendant and certain related companies. Also excepted are activities outside the United States, its territories and possessions which do not directly or indirectly affect the commerce of the United States.

B. Prohibited Conduct

Section IV(A) of the proposed decree enjoins the defendants from entering into or otherwise participating in any agreement to fix prices or other terms or conditions of sale of titanium mill products or to submit non-competitive bids for titanium mill products. Section IV(B) prohibits defendants from directly communicating to or exchanging with any other person engaged in the manufacture and/or sale of titanium any price or term or condition of sale. This section also prohibits defendants from communicating such information to any association or other body comprised of or organized by titanium mill product producers. Section IV(B) does contain a proviso, however, to the effect that these prohibitions shall not preclude any defendant from independently negotiating for, entering into or carrying out a bona fide sale or purchase. This exception was necessary because the titanium industry is one in which, historically, many companies that compete in the manufacture of mill products also maintain customer/supplier relationships with regard to intermediate manufacture, raw materials, and/or the mill products themselves.

C. Defendants' Affirmative Obligations

Sections VI and VII of the proposed decree impose certain affirmative obligations on defendants which are designed to ensure, to the extent possible, that their employees comply with the terms of the decree and with the strictures of the federal antitrust laws.

Section VI requires that each defendant furnish a copy of the decree to each of its officers and directors, and to each of its employees and agents who are engaged in, responsible for, or have auhority over pricing or selling titanium mill products made or sold in the United States. Copies of the decree are also to be furnished to each of those individuals' successors.

Under Section VII, each defendant is required, for the duration of the proposed Final Judgment, to furnish a copy of the decree annually to each of its directors, each officer having management responsibility for manufacture, pricing or sale of titanium mill products and to each employee and agent engaged in or having responsibility for or authority over pricing or sale of titanium mill products. In addition, each defendant must each year submit to these individuals a written directive setting forth the company's policy of compliance with the Sherman Act and with this Final Judgment, meet in groups or individually with each of these persons to review the antitrust laws and terms of the Final Judgment, meet individually with each person to discuss problems related to compliance with the antitrust laws or the decree,[2] and receive from each of these individuals a signed certificate acknowledging that the individual has received and understands the decree and has been advised of the consequences of noncompliance. Each defendant is also required to file each year with the United States a sworn statement setting forth all steps it has taken to discharge its obligations under this section of the decree and listing all individuals covered by the program.

D. Effect of the Proposed Judgment on Competition

The prohibitions contained in Section IV of the Judgment are designed to ensure that the defendants will act independently in determining the prices, terms and conditions at which they will sell or offer to sell titanium mill products. The affirmative obligations of Sections VI and VII are directed toward reminding the defendants' employees of their obligations under the decree in order to avoid a repetition of behavior that occurred in the titanium mill products industry during the conspiracy period. Compliance with the proposed Judgment will prevent price collusion among the defendants in the sale of titanium mill products.

E. Effect of the Proposed Judgment on the Government's Potential Damage Claims

The Department of Defense and other parts of the United States Government are purchasers of aircraft and other items containing titanium mill products. Consequently, the United States may have claims for damages against the defendants in this case. The Judgment will not adversely affect those claims. By a stipulation entered into by the Government and the defendants and filed with this Judgment, the Government has reserved its right to bring suit for damages at a later date. Defendants have agreed in the stipulation that such a suit, if filed, will for all purposes be deemed filed on September 28, 1978 (the date of the complaint that is to be settled by this Judgment, and that nothing in this action will operate as a bar or defense to the suit. The United States' potential damage claims are therefore not compromised in any way by the entry of this Judgment.

IV

Remedies Available to Private Plaintiffs

Any potential private plaintiff who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable remedies that they would have had were the proposed consent judgment not entered. As to these plaintiffs, however, the statute of limitations, which has been tolled during the pendency of this action pursuant to 15 U.S.C. 16(i) will begin to run again (with regard to suits against the defendants) one year after entry of this Final Judgment. Moreover, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), this judgment may not be used as *prima facie* evidence against a defendant in private litigation.

[2] An exception is made for directors, for whom a group meeting is permissible.

V

Procedure Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and the defendants which provides that the Government may withdraw its consent to the proposed Judgment any time before the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for the Court's retention of jurisdiction of this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act (15 U.S.C. 16), any person wishing to comment upon the proposed Judgment may, within the sixty-day comment period, submit written comments to the United States Department of Justice, Attention: John W. Clark, Chief, Special Trial Section, Antitrust Division, Washington, D.C. 20530. Such comments and the Government's response to them will be filed with the Court and published in the **Federal Register**. The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Judgment.

VI

Alternatives to the Proposed Consent Judgment

This proceeding as constituted does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than entry of the proposed consent judgment. The proposed judgment includes all the relief requested in the complaint and in addition imposes affirmative obligations on defendants designed to ensure compliance therewith.

VII

Determinative Documents

No materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed Judgment.

Respectfully submitted,

Frank N. Bentkover, James R. Weiss, Robert W. Wilder, Patricia G. Chick,

Attorneys, Department of Justice.

[FR Doc. 80-11587 Filed 4-16-80; 8:45 am]
BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-16]

Safety Recommendations and Responses; Availability

The National Transportation Safety Board last week formally released the following two aviation safety and two marine safety recommendation letters:

A-80-26 to the Federal Aviation Administration.—On February 2, 1980, a Piper Model PA-22-135, N3747A, crashed at Princeton, Ill., after the right wing separated in flight. On February 18, 1978, a Piper Model PA-22, N1693P, sustained an inflight failure of the right wing and plummeted to the ground at Camden, Tenn. In each accident, both persons aboard were killed. Both investigations disclosed that the right front fork assembly, attaching the front wing lift strut to the fuselage, failed in the threaded portion due to metal fatigue. Both assemblies were cadmium plated, steel fork models and were configured with cut-threads. Forks with rolled-threads are stronger and less prone to metal fatigue. For this reason, Piper Aircraft Corporation currently produces these forks with rolled-threads only, although replacement forks with cut-threads may still be available.

On April 21, 1977, a related, nonfatal accident involving a Piper Model J-5, N38702, occurred at Hindsville, Ark. The investigation disclosed that the left rear lift strut fork failed and the strut detached itself from the fuselage. Despite severe control difficulty, the pilot made a successful emergency landing.

The Safety Board notes that Airworthiness Directive 58-10-02, applicable to Piper Models PA-22, -20, -19, -18, -16, -14, and -12, J-4, J-5, AE-1 and HE-1 series aircraft, requires that all lift strut forks be replaced every 1,000 hours on seaplanes and every 2,000 hours on landplanes. Service experience indicates that continual operation on rough terrain or rough water could cause fatigue failure of the fork. The forks, P/N 14481-00, are identical on all models except for the J-4 where it is P/N 11431.

The failed fork from N3747A, a landplane, had been magnetically inspected in 1958 just before being installed in this aircraft. Maintenance records indicate that the fork had accumulated approximately 2,000 flight-hours at the time of the accident. The failed forks from landplanes N1693P and N38602 had accumulated 1,899 flight-hours and 830 flight-hours, respectively.

Recently, several incidents of cracking or breaking of these forks have been reported to the FAA's Maintenance Analysis Center. One of these incidents involved another Piper Model J-5 airplane and occurred in flight. The right rear lift strut fork had broken in half in the threaded area after accumulating only 236 flight-hours.

Thus it would appear tht the requirements outlined in Airworthines Directive 58-10-02 are not conservative enough to ensure an adequate margin of safety under all conditions.

Consequently, the Safety Board on April 9 recommended that FAA:

Issue an Airworthiness Directive requiring an immediate inspection of all lift strut forks on those Piper Aircraft enumerated in Airworthiness Directive 58-10-02 for indications of cracking. Institute fork replacement/inspection intervals more stringent for forks with cut-threads than those specified in Airworthiness Directive 58-10-02. Limit acceptable replacement forks to those with rolled-threads. (Class I, Urgent Action) (a-80-26)

A-80-27 through -29 to the Federal Aviation Administration.—The Safety Board has learned of an incident which occurred January 1, 1980, wherein a fuel leak was discovered in the tailcone service area of a Learjet-36 during a postflight inspection. The leak was traced to the left motive flow valve (PN AV16E1182) (SNH46478) which is located in the tailcone service area where the batteries and other electrical components are positioned. The valve had operated about 1,663 hours. It was reported that when the valve was pressurized, fuel spurted about 5 inches into the air and sprayed into the service area in sufficient quantity to wash soot from installed equipment in he compartment. Portions of the electrical junction box adjacent to the valve were saturated with fuel.

The valve was removed and forwarded to the Gates Learjet Corporation under warranty for replacement, and a Service Difficulty Report, No. 01110043, was prepared. Under the Safety Board's supervision, the valve was X-rayed, examined visually, and then bench-tested at the Gates Learjet facility in Wichita, Kans. The X-ray and the visual examination did not reveal any apparent defects. The screws that attached the valve motor to the valve body were tight and properly safetied. The cure dates of the "O" rings were marked "4th quarter 1974" and the assembly date was September 5, 1974. The valve was installed in a pressure test device and tested at the normal operating pressures it would experience in the aircraft. Fluid leaked at the mounting plate where the valve motor attached to the valve body. The valve motor was then removed from the valve body. The mating surfaces were clean, and there were no visible defects. The upper "O" ring (MS29513-16) was found to be broken into three pieces, and one piece was found between the valve body and the cylinder wall. The lower "O" ring was intact.

The Safety Board is concerned about the extreme hazard that would be associated with having a relatively high-volume fuel leak in a compartment where there are many potential ignition

sources. In its report on the Gates Learjet accident at Sanford, N.C., September 8, 1977, the Safety Board determined that the probable cause of the accident was ". . . one or more low-order explosions in the aircraft's aft fuselage which resulted in a fire and losss of control capability. The Safety Board could not determine conclusively sthe fuel and ignition sources of the initial explosion; however gases from the aircraft's batteries or fuel leaks from fuel system compoents, or both, could have been present in the area of the initial explosion."

The Safety Board is aware that the FAA is reviewing the information gathered during the examination and testing of the motive flow valve involved in this incident and aware that the Gates Learjet maintenance manual was revised on September 28, 1979, to require a check of the hydraulic and fuel system components in the tailcone of Learjet aircraft for general condition and leaks during postflight inspections following major inspections, repairs, or alteration to the aircraft. Also, the Board has been informed that FAA and Gates Learjet are considering the installation of a shroud, with overboard drains, around the motive flow valve assembly. However, the Board believes the hazard association with a fuel leak in the tailcone area of these aircraft requires additional corrective action. Therefore, on April 9 the Safety Board recommended that FAA:

Notify all Learjet operators by telegram of the motive flow valve leak found in this incident, and require an immediate and a recurring inspection of these valves under operating pressures to detect and correct any fuel leaks found. (Class I, Urgent Action) (A-80-27)

Review the manufacturing processes used in assembling the motive flow valve to determine the cause of this "O" ring failure and take appropriate action to correct any deficiencies detected to preclude future fuel leaks from the motive flow valve during its normal operation. (Class II, Priority Action) (A-80-28)

Expedite the development and installation of a method of restraining and venting overboard, fuel and fuel vapors that may leak from the motive flow valve during its normal operation. (Class II, Priority Action) (A-80-29)

M-80-18 through-21 to the U.S. Coast Guard.—At 1756 c.s.t., on April 1, 1978, the four-barge tow of the Motor Vessel STUD collided with the eastern fixed span of the Southern Pacific Railroad bridge over the Atchafalaya River near Berwick Bay, La. The collision knocked the span from its supporting piers into the river but did not damage the barges. Damage to the STUD was estimated to be $4,000. Property damage was estimated to be $1,400,000, including the cost of replacing the bridge span and rerouting rail traffic for 8 days. There were no deaths or injuries.

Investigation showed that the STUD was traveling downriver with a strong downriver current, at the time, and had to pass under three bridges. The tow struck a glancing blow to the right descending support pier of the first bridge, the Long Allen highway bridge, passed under the second bridge, and collided with the railroad bridge. The master, who was operating the STUD at the time of the accident, approached the bridges along the right descending bank in the stronger river currents. He had transited the Berwick Bay bridges more than 1,000 times in towboats, including the STUD. The Safety Board has determined that the STUD's approach along the right bank placed the tow in an out-of-shape condition to pass under the railroad bridge.

The master of the STUD was not aware of the Atchafalaya River stage and current before he committed the tow to the bridge passage. The Berwick Bay Vessel Traffic Service (VTS) operating procedures require a master to determine if local conditions will permit safe passage through the service area. Although the personnel at the Vessel Traffic Center (VTC) record both the river gauge reading and the current velocity at the railroad bridge at least once daily, VTS policy does not provide for transmitting this information to participating vessels. A Coast Guard VTS representative testified that there would be little practical value in providing river stage and current information to participating vessels because the information would be stale and because the existing current at the railroad bridge might differ vastly from the current in the bridge approaches. The Safety Board believes that a high river stage or a swift current on the Atchafalaya River could sharply reduce the tow's maneuverability to the point where the small margin for error during a bridge passage would be unacceptable to the master. To provide the towboat master with a more substantial basis for judging the local river conditions, the Coast Guard should coordinate with the Army Corps of Engineers to establish methods to provide continually updated information on river stage and current velocity to vessels transiting the Berwick Bay bridges.

The Safety Board notes that between 1946 and 1978, the Southern Pacific Railroad bridge or its protective structures were struck by vessels 534 times. A 1976 Coast Guard study on towboat bridge collisions identified the Southern Pacific Railroad bridge as the most-struck bridge included in the Coast Guard's study, "Analysis of Bridge Collisions, Volume I, May 1976" (Report No. CG-D-77-76) and "Analysis of Bridge Collisions, Volume II, December 1976" (Report No. CG-D118-76). The majority of towboats colliding with the bridge had a ratio of horsepower to towlength of less than 3 and were traveling southbound with the current during seasonal high water.

The existing Berwick Bay VTS operating procedures contained in the Eighth Coast Guard District Local Notice to Mariners No. 1-77 mainly impose conditions on the direction of travel through the bridges, on the configuration of the tow, and on the use of assistance vessels. The VTS operating procedures do not restrict the ratio of towboat horsepower in relation to the towlength. The STUD's registered horsepower of 670 and the towlength of 780 feet resulted in a horsepower-to-towlength ratio of less than 1, which condition seriously limited the responsiveness of the two during countermaneuvers near the bridges. Coast Guard should seek to reduce towboat accidents at the Berwick Bay bridges by imposing a limit on the minimum ratio of horsepower to towlength on tows permitted to transit the bridges during high water conditions.

While Coast Guard recognizes the effect of swift currents often associated with the high water season in Berwick Bay, and imposes high water limitations on vessel operations in the VTS area when the activation criteria are met, the Safety Board determines that the existing criteria for commencing the high water limitations are inadequate for preventing bridge collisions in Berwick Bay. Coast Guard should reassess the criteria used to commence high water limitations in this VTS area and implement limitations based on the reassessment.

The Board notes that Coast Guard sought to enhance the safety of navigation through the Berwick Bay area by issuing special orders in 1973 and 1974 which applied to vessels transiting the bridges and by establishing the Berwick Bay VTS in 1974. Subsequently, Coast Guard initiated rulemaking procedures in 1974 to amend 33 CFR Part 161 to establish Berwick Bay VTS regulations. Although the number of Berwick Bay bridge collisions was not determined to be related to rulemaking or to the developmental status of the Berwick Bay VTS, Coast Guard should expedite the rulemaking process. Coast Guard should also seek to strengthen the regulatory language by: (1) Imposing

a specific limitation regardless of horsepower on the number of hazardous cargo barges permitted in a tow through the bridges; (2) requiring the VTC to inform participating vessels of the river stage and current velocity; and (3) imposing a minimum limit on the numerical ratio of towboat horsepower to towlength permitted during restricted periods.

The Safety Board believes that the Coast Guard should study the feasibility of improving navigational aids in the Atchafalaya River approaches north and south of the Berwick Bay bridges. Also, additional navigational information should be provided so that the towboat master will have a more positive means of assessing the Atchafalaya River conditions before committing the tow to pass under the bridges.

Accordingly, the Safety Board on April 7 recommended that Coast Guard:

In cooperation with the U.S. Army Corps of Engineers, establish methods to measure and to make available continually updated information on river stage and current velocity to vessels transiting the Berwick Bay bridges. (M–80–18)

Improve navigational aids for vessels transiting the Berwick Bay bridges. (M–80–19)

Reassess the critieria used to commence high water limitations in the Berwick Bay VTS area and implement limitations based on the reassessment. (M–80–20)

Expedite the issuance of the notice of proposed rulemaking to codify the Berwick Bay VTS operating procedures. (M–80–21)

M–80–22 to the U.S. Army Corps of Engineers.—Also on April 7 the Safety Board directed the following recommendation to the Corps of Engineers as a result of the investigation of the STUD collision:

In cooperation with the U.S. Coast Guard, establish methods to measure and make available continually updated information on river stage and current velocity to vessels transiting the Berwick Bay bridges. (M–80–22)

All of the above recommendations, M–80–18 through –22, are classified for priority action. The Board's formal report on the investigation of this collision will be available to the public in the very near future.

Responses to Safety Recommendations

Aviation

A–79–98 through –105.—The Federal Aviation Administration on March 20 provided the Safety Board with comments and detailed actions taken in response to these recommendations, issued last December 21 following investigation of the crash of the American Airlines McDonnell-Douglas DC–10 near Chicago-O'Hare International Airport on May 25, 1979. The Safety Board in issuing these recommendations to FAA expressed concern about possible aircraft design and certification deficiencies and possible deficiencies in the manufacturing and quality control processes of a major airframe manufacturer. Also, the Board recommended that FAA amend certain pertinent sections of Title 14 of the Federal Aviation Regulations (FAR). (For the complete text of these recommendations, see 45 FR 862, January 3, 1980. For the Safety Board's determination of probable cause of the accident which took the lives of 273 persons, see 45 FR 5850, January 24, 1980.)

In response to recommendation A–79–98, FAA reports that its current type certification procedures include maintenance participation in assessing all areas of the design which are affected by maintenance. FAA intends to further amend these procedures to assure and emphasize that maintenance specialists, including FAA's National Resource Specialists, will participate in approval of all features of a design which involve maintenance concerns. With regard to maintainability, FAA notes that FAR 25.611 covers the factor of accessibility, FAR 25.607(a) and (b) cover the factor of retention of connecting hardware, and FAR 25.601 and 25.571 cover clearances of interconnecting parts in the design of critical structural elements. Design aspects of failure combinations which can result from primary structural damage in areas through which essential systems are routed are covered by FAR 25.571, 25.601, 25.671, and 25.1309.

With reference to recommendation A–79–99, FAA states that current regulations contain a firm basis to assure positive protection against asymmetry of lift devices during critical phases of flight or the demonstration of adequate warming and controllability of the aircraft during conditions of asymmetry. FAR 25.671, as amended by Amendment 25–23 on April 8, 1970, requires demonstration of continued safe flight and landing after any combination of failures not shown to be extremely improbable. FAR 25.1309 presently requires that all information essential to continued safe flight and landing be provided to the pilot in all cases of failures not shown to be extremely improbable.

FAA reports, in answer to recommendation A–79–100, that a comprehensive revision to order 8120.2 was published on April 30, 1979. This revision places increased emphasis on improved surveillance techniques for safety of flight parts; provides for more effective utilization of inspectors in areas affecting safety; clearly defines the principal inspector's responsibility at assigned manufacturing facilities, expands on process control methods, and other related changes involving improved surveillance methods. FAA accepts this recommendation and reports that the following action is underway:

1. Analysis of the regulatory requirements of FAR 21.3, 37.17, 121.703, 121.705, 135.413, 135.415, and 145.163 concerning service difficulty reporting reveals need for revision and a regulatory project is in process.

2. Upon establishment of adequate regulatory revision, FAA's program of surveillance will be continued with emphasis on amended regulatory requirements.

3. FAA has under development, with participation by NTSB, an Aviation Safety Analysis program in order to implement an improved nationwide safety analysis system. This program includes consideration of service difficulties and the analysis and disemination of such information.

4. FAA has prepared an order to estabish revised procedures for FAA approval of manufacturer service documents. This order and associated advisory circular have been prepared in draft form. The advisory circular is scheduled for publication in the **Federal Register**, in the near future, for public comment.

In commenting on the three-part recommendation A–79–101, FAA states that the first two parts suggest that the Maintenance Review Board (MRB) function be expanded to include hazard analysis of maintenance functions and special inspections following maintenance of structural components. Thus, the recommendation incorporates the assumption that the MRB is the appropriate place for such functions. Also incorporated is the assumption that because the FAA approves the overall maintenance program, it also approves each and every maintenance procedure. FAA holds that the prime function of an MRB is to establish the scope and frequency of inspection; i.e., on condition tests, or other inspection. The following is an excerpt from the MRB document, AC 121.22, which best describes the MRB function:

Purpose. This advisory circular sets forth guidelines to be used in the development and approval of initial maintenance/inspection requirements for air carrier transport category aircraft. These are applicable to new type certificated aircraft and aircraft powerplants being introduced into service for the first time. Approval of proposed initial maintenance/inspection requirements will be accomplished by a board of FAA specialists, Maintenance Review Board. All revisions for updating the initial maintenance inspection requirements will be submitted by an airline/manufacturer committee to the FAA for approval.

FAA states that the MRB work is completed prior to the aircraft's entering into service. Procedures to be utilized by the carriers are not necessarily developed at this time. In fact, FAA states, at this time the MRB does not address, or approve, maintenance procedures adopted by an airline. Thus it appears that the MRB is not the place to incorporate such functions.

With respect to the question of approval of maintenance procedures, FAA's statutory and regulatory scheme provides as follows: The Federal Aviation Act, Section 601(b) reflects "the duty resting upon air carriers to perform their services with the highest possible degree of safety." The provisions of FAR 121.363 assign responsibility upon the air carrier for airworthiness of their aircraft. FAR 121.373 requires the air carrier to make continuing analysis of their maintenance programs. FAA further points out that the variations necessary in the development of maintenance procedures require that the carrier be held responsible (in accordance with the Act) for the hazard analysis of maintenance practices. Since the MRB function is not to provide the basis for approval of an airline's total maintenance program, there is no reason to include maintenance hazard evaluations or special inspections following maintenance to critical structural components, FAA states. Maintenance programs for each airline are reviewed and approved by FAA maintenance inspectors assigned to each carrier. They continually monitor the programs and take corrective action when hazardous maintenance practices are discovered.

Further with reference to recommendation A–79–101, FAA agrees that emphasis should be placed on assuring that no defects are permitted during manufacture and that damage is not inflicted during maintenance. "On condition" and "sampling" inspection frequency and procedures are time proven techniques for a properly assembled product or item. FAA cannot envision how an MRB could have the insight to forecast which structurally significant components would suffer a manufacturing defect or damage due to a maintenance practice. However, FAA states, the appropriateness of the type of inpection techniques for structurally significant components will be included in the agenda for the Maintenance Steering Group (MSG–3), which has been convened to update the maintenance analysis logic process.

In responding to recommendation A–79–102, FAA states that the Federal Aviation Act of 1958, section 605(a), and FAR 121.363 and 135.413 place responsibility directly upon the carriers for maintaining their aircraft in an airworthy condition. Additionally, FAR 121.373 and 135.431 require carriers to perform continuing analysis of their maintenance programs for adequacy. In proper exercise of that responsibility, it is incumbent upon air carriers and repair stations doing work for a carrier to analyze their maintenance practices for possible hazard to structure, FAA states. Present regulation FAR 121.369(b)(1) requires that the carrier set forth its maintenance procedures in a manual. FAR 121.137 requires that the manual and changes be provided to the FAA. This process does not signify FAA approval of each and every maintenance practice, or procedure, but is one which is designed to ensure that a carrier has clearly set forth its maintenance procedures. It is the duty of the carrier to ensure that these procedures, as part of several aspects of its maintenance program, are appropriate to maintaining the highest possible degree of safety.

Concerning recommendation A–79–103, FAA states that FAR 121.707 requires reporting when a major repair to a structural area is required. Thus the problem is whether the definition of a major repair, as stated in FAR 1 and 43, is adequate. FAA has conducted an analysis of the regulatory definitions set forth in FAR 1 and FAR 43, Appendix A. FAA concludes that the present regulation is adequate and no revision is necessary, as explained in FAA report entitled "DC–10 Decision Basis" dated January 1980. However, an Advisory Circular in preparation will emphasize and call attention to the present regulation. The Advisory circular is in the final coordination for early release.

FAA accepts recommendation A–79–104, and a regulatory project is in progress that will amend FAR 121.703 and 135.413 to include maintenance-induced damage. When this project is completed, appropriate FAA review procedures for damage reports will be established. Such a procedure currently exists for all damage reports presently received under existing regulations and procedures.

In commenting on the positive action already initiated in regard to recommendation A–79–105, FAA reports that its Western Region conducted an evaluation of a representative sample of current jet transport aircraft to determine if the maintenance of a speed between V_2 and $V_2 + 10$ knots, if already attained at the time of engine failure, would increase the stall margin without infringing on takeoff flightpath requirements. A conclusion reached was that this concept has merit for selected aircraft, such as the DC–10, in certain flight conditions and the appropriate changes are being incorporated into the Airplane Flight Manuals. However, FAA says it is not possible to make a general policy statement applicable to all air carrier aircraft without an extensive study of the takeoff performance and characteristics of each model of every aircraft in various configurations. FAA regions with certification responsibility for air carrier turbojet aircraft are being asked to evaluate each make and model of aircraft without their respective purview to provide data pertinent to the recommendation. Specific FAA actions will derive from a meeting of its Flight Standardization Policy Board (FSB), established to provide standardization of training and checking airmen for each type of aircraft. The FSB is scheduled to meet in April of 1980.

Further with reference to A—79–105, FAA notes that the FAR do not require the determination of optimum performance, but do require that certain performance criteria are met. Takeoff speeds, including V_2, are selected by the manufacturer applicant and the selected speeds and resulting flightpaths are shown to comply with the appropriate FAR. To prescribe an optimum takeoff-climb speed schedule is inappropriate since what is optimum for one set of parameters may not be optimum for another; e.g., close-in obstacles versus far-out obstacles, accelerate-stop versus accelerate-go, etc. The optimization of all variables is not possible and cannot be required, FAA stated. FAA states that assuming "optimum takeoff-climb airspeed schedules" refers to the unique situation during a takeoff-climb of maintaining a speed between V_2 and $V_2 + 10$ knots if already attained at the time of an engine failure, FAA is presently analyzing the data and recommendations obtained from the regional studies referenced in response to the first part of recommendation A–79–105. If the analysis reveals an equivalent level of safety, the appropriate data and procedures are being incorporated into the respective Airplane Flight Manuals (AFM). Further, this data also will be analyzed at the scheduled April meeting of the FAA's Flight Standardization Policy Board. If procedures in respective AFM's are revised, the FSB members will initiate actions to ensure that operator's training and checking procedures and operating manuals are appropriately revised.

FAA also notes with reference to A–79–105 that flight director systems of widebody aircraft are highly

sophisiticated special purpose computers. For example, the DC–10 flight director automatically computes $V_2 + 10$ for normal climb and makes modifications to V_2 in the case of an engine failure. The DC–10 flight director may have the capacity to meet the intent of the recommendation. Technically, different details apply to other widebody aircraft, but they, too, may have the capacity to meet the requirements envisioned by the recommendation. FAA notes that most of the flight director systems in use in the narrow body air carrier fleet, however, do not have the necessary data sources or computation capability to automatically vary the displayed pitch angles of the "optimum" airspeed schedule referenced above. Consequently, many display a fixed-pitch attitude or airspeed/angle-of-attack reference in a takeoff or go-around mode. FAA states that flight directors are considered optional equipment. They are approved for use on the basis that they are of a design appropriate to their intended function and that they work properly when installed. Flight directors are a means of providing assistance to a pilot, with altitude and airspeed remaining the primary references. Many carriers' procedures do not call for the use of flight directors on takeoffs. Before issuing recommendations to mandate a modification of flight directors to provide information corresponding to the speed schedules discussed above, or to provide in that design for a wide variety of contingencies, FAA intends to have the Flight Standardization Policy Board consider these issues during the forthcoming April meeting.

Highway

H–80–7.—The National Highway Traffic Safety Administration on March 31 responded to a recommendation issued January 25 resulting from investigation of the pickup truck collision near Crofton, Md., which occurred April 23, 1979. (See 45 FR 8389, February 7, 1980.) The recommendation asked NHTSA to require vehicle manufacturers to properly label "GT bars" and other optional decorative items that appear to be safety features but have not been designed as, tested as, or demonstrated to be safety features.

In response, NHTSA reports that its Office of Defects Investigation is currently conducting an engineering analysis of the integrity of the roll bar used on the AMC Jeep. The analysis will be expanded to include the GT bar used on the Ford Courier pickup truck, and NHTSA will inform the Safety Board of analysis results when completed.

Marine

M–79–112 and –113.—On March 13 the U.S. Coast Guard responded to recommendations issued last November 9 following investigation of the August 27, 1978, collision of the American containership SS SEA-LAND VENTURE with the Danish tanker M/T NELLY MAERSK in the Inner Bar Channel, Galveston, Texas. (See 44 FR 67255, November 23, 1979.)

Coast Guard does not concur with recommendation M–79–112, which called for issuance of a regulation to prohibit deep-draft vessels overtaking or meeting each other at the bends in the channels when traversing the Houston-Galveston Ship Channel. Coast Guard states that the master, pilot and third mate of the SEA–LAND VENTURE testified that the rudder angle indicator showed the rudder to be 10 degrees right and moving right after the 20 degrees left command had been given. The master and pilot on the NELLY MAERSK believed the blow of the SEA–LAND VENTURE veered to the starboard prior to the collision. Course changes are almost always detectable before they register on the compass or recorder (a major reason for steering ranges), Coast Guard states, and both of these factors lessen the importance of course recorder evidence when compared with eyewitness testimony. According to Coast Guard, in this case, the SEA–LAND VENTURE helmsman responded inadequately, at best, to a large shift of rudder, and the reasons given for the helmsman's slow response is not accepted as valid. A test of the steering system by Coast Guard showed no significant lag in the indicator or system. Coast Guard said that its investigation determined that the proximate cause of this casualty was the failure of the helmsman to carry out the steering command given him by the vessel's pilot. "In view of this finding, it is obvious that equally disastrous results could follow a mistake of this nature in a straight channel," Coast Guard stated.

Also, Coast Guard does not concur with recommendation M–79–113, which asked Coast Guard to require helmsmen in the U.S. Merchant Marine to inform the officer in charge of navigation of the vessel when rudder orders have been executed, in addition to the present practice of repeating them as they are given. Coast Guard states that this is a military procedure that has carried over to the merchant marine to a great extent, and it may or may not provide an additional small safety factor. In any event, Coast Guard believes that no master, pilot, or watch officer should rely wholly on helmsmen to keep him informed of the rudder's position, and therefore does not consider this recommendation to be substantive enough for rulemaking.

Pipeline

P–80–15.—The American Petroleum Institute on March 20 responded to the Safety Board's recommendation issued March 13 following investigation of the rupture of a Southern Natural Gas Company pipeline 95 miles southeast of New Orleans, La., last July 15. The recommendation asked the American Gas Association, American Petroleum Institute, International Association of Drilling Contractors, and Offshore Operators of Shell Oil Company, jointly, to notify member companies operating similar offshore equipment installations of the particulars of this accident and urge them to review their operating procedures and to revise them where necessary to afford maximum protection to submarine pipeline facilities. (See 45 FR 20255, March 27, 1980.) The American Petroleum Institute reports that a copy of the Safety Board's March 13 recommendation letter has been forwarded to their Central Committee on Pipeline Transportation and Committee on Gathering Line Safety.

(49 U.S.C. 1903(a)(2), 1906.)

Note.—Copies of the Safety Board's recommendation letters, as well as responses and related correspondence, are provided free of charge. All requests for copies must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Margaret L. Fisher,

Federal Register Liaison Officer.

April 14, 1980.

[FR Doc. 80–11642 Filed 4–16–80; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261]

Carolina Power & Light Co; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR–23, issued to the Carolina Power and Light Company (the licensee), which revised Technical Specifications for operating of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The

amendment is effective on the date of issuance.

The amendment revises the Technical Specifications to reflect corporate and plant organization changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 7, 1979, (2) Amendment No. 46 to License No. DPR-23; and (3) the Commission's letter dated March 13, 1980. All of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of March, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-11596 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment 1) adds a license condition requiring a secondary water chemistry monitoring program, 2) deletes Technical Specifications on secondary water chemistry monitoring now covered by a license condition, and 3) changes Technical Specifications to prohibit containment purge by the steam jet air ejector system during Hot Shutdown.

The applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendments dated September 28, 1979 and December 5, 1979, (2) Amendment No. 26 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of February, 1980.

For the Nuclear Regulatory Commission

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-11598 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-31, and Amendment No. 47 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Nuclear Generating, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate new limiting conditions for operation and surveillance requirements associated with a low temperature reactor vessel overpressure protection system that has been installed in both units.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 11, 1978, (2) Amendment Nos. 55 and 47 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of March, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-11595 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-31, and Amendment No. 48 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Nuclear Generating, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments revise the reactor coolant temperature-pressure limits to account for neutron induced increases in reactor vessel metal nil ductility temperature.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which 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 amendments dated May 21, 1976, as supplemented November 2, 1979, (2) Amendment Nos. 56 and 48 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All to 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 Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of March, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-11599 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of the Turkey Point Plant, Unit No. 4 (the facility) located in Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment permits continued operation of the Turkey Point Plant Unit No. 4 for an additional one equivalent full power month from that authorized by Amendment No. 44 dated February 22, 1980, for a total of ten equivalent full power months but not later than May 1, 1980, at which time the steam generators will be inspected. In addition we require that during this shutdown the turbine will be inspected or the rotor replaced.

The applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 11, 1980, (2) Amendment No. 49 to License No. DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Enviromental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of March, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-11597 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to allow a one-time two-day extension of the surveillance interval for control rod drop times.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 1, 1980, (2) Amendment No. 43 to License N. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of April, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-11600 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-24, and Amendment No. 48 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments contain miscellaneous minor administrative changes which correct or clarify certain portions of the Technical Specifications and approve a revised organizational structure for the Point Beach facilities.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendements will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) and 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 amendments dated September 26, 1979, (2) Amendment Nos. 43 and 48 to License Nos. DPR-24 and DPR-27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Document Department, University of Wisconsin, Stevens Point Library, Stevens Point, Wisconsin 54451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of April, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-11594 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-24, and Amendment No. 47 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowac County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments modify the qualification requirements for the plant site raidation protection manager.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 10, 1979, (2) Amendment Nos. 42 and 47 to License Nos. DPR-24 and DPR-27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Document Department, University of Wisconsin, Stevens Point Library, Stevens Point, Wisconsin 54451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of March, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-11593 Filed 4-16-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 14, 1980.

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 U.S.C., 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 out 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 submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

Revisions

Economics, Statistics, and Cooperatives Service
Nursery Sales Survey
Annually
Nurserymen, 113 responses; 38 hours
Off. of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–6511

New Forms

Public Health Service
1980 Conference Evaluation and Opinion Survey
Single time
Conference participants, 4,000 responses; 1,000 hours
Richard Eisinger, 395–3214

Public Health Service
The NIMH epidemiologic catchment area program interview
Single time
Households in New Haven, Conn. catchment area, 5,150 responses; 7,725 hours
Office of Federal Statistical Policy and Standard, 673–7974

Social Security Administration
Study of unreported bank accounts
SSA–4232–BK
Single time
SSI applicants or recipients, 4,276 responses; 1,069 hours
Barbara F. Young, 395–6132

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

Revisions

Law Enforcement Assistance Administration
LEEP student certification and note/instructions
LEEP–3
Semi-annually
Law enforcement students, 110,000 responses; 27,500 hours
Andrew R. Uscher, 395–4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

Revisions

Employment and Training Administration
National longitudinal survey of work experience of mature men, questionnaire letter and household Record card
MT–293D, LGT–1103, and LGT–1B (Census)
Annually
Men 45–59—1966, 14–24—1966, Wom. 30–44—1967, 14–24—1968, 14,200 responses; 5,680 hours
Office of Federal Statistical Policy and Standard, 673–7974

COMMUNITY SERVICES ADMINISTRATION

Agency Clearance Officer—Jack Stoehr—254–5300

New Forms

CSA national weatherization demonstration
Single time
Households in houses being weatherized in demonstration, 284 responses; 142 hours
Arnold Strasser, 395–5080

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—254–9515

New Forms

Master planning resource exchange bulletin
Single time
fire departments and related agencies, 1,000 responses; 167 hours
Edward C. Springer, 395–4814

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

Importers questionnaire for certain nonquota cheese
(Inv. No. 701–TA–52 through 60)
Single time
Importers of certain nonquota cheese, 60 responses; 240 hours
Phillip T. Balazs, 395–4814

C. Louis Kincannon,

Acting Deputy Assistant Director For Reports Management.

[FR Doc. 80–11710 Filed 4–16–80; 8:45 am]
BILLING CODE 3110–01–M

POSTAL SERVICE

Temporary Change in Mail Classification Schedule; Merchandise Return Service

On August 13, 1979, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on a change in the mail classification schedule establishing a new merchandise return service, pursuant to Chapter 36 of Title 39, United States States Code. An explanation of the Postal Service proposal was published in the **Federal Register** by the Postal Rate Commission on August 28, 1979 (44 FR 50420).

On January 7, 1980, a settlement proposal recommending a modified merchandise return service was filed with the Postal Rate Commission by several parties to the merchandise return proceeding. The Postal Service and the Officer of the Commission were among the signatories of the settlement proposal. The one party which had expressed opposition to the concept of merchandise return subsequently withdrew its opposition and signed the proposal. No party currently opposes the settlement.

The settlement proposes that a special service named merchandise return be established and offered to first-, third-, and fourth-class mailers.

The purpose of the merchandise return service is to offer a means by which a parcel can be returned to a shipper with postage paid by the shipper. It is contemplated that this service will be used primarily by shippers who wish to provide their customers with a means of returning merchandise.

The principal features of the service are that:

A. The shipper must obtain a permit and maintain an advance deposit account at each destination post office to which labels are to be returned. A $30 annual permit fee per each post office is charged for use of the merchandise return service.

B. There are two types of merchandise return labels: a two-part label which may be used on any merchandise return parcel; and a single-part label which may be used only on mail which does not pay zoned rates. The shipper furnishes its customer with the appropriate type of merchandise return label, prepared by the shipper to Postal Service specifications, and appropriate mailing instructions.

1. *Single-part labels.*—The customer completes the return address, affixes the label to the properly wrapped parcel, and mails the parcel at a post office, at a place designated by the Postal Service for the receipt of mail, or in any mail deposit receptacle. Postage and applicable fees on the parcel are charged to the shipper's advance deposit account and the parcel is then delivered to the shipper.

2. *Two-part labels.*—The customer completes the return address, affixes the label to the properly wrapped parcel, and brings the parcel to a Postal Service lobby window or other place designated by the Postal Service for the mailing of such parcels. A postal employee will enter the applicable postage and fees on the label, or the customer may complete the information requested on both parts of the label. One part of the label is a post card requiring no postage, which is detached and placed in the first-class mailstream. The other part of the label is affixed to the parcel for mailing. Postage and fees applicable to the parcel are charged to the shipper's advance deposit account when the post card indicating postage due arrives at the destination post office. These cards, and the appropriate billing form, are delivered to the shipper on timely bases.

C. A fee of $0.20 is charged for the service, plus the single-piece postage rate applicable to the particular mail piece sent merchandise return. These charges are made to the shipper's advance deposit account.

D. The customer may purchase a certificate of mailing for a parcel sent merchandise return.

E. Insurance may be purchased by the shipper in conjunction with the merchandise return service, provided the amount of insurance is indicated by the shipper on the merchandise return label which it provides to the customer. A customer who returns a parcel to a shipper under the merchandise return service may not purchase insurance even if the shipper has not done so.

The following changes in the mail classification schedule are proposed by the settlement:

1. Section 100.080i is added to indicate that merchandise return service is available with First-Class Mail.

2. Section 300.080g is added to indicate that merchandise return service is available with third-class mail.

3. Section 400.080g is added to indicate that merchandise return service is available with fourth-class mail.

4. Sections 9.026 and 9.027 are renumbered 9.027 and 9.028 and a new 9.026 is added to read:

A claim for damage or loss on a parcel sent merchandise return (SS–20) may only be filed by the purchaser of the insurance.

5. Section 9.050f is added to indicate that insured mail service may be obtained in conjunction with merchandise return service.

6. Classification Schedule SS–20 is added to read as follows:

Merchandise Return

20.01 Definition

20.010 Merchandise return service provides a method whereby a shipper may authorize its customer to return a parcel with the postage paid by the shipper. A shipper is the holder of a merchandise return permit.

20.02 Description of Service

20.020 Merchandise return service is available to all shippers who obtain the necessary permit and who guarantee payment of postage and fees for all returned parcels.

20.021 Merchandise return service is available for the return of any parcel under the following classification schedules.

Classification Schedule

a. First-Class Mail—100
b. Third-Class Mail—300
c. Fourth-Class Mail—400

20.03 Requirements of the Mailer

20.030 Merchandise return labels must be prepared at the shipper's expense to specifications set forth by the Postal Service.

20.031 The shipper must furnish its customer with an appropriate merchandise return label.

20.04 Other Services

20.040 The following services may be purchased in conjunction with merchandise return service:

Classification Schedule

a. Certificate of mailing—SS–4
b. Insured Mail—SS–9

20.041 Only the shipper may purchase insurance service for the merchandise return parcel by indicating the amount of insurance on the merchandise return label before providing it to the customer. The customer who returns a parcel to the shipper under merchandise return service may not purchase insurance.

20.05 Fees

200.050 The fee for the merchandise return service is set forth in Rate Schedule SS–20. This fee is paid by the shipper.

20.06 Authorizations and Licenses

20.060 A permit fee as set forth in Rate Schedule 1000 must be paid once each calendar year by shippers utilizing merchandise return service.

20.061 The merchandise return permit may be cancelled for failure to maintain sufficient funds in a trust account to cover postage and fees on returned parcels or for distributing merchandise return labels that do not conform to Postal Service specificiations.

7. Rate Schedule SS–20 is added to read as follows:

Merchandise Return

Per transaction—20 cents fee.

Shipper must have an advance deposit account.

8. Rate Schedule 1000 is amended to specify that the fee for a merchandise return permit is $30 per post office receiving merchandise return labels.

Since the Postal Rate Commission has not transmitted its recommended decision to the Governors of the Postal Service within 90 days after submission of the settlement proposal (January 7, 1980), the Postal Service will, under the authority of 39 U.S.C. 3641(e), place in effect at 12:01 a.m. on April 27, 1980, the temporary changes in the mail classification schedule as described above.

(39 U.S.C. 401, 403, 404, 3621, 3623, 3641)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-11639 Filed 4-16-80; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21524; 70-6438]

Consolidated Natural Gas Co.; Proposal by Holding Company To Act as Surety on Bond of Public Utility Subsidiary Company

April 11, 1980.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), Four Gateway Center, Pittsburgh, Pennsylvania 15222, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On January 2, 1980, Hope Natural Gas Company, a division of Consolidated Gas Supply Corporation ("Supply Corporation"), a wholly-owned subsidiary of Consolidated and a public utility operating within the State of West Virginia, filed revisions in its tariff calling for increased rates and charges amounting to approximately $10,475,340 per year for providing natural gas service to its customers in the State of West Virginia. Such increased rates were to have become effective for gas furnished on and after February 1, 1980; however, pursuant to the Public Service Law of West Virginia, the Public Service Commission of that state suspended the effectiveness of said rates (as revised) until May 31, 1980. Under the Public Service Law, the Public Service Commission has required Supply Corporation to file a bond in the amount of $10,500,000, with satisfactory surety, for the due and proper payment of any refunds. Consolidated proposes, without fee or other consideration, to act as surety on the bond of Supply Corporation to save the cost of securing an outside corporate surety.

The fees and expenses incurred by Supply Corporation in connection with the proposed transaction are estimated not to exceed $2,500. The declaration states that no state commission and no federal commission, other than the West Virginia Public Service Commission and this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 8, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact of law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11699 Filed 4-16-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11127; 811-999]

Devonshire Street Fund, Inc.; Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

April 11, 1980.

Notice is hereby given that Devonshire Street Fund, Inc. ("Applicant"), 1 Winthrop Square, Boston, Massachusetts 02110, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 20, 1980, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant, a Massachusetts corporation, registered under the Act on October 29, 1960; and on November 1, 1960, it filed a registration statement (File No. 2-17264) under the Securities Act of 1933 covering 4,000,000 shares of its capital stock in connection with a proposed public offering of its shares. This registration statement was declared effective by the Commission on February 14, 1961, and Applicant commenced a public offering of shares of its capital stock on that date.

On August 16, 1979, at a meeting of shareholders, holders of a majority of the issued and outstanding shares of capital stock of Applicant approved an agreement and Plan of Reorganization which provided that Applicant would transfer substantially all of its assets to Investment Trust of Boston ("ITB") in exchange for shares of beneficial interest of ITB. The application further states that the transfer of assets became effective on August 20, 1979, and that the approximately 824,656 ITB shares received by Applicant have been distributed to the accounts of Applicant's shareholders in proportion to their ownership of Applicant's shares. The ITB shares distributed to the Applicant's shareholders are subject to stop orders preventing redemption and dividend payments until certificates for the corresponding Applicant shares are surrendered. As of January 29, 1980, all but 69 Applicant shareholders had surrendered their certificates.

As of February 25, 1980, Applicant had assets consisting of $13,585.26 in cash, of which it intends to deliver $8,815, representing unclaimed dividends on portfolio securities, to the

Commonwealth of Massachusetts as abandoned property and to retain the balance to liquidate final liabilities. Applicant states that dequate provision has been made for its depts and other liabilities that remain outstanding, which consist of unclaimed portfolio dividends and custodian, transfer agent, printing, auditor and legal fees and expenses and other costs associated with filing final regulatory reports and winding up its business. In addition, Applicant states that it is not a party to any pending litigation or administrative proceeding, and that it has not within the last eighteen months transferred any of its assets to a separate trust the beneficiaries of which were or are securityholders of Applicant. The application finally states that on February 8, 1980, Applicant filed Articles of Dissolution with the Commonwealth of Massachusetts and, under Massachusetts law, the existence of the corporation has ceased except for such purposes as are necessary to close its affairs. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 5, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–11701 Filed 4–16–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11126; 812–4424]

Life Insurance Co. of North America and Life Insurance Co. of North America Separate Account A; Application Pursuant for Approval of Exchange Offer and Amendment of Prior Order and for Exemption

April 10, 1980.

Notice is hereby given that Life Insurance Company of North America ("LINA"), 1600 Arch Street, Philadelphia, PA 19101, a stock life insurance company organized under the laws of the State of Pennsylvania, and Life Insurance Company of North America Separate Account A ("Separate Account"), a separate account of LINA registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust (hereinafter referred to as "Applicants"), filed an application on March 7, 1980, for an order approving certain offers of exchange and modifying a previous order under Sections 11(a) and 11(c) of the Act and pursuant to Section 6(c) of the Act for an order granting an exemption from Section 27(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

LINA, the depositor and sponsor of Separate Account, established Separate Account pursuant to the laws of the State of Pennsylvania in connection with the issuance of group and individual variable annuity contracts to certain persons who qualify for tax-deferred benefits under Sections 401, 403(a), 403(b) and 408 of the Internal Revenue Code of 1954 ("Code"), as amended. Applicants also offer the Contracts under deferred compensation and other retirement plans for persons who may not qualify for similar tax treatment. LINA currently issues the following forms of variable annuities: Group Variable Annuity Contracts, Group Unallocated Variable Annuity Contracts, Single Premium Immediate Contracts, and Single Premium and Flexible Premium Deferred Contracts (collectively referred to as "Contracts"). Under such Contracts, the owner makes payments to LINA which deducts sales and administrative expenses therefrom. The balance of such payments under the Contracts are then allocated to one of seven divisions of the Separate Account and are invested by LINA in shares of Decatur Income Fund, Inc., National Investors Corporation, Oppenheimer Fund, Inc., Windsor Fund, Dreyfus Third Century Fund, Qualified Dividend Portfolio, Inc., or INA High Yield Fund, Inc. (hereinafter collectively called "Current Funds") which are open-end diversified management investment companies registered under the Act.

Applicants state that they intend to enter into a new fund participation agreement whereby they will add INA Cash Fund, Inc. ("Cash Fund"), an open-end, diversified management investment company registered under the Act, as an additional underlying fund of Separate Account. Cash Fund seeks to provide investors with preservation of capital, liquidity, and, consistent with the foregoing objectives, the highest possible current income by investing in a broad range of money market instruments. Applicants will continue to offer the Current Funds for Separate Account investment allocation. (Future reference to the term Fund(s) herein shall specifically include Cash Fund unless otherwise indicated.) Upon its addition, Cash Fund will become available for Separate Account investment selection under the Contracts. Under the proposed agreement, shares of Cash Fund may be purchased by LINA for allocation to the Separate Account at their net asset value withouth the imposition of a sales charge. Cash Fund is managed and distributed by affiliates of the Applicants. Cash Fund shares are also sold directly to the public without a sales charge.

Applicants state that their Group Variable Annuity Contract contemplates that periodic payments will be made on behalf of each participant until the date when his or her annuity payments are to commence. The normal charge deducted is 6% of each gross purchase payment, which provides for the death benefit and for sales and administrative expenses of the Applicants. Premium taxes are also deducted wherever applicable. A mortality and expense risk charge is assessed daily upon the assets of the Separate Account based upon current

value. On an annual basis, this charge is 0.9% of such asset value.

Applicants further state that from time to time they receive payments under existing Group Variable Annuity Contracts or newly issued Group Variable Annuity Contracts purchased with amounts which have previously been accumulated under an existing retirement plan. Accumulated amounts thus transferred to the Group Variable Annuity Contract are received either in a lump sum or in installments during a period of time not to exceed one year (hereinafter referred to as "Transfer Payment"). Except under 403(b) retirement plans, the amount of such payments must be a minimum of $5,000 and will normally exceeed such amount depending upon the particular plan situation. A 403(b) transfer being made for an individual participant may be less than $5,000; however, he or she must meet the conditions for transfer described below.

Applicants state that when Transfer Payments are to be made, Applicants issued their Group Variable Annuity Contract or accept the transfer purchase under an existing Group Variable Annuity Contract with the Owner, at a reduced initial sales charge of 2½% of the Transfer Payment. Such reduction is available only where the Transfer Payment arises from amounts accumulated under (a) a plan qualifying under Sections 401 or 403(a) of the Code provided that the plan has been in effect for at least one year; (b) a plan meeting the requirements of Section 403(b) of the Code provided that no participant account transfer under an existing plan may be accepted for such Transfer Payment unless the participant has been in his or her former plan for at least 1 year; (c) an existing deferred compensation plan where the plan has been in effect for at least 1 year. The reduction is available only under the above situations where the Contract owner makes continuing contributions on behalf of persons who become participants under the Group Variable Annuity Contract. Applicants note that the normal sales charge of 6% continues to be applicable to all regular purchase payments subsequent to the Transfer Payment(s) and that required deductions for state premium taxes are made, if applicable.

Section 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company, or any principal underwriter for such a company, to make, or cause to be made, an offer to the holder of a security of such company, or of any other open-end investment company, to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer first have been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to permit the extension of previously approved transfer privileges under Applicants' Contracts, where such transfers are also permitted under other applicable laws and the applicable retirement plan, to specifically include in such privileges the Separate Account accumulation and annuity unit values which are measured by all Fund shares.

Applicants' Contracts contain exchange privileges which permit a Contract owner or a participant under a Group Contract to transfer the total value of his or her Separate Account Division (allocated to the appropriate tax qualified or non-tax qualified subdivision thereunder) to another Separate Account Division prior to and after the annuity commencement date. Prior to the annuity commencement, Applicants also permit a Contract owner or participant to transfer the partial or total value of his or her Separate Account Division allocation to LINA's general account, and to transfer amounts allocated to the general account to the Separate Account.

No additional sales or administrative charges will be imposed for making any transfer under the Contracts. No remuneration will be paid to sales representatives upon such exchanges. Applicants represent that they will grant the new transfer privileges to all existing Contract owners and group Contract participants where permitted by state law and the retirement plan. They will send written notification of the new exchange rights to each current Contract owner.

Applicants also note that the Commission order granted in Release No. 10678 exempting the Funds among other things, from Sections 11(a) and 11(c) of the Act, contained a technical error which reflected language in the Application therefor. That order, in granting the requested transfer rights, noted the right of Contract owners and participants to transfer the partial or total value of their LINA general account allocations under the Contracts to a specified Separate Account Division prior to the annuity commencement date provided that no such transfers are made within a 6 month period measured from the date that the owner or participant first becomes covered under the Contract or the date of last transfer "*from*" the general account "*to*" the Separate Account (emphasis added). Applicants request that the order granted in Release No. 10678 be modified so that the limitation restricts the described transfers so that they cannot be made within a 6 month period measured from the date that the owner or participant first becomes covered under the Contract or the date of last transfer "*to*" the general account "*from*" the Separate Account.

Section 27(a)(3)

Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of, or underwriter for such company, may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payments exceeds proportionately the amount deducted from any other subsequent payment.

Applicants state that they want to eliminate the 2½% initial sales charge imposed upon a Transfer Payment. Applicants believe that the elimination of sales charge on a Transfer Payment technically will violate the provisions of Section 27(a)(3) of the Act unless exemptive relief is obtained.

The Application states that Applicants anticipate that they will be able to administer an aggregate purchase and provide death benefits without a sales charge on a Transfer Purchase because of large transfer contributions and the subsequent periodic contributions which will be subject to a 6% sales charge. Applicants believe that elimination of the sales charge on a Transfer Payment may serve the best interests of persons who currently participate in an existing retirement plan. Applicants further represents, however, that there is no reason not to assess the usual 6% sales charge on payments subsequent to the Transfer Payment since Applicants will continue to incur administrative and death benefit cost under the Group Variable Annuity Contracts and the selling expenses incurred on the continuing contributions will be identical to those incurred under other continuing contribution Group Variable Annuity Contracts. Applicants will

continue to pay sales personnel compensation which will be deducted from the 6% sales charge in recognition of their continuing responsibilities under the Group Variable Annuity Contract.

Applicants represent that under certain circumstances, the Transfer Purchases could be made with amounts which have previously been invested in the shares of a registered investment company. This could result in a determination that a technical offer within the contemplation of Section 11(a) of the Act has been made to a securityholder or another open-end investment company, to exchange his security for the Group Variable Annuity Contract. Applicants point out that where the Transfer Purchase is made with the proceeds from a liquidation of open-end investment company shares, Applicants will not be involved in any way in such liquidation transaction. Any such liquidation would take place without Applicants' participation. Further, Applicants state they will not accept the securities or otherwise process the liquidation of such securities.

Applicants submit that the proposed Transfer Purchase is appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated 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 further given that any interested person may, not later than April 30, 1980, at 5:30 p.m. submit to the Commission, in writing, a request for a hearing on the matter accompanied by a statement as to the nature of the interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 30, 1980, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–11697 Filed 4–16–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21525; 70–6433]

Middle South Services, Inc. and Middle South Utilities, Inc.; Proposed Sale and Leaseback by Service Company of Real Property and Guarantee of Service Company's Lease Obligations by Parent

April 11, 1980.

Notice is hereby given that Middle South Utilities, Inc., ("Middle South"), a registered holding company, and its subsidiary service company, Middle South Services, Inc. ("Services"), 225 Baronne Street, New Orleans, Louisiana 70112, have filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration which is summarized below, for a complete statement of the proposed transaction.

Services intends to enter into a sale-leaseback transaction with a limited partnership ("Lessor") to be formed by Integrated Resources, Inc., pursuant to which Services will sell to and concurrently lease back from the Lessor under a long-term net lease ("Lease") a parcel of real property situated in Pine Bluff, Arkansas, and all improvements thereon, together constituting Services' System Operations Center ("Operations Center"). Neither Integrated Resources, Inc. (or any corporation or person affiliated with it) nor the Lessor (or any corporation or person which will be affiliated with it) is or will be affiliated with Services or any of its affiliated companies. In order to effectuate these transactions, Middle South proposes to guarantee the performance by Services of its Lease obligations without recourse to Services first being required.

The Operations Center, which house facilities providing economic dispatch and power system security for the Middle South System, is located at 5201 W. Barraque Street, Pine Bluff, Arkansas, and consists of two buildings having an aggregate of 26,800 square feet situated on 2.56 acres of land. The original cost to Services of the Operations Center, including the land, was $1,594,859 and the current book value is $1,491,924. As soon as practicable after the receipt of the Commission's order in this proceeding ("Closing Date"), Services will sell and convey the Operations Center to the Lessor for an amount equal to the fair market value thereof, estimated at approximately $2,000,000 and certain capitalized transactional costs, fees, and expenses ("Rental Base"). It is expected that the Lessor will purchase the Operations Center initially with funds to be borrowed by the Lessor on an interim basis from a bank or other institutional lender ("Interim Loan"). The Interim Loan will bear interest at the prime commercial loan rate of Citibank, N.A., in effect as of the Closing Date and will mature on or about October 15, 1980. At maturity, the Interim Loan will be repaid from the proceeds of a permanent mortgage loan ("Permanent Loan") to be made to the Lessor by American United Life Insurance Company of Indianapolis. The Permanent Loan will bear interest at the rate of 13.75 percent per annum and will mature on or about October 15, 2005. The Interim Loan and the Permanent Loan will be secured by a mortgage on the Operations Center and by an assignment of the Lease and the Guaranty.

Concurrently with the purchase by the Lessor of the Operations Center, the Lessor will lease the Operations Center to Services. The Lease will have a basic term ("Basic Term") of 25 years, commencing on or about October 15, 1980, and an interim term ("Interim Term"), for the period from the Closing Date to the commencement of the Basic Term. At the end of the Basic Term, Services will have the option to purchase the Operations Center at the then fair market value of the Operations Center, as encumbered by the Lease, and will also have the right to renew the Lease for up to five successive five-year renewal terms ("Renewal Terms)"). The Lease will be noncancellable except in the event of total loss, destruction, condemnation or confiscation of the Operations Center to the extent that it cannot be economically repaired or replaced.

The lease will be a net lease in all respects, conferring responsibility for

maintenance, insurance, certain taxes and other expenses upon Services. Services will be obligated to maintain the Operations Center in good condition, normal wear and tear expected. In the event that Services desires, from time to time, improvements costing at least $250,000 to be constructed at the Operations Center during the Basic Term or any Renewal Term, the Lessor will be obligated at the request of Services to make a reasonable effort to arrange for the construction and the financing of such additional improvements and the leasing thereof to Services on a satisfactory basis, having regard to the then existing economic, financial and money market conditions.

Lease payments by Services over the term of the Lease will be as follows: (1) During the Interim Term, in an amount equal to the specified rate of interest on the Interim Loan as applied to the Rental Base; (2) during the Basic Term, in annual amounts equal to the following percentages of the Rental Base: years 1–5, 9.16 percent; years 6–10, 13.82 percent; years 11–15, 14.70 percent; and years 16–25, 18.49 percent; and (3) during any Renewal Term, in an annual amount equal to 9.6 percent of the Rental Base. It is Services' understanding that the Lease rates during the Basic Term are equivalent to the levels annual rental constant of 12.37 percent or to an effective annual interest rate of 11.7 percent per annum. Services intends to charge the payments under the Lease to operating expense. The Lease payments are such that Services will not acquire any equity in the Operations Center and consequently the Lease will be accounted for by Services as a lease.

It is stated that no federal or state commission, other than this Commission, has jurisdiction over the proposed transaction. The fees or expenses to be incurred in connection with the proposed transaction will be filed by amendment.

Notice is further given that any interested person may, not later than May 5, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the delcarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to became effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such further action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11698 Filed 4-16-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21523; 70-6430]

New England Electric System and Yankee Atomic Electric Co.; Proposed Issue and Sale of Common Stock Pursuant to Employee's Share Ownership Plan and Request for Exemption From Competitive Bidding

April 11, 1980.

Notice is hereby given that New England Electric System, ("NEES"), a registered holding company, and Yankee Atomic Electric Company, ("Yankee Atomic"), 20 Turnpike Road, Westborough, Massachusetts 01581, an electric utility subsidiary company of NEES and Northeast Utilities, a registered holding company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Yankee Atomic proposed to establish the Yankee Atomic Electric Company Thrift Plan ("Plan"). The purpose of the Plan is to encourage employee thrift through a regular savings plan. Pursuant to the Plan, NEES proposes to issue and sell through December 31, 1984, a maximum of 100,000 shares of its authorized but unissued common shares, $1 par value. Under the Plan, employee contributions will be supplemented by employer contributions. The proceeds from the sale of common shares will be added to the general funds of NEES and be used for any of the following purposes: (1) Investment in subsidiaries (excluding Yankee Atomic) through loans to these subsidiaries, purchases of additional shares of their capital stocks, or capital contributions; (2) Payment of indebtedness of NEES; or (3) corporate purposes of NEES.

Each employee of Yankee Atomic who is not included in a unit of employees covered by a collective bargaining agreement and who has completed one year of service as of the Plan's effective date, is eligible to join the Plan during an initial enrollment period, or on the first day of any month thereafter. (Directors are not employees merely by virtue of that office.) Each employee who has not completed one year of service but is otherwise eligible may, after completion of one year of service, join on the first day of any month.

Participants may contribute from 1% to 11%, in whole percentages, of their compenstaion to the Plan. Each participant's contribution up to 3% will be a Basic Contribution. Each participant's contribution in excess of 3% will be a Supplemental Contribution. Participants may change the percentage of their contributions on the first day of any month.

Yankee Atomic shall contribute monthly on behalf of each participant an amount equal to 100% of the participant's Basic contribution. There will be no matching of a participant's Supplemental Contribution by Yankee Atomic.

All contributions shall be invested in a Trust Fund administered pursuant to a Trust Agreement containing such provisions as the Board of Directors of Yankee Atomic deems appropriate. The identity of the Trustee for the Plan shall be supplied by amendment. The Trust Fund shall consist of the following three separate Investment Funds: (a) The fixed Income Fund, which will consist of fixed income investments and earn a guaranteed minimum rate of return; (b) the Equities Fund, consisting primarily of stocks (or bonds or other securities convertible into stocks) and similar types of equity investments which will be purchased on the open market and (c) the NEES Share Fund, consisting of NEES common shares purchased from NEES and on the open market.

Upon enrollment, participants may elect to invest their contributions in one or more of the Funds in multiples of 25%. The Participant Account shall be 100% vested upon contribution. The Employer Account shall be 25% vested after two years of vesting service, 50% vested after three years of vesting service, 75%

vested after four years of vesting service and 100% vested after five years of vesting service. Notwithstanding the foregoing, the Employer Account shall be 100% vested upon retirement, death, collection of benefits under long-term disability, or termination by Yankee Atomic without cause.

Participants may withdraw all (but not less than all) of their Supplemental Contributions and all (but not less than all) accumulated earnings thereon. After withdrawal of Supplemental Contributions and earnings thereon, participants may withdraw all (but not less than all) of their Basic Contributions and all (but not less than all) accumulated earnings thereon. In the case of retirement, participants may elect one of several methods of distribution.

At the discretion of the Trust Committee, the responsibility for the investment management of the Plan assets held in each fund may be divided among one or more investment managers or investment vehicles. The Thrift Plan Committee shall be the named fiduciary which shall have authority to control and manage the operation and administration of the Plan.

No amendment of the Plan may be made which will (1) deprive any participant or beneficiary of any part of an account existing on the date of such amendment; (2) result in the reversion to Yankee Atomic or any part of the funds contrary to the provisions of the Plan; or (3) increase the duties or liabilities of the Trustee without its written consent. Yankee Atomic may terminate the Plan at any time. The Plan has no definite termination date. The Thrift Committee shall seek a determination from the Internal Revenue Service that the Plan is qualified under the Internal Revenue Code of 1954, as amended. If the Thrift Committee does not receive such a ruling by the time Yankee Atomic files its tax return for 1980, the Plan will be terminated as of that time.

NEES requests an exemption from the competitive bidding requirements of Rule 50 for such issuance and sale pursuant to Rule 50(a)(5).

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 7, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11700 Filed 4-16-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-80-10]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: May 7, 1980.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 9, 1980.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
13204	Executive Air Fleet Corp	14 CFR §§ 121.155 and 135.2	Extension of the June 30, 1980, termination date of Exemption No. 2030. That exemption allows petitioner to operate under Part 135 without having exclusive use of at least one aircraft and listing aircraft in its operations specifications. Petitioner requests that the Administrator continue the present exemption until final action on the proposed amendments to FAR Parts 121 and 135 or through June 30, 1982, whichever occurs first.
20240	Herman Miller, Inc	14 CFR § 91.32	To allow petitioner's pilots to operate their Learjet Model 35A to a maximum altitude of 45,000 feet without either pilot wearing an oxygen mask.
20241	General Electric Co	14 CFR § 21.325	To allow the petitioner to use an alternate method to preprint or stamp the shipping document with airworthiness certification data to certify airworthiness of Class III export products rather than the required "Airworthiness Approval Tag" (FAA Form 8130-3).
20242	Dorado Wings, Inc	14 CFR § 135.243(a)	To allow petitioner to use pilots on communter air carrier routes who do not possess an airine transport pilot certificate.
20243	Summit Airlines, Inc	14 CFR § 12.623(c)	To allow petitioner to conduct its operations without listing at least one alternate airport for each destination airport in the flight release.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of Relief Sought—Disposition
16787	Petroleum Helicopters, Inc	14 CFR §§ 133.1(b) and 133.45(a)(3).	To permit, for hire, the use of petitioner's Bell 212 and Puma SA-330 helicopters to lower and hoist harbor pilots, on an external hoist, to and from ships at sea, on a test basis. *Granted 3/28/80.*
18591 and 18920	Transamerica Airlines, Inc., and World Airways, Inc	14 CFR §§ 121.105, 121.443, 121.465, 121.533, 121.535, 121.593, 121.595, and 121.601.	To amend Exemption Nos. 2680 and 2696, as amended, to extend the expiration date beyond March 31, 1980, to allow continued scheduled passenager carrying operations without compliance with certain portions of 14 CFR Part 121. These exemptions allow the petitioners to conduct both charter and limited scheduled operations under one set of regulations. *Granted 3/31/80.*
19825	World Aerobatics, Inc	14 CFR §§ 61.3, 91.27(a), and 91.71(d).	To permit foreign pilots and aircraft to participate in the Tenth World Aerobatic Championships without showing that they meet U.S. pilot and aircraft certification requirements. Instead, the standards of the Federation Aeronautique International would be applied. *Granted 3/28/80.*
19996	Air Transport Association of America	14 CFR § 121.485	To allow petitioner's members to utilize flight crews of three or more pilots and an additional flight crewmember in its operations without providing the rest at home base requirements when those crews have been scheduled for a flight or series of flights of more than 12 hours during any 24 consecutive hours. *Granted 3/26/80.*
20192	Flying Tiger Line, Inc	14 CFR § 121.291	To allow the petitioner to introduce its B-747-200B aircraft into passenger-carrying operations with a 520 passenger seat configuration and with 14 crewmembers without first conducting the required full seating capacity emergency evacuation demonstration. *Granted 3/28/80.*

[FR Doc. 80-11270 Filed 4-16-80; 8:45 am]
BILLING CODE 4910-13-M

Intent To Prepare an Environmental Impact Statement on Proposed Improvements, Alternations Aurora Municipal Airport, Aurora, Ill.

The Federal Aviation Administration, Great Lakes Region, intends to prepare an Environmental Impact Statement for the acquisition of approximately 155 acres of land for installation of an ILS, approach protection, and a primary borrow area; the expansion of general aviation aircraft parking apron; the construction of a storm water detention area; and, the installation of an ILS (Instrument Landing System) and approach lighting system.

Possible alternatives to be considered are alternate development, utilization of other airports, and no changes.

The FAA intends to consult and coordinate with Federal agencies with jurisdiction by law or having special

expertise respecting any environmental impact involved. Within 90 days of this Notice the FAA (in Des Plaines, Illinois) will contact the following agencies agencies to determine the significance of impacts that could reasonably be associated with the project: (a) Environmental Protection Agency (b) Department of the Interior (c) Department of Housing and Urban Development, and (d) Army Corps of Engineers.

No scoping meeting is presently planned.

Additional information concerning the proposed project may be obtained by contacting: Mr. Michael C. Rose, AGL-611.1, Federal Aviation Administraction, 2300 E. Devon Avenue, Des Plaines, Illinois 60018 (Tel: (312) 694-4500, Ext. 387).

Dated 7th day of April, 1980.

Frederick M. Isaac,

Chief, Airports Division, Federal Aviation Administration, Great Lakes Region.

[FR Doc. 80-11532 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

Flight Service Station Modernization Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed plan and request for comments.

SUMMARY: The proposed plan calls for the establishment of a new 61-automated Flight Service Station configuration, in the conterminous United States, Alaska, Hawaii, and Puerto Rico. The proposed plan is contained in an Addendum to the Master Plan Flight Service Station Automation Program, dated January 1978. The Addendum is published in full following this announcement.

DATES: Comments must identify the Flight Service Station Modernization Plan and be received on or before June 7, 1980.

ADDRESS: Send all comments on the proposed plan to: Federal Aviation Administration, Attention: FSS and Leased Services Communications Requirements Branch, AAT-140, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul Rosenwald, AAT-105 FSS and Leased Services Communications Requirements Branch, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202/426-8466.

Comments received on the proposed plan may be inspected at Room 426, FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the proposed plan may be obtained from the Office of Public Affairs, APA-430, FAA Headquarters.

Issued in Washington, D.C. on April 3, 1980.

Richard L. Failor,

Director, Air Traffic Service.

The Flight Service Station Master Plan provides for automation of the highest activity stations and introduction of pilot self-service features. The Master Plan, however, deferred decisions on several key issues. The proposed resolution of these issues is as follows:

The distribution and location of Flight Service Stations (domestic and nonconterminous) and possible collocation with Air Route Traffic Control Centers. We have identified the need for 61 automated facilities. We have decided against collocation because it isolates the Flight Service Station System from the primary user, General Aviation.

Construction of suitable quarters to house the automated facilities. New buildings will be required for 59 of the 61 facilities to accommodate consolidation and automation.

The consolidation of existing Flight Service Stations into the new facilities. Consolidation of adjacent Flight Service Stations into the automated facility will not be initiated until we have shown the level of service at the new facility to be at least equal to the service available at the nonautomated locations.

As a result of these measures, the total cost of automating and consolidating the Flight Service Station network would be increased from $453 million to $495 million, a difference of $42 million.

This Addendum to the Flight Service Station Automation Program Master Plan, dated January 1978, describes the plan for the automated and modernized Flight Service Station System. It:

Reaffirms the automation program

Extends automation to Alaska, Hawaii, and Puerto Rico

Establishes automated Flight Service Stations at 61 major centers of general aviation activity in 45 states and Puerto Rico. New buildings will be required for 59 of the 61 facilities

Eliminates the collocation of Flight Service Stations Air Route Traffic Control Centers

Provides for the consolidation of existing Flight Service Stations into the 61 new facilities

As a result of these measures, the total cost of automating and consolidating the Flight Service Station System would be increased from the $453 million necessary to automate 20 Hub facilities, as described in the Master Plan, to $495 million to automate 61 Flight Service Stations. A difference of $42 million.

Dated: March 28, 1980.

Langhorne Bond,

Administrator.

1.0 *Introduction*

The Master Plan for the Flight Service Station Automation Program dated January 1978 is a planning for the implementation of the Flight Service Station Automation System and serves as the acquisition authorizing document. Acquisition is limited to Phases A and B of the plan with complete implementation of Flight Service Station Automation for Level III (highest activity) Flight Service Stations and implementation of pilot self service.

Phases C and D of the Master Plan provide a plan for collocation and consolidation of the present domestic 290 Flight Service Stations into 20 new Hub facilities at the Air Route Traffic Control Center locations. Also included was an alternate plan to meet system service demands without collocation, but with automation extended up to a maximum of 150 Flight Service Stations with or without consolidation of the remaining manual stations. The implementation approach and cost for both alternatives were considered to be almost identical for Phases A and B, therefore, the issue of which alternative would be followed was to remain under consideration without affecting program costs.

2.0 *Purpose and Scope*

This document presents the policy, guidelines and plan for implementation of the alternate approach for Phase C and D of Flight Service Station Automation Program. It is intended that the January 1978 Master Plan will be modified as soon as possible. The scope of the modifications are presented in Appendix 4 in overview form by major headings.

3.0 *General*

The Master Plan of January 1978 deferred decisions on several key issues. These issues have been studied jointly by FAA Air Traffic Service, Airway Facilities Service, and Systems Research and Development Service to present the preferred alternative plan for consolidation, distribution and location of automated Flight Service Stations. The recommended approach considers

each of the following issues, and the approach taken to resolve them.

4.0 *Issues*

4.1 *Background*

Flight Service Stations were established in the 1920's for communication with mail planes flying between Washington, D.C., and Oakland, California. In the 1930's and 1940's, the flight service role expanded to include relaying traffic control clearances and accepting position reports for the newly established Air Route Traffic Control Centers. In the 1950's, the advent of remote air-ground communications facilities led to the elimination of the Flight Service Station role as an en route communications relay. Since 1960, Flight Service Stations have provided weather and aeronautical services primarily to the General Aviation pilot. These services include: flight plan processing, preflight and inflight weather briefings, en route communication and emergency services (direction finding).

While the role of Flight Service Stations has changed dramatically during this period, there has been little physical change to the facilities or to their geographic distribution.

Considering the role which the Flight Service Station now plays in General Aviation safety and in an effort to provide improved service to the General Aviation public, we have reviewed the distribution and location of existing Flight Service Stations. The purpose of this review was to determine if the existing distribution is consistent with the goal of improved safety and service.

4.1.1 *Consolidation and Collocation at Air Route Traffic Contol Centers*

A significant factor in the review was the outcome of the operational tests at the Washington Flight Service Station, Leesburg, Virginia. The Leesburg project involved the collocation and consolidation of three Flight Service Stations to the Air Route Traffic Control Center. The Leesburg tests did demonstrate that specific benefits are attainable through consolidation. These benefits include: increased capacity to provide service; more efficient staff utilization; equitable workload distribution; net decrease in overhead administrative costs. The tests also indicate there are no significant operational or cost advantages to be realized through collocation. Additionally, collocation has the negative consequence of total isolation of the system from the principal users—General Aviation. Consequently, we are no longer considering collocation of Flight Service Stations at Air Route Traffic Control Centers.

4.2 *Distribution and Location of Flight Service Facilities*

The problem in the distribution of the Flight Service Stations is one of balancing service against operating cost. The operating costs of the existing Flight Service Stations and the projected growth of General Aviation make continuation or expansion of the present system impractical.

A number of factors, some quantifiable and others judgmental, were considered in arriving at the number and tentative locations of the Flight Service Stations to receive automation. These include: General Aviation activity; i.e., airport operations and based aircraft; compatibility with the recently announced Satellite Airport Program; geographical distribution of facilities in terms of concentration of activity and homogeneity of terrain and weather; equalizing workload distribution between facilities; and utilizing existing equipment and locations to the extent practical.

The result of applying these preferential criteria was the selection of 61 facilities to receive automation. The locations of these facilities have been coordinated with the Regions, but have not been included in this document because they have not been discussed with the airport sponsors.

The initial application of the criteria indicates the 61 facilities will be located in 45 states and Puerto Rico. Twenty-nine locations are satellite airports. Forty-two of these tentative locations already have a Flight Service Station. All 61 facilities would be located at airports which are major centers of General Aviation activity within their respective flight plan areas.

4.3 *Flight Service Station Quarters*

Nineteen of the tentatively selected General Aviation airports do not have Flight Service Stations. New buildings will be required at those locations. One of the remaining 42 locations has existing quarters that could be adequately adapted to accommodate both automation and consolidation. New buildings would be required at 41 of the existing locations. One of these buildings is already under construction; therefore, this program has been developed and priced on the basis of FAA constructed buildings at 59 locations.

4.4 *Intervening Period*

It is recognized that during the intervening period—before the new system is operational—the workload to handle increased operations and the proposed dual operation during the transition period will require reduced hours of operation at some low activity stations, or a temporary increase in staff or both.

4.5 *Consolidation of Flight Service Stations*

Consolidation of the existing Flight Service Stations will be accomplished in several stages. After each automated Flight Service Station is in operation, we will ascertain that the quality of service provided is equal or superior to the service available from the existing stations in the area. Only then will we begin to consolidate the surrounding Flight Service Stations into the automated facility. The heart of our approach to consolidation is the development of a consolidation plan tailored to the needs of each individual flight plan area. This plan will be developed within national guidelines by the chief of the automated facility. The plan will also reflect the input obtained from the chiefs of the facilities to be consolidated, the FAA maintenance sector manager and the local aviation community.

New buildings will permit the development of standard floor plans to facilitate national planning for equipment, systems and operations. We envision a highly energy efficient building with specially designed high reliability power and environmental support systems.

4.6 *Issue Resolution Summary*

We believe that the foregoing solutions to the issues which were deferred in the Master Plan represent the most operationally advantageous and cost effective approach to improving safety and service to the General Aviation community.

5.0 *Program Schedule and Funding*

The plan for a 61-Flight Service Station Configuration does not disturb the previously announced automation program schedule or funding plan. Deliveries of the limited automation systems are planned to begin in 1982 and will be installed in selected exisitng Flight Service Stations. The computer systems will be installed at Air Route Traffic Control Centers as planned.

Construction of the new Flight Service Station buildings will begin in 1982. Deliveries of expanded automation systems will begin in 1983 with final deliveries scheduled for 1987. Equipment required for the additional 18 facilities, beyond the 43 currently programmed, has been added at the end of the program schedule. Appendix 1 shows

the planned schedule of system deliveries.

The funding plan is consistent with earlier plans. The cost of automation has been increased $19M to cover the cost of 18 additional display systems. The cost for new buildings and consolidation approximate those shown in the Master Plan of 1978, however, at first glance the numbers may appear significantly different. This is because the 1978 plan is costed in constant 1977 dollars and the currently approved automation program is costed in dollars inflated per guidelines provided by OMB. In order to be consistent for comparison purposes the new plan and the 20 Hub plan dollars have been inflated at the same OMB rate. If actual inflation rates differ from projections, adjustments will be made in each years annual budget submission. A summary of the funding required by year is shown in Appendix 2. Appendix 3 delineates the differences in funding between this plan for 61 facilities and the Master Plan.

Appendices

Schedule.....1
Funding.....2
Cost Comparison.....3
Master Plan Revisions Overview.....4

BILLING CODE 4110-84-M

APPENDIX 1

SCHEDULE (CY)

SYSTEM DELIVERIES

	1977-80	81	82	83	84	85	86	87	88	TOTAL
AUTOMATION										
Limited Automation			19	22						41
Full Automation				6	13	12	12	12	6	61
BUILDINGS				6	12	12	12	12	5	59

APPENDIX 2

FUNDING (FY)

	1977-80	81	82	83	84	85	86	87		TOTAL
AUTOMATION										
Original Level III (43)	30	85	32	33	25	19	-	-		$ 224
Additional Locations (18)	-	-	-	2	8	9	-	-		19M $ 243M
BUILDINGS (59)	-	-	23	25	25	27	26	-		$ 126M
CONSOLIDATION	-	-	-	16	24	27	59(1	-		$ 126M $ 495M

(1 1986 and following years

BILLING CODE 4110-84-C

Appendix 3

	Master plan	Proposed plan	Difference
Automation:			
Original Level III (43)	$224M	$224M	
Additional Facilities (18)		19M	$19M
Buildings:			
59 New Buildings		126M	
20 Hubs	104M		22M
Consolidation	*125M*	*126M*	*1M*
	(*1*)	(*1*)	(*1*)
	453M	495M	42M

The cost/benefit analysis, prepared to support the January 1978 Flight Service Station Automation Program Master Plan, indicated a $1.5 billion cumulative cost savings to 1995 by proceeding to the 20 Hub configuration. An update to this analysis, prepared to support the proposed plan, indicates a similar $1.5 billion cumulative cost savings by proceeding to the 61 Flight Service Station configuration.

(*1*) These figures represent inflated dollars to the year of expenditure in accordance with OMB inflation guidelines.

Appendix 4.—*Anticipated Master Plan Revisions*

1.0 *Introduction including Foreward and Introduction*

Modification of Program Phases C and D.

2.0 *Program Objectives and Requirements*

No changes.

3.0 *Program Planning*

No change except Phases C and D earlier implementation of Building Program as required.

4.0 *Systems and Systems Interface Descriptions*

Minor changes—Remove collocation at ARTCCs.

5.0 *Program Implementation*

Modify building program and site numbers for 61 Automated Flight Service Stations. No change to AWP requirements. Increase FSDPS implementation requirement to 23 sites. Basic implementation schedule modification will be minor.

6.0 *Major Program Relationships*

No changes.

7.0 *Program Management*

Changes required.

8.0 *Logistics Support*

No changes.

9.0 *Staffing*

Minor changes.

Planned levels for AF and AT personnel staffing are estimated to increase slightly in the preferred alternate plan as a result of increased numbers of facilities in the final system.

10.0 *Training*

Minor changes resulting from configuration change.

11.0 *Security*

No changes.

12.0 *Financial*

Changes required to reflect Program Schedule and Funding revisions of Section 5.0 of this document.

[FR Doc. 80-11533 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 144—Airborne Low-Range Radio (RADAR) Altimeter 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 144 on Airborne Low-Range Radio (RADAR) Altimeter Equipment to be held on May 6-7, 1980 in RTCA Conference Room 261, 1717 H Street, N.W., Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Second Meeting Held on March 11-12, 1980; (3) Presentation and Discussion of Working Group 1 Report on Altimeter Requirements; (4) Presentation and Discussion of Working Group 2 Report on Ground Proximity Warning System Requirements; (5) Review of European Organization for Civil Aviation Electronics (EUROCAE) Response to RTCA Letter Regarding Radio Altimeters; and (6) 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 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 April 7, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-11570 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Montgomery and Prince Georges Counties, Md.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Montgomery and Prince Georges Counties, Maryland.

FOR FURTHER INFORMATION CONTACT: Roy Gingrich, District Engineer, Federal Highway Administration, The Rotunda—Suite 220, 711 West 40th Street, Baltimore, Maryland 21211, Telephone: (301) 962-4011.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration, will prepare an environmental impact statement on a proposal to provide east-west highway facilities through Montgomery and Prince Georges Counties, Maryland. These facilities are known as the Rockville Facility and Intercounty Connector. The Rockville Facility would begin near Maryland Route 189 west of Interstate Route 270 south of the City of Rockville. It would proceed easterly to a connection with the Intercounty Connector on the east side of the City, a distance of approximately 11 miles. The Intercounty Connector would begin west of Interstate Route 270 and north of the City of Rockville. It would proceed in an easterly direction connecting with the Rockville Facility and continuing to the Baltimore/Washington Parkway, a distance of approximately 22 miles.

A full range of alternatives are being considered including (1) taking no action, (2) improving existing facilities, (3) parkway type freeways, (4) controlled access highways, and (5) freeways with full control of access. The range of alternatives will also consider improved transit service and facilities such as high-occupancy-vehicle lanes and park-and-ride lots. The proposal has possible impacts on the 100 year floodplain, public parks and recreation areas, stream crossings and realignments, land use, and may result in the acquisition of homes, apartment buildings, and businesses.

No formal scoping meeting is planned at this time. A series of public meetings will be held as the project develops to obtain comments and suggestions from all interested parties. In addition, a public hearing will be scheduled upon completion of the Draft EIS. A public

notice will be given of the time and place of these public meetings and public hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposal and the EIS should be directed to the FHWA at the address provided above and to Mr. Hal Kassoff, Director, Office of Planning and Preliminary Engineering, Maryland State Highway Administration, 300 West Preston Street, Baltimore, Maryland 21203.

Issued on: April 11, 1980.

Emil Elinsky,

Division Administrator, Baltimore, Md.

[FR Doc. 80-11558 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-22-M

Environemtal Impact Statement; Montgomery County, Md.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Montgomery County, Maryland.

FOR FURTHER INFORMATION CONTACT: Roy Gingrich, District Engineer, Federal Highway Administration, The Rotunda—Suite 220, 711 West 40th Street, Baltimore, Maryland 21211, Telephone: (301) 962-4011.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Maryland State Highway Administration will prepare an environmental impact statement (EIS) on a proposal to construct Interstate Route 370 (I-370) in Montgomery County, Maryland. The proposed improvements would involve the construction of I-370 from I-270 to the Shady Grove METRO Station, a distance of approximately 2.7 miles. The primary purpose for I-370 is to provide improved interstate access from I-270 and areas to the north and west to the METRO station. Additionally, I-370 will provide roadway capacity for an area which is planned for significant development.

Alternatives under consideration include (1) taking no action, (2) improvements to existing roads, and (3) an Interstate highway with full access control. The proposal has possible impacts on the 100 year floodplain, historic and archeological sites, minor stream realignments, and may result in the acquisition of homes, apartment buildings, and businesses.

No formal scoping meeting is planned at this time. A public hearing will be scheduled upon completion of the Draft EIS. A public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposal and the EIS should be directed to the FHWA at the address provided above and to Mr. Hal Kassoff, Director, Office of Planning and Preliminary Engineering, Maryland State Highway Administration, 300 West Preston Street, Baltimore, Maryland 21203.

Issued on: April 11, 1980.

Emil Elinsky,

Division Administrator, Baltimore, Md.

[FR Doc. 80-11567 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Municipality of Bayamon, P.R.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the Municipality of Bayamon, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Juan Cruz, Assistant Division Administrator, Federal Highway Administration, Puerto Rico Division, U.S. Courthouse and Federal Building, Room 150, Carlos Chardon Street, Hato Rey, Puerto Rico 00918. Telephone (809) 753-4600.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the Commonwealth of Puerto Rico's Department of Transportation and Public Works, will prepare an environmental impact statement to improve PR-2 between PR-174 and PR-855 in the Municipality of Bayamon, Puerto Rico. The total project length is approximately 1.5 kilometers. The alternates to the proposed project are the No Build, Alternate Route, improvement of Public Transportation and six Alternates to the Highway Improvement. The improvement is intended to improve and benefit traffic operating conditions in the Municipality of Bayamon.

Coordination with Federal, State and local agencies and the public has been an on-going process since early 1977. Provisions have also been made for all of the agencies to comment on the project. Public notice will be given for the time and place of a public hearing. The draft EIS will be available for agency and public review and comment.

Questions concerning this proposed action and draft EIS should be directed to FHWA at the address provided above.

Issued on: April 9, 1980.

W. A. Nostrand, Jr.,

Director, Office of Environment and Design, Albany, New York.

[FR Doc. 80-11566 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-22-M

Statement of FHWA Policy on Energy Conservation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA issues a statement of policy on energy conservation for the Federal-aid highway program.

FOR FURTHER INFORMATION CONTACT: Harry B. Caldwell, Policy Development Team, Policy Planning Division, Office of Program and Policy Planning, 202-426-0226, or Thomas P. Holian, Office of the Chief Counsel, 202-426-0761, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: A statement of FHWA policy on energy conservation has been issued as FHWA Notice N 5520.4 dated March 21, 1980. Further activities to implement Executive Order 12185 relating to the conservation of energy in connection with FHWA assistance programs are presently under consideration. The text of the FHWA Notice is self-explanatory and is as follows:

1. *Purpose.* To establish Federal Highway Administration (FHWA) policy and broad direction on energy conservation for the Federal-aid highway program and to identify areas that possess the greatest potential for fuel conservation.

2. *Existing issuances affected.* The policy contained in this Notice is reflected in existing program directives and will be incorporated in future directives, as needed.

3. *Background*

A. The Nation's highways provide the backbone of our national transportation system. The highway system carries 85

percent of all passenger miles of travel, 21 percent of intercity ton-miles of freight, and nearly 100 percent of urban goods movement. In performing this function, the highway system accounts for almost 44 percent of all petroleum consumed in this country. Thirty percent of this petroleum consumption is by automobiles, and the remaining 14 percent is by trucks and buses. The highway system's continued operation is closely linked to the availability of fuel.

b. Although highway transportation is energy intensive, it also holds the single greatest potential for energy savings. The FHWA, representing the national interest in the Nation's highway transportation system, is cognizant of its role and responsibility in promoting energy conservation in highway transportation.

4. *Policy.* This FWHA energy policy reflects the dependence of highway transportation on fuel availability and adapts the Federal-aid program to the possibility of short-term fuel shortages and to long-term fuel conservation. The FWHA declares that the planning, design, construction, management and operation of the Federal-aid highway system will be conducted in a manner that conserves fuel, maintains the greatest degree of personal and economic mobility consistent with the availability of fuel, and maintains a state of emergency preparedness in the event of an abrupt fuel curtailment. Accordingly, it is FHWA policy to:

a. Encourage that the energy conservation plan of each State contain a transportation element describing conservation activities applicable to the federally assisted highway programs within the State including, but not limited to, those activities prescribed by the Energy Policy and Conservation Act of 1975.

b. Encourage the preparation of energy contingency plans by State and substate agencies as a preparatory response to an energy emergency. The plans should contain a transportation element describing emergency conservation activities applicable to federally assisted highway programs including, but not limited to, the provisions of the Emergency Energy Conservation Act of 1979.

c. Encourage that federally assisted transportation planning activities be consistent with and supportive of State energy conservation plans and planning activities.

d. Support those Federal-aid projects offering substantive energy conservation potential, as mandated by Executive Order 12185 (December 17, 1979).

e. Support national energy conservation actions such as the enforcement of the 55 m.p.h. speed limit and other national conservation targets or goals; promote energy conservation through a comprehensive public relations program; promote activities that facilitate the energy efficient movement and distribution of goods; and promote construction practices and other actions that conserve energy.

5. *Action.* The FHWA energy policy emphasizes energy conservation in short- and long-term departmental and agency activities and outlines areas which can achieve energy conservation.

a. *Energy Coordination.* The FHWA Washington Headquarters will coordinate energy conservation activities with the Urban Mass Transportation Administration (UMTA), the Office of the Secretary of the Department of Transportation and the Department of Energy. The FHWA region and division offices will serve to disseminate pertinent energy conservation information to the States, compile and submit to the Washington Headquarters periodic status reports on State and local activities, provide technical, policy, and programmatic assistance to the States, and ensure that desired energy conservation activities are undertaken and continued by the States. The FHWA encourages each State highway agency to work cooperatively with State energy officials in preparing the transportation element of statewide, substate (if applicable), and metropolitan area energy conservation plans. These planning activities are more fully discussed in the following paragraphs. Several potential energy conservation programs are also identified.

(1) *Energy Conservation Planning*

(a) Each State highway agency should work cooperatively with State energy officials in preparing the transportation element of statewide, substate (if applicable), and metropolitan area energy conservation plans. The plans should emphasize, where feasible, the inclusion of transportation projects that offer the greatest potential for energy conservation and include such projects in the overall conservation strategy. The conservation strategies for inclusion in the plans should consider the six programs noted in paragraph 5b.

(b) Each State highway agency should designate an energy coordinator to conduct and monitor the preparation and coordination of individual plans; delegation of authority and assignment of responsibility for program implementation; compilation of information on the success of efforts to promote energy conservation; and the reporting of results to FHWA division offices. The FHWA field offices will monitor conservation planning activities and will provide technical assistance to the States, regional, and local agencies as necessary. The FHWA field offices will ensure that statewide and metropolitan area transportation planning activities are consistent with and supportive of the transportation element of State energy conservation plans.

(2) *Emergency Energy Planning*

(a) Each State highway agency should work cooperatively with State energy officials in preparing the transportation element of statewide, substate (if applicable), and metropolitan area emergency energy conservation plans.

(b) The FHWA, in cooperation with UMTA, encourages State highway agencies to work with metropolitan planning organizations (MPO) in developing the transportation emergency energy conservation strategies for each urbanized area. Such strategies should identify in each urbanized area's transportation improvement program those projects or activities designed to meet emergency energy conservation targets. The strategies for urbanized areas, and other substate areas, must complement and support State energy plans and targets.

(c) The FHWA, working through State highway agencies and substate planning organizations, suggests that emergency energy conservation plans include an appraisal of all segments of the economy that rely on liquid fuel and that a clear priority list for allocating fuel should be developed which includes transportation operation and improvement, production and agriculture, community service needs, emergency service needs, home heating, and other needs.

(3) *Funding.* Highway Planning and Research (HPR) funds are eligible for statewide energy conservation planning. Both HPR and Urban Planning (PL) funds are eligible for energy conservation planning in urbanized areas.

b. *Energy Conservation Programs.* The following six major program areas provide the greatest potential for fuel conservation: (1) ridesharing, (2) traffic signalization, (3) 55 m.p.h. compliance, (4) public information, (5) goods movement, and (6) construction practices.

(1) *Systems Management*

(a) The first two items, ridesharing and traffic signalization, fall within the area of systems management. The States, working with local officials through the MPO, are encouraged to include systems management-type projects with conservation potential in the transportation improvement program

(TIP) and Section 105 programs. These may include the construction of new or redesignation of existing highway lanes for high occupancy vehicles (HOV), preferential signalization for HOV's and transit vehicles, preferential parking and other employer incentives for ridesharing, and other measures, some of which may not be directly within the purview of FHWA or the State highway agency.

(b) Additionally, ridesharing promotional activities are encouraged in each urbanized area and with major employers.

(c) Traffic signalization programs should strive to improve traffic flow through signal coordination, elimination, etc., and give priority to activities that increase ridesharing or transit service.

(d) States and MPO's should assess in their statewide and metropolitan planning activities the energy implications of plans, programs, and projects and potential fuel conservation activities that could be pursued, includng alternative land development patterns to be supported by the transportation system.

(2) *55 m.p.h. Compliance.* The 55 m.p.h. national speed limit effects substantial savings in terms of lives, property damage, and fuel. The FHWA will work with States in designing and implementing activities and procedures, including sanctions, if necessary, deemed most effective in bringing about compliance with the national speed limit.

(3) *Public Information.* A major public information effort is vital to the success of FHWA's energy conservation program. This effort is directed both within FHWA and at State and substate transportation agencies, the highway industry, and the general public. The FHWA's energy policy recognizes that conservation will not work unless everyone, particularly the highway user, believes that there is a genuine need to conserve energy and knows that they individually and collectively can contribute to this effort.

(4) *Goods Movement.* The FHWA actively promotes the efficient movement and distribution of goods over the Nation's highways in a manner that does not unduly cause either physical damage to the system or interferes with the safe movement of vehicles. Examples of such actions include: planning and development of intermodal coordination, use of special truck corridors, and enhanced access to ports, terminals, airports, etc.

(5) *Construction Practices.* The construction of highway facilities requires the use of many petroleum-based products, primarily asphalt and fuel directly consumed by construction equipment. The FHWA will work closely with States and other organizations in developing highway construction components less reliant on petroleum as a base. This may include plasticized sulfur (sulphlex), sulfur extended asphalts, recycling of asphalt, or other materials or procedures that meet standards and reduce fuel consumption. The FHWA will provide incentives, where possible, for the expeditious completion of projects to minimize fuel consumed by construction vehicles and traffic inconvenienced by the construction. The FHWA encourages research and actively supports transfer of technology in these areas.

Issued on: April 11, 1980.

Thomas M. Downs,

Associate Administrator for Planning, Federal Highway Administration.

[FR Doc. 80-11565 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Birmingham, Ala.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Birmingham, Alabama.

FOR FURTHER INFORMATION CONTACT: A. M. Walker, District Engineer, Federal Highway Administration, 441 High Street, Montgomery, Alabama 36104, Telephone: (205) 832-7379. Dr. Rex K. Rainer, Director, State of Alabama Highway Department, 11 South Union Street, Montgomery, Alabama 36130, Telephone: (205) 832-5440.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department and the City of Birmingham Engineering Department, will prepare an environmental impact statement (EIS) for Alabama Projects I-59-1(93) & M-7012(1), a proposal to construct a continuation of the Elton B. Stephens Expressway (formerly Red Mountain Expressway) in the City of Birmingham, Alabama, from 3rd Avenue North, the present end of the Expressway, to 13th Avenue North, a distance of approximately one mile. The proposed improvement will connect with and provide an interchange with existing Interstate 20/59. Improvements are considered necessary to link the Elton B. Stephens Expressway to the existing Interstate.

Alternates under consideration include: (1) three elevated alignments east of 26th Street; (2) one elevated alignment west of 26th Street; (3) a reduced facility, along 26th Street to include ramping down from the existing completed bridge section of the Elton B. Stephens Expressway, and from Interstate 20/59; and (4) taking no action.

A public involvement meeting will be held to solicit input on the proposed alignments. Copies of the draft EIS will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in the proposal. In addition, a public hearing will be held. Public notice will be given concerning the time and place of the meeting and hearing. The draft EIS will be available for public review and comment at the public hearing. No formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

Issued on: April 7, 1980.

Bill H. Boydston,

Acting Division Administrator, Montgomery, Alabama.

[FR Doc. 80-11240 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Barron and Washburn Counties, Wis.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Barron and Washburn Counties, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Frederick H. Downs, Staff Specialist for Environment, Federal Highway Administration, 4502 Vernon Blvd., P.O. Box 5428, Madison, Wisconsin 53705, Telephone: (608) 264-5956.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation, is currently preparing an environmental impact statement for the proposed upgrading of 24.6 miles of USH 53 from the northern terminus of the existing freeway just north of Rice Lake to a point approximately one-half mile

north of Trego. The existing highway is worn out and has become an outdated facility. Rehabilitation of this highway is needed to improve the efficiency and safety of traffic operations.

Alternative facility types that are being studied are: freeway, expressway, upgrading of the existing facility, and the no-build alternative.

Alternate locations by section to be evaluated in the draft EIS are:

(1) *From the end of the freeway to north of Haugen*

(a) An east bypass of Haugen.

(b) Construction along the existing road through Haugen.

(2) *From north of Haugen to south of Sarona*

(a) Construction along the existing road (only location considered feasible in this section).

(3) *From south of Sarona to north of Sarona*

(a) An east bypass of Sarona.

(b) Construction along the existing road through Sarona.

(4) *From north of Sarona to north of Spooner* (an eastern corridor for a bypass of Spooner is currently preferred)

(a) An east bypass of Spooner which also passes east of the Beaver Brook Wildlife Area and then rejoins the existing road about 1½ miles north of Spooner will be considered as one location within the preferred corridor.

(b) Construction along the existing road with an east bypass of Spooner which would leave the existing road about 1½ miles south of Spooner, pass immediately west of the Beaver Brook Wildlife Area, cross STH 70 near Spooner's east corporate limits and then rejoins the existing roadway about ½ mile north of Spooner will be considered as a second location within the preferred eastern corridor.

(c) Construction along the existing road through Spooner will be considered as a non-preferred alternate.

(5) *From north of Spooner to north of Trego*

(a) Construction along the existing route through Trego (only location considered feasible in this section).

Coordination activities will continue with the U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, U.S. Corps of Engineers, Wisconsin Department of Natural Resources, Wisconsin State Historical Society, Wisconsin Department of Agriculture, Trade, and Consumer Protection, and other state and local groups. A number of public informational meetings have already been held and several more are scheduled. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: April 9, 1980.

Herbert R. Teets,

Division Administrator, Madison, Wisconsin.

[FR Doc. 80-11471 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Purchase of Redeemable Preference Shares; Receipt of Application

Project: Notice is hereby given that the St. Louis Southwestern Railway Company ("applicant"), Southern Pacific Building, One Market Plaza, San Francisco, California 94105, has filed an application with the Federal Railroad Administration ("FRA") under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, seeking financial assistance through the sale to the United States of redeemable preference shares ("shares") in the year 1980 having an aggregate par value of $66,000,000. Applicant proposes to redeem the par value of the shares and to pay dividends on the shares in accordance with a schedule contained in the application such that payments will commence 11 years from the date of issuance of the shares and 150% of the par value of all shares will be redeemed within 30 years of their date of issuance.

The proceeds of the sale of the shares are to be used by the applicant to rehabilitate the Chicago, Rock Island and Pacific Railroad Company's ("Rock Island") lines and facilities at Kansas City and west to Pratt, Kansas. This rehabilitation encompasses main tracks, sidings, industrial tracks and yard rehabilitation from Topeka to Herinton and yard rehabilitation at Armourdate Yard. The project breakdown is as follows:

Project:	*FRA funding*
Topeka to Herington, Kans., MP 88.84 to MP 172.00	$20,494,000
Topeka yard rehabilitation	1,625,000
Herington yard rehabilitation	2,653,000
Armourdale yard rehabilitation	10,150,000
Herington to Pratt, Kans., MP 172.00 to 298.00	19,390,000
Hutchinson yard construction	2,489,000
Pratt yard rehabilitation	632,000
Contingency	8,616,000
Total	66,049,000

Justification for Project: The applicant states that this yard and track work will permit operating speeds along the line to average 40 miles per hour and will ensure the continued, safe operation of the Rock Island segments which are rehabilitated during the period of time the applicant is operating the line. Currently, the applicant is operating the Rock Island lines from Santa Rosa, New Mexico to St. Louis, Missouri, via Kansas City, as a carrier directed to provide service by the Interstate Commerce Commission ("ICC"). The applicant intends to operate these lines until its application for acquisition of these lines, now before the ICC, is finally granted or denied.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

To the extent permitted by law, the application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA in acordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the code of Federal Regulations.

The comments will be considered by the FRA in evaluating the application. Any commenter who wishes to have FRA acknowledge the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgment of comments will be provided.

The FRA has not approved or disapproved this application nor has it passed upon the accuracy or adequacy of the information contained herein.

Dated: April 8, 1980.

Comment closing date: May 19, 1980.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 80-11569 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP80-4; Notice 1]

Gillig Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

Gillig Corp. of Hayward, California, has petitioned to be exempted from the notification and remedy requirements of

the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.3 of Standard No. 120 requires, as of September 1, 1977, for certain information to be permanently attached to a vehicle other than a passenger car, either on the certification label or on a separate tire information label. This information includes the type designation for rims appropriate for the vehicle's tires (S5.3.2) and the cold inflation pressure for the tires (S5.3.3). IN the course of a compliance investigation (CIR 2053) NHTSA discovered both items lacking from a 1978 model PT 477 transit bus manufactured by Gillig.

In reply to NHTSA's inquiry Gillig surmised that there were no more than 116 PT 477 buses without the proper information plus 15 of the type PT 3208. Additionally, tire and rim data may be lacking from an unspecified number of buses Model 636 D–119, Model 555 DT–39, Model 426 D–106, and Model 855 D–33. Gillig believes that the noncompliance is inconsequential as the vehicle owners are school and transit districts staffed with professional service personnel, generally familiar with tires and rims and the tire inflation pressures applicable to particular vehicle usage and loading.

Interested persons are invited to submit written data, views, and arguments on the petition of Gillig Corp. described above. Comments should refer to the Docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 19, 1980.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 9, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80–11531 Filed 4–16–80; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 76
Thursday, April 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).

CONTENTS

	Items
Commodity Futures Trading Commission	1, 2
Environmental Quality Council	3
Federal Deposit Insurance Corporation	4-6
Federal Energy Regulatory Commission	7
Federal Home Loan Bank Board	8
Federal Mine Safety and Health Review Commission	9
Nuclear Regulatory Commission	10
Securities and Exchange Commission	11

1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, No. 71, Thursday, April 10, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Wednesday, April 16, 1980.

CHANGES IN THE MEETING: Delete from the Agenda the proposed amendment to the Sugar Trade 12.00 and 12.16 of the Coffee, Sugar and Cocoa Exchange.

[S-765-80 Filed 4-14-80; 4:11 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, April 25, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-766-80 Filed 4-14-80; 4:11 pm]

BILLING CODE 6351-01-M

3

COUNCIL ON ENVIRONMENTAL QUALITY.

April 15, 1980.

TIME AND DATE: 11:30 a.m., Thursday, April 24, 1980.

PLACE: Conference room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Report on Status of Interagency Committee Handbooks on Federal Housing Programs and on Federal Water/Sewer Programs.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea, III, (202) 395-4616.

[S-774-80 Filed 4-15-80; 3:48 pm]

BILLING CODE 3125-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting. Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 14, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvin 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:

Request for extension of settlement agreement with National Urban League, et al.

Application of The Bank of Inverness, Inverness, Florida, for consent to establish a branch in Unincorporated Citrus County (P.O. Floral City), Florida.

Recommendation regarding the liquidation of assets acquired by the Corporation from North Point State Bank, Arlington Heights, Illinois (Legal Division memorandum date April 8, 1980.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(8) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(B)).

Dated: April 14, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-768-80 Filed 4-15-80; 12:17 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting. Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Director's will meet in open session at 2 p.m. on Monday, April 21, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York (three memorandums).

Memorandum re: Contingency Fee Arrangement with Local Counsel.

Amendments to staffing table for Office of Personnel Management to facilitate hiring of temporary summer employees and to provide summer employment to disadvantaged youth (two resolutions).

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 14, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-769-80 Filed 4-15-80; 12:17 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting. Pursuant to the provisions of the "Govenment in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 21, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

The Bank of Orange County, a proposed new bank, to be located at 10101 Slater Avenue, Fountain Valley, California, for Federal deposit insurance.

State Bank of India (California), a proposed new bank, to be located at United California Bank Building, Suite 1995, 707 Wilshire Boulevard, Los Angeles, California, for Federal deposit insurance.

Lincoln State Bank, a proposed new bank, to be located at 5501 South 56th Street, Lincoln, Nebraska, for Federal deposit insurance.

Security Bank of Gillette, a proposed new bank, to be located at the intersection of Wyoming Highway 59 and Country Club Road, Gillette, Wyoming, for Federal deposit insurance.

Application for consent to merge and establish branches:

Community Bank of San Jose, San Jose, California, an insured State nonmember bank, for consent to merge, under its charter and title, with Mexican American National Bank, San Diego, California, and to establish the three offices of Mexican American National Bank as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assests acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,287-L—The Drovers' National Bank of Chicago, Chicago, Illinois.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, adminisitrative pay increases, reassignments, retirements, separations, removals, etc.

Names of employees 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 meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Federal Deposit Insurance Corporation.
Dated: April 14, 1980.

Hoyle L. Robinson,

Executive Secretary.

[S-770-80 Filed 4-15-80 12:17 pm]

BILLING CODE 6714-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 24963, April 11, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 16, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item Number, Docket Number, and Company

CI-3, CI77-329, Texaco, Inc.; CP77-304 and CP64-97, Sabine Pipe Line Company.

Kenneth F. Plumb,

Secretary.

[S-771-80 Filed 4-15-80; 1:44 pm]

BILLING CODE 6450-85-M

8

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR p. 24964, April 11, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 16, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The meeting previously scheduled for Wednesday, April 16, 1980, has been cancelled. Announcement is being made at the earliest practicable time.

No. 339, April 15, 1980.

[S-775-80 Filed 4-15-80; 3:48 pm]

BILLING CODE 6720-01-M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

April 11, 1980.

TIME AND DATE: 10 a.m., Monday, April 14, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following item previously announced for April 16, 1980, will be discussed on April 14, 1980:

1. Old Ben Coal Company, VINC 75-267, IBMA 76-21, continued from April 2, 1980 (Issues include whether withdrawal order issued under section 104(c) of the 1969 Coal Act was properly affirmed by the Administrative Law Judge).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-767-80 Filed 4-15-80; 10:44 am]

BILLING CODE 6820-12-M

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Monday, April 21, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

2 p.m.

1. Briefing on B&W Reactor Response and Vulnerability Task Force (tenative) (approximately 1 hour, public meeting).
2. Discussion of Draft Philippine Order (approximately 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634-1498.

Those planning to attend a meeting should reverify the status whenever possible.

April 14, 1980.

Walter Magee,

Office of the Secretary.

[S-772-80 Filed 4-15-80; 2:44 pm]

BILLING CODE 7590-01-M

11

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of April 21, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, April 22, 1980, at 10 a.m., and on Thursday, April 24, 1980, immediately following the 3 p.m. open meeting. An open meeting will be held on Thursday, April 24, 1980, at 3 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack and Friedman determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 22, 1980, at 10:00 a.m., will be:

Formal orders of investigation.
Freedom of Information Act, appeal.
Chapter X proceeding.
Institution and settlement of administrative proceedings of an enforcement nature.
Administrative proceeding of an enforcement nature.
Personnel security matter.

The subject matter of the closed meeting scheduled for Thursday, April 24, 1980, immediately following the 3 p.m. open meeting, will be:

Institution of administrative proceeding of an enforcement nature.
Regulatory matter bearing enforcement implications.
Freedom of Information Act appeal.

The subject matter of the open meeting scheduled for Thursday, April 24, 1980, at 3:00 p.m., will be:

1. Consideration of whether to issue a release requesting public comments on a proposed rule amendment providing that reports by independent accountants on unaudited oil and gas reserve information or information on the effects of changing prices shall not be considered reports prepared or certified by an accountant within the meaning of Section 7 and 11 of the Securities Act of 1933. For futher information, please contact James L. Russell at (202) 272–2133 or James J. Doyle at (202) 272–2130.

2. Consideration of whether to issue a release requesting public comments on a proposed amendment to Item 4 of Regulation S–K relating to management remuneration to, among other things, address the disclosure of pension plans, stock options, and stock appreciation rights. For further information, please contact Bruce S. Mendelsohn at (202) 272–2589.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

April 15, 1980.

[S–773–80 Filed 4–15–80; 3:15 pm]

BILLING CODE 8010–01–M

federal register

Thursday
April 17, 1980

Part II

Department of Transportation

Federal Highway Administration

Accommodation of Utilities

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 645

[FHWA Docket No. 80-4]

Accommodation of Utilities

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA proposes to revise its regulations concerning the accommodation of utility facilities on the rights-of-way of Federal and Federal-aid highway projects to simplify existing regulations and eliminate unnecessary requirements in accordance with the FHWA's emphasis on reducing red tape.

DATE: Comments must be received on or before June 16, 1980.

ADDRESS: Submit written comments (preferably in triplicate) to Federal Highway Administration, FHWA Docket No. 80-4, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday. Those persons desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: James A. Carney, Office of Engineering, 202-426-0104, or William B. Clemmens, Jr., Office of the Chief Counsel, 202-426-0792, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: An advance notice of proposed rulemaking, FHWA Docket 76-16 (41 FR 42220, September 27, 1976), discussed a proposed updating of FHWA's regulations dealing with the accommodation of utility facilities on the rights-of-way of Federal and Federal-aid highway projects (23 CFR Part 645, Subpart B). Two comments were received on the advance notice of proposed rulemaking, one from a utility company and the other from the American Association of State Highway and Transportation Officials (AASHTO). Only the comment by AASHTO addressed utility accommodation, and AASHTO suggested a general reduction in regulatory material.

Historically, it has been recognized that it is in the public interest for utility facilities to be accommodated on highway rights-of-way, provided that such use does not interfere with the primary purpose of the highway facility. Many of the 30,000 utility companies in the United States have placed a portion of their facilities within highway rights-of-way.

The FHWA has developed regulations setting forth conditions for utility use and occupancy of the rights of-way on Federal-aid highway projects. The primary purpose in revising these regulations has been to simplify them and eliminate unnecessary requirements in accordance with FHWA's emphasis on reducing red tape. In the proposed revision, only those requirements considered essential to satisfy the law and to orderly and uniformly administer FHWA's programs are being retained.

The majority of the proposed revisions are editorial. In addition, the following modifications are proposed:

(1) Section 113 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689) amended 23 U.S.C. 109 by adding a new subsection (l) relating to the Secretary of Transportation's approval of the use of Federal-aid highway rights-of-way by utility facilities. Further, 23 U.S.C. 109(l)(1)(A) was amended by Pub. L. 96-106, 93 Stat. 796, which deleted the words "any aspect of" leaving the text to read, "which would adversely affect safety," the intent of this statutory amendment was not to deemphasize congressional concern with safety, but to clarify Federal policy on utility accommodations. Proposed implementing procedures for 23 U.S.C. 109(l) have been developed as part of this rulemaking process.

(2) Appendix A, which refers to certain sections of the AASHTO publication entitled "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way," would be eliminated. The material contained in this appendix has been sufficiently referenced in the text of the proposed rule, making the appendix unnecessary.

(3) Section 645.207(i) of the proposed rule requires utility companies to develop traffic control plans in accordance with the "Manual on Uniform Traffic Control Devices" (MUTCD).

(4) The current regulations require a State highway authority to submit a statement to the FHWA on the authority of utilities to use and occupy the rights-of-way of State highways, the State's authority to regulate such use, and the policies the State highway authority employs, or proposes to employ, for accomodating utilities within the rights-of-ways of Federal-aid highways under its jurisdiction. The proposed rule retains this requirement, but adds a clause that would permit State highway authorities merely to update previously submitted statements rather than to submit new ones.

(5) A reference to private lines would be added to § 645.201, which states the purpose of the rule. This change is intended only to highlight the FHWA's existing authority to prescribe policies and procedures for accommodating private lines on the rights-of-ways of Federal and Federal-aid highway projects and does not represent any change from the current rule.

(6) "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way," 1969, has been incorporated by reference at 23 CFR Part 625, Design Standards for Highways. This AASHTO publication is referenced in both the existing and proposed 23 CFR Part 645. An additional AASHTO publication, "Guide for Accommodating Utilities on Highway Rights-of-Way," 1969, is currently referenced in the Federal-Aid Highway Program Manual (FHPM) 6-2-1-1, Design Standards for Highways. The FHWA propose to use the Guide, which has been incorporated by reference in the proposed rule, when evaluating the adequacy of State highway authority utility accommodation policies.

Interested persons are invited to comment on the adequacy of these AASHTO policies and guidelines for controlling the use of highway rights-of-way by utilities. These publications are on file with the Office of the Federal Register in Washington, DC, and are available for inspection and copying from the FHWA Washington Headquarters and all FHWA division and regional offices, in accordance with 49 CFR Part 7, Appendix D.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. The anticipated economic impact of these amendments is so minimal as not to require preparation of a full regulatory evaluation at this time. Based on comments received in response to this notice, the FHWA will review the need for a regulatory evaluation in conjunction with the preparation of a final rule.

In consideration of the foregoing, the Federal Highway Administration proposes to amend Chapter I of Title 23, Code of Federal Regulations, Part 645, Subpart B, as set forth below.

Issued on: April 10, 1980.

John S. Hassell, Jr.,

Deputy Administrator.

PART 645—UTILITIES

Subpart B—Accommodation of Utilities

Sec.

645.201 Purpose.
645.203 Policy.
645.205 Definitions.
645.207 General requirements.
645.209 State highway authority accommodation policies.
645.211 Use and occupancy agreements (permits).
645.213 Approvals.

Authority: 23 U.S.C. 109, 116; 23 CFR 1.23 and 1.27; 49 CFR 1.48(b).

Subpart B—Accommodation of Utilities

§ 645.201 Purpose.

To prescribe policies and procedures for accommodating utility facilities and private lines on the rights-of-way of Federal and Federal-aid highway projects.

§ 645.203 Policy.

(a) It is in the public interest for utility facilities to be accommodated on the rights-of-way of a Federal or Federal-aid highway project when such use and occupancy of the highway rights-of-way do not adversely affect highway or traffic safety or otherwise impair the highway or its aesthetic quality and do not conflict with the provisions of Federal, State or local laws or regulations.

(b) The manner in which utilities cross or otherwise occupy the rights-of-way of a Federal or Federal-aid highway project can materially affect the highway, its safe operation, aesthetic quality, and maintenance. Therefore, it is necessary that such use and occupancy, where authorized, be regulated by State highway authorities in a manner which preserves the operational safety and the functional and aesthetic quality of the highway facility.

§ 645.205 Definitions.

For the purpose of this regulation, the following definitions shall apply:

(a) *Clear roadside policy*—that policy employed by a State highway authority to ensure a reasonably safe environment for the traveling public by providing roadsides as free from physical obstructions as practical.

(b) *Federal-aid highway projects*—those projects administered by a State highway authority which involve or have involved the use of Federal-aid highway funds for the development, construction or improvement of the highway or related facilities, including highway beautification projects under 23 U.S.C. 319.

(c) *Federal highway projects*—those projects involving the use of funds administered by the Federal Highway Administration (FHWA) where the location, design or construction of the project is under the direct supervision of the FHWA.

(d) *Freeway*—a divided arterial highway with full control of access.

(e) *Highway*—any public way for vehicular travel, including the entire area within the rights-of-way and related facilities constructed or improved in whole or in part with Federal-aid or Federal highway funds.

(f) *Private lines*—privately owned facilities which convey or transmit the commodities outlined in paragraph (k) of this section, but devoted exclusively to private use.

(g) *Rights-of-way*—real property, or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of a highway in which Federal-aid or Federal highway funds are or have been involved in any stage of development. Lands acquired under 23 U.S.C. 319, Landscaping and scenic enhancement, shall be considered to be highway rights-of-way.

(h) *State*—any one of the 50 States, the District of Columbia, or Puerto Rico.

(i) *State highway authority*—that department, agency, commission, board, or official of any State or political subdivision thereof, charged by its law with the responsibility for highway administration.

(j) *Use and occupancy agreement*—the document (written agreement or permit) by which the State highway authority approves the use and occupancy of highway rights-of-way by utility facilities or private lines.

(k) *Utility facility*—Privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. The term utility shall also mean the utility company inclusive of any wholly owned or controlled subsidiary.

§ 645.207 General requirements.

(a) Highway and traffic safety is of paramount, but not of sole, importance when accommodating utility facilities within highway rights-of-way. Utilities provide an essential public service to the general public. Traditionally, as a matter of sound economic public policy and law, utilities have used public road rights-of-way for transmitting and distributing their services. However, due to the nature and volume of highway traffic, the effect of such joint use on the traveling public must be carefully considered by highway authorities before approval of utility use of the rights-of-way of Federal or Federal-aid highway projects is granted. Adjustments in the operating characteristics or other special efforts may be necessary to increase the compatability of utility-highway joint use. In any event, the design, location, and manner in which utilities use and occupy the rights-of-way of Federal or Federal-aid highway projects must conform to the clear roadside policies for the highway involved and otherwise provide for a safe traveling environment as required by 23 U.S.C. 109(l)(1).

(b) Utility installations on freeway rights-of-way shall conform to the provision of the American Association of State Highway and Transportation Officials (AASHTO) publication, "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way," AASHO, 1969, which has been accepted as a Federal-aid design standard. However, utility transmission facilities and warranted and justified installations proposed under 23 U.S.C. 109(l)(1) (B) and (C), to mitigate damage to agricultural lands, shall generally be considered to qualify under the extreme case exception provision of the AASHTO policy, provided such use does not adversely affect highway safety or otherwise impair the use of the highway. Access to such installations shall conform to the AASHTO policy.

(c) In order for a State highway authority to fulfill its responsibilities to control utility use of Federal-aid highway rights-of-way within the State and its political subdivisions, it must exercise or cause to be exercised, adequate regulation over such use and occupancy through the establishment and enforcement of reasonably uniform utility accommodation policies.

(d) Because there are circumstances where private lines may be allowed on the rights-of-way of Federal-aid projects, the State highway authorities should establish uniform policies for properly controlling such use.

(e) On Federal highway projects, the FHWA will apply, or cause to be applied, utility and private line accommodation policies similar to those required on Federal-aid highway projects. Where appropriate, agreements will be entered into between the FHWA and the State highway authorities or other government agencies to ensure adequate control and regulation of use

by utilities and private lines of the rights-of-way of Federal highway projects.

(f) Where the State does not have legal authority to regulate highway use by utilities and private lines, the State must enter into formal agreements with those local officials who have such authority as necessary to ensure adequate control of such use on Federal-aid highway projects in conformance with this regulation and applicable law. The project agreement between the State and the FHWA on all such Federal-aid highway projects shall contain a special provision incorporating the formal agreements with the responsible local officials.

(g) New utility installations, including those needed for a highway purpose, such as for highway lighting or to serve a weigh station, rest area or receational area, are not permitted on highways that pass through areas of scenic enhancement and natural beauty, public park and recreational lands, wildlife and waterfowl refuges, and historic sites (as described under 23 U.S.C. 138) when such land was acquired or improved with Federal highway or Federal-aid highway funds, except as follows:

(1) New underground installations may be permitted where they do not require extensive removal or alteration of trees visible to the highway user or impair the aesthetic quality of the lands being traversed.

(2) New aerial installations are to be avoided at such locations unless there is no feasible and prudent alternative to the use of such lands by the aerial facility. Before approving such cases, FHWA should be satisfied that:

(i) Other locations:

(A) Are not available or are unusually difficult and unreasonably costly.

(B) Are less desirable from the standpoint of aesthetic quality.

(ii) Undergrounding is not technically feasible or is unreasonably costly.

(iii) The proposed installation will be made at a location and will employ suitable designs and materials which give the greatest weight to the aesthetic qualities of the area being traversed. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.

(h) Where the utility has a compensable interest in the land occupied by its facilities and such land is to be jointly owned and used for highway and utility purposes, the State highway authority and utility shall agree in writing as to the obligations and responsibilities of each party. Such joint-use agreements shall incorporate the conditions of occupancy for each party, including the rights vested in the State highway authority and the rights and privileges retained by the utility. In any event, the interest to be acquired by or vested in the State highway authority in any portion of the rights-of-way of a Federal or Federal-aid highway project to be vacated, used or occupied by utilities or private lines, shall be adequate for the construction, safe operation, and maintenance of the highway project.

(i) Whenever a utility installation, adjustment or maintenance activity will affect the movement of traffic, the utility shall develop a traffic control plan. The traffic control plan and the application of any traffic control devices shall conform to the standards set forth in the "Manual on Uniform Traffic Control Devices" (MUTCD) [1] and 23 CFR Part 630, Subpart J.

(j) Where the State highway authority determines that existing utility facilities are likely to be associated with injury or accident to the highway user, as indicated by accident history or safety studies, the State highway authority shall initiate appropriate corrective measures to provide a safe traffic environment. Any requests received involving Federal participation in the cost of adjusting or relocating utility facilities pursuant to this paragraph shall be subject to the provisions of 23 CFR Part 645, Subpart A, Utility Relocation and Adjustments, and 23 CFR Part 924, Highway Safety Improvement Program.

§ 645.209 State highway authority accommodation policies.

The FHWA shall use the AASHTO publication, "A Guide for Accommodating Utilities on Highway Rights-of-Way," AASHO, 1969, to evaluate the adequacy of State highway authority utility accommodation policies. As a minimum, such policies shall make adequate provisions with respect to the following:

(a) Utilities must be accommodated and maintained in a manner which will not impair the highway or adversely affect highway or traffic safety.

(b) Consideration shall be given to the effect or utility installations in regard to safety, aesthetic quality, and the costs or difficulty of highway and utility construction and maintenance.

(c) The State highway authority's standards for regulating the use and occupancy of highway rights-of-way by utilities must include, but are not limited to, the following:

(1) The horizontal and vertical location requirements and clearances for the various types of utilities must be clearly stated. These must be adequate to ensure compliance with clear roadside policies forthe particular highway involved.

(2) The applicable provisions of government or industry codes required by law or regulation must be set forth or appropriately referenced, including highway design standards or other measures which the State highway authority deems necessary to provide adequate protection to the highway, its safe operation, aesthetic quality, and maintenance.

(3) Specifications for and methods of installation; requirements for preservation and restoration of highway facilities, appurtenances, and natural features on the rights-of-way; and limitations on the utility's activities within the rights-of-way should be prescribed as necessary to protect highway interests.

(4) Measures necessary to protect traffic and its safe operation during and after installation of facilities, including control-of-access restrictions, provisions for rerouting or detouring traffic, traffic control measures to be employed, limitations on vehicle parking and materials storage, protection of open excavations, and the like must be provided.

(5) Measures must be provided to evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any agricultural land that would result from the disapproval of the use of highway right-of-way for the accommodation of utilities. The environmental and economic effects on productive agricultural land together with the possible interference with or impairment of the use of the highway must be considered in the decision to disapprove any proposal by a utility to use such highway rights-of-way.

(d) Compliance with applicable State laws and approved State highway authority utility accommodation policies must be assured. The responsible State highway authority's file must contain evidence in writing as to the terms under which utility facilities are to cross or otherwise occupy highway rights-of-way. All utility installations made on highway rights-of-way shall be subject to written approval by the State highway authority. However, such approval will not be required where so provided in the use and occupancy

[1] The "Manual on Uniform Traffic Control Devices," 1978 edition, is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock No. 050-001-81001-8.

agreement for such matters as facility maintenance, installation of service connections on highways other than freeways, or emergency operations.

§ 645.211 Use and occupancy agreements (permits).

The use and occupancy agreements setting forth the terms under which the utility is to cross or otherwise occupy the highway rights-of-way must include or incorporate by reference:

(a) The State highway authority's standards for accommodating utilities. Since all of the standards will not be applicable to each individual utility installation, the use and occupancy agreement must, as a minimum, describe the requirements for location, construction, protection of traffic, maintenance, access restriction, and any special conditions applicable to each installation.

(b) A general description of the size, type, nature, and extent of the utility facilities being located within the highway rights-of-way.

(c) Adequate drawings or sketches showing the existing and/or proposed location of the utility facilities within the highway rights-of-way with respect to the existing and/or planned highway improvements, the traveled way, the rights-of-way lines and, where applicable, the control of access lines and approved access points.

(d) The extent of liability and responsibilities associated with future adjustment and the utilities to accommodate highway improvements.

(e) The action to be taken in case of noncompliance with the State highway authority's requirements.

(f) Other provisions as deemed necessary to comply with laws and regulations.

§ 645.213 Approvals.

(a) Each State highway authority shall submit a statement to the FHWA, or update the one previously submitted to the FHWA under paragraph 7a of the Federal-aid Highway Program Manual 6–6–3–2 (Policy and Procedure Memorandum 30–4.1, Accommodation of Utilities dated November 29, 1972),[2] on the authority of utilities to use and occupy the rights-of-way of State highways, the State highway authority's power to regulate such use, and the policies the State highway authority employes or proposes to employ for accommodating utilities within the rights-of-way of Federal-aid highways under its jurisdiction. Where applicable, the State highway authority shall include similar information on the use and occupancy of such highway by private lines where permitted by law. The State shall identify those sections, if any, of the Federal-aid highway systems within its borders where the State is without legal authority to regulate use by utilities.

(b) Upon determination by the FHWA that a State highway authority's policies satisfy the provisions of 23 U.S.C. 109 and 116, 23 CFR 1.23 and 1.27, and meet the requirements of this regulation, the FHWA may approve their use on Federal-aid highway projects in that State.

(c) Any changes, additions or deletions the State highway authority proposes to the approved policies are subject to FHWA approval.

(d) When a utility files a notice or makes an individual application or request to a State highway authority to use or occupy the rights-of-way of a Federal-aid highway project, the State highway authority is not required to submit the mater to the FHWA for prior concurrence, except under the following circumstances:

(1) The proposed installation is not in accordance with the State highway authority's utility accommodation policy approved by FHWA for use on Federal-aid highway projects under the provisions of this regulation.

(2) The proposed installation inolves cases described in § 645.207(g) of this part.

(3) Installations on Federal-aid freeways involving extreme case exceptions, as described in the AASHTO publication, "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way," and § 645.207(b) of this part.

(e) The State highway authority's practices under the policies or agreements approved under § 645.213(b) of this part shall be periodically reviewed by the FHWA.

[FR Doc. 80–11561 Filed 4–16–80; 8:45 am]
BILLING CODE 4910–22–M

[2] FHPM 6–6–3–2 (PPM 30–4.1) is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

federal register

Thursday
April 17, 1980

Part III

Office of Management and Budget

Federal Agencies Responsible for Audits of States

OFFICE OF MANAGEMENT AND BUDGET

Federal Agencies Responsible for Audits of States

AGENCY: Office of Management and Budget.

ACTION: For comment.

SUMMARY: This notice offers interested parties an opportunity to comment on a proposed list of Federal agency assignments for administering the audit provisions of OMB Circular A–102, "Uniform requirements for grants to State and local governments." The list identifies State departments and agencies that are major recipients of Federal aid. It assigns a "cognizant" Federal agency to each of them. Local governments will be dealt with later.

This list should not be confused with a separate, but similar, list published recently in the **Federal Register** relating to Circular 74–4, "Cost principles for grants to State and local governments."

The responsibilities of the cognizant agency are spelled out in Attachment P of Circular A–102. Usually, cognizance was assigned to the Federal agency providing the most assistance to a particular State department or agency. Comments are sought on other possible approaches to making these assignments. In some cases, because of limited information, a State organization is listed without a Federal agency assigned. If the organization so listed is a major recipient of Federal aid, comments are sought on the most appropriate Federal agency to assign to it.

The proposed list was developed in response to recommendations by the House Committee on Government Operations, the General Accounting Office, the Joint Financial Management Improvement Program, and State and local officials. An informal review of the list was made with State budget officers and State audit officials, and with the Inspectors General of the Federal agencies just prior to this notice. Many of the comments obtained in that review are reflected here. Three States indicated a preference for a single, State-wide audit. Comments on that concept are sought during this comment period.

Nothing in this notice should be construed as limiting the authority of individual Inspectors General, or other audit officials, to make such audits as they deem appropriate. The Office of Management and Budget has, as yet, made no final decisions with respect to this list of assignments.

Comments should be submitted in duplicate to the Financial Management Branch, Office of Management and Budget, Washington, D.C. 20503. All comments should be received within 30 days of this notice.

FOR FURTHER INFORMATION CONTACT: James R. Doyle, Financial Management Branch, Office of Management and Budget, Washington, D.C. 20503; (202) 395–3993.

John J. Lordan,

Chief, Financial Management Branch.

Alabama

Office of the Governor
Lieutenant Governor
Secretary of State
Attorney General
Alabama Development Office—DOC
Office of State Planning and Federal Programs—HUD
Department of Agriculture and Industries—USDA
Aeronautics Commission
Department of Conservation and Natural Resources—DOI
State Geologist and Geological Survey—DOI
State Board of Education—ED
Board of Trustees, Department of Archives and History
State Board of Health—HHS
Alabama Mental Health Board—HHS
State Board of Pensions and Security—DOL
Department of Labor—DOL
Department of Industrial Relations—DOL
State Highway Department—DOT
State Military Department, Adjutant General
State Board of Veterans Affairs—VA
Alabama Youth Services Board—HHS
Department of Public Safety
Alabama Law Enforcement Planning Agency—DOJ
Medical Services Administration—HHS

Other Public Authorities and Corporations

State Industrial Development Authority
Alabama River Development Authority
Tennessee-Tombigbee Waterway Development Authority
Tombigbee Valley Development Authority
Alabama Highway Authority
University of Alabama System Board of Trustees
Air Pollution Control Commission
Commission on Aging

Alaska

Office of the Governor
Department of Commerce and Economic Development—DOE
Department of Community and Regional Affairs—HUD
Board of Education: Department of Education—ED
Department of Environmental Conservation—EPA
Department of Fish and Game—DOI
Department of Health and Social Services—HHS
Department of Labor—DOL
Department of Military Affairs, Adjutant General
Department of Natural Resources—USDA
Board of Regents of the University of Alaska—ED
Department of Transportation and Public Facilities—DOT

Public Authority or Corporation

State Housing Authority
Housing Finance Corporation
Alaska Power Authority

Arkansas

Office of the Governor
Office of the Lieutenant Governor
Office of the Attorney General
State Board of Education—ED
Department of Health—HHS
State Board of Higher Education—ED
Department of Human Services—HHS
Department of Labor—DOL
Department of Local Services—DOL
Department of Natural and Cultural Heritage—DOI
Department of Parks and Tourism—DOI
Department of Pollution Control and Ecology—EPA
Highways Commission—DOT
Game and Fish Commission—DOI

Other Independent Boards and Commissions

Commission on Crime and Law Enforcement—DOJ
Arkansas Housing Development Agency
Pollution Control Commission
Student Loan Authority—ED
Arkansas Turnpike Authority
Department of Energy—DOE

Arizona

Office of the Governor—DOC
Department of State, Secretary of State
Department of Law, Attorney General
Department of Economic Security—DOL
Department of Health Services—HHS
Banking Department
Department of Insurance
Department of Liquor Licenses and Control
Real Estate Advisory Board
Department of Education, Superintendent of Public Instruction—ED
Department of Emergency Services and Military Affairs, Adjutant General
Justice Planning Agency—DOJ
Department of Transportation—DOT
Game and Fish Department—DOI
State Land Department—USDA
Industrial Commission—DOL

Other Independent Boards and Commissions

Livestock Sanitary Board—USDA
Arizona Board of Regents
Commission for Post Secondary Education
Arizona Solar Energy Research Commission
Outdoor Recreation Coordinating Commission

California

Office of the Governor—DOJ
Department of Justice, Attorney General—DOJ
Department of Education, Superintendent of Public Instruction—ED
Military Department, Adjutant General
Department of Food and Agriculture—USDA
Department of Industrial Relations—DOL
State and Consumer Services Agency: Department of Veteran Affairs—VA
State Board of Food and Agriculture

Business and Transportation Agency:
Department of Housing and Community Development—HUD
Department of Economic Development—DOC
Department of Transportation—DOT
Health and Welfare Agency—HHS
Department of Benefit Payments—HHS
Department of Health—HHS
Department of Rahabilitation—ED
Department of Mental Health—HHS
Department of of Alcohol and Drug Abuse—HHS
Department of Aging—HHS
Vocational Rehabilitation Appeals Board—ED
Resources Agency—DOI
Department of Navigation and Ocean Development—DOT
Department of Forestry—USDA
California Coastal Commission—DOC
Solid Waste Management Board—EPA
San Francisco Bay Conservation and Development Commission—DOC
State Coastal Conservancy—HUD
Tahoe Regional Planning Agency—USDA
Air Resources Board—EPA
Water Resources Control Board—EPA
Secretary of Environmental Affairs—EPA

Other Public Authorities and Corporations

California Housing Finance Agency—HUD

Other Independent Boards and Commissions

State Board of Education—ED
Board of Regents, University of California—HHS
Trustees of the State University and College System—ED
Board of Governors, California Community Colleges—ED
California Transportation Commission
California Post Secondary Education Commission—ED
Energy Resources Conservation and Development Commission—DOE

Colorado

Office of the Governor—HHS
Department of Law, Attorney General—DOJ
Department of Agriculture—USDA
State Board of Education—ED
Department of Health—HHS
Colorado Commission on Higher Education—ED
Regents of the University of Colorado—ED
Department of Highways—DOT
Department of Labor and Employment—DOL
Department of Institutions—HHS
Department of Local Affairs—HUD
Department of Military Affairs
Department of Natural Resources—DOI
Department of Social Services—HHS
Office of State Planning and Budgeting—HUD

Other Public Authorities and Corporations

Colorado Housing Finance Authority—HUD

Other Independent Boards and Commissions

Manpower Services Council
Upper Colorado River Commission
Rio Grande Compact Commission

Connecticut

Office of the Governor
Lieutenant Governor's Office
Secretary of State
Attorney General
Office of Policy and Management
Labor Department—DOL
Department of Agriculture—USDA
Department of Environmental Protection—EPA
Department of Health Services—HHS
Department of Mental Retardation—HHS
Department of Mental Health—HHS
Department of Transportation—DOT
Department of Income Maintenance—HHS
Department on Aging—HHS
State Board of Education—ED
Connecticut Board of Higher Education—ED
Department of Children and Youth Services—HHS
Department of Human Resources—HHS

Delaware

Office of the Governor—DOC
Department of State—DOI
Department of Community Affairs and Economic Development—DOC
Department of Corrections—HHS
Department of Health and Social Services—HHS
Department of Labor—DOL
Department of Natural Resources and Environmental Control—DOI
State Board of Education—ED
Department of Transportation—DOT

Other Independent Boards and Commissions

Post Secondary Education Commission—ED
Developmental Disabilities Planning Council—HHS
Board of Parole
Department of Higher Education (Univ.)—ED

Florida

Office of the Governor
Lieutenant Governor
Department of State, Secretary of State
Dept. of Agric. and Consumer Services, Commr. of Agriculture—USDA
Department of Commerce—DOL
Department of Community Affairs—DOJ
Department of Environmental Regulation—EPA
Department of Natural Resources—DOI
Department of Transportation—DOT
Department of Education, Commissioner of Education—ED
Department of Offender Rehabilitation—HHS
Department of Health and Rehabilitative Services—HHS
Department of Military Affairs, Adjutant General—DOD

Other Independent Boards and Commissions

Board of Independent Colleges and Universities—ED
Northwest Florida Regional Housing Authority
Northwest Florida, Water Management District
Board of Regents—ED
St. Johns River Water Management District
South FLorida Water Management District
Governing Bd., Southwest Florida Water Mgt. District
Governing Bd., Suwannee River Authority
Suwannee River Water Management District
Tenn., Tombigbee Waterway Development Authority
State Energy Office—DOE

Georgia

Office of the Governor—ED
Department of Agriculture, Commissioner of Agriculture—USDA
Department of Labor—DOL
Department of Education, Supt. of Schools—ED
Department of Defense, Adjutant General
Board of Human Resources—HHS
Board of Medical Assistance—HHS
Natural Resources Board—DOI
Veterans Service Board—VA
Board of Community Affairs—DOJ
State Transportation Board—DOT
Board of Regents, University System of Georgia—HHS

Other Independent Boards and Commissions

Appalachian Regional Commission
Coastal Plains Regional Commission

Hawaii

Office of the Governor—HHS
Department of the Attorney General
Department of Agriculture—USDA
Department of Land and Natural Resources—DOI
Department of Planning and Economic Development—DOE
Department of Transportation—DOT
Board of Education—ED
Board of Regents, University of Hawaii—ED
Department of Defense, Adjutant General
Department of Health—HHS
Department of Labor and Industrial Relations—DOL
Department of Social Services and Housing—HHS

Iowa

Office of the Governor—HHS
Lieutenant Governor
Office of the Secretary of State
Bureau of Labor—DOL
State Department of Public Instruction—ED
Iowa College Aid Commission—ED
Commission for the Blind—ED
Department of Health—HHS
Department of Social Services—HHS
Crime Commission—DOJ
Department of Public Safety—DOJ
Department of Agriculture—USDA
Transportation Department—DOT
Conservation Commission—DOI
Department of Environmental Quality—EPA
Energy Policy Council—DOE
Geological Board—DOI
Natural Resources Council—DOI
State Soil Conservation Committee—USDA

Other Public Authorities and Corporations

Housing Authority—HUD
Mental Health Authority—HHS

Other Independent Boards and Commissions

Public Employment Relations Board
Occupational Safety and Health Review Commission
Commission on Aging—HHS
State Board of Regents—HHS
Advisory Council for Vocational Education
Bonus Board
Commission on Employment of the Handicapped

Idaho

Executive Office of the Governor, Governor—DOJ
Department of Agriculture—USDA

Department of Education, Supt. of Public Instruction—ED
State Board of Education—ED
Department of Employment—DOL
Department of Fish and Game—DOI
Department of Health and Welfare—HHS
Department of Parks and Recreation—DOI
Department of Transportation—DOT
Department of Water Resources—DOI

Illinois

Office of Governor—DOL
Secretary of State
Military and Navy Department, Adjutant General
Office of the Auditor General
Department on Aging—HHS
Department of Agriculture—USDA
Department of Business and Economic Development—DOC
Department of Conservation—DOI
Department of Labor—DOL
Department of Local Government Affairs—DOL
Department of Mental Health and Developmental Disabilities—HHS
Department of Mines and Minerals—DOI
Department of Public Aid—HHS
Department of Public Health—HHS
Department of Transportation—DOT
Department of Veterans' Affairs—VA
Department of Children and Family Services—HHS
Department of Dangerous Drugs—HHS

Other Public Authorities and Corporations

Illinois Building Authority
Pollution Control Financing Authority
Educational Facilities Authority
Housing Development Authority
Health Facilities Authority

Other Independent Boards and Commissions

State Board of Education—ED
Board of Higher Education—ED
Law Enforcement Commission
Chicago Regional Port District Board
Chicago Transit Authority
Chicago Urban Transportation District
Great Lakes Commission
Great Lakes Basin Commission
Health Facilities Planning Board
Industrial Pollution Control Financing Authority
Ohio River Valley Water Sanitation Commission
State Police Merit Board
Police Training Institute Committee
Public Administrators
Board of Regents
St. Louis Metropolitan Area Airport Authority
Seneca Regional Port District Board
Sewage Treatment and Public Water Supply Trng. Inst. Comm.
Southern Illinois University Board of Trustees
Southwest Regional Port District Board
Southwestern Illinois Metropolitan Area Planning Comm.
Tri-City Regional Port District Board
Upper Mississippi River Basin Commission
Illinois Valley Regional Port District Board
Institute of Natural Resources—DOE

Indiana

Office of the Governor
Lieutenant Governor—DOC
Office of the Secretary of State
Aeronautics Commission
Commission of the Aging and Aged—HHS
Criminal Justice Planning Agency—DOJ
Department of Public Instruction, Superintendent—ED
Employment Security Division—DOL
State Board of Health—HHS
Highway Commission—DOT
Division of Labor—DOL
Office of Manpower Development—DOL
Manpower Development Council—DOL
Department of Mental Health—HHS
Department of Natural Resources—DOI
Planning Services Agency—DOT
Department of Public Welfare—HHS
Rehabilitation Services Board—ED
Department of Veterans' Affairs—VA

Other Public Authorities and Corporations

Housing Finance Authority
Lawrenceville-Vincennes Bi-State Airport Authority

Other Independent Boards and Commissions

Indiana 15 Regional Planning Commission
Northwestern Indiana Regional Planning Commission
Ohio River Basin Commission
Economic Development Authority
Port Commission
Board of Trustees, Indiana University—HHS
Board of Trustees, Purdue University—HHS
Board of Trustees, Indiana State University—HHS
Board of Trustees, Ball State University—HHS
Board of Trustees, Vincennes University—HHS
Board of Trustees, Indiana Vocational Technical College—HHS

Kansas

Office of the Governor—DOE
Board of Agriculture—USDA
Department of Corrections—DOJ
Department of Economic Development—HUD
State Board of Education—ED
Fish & Game Commission—DOI
Department of Health & Environment—HHS
Human Resources Department—DOL
Department of Social & Rehabilitative Services—HHS
Department of Transportation—DOT
Water Resources Board—DOI

Other Public Authorities and Corporations

Kansas City Area Transportation Authority

Other Independent Boards and Commissions

Board of Regents—ED

Kentucky

Office of the Governor—ED
Office of the Lieutenant Governor
Secretary of State
Development Cabinet
Office of the Secretary—DOC
Department of Agriculture, Commissioner of Agriculture—USDA
Department of Commerce—DOC
Department of Parks—DOI
Department of Fish and Wildlife Resources—DOI
Economic Development Administration—DOC
Appalachian Regional Commission—DOC
Department of Military Affairs, Adjutant General
Department of Justice—DOJ
Education and the Arts Cabinet: Office of the Secretary—ED
Department of Human Resources: Office of the Secretary—HHS
Department for Natural Resources and Environmental Protection—DOI
Department of Mines and Minerals—DOL
Department of Transportation—DOT
Department of Energy—DOE
Department of Local Government—HUD

Louisiana

Office of the Governor—HHS
Lieutenant Governor
Department of State, Secretary of State
Department of Commerce—DOC
Department of Culture, Recreation and Tourism—DOI
Department of Transportation and Development—DOT
Department of Health and Human Resources—HHS
Department of Natural Resources—DOE
Department of Labor—DOL
Department of Urban and Community Affiars—HUD
Department of Wildlife and Fisheries—DOI
Department of Agriculture—USDA
Department of Education, Superintendent of Education—ED

Other Public Authorities and Corporations

Education Television Authority

Other Independent Boards and Commissions

Comm. on Law Enforcement and Admin. of Criminal Justice—DOJ

Massachusetts

Office of the Governor—DOC
Department of State, Secretary of the Commonwealth—DOI
Executive Office for Administration and Finance—HHS
Executive Office of Environmental Affairs—DOI
Executive Office of Communities and Development: Office of the Secretary—HUD
Executive Office on Human Services: Office of the Secretary—HHS
Executive Office of Transportation and Construction: Office of the Secretary—DOT
Executive Office of Educational Affairs: Office of the Secretary—ED
Executive Office of Manpower Affairs and Economic Development:
Office of the Secretary—DOL
Department of Commerce and Development—DOC
Office of Elder Affairs—HHS
Office of Energy Resources—DOE

Maryland

Executive Department, Governor—HHS
Department of Agriculture—USDA
Department of Economic and Community Development—HUD
Department of Health and Mental hygiene—HHS
Department of Human Resources—DOL
Department of Natural Resources—DOI
Department of State Planning—HUD
Department of Transportation—DOT

Board of Education—ED

Other Independent Boards and Commissions

Susquehanna River Basin Commission
Ohio River Basin Commission
Educational Coordinating Council for Correctional Institutions
Eductl. Coord. Council for State Hospitals and Juvenile Insts.
State Board for Higher Education
University of Maryland, Board of Regents—ED
Morgan State University, Board of Trustees—HHS
Board of Trustees of State Universities and Colleges—HHS
St. Mary's College of Maryland, Board of Trustees—HHS
Maryland Schools for the Deaf, Board of Visitors—HHS
Office for Children and Youth
Office on Aging
Gov's Comm. on Law Enforce. and Admin. of Justice—DOJ

Maine

Executive Department, Governor—DOJ
Department of Secretary of State
Department of Agriculture—USDA
Department of Marine Resources—DOC
Dept. of Educational and Cultural Ser—ED
Department of Human Services—HHS
Department of Indian Affairs—DOI
Dept. of Mental Health and Corrections—HHS
Department of Manpower Affairs—DOL
Department of Conservation—USDA
Department of Environmental Protection—EPA
Dept. of Inland Fisheries and Wildlife—DOI
Dept. of Defense and Veterans Services—VA
Department of Transportation—DOT

Other Public Authorities and Corporations

Maine State Housing Authority—HUD

Other Independent Boards and Commissions

Board of Trustees, Maine Veterans Home—VA

Michigan

Executive Office of the Governor—ED
Department of State, Secretary of State
Department of Management and Budget—DOJ
State Board of Education—ED
Department of Public Health—HHS
Department of Mental Health—HHS
Department of Social Services—HHS
Department of Military Affairs, Adjutant General
Department of Labor—DOL
Natural Resources Commission—DOI
Agricultural Commission—USDA
Department of Transportation—DOT

Other Public Authorities and Corporatons

State Building Authority

Minnesota

Office of the Governor—DOL
Office of the Lieutenant Governor
Office of the Secretary of State
Office of the Attorney General—DOJ
Office of the State Auditor
Department of Administration—DOL
Department of Agriculture—USDA
Department of Commerce—DOC
Department of Corrections—HHS
State Board of Education—ED
Department of Economic Development—DOC
Department of Economic Security—DOL
Department of Health—HHS
Department of Transportation—DOT
Veterans Affairs Department—VA
Department of Public Welfare—HHS
Pollution Control Agency—EPA
Energy Agency—DOE
State Planning Agency—DOI
Department of Natural Resources—DOI
Department of Labor and Industry—DOL

Other Public Authorities and Corporations

Housing Finance Agency—HUD
Minnesota Energy Commission—DOE

Missouri

Office of the Governor—ED
Office of the Lieutenant Governor
Office of the Secretary of State
Department of Agriculture—USDA
Conservation Commission—DOI
State Board of Education—ED
Coordinating Board for Higher Education—ED
State Highway Commission—DOT
Department of Labor and Industrial Relations—DOL
Mental Health Commission—HHS
Department of Natural Resources—DOI
Department of Public Safety—DOJ
Department of Social Services—HHS
Department of Transportation—DOT

Other Public Authorities and Corporations

Environmental Improvement Authority
Missouri Housing Development Commission

Mississippi

Office of the Governor—DOJ
Department of Education, Superintendent of Education—ED
Department of Agriculture and Commerce—USDA
Highway Commission—DOT
Office of the Adjutant General
Department of Mental Health—HHS
Commission for the Department of Natural Resources—DOI
Commission for Department of Wildlife Conservation—DOI
Board of Trustees of Archives and History—DOI
Forestry Commission—USDA
State Board of Health—HHS
Department of Public Welfare—HHS
Veterans Affairs Commission—VA
Department of Youth Services—HHS
Employment Security Commission—DOL

Other Public Authorities and Corporations

Tombigbee Valley Authority
Economic Development Corporation
State Port Authority

Other Independent Boards and Commissions

Tennessee-Tombigbee Waterway Compact
Board of Trustees of the School for the Blind and Deaf
Manpower Development and Training Advisory Board

Montana

Governor's Office—HHS
Department of Justice, Attorney General—DOJ
Superintendent of Public Instruction—ED
Department of Agriculture—USDA
Department of Education—ED
Department of Fish, Wildlife and Parks—DOI
Department of Health and Environmental Sciences—HHS
Department of Highways—DOT
Department of Institutions—HHS
Department of Community Affairs—DOT
Department of Labor and Industry—DOL
Department of Military Affairs, Adjutant General
Department of Natural Resources and Conservation—DOI
Department of Social and Rehabilitation Services—HHS

North Carolina

Office of the Governor
Department of Public Education, Superintendent of Public Instruction—ED
Department of Agriculture, Commissioner—USDA
Department of Labor, Commissioner—DOL
Department of Administration
Department of Commerce—DOE
Department of Crime Control and Public Safety—DOJ
Department of Cultural Resources—DOI
Department of Human Resources—HHS
Department of Natural Resources and Community Development—DOL
Department of Transportation—DOT

North Dakota

Office of the Governor—DOL
Office of the Lieutenant Governor
Office of the Secretary of State
Department of Labor, Labor Commissioner—DOL
Department of Agriculture, Commissioner of Agriculture—USDA
Department of Public Instruction—ED
State Health Council—HHS
State Board of Higher Education—HHS
Social Services Board of North Dakota—HHS
Director of Institutions—HHS
Employment Security Bureau—DOL
Game and Fish Department—DOI
Highway Department—DOT
North Dakota Parks and Recreation Department—DOI
Administrtive Committee on Veteran's Affairs—VA
Adjutant General and National Guard

Other Independent Boards and Commissions

Combined Law Enforcement Council—DOJ
Missouri River Basin Commission
Educational Broadcasting Council—ED
Post Secondary Education Commission—ED

Nebraska

Office of the Governor
Lieutenant Governor
Secretary of State
Department of Aeronautics
Department of Agriculture—USDA
Department of Economic Development—DOC
Department of Environmental Control—EPA
State Board of Health—HHS
Department of Labor—DOL
Department of Public Institutions—HHS
Department of Public Welfare—HHS
Department of Roads—DOT

Department of Veterans Affairs—VA
Military Department, Adjutant General—DOD
State Board of Education—ED

Other Independent Boards and Commissions

Board of Regents, University of Nebraska—ED
Commission on Aging—HHS
Commission on Law Enforcement and Criminal Justice—DOJ
State Energy Office—DOE

New Hampshire

Office of the Governor—DOJ
Department of Resources and Economic Development—DOI
Fish and Game Commission—DOI
Department of Public Works and Highways—DOT
Water Supply and Pollution Control Commission—EPA
Labor Department—DOL
Department of Health and Welfare—HHS
Department of Agriculture—USDA
Department of Employment Security—DOL
State Board of Education—ED

Other Public Authorities and Corporations

Industrial Development Authority
Maine-New Hampshire Interstate Bridge Authority
Transportation Authority

New Jersey

Executive Department, Governor—HHS
Department of Law and Public Safety, Attorney General—HHS
State Board of Agriculture—DOT
Department of Community Affairs—DOT
Department of Education—ED
Department of Energy—DOT
Department of Environmental Protection—DOT
Department of Health—HHS
Board of Higher Education—ED
Department of Human Services—HHS
Department of Labor and Industry—DOL
Department of Transportation—DOT

Other Independent Boards and Commissions

Delaware River Basin Commission
Delaware River Port Authority
Delaware Valley Regional Planning Commission
Port Authority of New York and New Jersey—DOT
Tri-State Regional Planning Commission—DOT
Waterfront Commission of New York Harbor
State Law Enforcement Planning Agency—DOJ

New Mexico

Office of the Governor—DOE
Department of Commerce and Industry—DOC
State Board of Education—ED
Transportation Department—DOT
Highway Commission—DOT
Health and Environment Department—HHS
Department of Natural Resources—DOI
Energy and Minerals Department—DOE
Department of Agriculture—USDA
Criminal Justice Department—DOJ
Human Services Department—HHS
New Mexico Employment Security Department—DOL

Nevada

Office of the Governor—HHS
Office of Community Services—HHS
Office of Traffic Safety—DOT
Comprehensive Employment and Training Council—DOL
Governor's Office of Planning Coordination—HUD
State Board of Agriculture—EPA
Department of Conservation and Natural Resources—DOI
State Board of Education—ED
Employment Security Department—DOL
Department of Energy—DOE
State Board of Wildlife Commissioners—DOI
Board of Directors, Dept. of Transportation—DOT
Department of Human Resources—HHS
Department of Law Enforcement Assistance—DOJ
Commissioner For Veterans Affairs—VA

Other Independent Boards and Commissions

State Rural Housing Authority—HUD
State Board of Regents—HHS

New York

Office of the Governor
Executive Department—DOJ
Division of Criminal Justice Services—DOJ
Division of Military and Naval Affairs—DOD
Division of Probation—DOJ
Division of State Police—DOT
Division of Youth—DOJ
Office of Parks and Recreation—DOI
State Energy Office—DOE
Department of State, Secretary of State—DOC
Department of Transportation—DOT
Department of Environmental Conservation—EPA
Department of Agriculture and Markets—USDA
Department of Labor—DOL
Board of Regents—ED
Department of Health—HHS
Department of Mental Hygiene—HHS
Department of Social Services—HHS
Department of Commerce—DOC
Board of Trustee—HHS

Other Public Authorities and Corporations

Port Authority of New York and New Jersey—DOT
Urban Development Corporation—HUD
Power Authority
Metropolitan Transportation Authority—DOT
Housing Finance Agency—HUD

Other Independent Boards and Commissions

Tri-State Regional Planning Commission—DOT

Ohio

Executive Department, Governor
Office of the Attorney General—DOJ
Department of Agriculture—USDA
Department of Economic and Community Development—DOE
State Board of Education—ED
Bureau of Employment Services—DOL
Department of Energy—DOE
Environmental Protection Agency—EPA
Department of Health—HHS
Department of Mental Health and Mental Retardation—HHS
Department of Natural Resources—DOI
Department of Public Welfare—HHS
Department of Tranportation—DOT

Other Independent Boards and Commissions

Commission on Aging—HHS
Ohio Board of Regents—ED
Board of Trustees, University of Cincinnati—ED
Educational Television, Newtwork Commission—ED
Board of Trustees, Kent State University—HHS
Board of Trustees of Ohio State University—HHS
Board of Trustees of Ohio University—HHS
Student Loan Commission—ED

Oklahoma

Office of the Governor—DOC
Board of Agriculture—USDA
Dept. of Institutions, Social and Rehabilitative Ser.—HHS
Employment Security Commission—DOL
War Veterans Commission—VA
State Board of Health—HHS
State Board of Mental Health—HHS
Department of Economic and Community Affairs—DOC
Transportation Commission—DOT
Military Department, Adjutant General
Crime Commission—DOJ
Water Resources Board
Wildlife Conservation Commission
Tourism & Recreation Commission—DOI
State Department of Education—ED
Department of Labor—Commissioner—DOL
Department of Vocational and Technical Education—ED
Department of Energy—DOE
Pollution Control Coordination Board
Health Planning Commission—HHS

Other Public Authorities and Corporations

Educational Television Authority—ED
Student Loan Authority—ED

Oregon

Office of the Governor
Department of Agriculture—EPA
Department of Education, Supt. of Public Instruction—ED
Department of Energy—DOE
Department of Human Resources—HHS
Bureau of Labor, Labor Commissioner—DOL
Governing Board, Dept. of Transportation—DOT
Department of Veteran's Affairs—VA
Economic Development Commission—DOC
Land Conservation and Development Commission—DOC
Department of Forestry—DOI
Fish and Wildlife Commission—DOI
Department of Environmental Quality—EPA
Water Resources Department—DOI

Other Public Authorities and Corporations

Tri-County Metropolitan Transportation District

Other Independent Boards and Commissions

Commission for the blind
Law Enforcement Council—DOJ
Port of Portland Commission

Pennsylvania

Office of the Governor—DOL

Department of Agriculture—USDA
Department of Commerce—DOC
Department of Community Affairs—HUD
Governor's Council on Drug and Alcohol Abuse—HHS
Department of Education—ED
Department of Environmental Resources—EPA
Fish Commission—DOI
Game Commission—DOI
Department of Health—HHS
Department of Labor and Industry—DOL
Department of Public Welfare—HHS
Department of Transportation—DOT
Department of Aging—HHS

Other Public Authorities and Corporations

Transportation Assistance Authority
Industrial Development Authority
Pennsylvania Housing Finance Agency

Other Independent Boards and Commissions

Board of Trustees of Pennsylvania State University—DOD
Board of Trustees of Temple University—HHS
Board of Trustees at Lincoln—HHS
Board of Trustees of the University of Pittsburgh—HHS
Delaware Valley Regional Planning Commission—
Delaware River Port Authority—DOT
Delaware River Basin Commission
Susquehanna River Basin Commission

Rhode Island

Executive Department, Governor—DOJ
Department of Economic Development—DOC
Department of Mental Health, Retardation and Hospitals—HHS
Department of Social and Rehabiltative Services—HHS
Department of Transportation—DOT
Department of Labor—DOL
Department of Environmental Management—DOC
Department of Health—HHS
Department of Employment Security—DOL
Department of Community Affairs—HHS
Board of Regents for Education—ED
Department of Elderly Affairs—HHS

Other Public Authorities and Corporations

Rhode Island Port Authority and Economic Development Corp.
Rhode Island Industrial Building Authority
Public Building Authority
Office of the Governor—DOI
Department of Education, Superintendent of Education—ED
Board of Commissioners of the School for the Deaf and Blind—ED
Board of Health and Environmental Control—HHS
Mental Health Commission—HHS
Commission on Mental Retardation—HHS
Commission on Alcohol and Drug Abuse—ED
State Board of Social Services—HHS
State Board on Vocational Rehabilitation—ED
Board of Directors of the Children's Bureau—HHS
Commission for the Blind—ED
Commission on Aging—HHS
Human Affairs Commission—DOL
Department of Veterans Affairs—VA
Water Resources Commission—DOC
State Land Resources Conservation Commission USDA
State Forestry Commission USDA
Department of Agriculture—USDA
Wildlife and Marine Resources Commission—DOI
Parks, Recreation and Tourism Commission—DOI
Department of Labor—DOL
Employment Security Commission DOL
Highway and Public Transporation Commission—DOT
Aeronautics Commission

Other Public Authorities and Corporations

Housing Authority Board
State Ports Authority

Other Independent Boards and Commissions

Higher Education Tuition Grants Committee—ED
Educational Television Commission—ED
The Citadel, Board of Visitors—HHS
Clemson University, Board of Trustees—HHS
College of Charleston, Board of Trustees—HHS
Francis Marion College, Board of Trustees—HHS
Lander College, Board of Trustees—HHS
South Carolina State College, Board of Trustees—HHS
University of South Carolina, Board of Trustees—HHS
Winthrop College, Board of Trustees—HHS
Medical University of South Carolina, Board of Trustees—HHS
South Carolina Opportunity School, Board of Trustees—HHS

South Dakata

Office of the Governor—DOE
Lieutenant Governor—
Office of the Secretary of State
Department of Agruiculture—USDA
Department of Education and Cultural Affairs-ED
Department of Game, Fish and Parks—DOI
Department of Health—HHS
Department of Labor—DOL
Department of Military and Veterans Affairs—VA
Department of Water and Natural Resources—EPA
Department of Public Safety—DOT
Department of Social Services—ED
Department of Transportation—DOT

Tennessee

Office of the Governor—DOE
Secretary of State
Comptroller
Treasurer
Department of Economic and Community Development—DOL
Department of Education—ED
Board of Regents, State Universities and Community Colleges—HHS
University of Tennessee Board of Trustees—HHS
Department of Employment Security—DOL
Department of Human Services-ED
Department of Labor—DOL
Department of Mental Health and Mental Retardation—HHS
Department of Public Health—HHS
Department of Agriculture—USDA
Department of Conservation—DOI
Department of Transportation—DOT
Wildlife Resources Commission—DOI
Department of Veteran Affairs—VA

Other Independent Boards and Commissions

Commission of Children and Youth
Commission on Aging
Housing Development Board

Texas

Office of the Governors—DOJ
Lieutenant Governor
Office of the Secretary of State
Department of Agriculture, Commissioner—USDA
Department of Community Affairs—HHS
State Health Board—HHS
Highways & Public Transportation Commission—DOT
Industrial Commission Board—DOC
Department of Labor and Standards—DOL
Mental Health and Mental Retardation Board—HHS
Parks and Wildlife Commission—DOI
Department of the Adjutant General—Adjutant General
Air Control Board
State Commission for the Blind—ED
State Board of Education—ED
Human Resources Board—HHS
Board of Rehabilitation Commission—ED
Surplus Property Board—ED
Water Development Board and Water Commission—EPA
Coordinating Board of the College and University System—HHS
Employment Commission—DOL

Other Public Authorities and Corporations

Deepwater Port Authority
Board of Directors, State Housing Agency

Other Independent Boards and Commissions

Veterans Affairs Commission—VA
Texas Energy and Natural Resources Council—DOE

Utah

Office of the Governor
Department of Agriculture—USDA
State Planning—DOC
Department of Economic and Community Development—HUD
Department of Public Safety—DOJ
Department of Social Services—HHS
Department of Public Instruction—ED
Board of Education—ED
Department of Natural Resources—DOI
Industrial Commission—DOL
Department of Transportation—DOT

Other Public Authorities and Corporations

Utah Housing Finance Agency

Other Independent Boards and Commissions

State Board of Regents—HHS
State Energy Office—DOE

Virginia

Office of the Governor
Lieutenant Governor
Department of Law—Attorney General
Office of the Secertary of Commerce and Resources
Commission on Game and Inland Fisheries—DOI
State Water Control Board—EPA

Department of Labor and Industry—DOL
Department of Housing and Community Development—HUD
State Air Pollution Control Board—EPA
Virginia, Housing Development Authority—HUD
Office of the Secretary of Education—ED
Department of Education—ED
Office of the Secretary of Human Resources—HHS
Office of the Secretary of Public Safety—DOJ
Office of the Secretary of Transportation—DOT

Vermont

Executive Office, Governor—DOE
Department of Military Affairs, Adjutant General—VA
Department of Agriculture—USDA
Agency of Human Services
Department of Corrections—DOJ
Department of Social Welfare—HHS
Department of Social and Rehabilitation Services—ED
Comprehensive Employment and Training Office—DOL
Office on Aging—HHS
Department of Mental Health—HHS
Governor's Committee on Employment of the Handicapped—ED
Governor's Committee on Children and Youth—HHS
Vermont Veterans' Home—VA
Alcohol Rehabilitation Board—ED
Drug Rehabilitation Commission—ED
Board of Mental Health—HHS
State Health Board—HHS
Department of Labor and Industry—DOL
Department of Employment Security—DOL
Board of Education—ED
Environmental Conservation Agency—DOI
Agency of Development and Community Affairs—HUD
Agency of Transportation—HUD

Other Public Authorities and Corporations

Vermont Student Assistance Corporation
Industrial Development Authority

Other Independent Boards and Commissions

Board of Property Appraisal
Racing Commission
Human Rights Commission
Commission on the Administration of Justice
Statutory Revision Commission
Labor Commission
University of Vermont—HHS
Vermont State and Community Colleges—ED
Higher Education Planning Commission
Vermont State Employees' Retirement System
Municipal Employees' Retirement System
State Teachers' Retirement System
New England Higher Education Compact
Board of Trustees, University of Vermont—HHS
Board of Trustees, Vermont State Colleges—HHS

Washington

Office of the Governor
Department of Agriculture—HHS
Office of Archaeology and Historic Preservation—DOI
Department of Commerce and Economic Development—DOC
Planning and Community Affairs Agency—HUD
Department of Emergency Services—DOD
Department of Ecology—EPA
Department of Fisheries—DOC
Game Commission—DOI
Department of Natural Resources, Commissioner of Public Lands—USDA
State Energy Office—DOE
Department of Social and Health Services—HHS
Department of Labor and Industries—DOL
Employment Security Department—DOL
Department of Veterans Affairs—VA
Superintendent of Public Instruction—ED
Transportation Commission—DOT

Other Independent Boards and Commissions

Traffic Safety Commission—DOT
Urban Arterial Board
Oceanographic Commission
State Parks and Recreation Commission—DOI
Interagency Committee for Outdoor Recreation—DOI
Washington State Commission for the Blind—HHS
Board of Regents, University of Washington—HHS
Board of Regents, Washington State University—HHS
Board of Trustees, Eastern Washington University—HHS
Board of Trustees, Central Washington University—HHS
Board of Trustees, Evergreen State College—HHS
Board of Trustees, Western Washington University—HHS
Commission for Vocational Education—ED
Board of Trustees of Community Colleges—ED

Wisconsin

Office of the Governor—DOL
Department of Justice, Attorney General—DOJ
Department of Public Instruction, Superintendent—ED
Board of Regents—HHS
Board of Vocational, Technical and Adult Education—ED
Department of Local Affairs and Development—HUD
Department of Health and Social Services—HHS
Department of Industry, Labor and Human Relations—DOL
Department of Military Affairs, Adjutant General
Department of Veteran Affairs—VA
Department of Agriculture, Trade and Consumer Protection—USDA
Natural Resources Board—DOI
Department of Transportation—DOT
Higher Educational Aids Board—ED
Board of Curators, Historical Society of Wisconsin—DOI
Medical Education Review Committee—HHS
Board on Aging—HHS

Other Public Authorities and Corporations

Housing Finance Authority
Solid Waste Recycling Authority

West Virginia

Office of the Governor—HHS
Secretary of State
Department of Agriculture, Commissioner—USDA
Board of Education—ED
Board of Vocational Education—ED
Board of Regents—HHS
Adjutant General
Economic and Community Development—HUD
Department of Employment Security—DOL
Board of Health—HHS
Geologic-Economic Survey Commission—DOE
Department of Highways—DOT
Department of Labor—DOL
Workmen's Compensation Funds, Commissioner—DOL
Department of Mines—DOL
Department of Natural Resources—DOI
Department of Veterans Affairs—VA
Department of Welfare—HHS

Other Public Authorities and Corporations

Educational Broadcasting Authority—ED

Other Independent Boards and Commissions

Commission on Manpower, Technology and Training
State Planning Council (Developmental Disabilities Services)—ED
Commission on Aging—HHS
Interstate Commission on the Potomac River Basin
Ohio River Valley Water Sanitation Commission
Ohio-West Virginia Interstate Air Polution Commission

Wyoming

Governor's Office—DOL
Attorney General—DOJ
Governor's Office of Highway Safety
Aeronautics Commission
Board of Agriculture—USDA
Wyoming Council for Children and Youth—HHS
Department of Health and Social Services—HHS
Highway Commission—DOT
Department of Economic Planning and Development—HUD
Department of Education, Superintendent—ED
Department of Environmental Quality—EPA
Department of Labor and Statistics—DOL
Employment Security Commission—DOL
Department of Public Lands—USDA
Game and Fish Commission—DOI
Occupational Health and Safety Commission
Water Development Commission

Other Public Authorities and Corporations

Community Development Authority—HUD

Other Independent Boards and Commissions

Board of Trustees of the University of Wyoming—HHS
Manpower Affairs Council

[FR Doc. 80-11588 Filed 4-16-80; 8:45 am]
BILLING CODE 3110-01-M

federal register

Thursday
April 17, 1980

Part IV

Environmental Protection Agency

Primary Aluminum Plants; Availability of Final Guideline Document

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1410-7]

Primary Aluminum Plants; Availability of Final Guideline Document

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of final guideline document.

SUMMARY: This action establishes emission guidelines and compliance times for State environmental protection agencies to use in establishing standards of performance to control fluoride emissions from existing primary aluminum plants. Federal standards of performance for the control of fluorides emitted from new primary aluminum plants have been promulgated; the Clean Air Act now requires the Administrator to develop emission guidelines and compliance times for existing plants of the same type. In addition, the Act requires the States to develop their own regulations for the control of fluorides from existing primary aluminum plants. The intended effect of the guidelines is to aid the States in developing their own regulations.

DATES: State plans providing for the control of fluoride emissions from existing primary aluminum plants are to be submitted to the Administrator on January 19, 1981. The Administrator will take action to approve or disapprove the plan, or portions of it, within 4 months of this date, or until May 18, 1981.

ADDRESSES: Copies of the final guideline document may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, N.C. 27711, telephone (919) 541-2777. Please refer to Primary Aluminum: Guidelines for Control of Fluoride Emissions From Existing Primary Aluminum Plants (EPA 450/2-78-049b).

The final guideline document, public comments on the proposed guidelines, and EPA responses to the comments may be inspected or copied at the Public Information Reference Unit (EPA Library) Room 2922, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Stanley T. Cuffe, Chief Industrial Studies Branch, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number (919) 541-5295.

SUPPLEMENTARY INFORMATION:

Summary of Guidelines

The guidelines are not expressed as emission limitations. They are specific to each of the four aluminum reduction cell types, and are presented as average fluoride control efficiencies expected from the application of certain recommended control technologies that are applied as new retrofits to existing plants. These control technologies are based on effective collection of emissions, followed by efficient fluoride removal by dry scrubbers or by wet scrubbers. Many existing plants will be able to achieve the guideline efficiencies with little or no improvement to their control systems. A few plants may require installation of reduction cell hooding, or primary or secondary control systems. The guidelines also specify a compliance time of 3 years, which will normally be adequate for installation of the equipment needed to achieve the guidelines. In addition, compliance testing is not specified.

Fluorides are considered welfare-related pollutants in that they adversely affect vegetation and livestock, but adverse effects on human health have not been demonstrated. The States, therefore, have more flexibility in weighing the guidelines against such factors as plant location local community employment, and the remaining useful life of an existing plant than is provided for pollutants that may affect public health.

Background

In accordance with section 111 of the Clean Air Act, standards of performance for total fluoride and visible air emissions from new, modified, or reconstructed primary aluminum plants were promulgated on January 26, 1976 (41 FR 3826).

Work on development of the guideline document for existing plants (see "Miscellaneous") was initiated in January 1973, and an early draft was reviewed with the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) on September 5, 1974. As a result of comments by the Committee members and by representatives of the aluminum industry, the scope of the EPA investigation was expanded, and the guidelines document was revised. Fluoride emission data were obtained from most of the existing primary aluminum plants, along with fluoride evolution rates from the reduction cells, existing plant emission controls, and fluoride collection and removal efficiencies. A revised draft was reviewed with NAPCTAC on August 22, 1978. After some minor revisions, notice of availability of the draft guideline document was published in the **Federal Register** on April 11, 1979 (44 FR 21754). The public comment period for the draft guideline document ended on June 11, 1979. The rationale for the guidelines appears in the final guideline document.

Public Comments

When the draft guideline document was announced, the public was invited to submit written comments. Eight letters of comment were received—five from manufacturers of primary aluminum, two from Federal agencies, and one from a State. These comments are briefly discussed below.

Two commenters were concerned that the document gave insufficient emphasis to the effects of fluorides on agricultural crops and forests, and on fish and wildlife, respectively. No data were received on the latter two receptors. However, the document has been revised to stress that most existing primary aluminum plants are situated in agricultural areas, and a book picturing fluoride damage to plant leaves has been added to the cited references. If relatively small amounts of fluoride reach water courses, EPA believes that the fluoride is precipitated as the rather insoluble calcium fluoride. Although the guidelines are based on technology and costs in accordance with the Clean Air Act, the States are free to rely on welfare effects in developing standards of performance more stringent than the guidelines.

Two commeners were concerned that the 75 percent removal efficiency for secondary roof scrubbing was too high and that low loadings entering the secondary scrubber—such as 2 pounds of fluoride per ton of aluminum—have resulted in only 50 to 70 percent removal efficiencies. The EPA knows of no plant with so low a secondary loading. The guideline document, however, presents data on five U.S. plants that actually had the much higher loadings to the secondary scrubber of 5.7 to 8 pounds of fluoride per ton of aluminum, which indicates that high loadings are common. Four of these plants achieved secondary scrubbing efficiencies of at least 75 percent. However, the 75 percent guideline efficiency is intended to apply to new retrofits and not necessarily to existing scrubbers, and some existing scrubbers may not be able to achieve this efficiency. If, as one commenter indicated, a plant already having secondary control is able to improve its hooding efficiency from the guideline of 80 percent to approach 90 percent, the magnitude of the overall plant emission reduction should be taken into account by the control official

and balanced against costs of improved secondary control and the residual fluoride problem.

Another commenter believed that single-number efficiencies were inappropriate as guidelines, and urged a range of recommended efficiencies for hooding and for the other fluoride capture and removal devices. However, hooding efficiencies are already the best available at most U.S. plants, and they meet the guidelines: The guideline efficiencies should reflect this fact and should not be set to accommodate one or two atypical plants. The States may take into consideration the remaining useful life of a plant. Where a facility contains both old and new cells, it may be reasonable to apply somewhat less stringent standards to the old. A second comment from the same source requested that EPA formally advise the States of the flexibility permitted in compliance sampling and analytical procedures. Installation of Method 14 sampling ductwork may be unreasonably costly on some existing plants; therefore, EPA does not specify compliance testing procedures. Such testing is to be determined by each State on a case-by-case basis, taking costs into account. A third comment argued for control of the welfare-related fluroride pollutant at a reduced level, according to local conditions. The guidelines document already stresses that States will have substantial flexibility to consider many factors on a case-by-case basis in making plans for control of existing primary aluminum plants. A fourth comment was that some allowance for control equipment downtime should be given when determining compliance. Compliance with guidelines is normally determined through performance tests under representative conditions. The initial performance test and subsequent performance tests should insure that equipment is installed which will permit the guidelines to be attained, and that such equipment is not allowed to deteriorate below this capability. A final recommendation by this commenter urged EPA to increase the 2½-year average compliance time that was suggested for adding a retrofit control system. Among the reasons given was that the time requirement for financing the pollution control system was significant and was not specifically mentioned in the document. Because EPA recognizes the need for financing time, and because 5 of the 8 actual plant retrofits that are cited and priced in the document were installed in 3 years or less, EPA has adjusted the average retrofitting time upward to 3 years for a typical case.

A commenter whose company operates cells of low fluoride-evolution rate complained that the guidelines would require his old plant to restrict emissions to about 20 percent less than those allowable for a new plant. This fear is unfounded, because the guidelines have a different basis from the new source performance standards (NSPS). The latter set emission limits not to be exceeded, while the calculated emissions that result from applying the guidelines are averages only. In addition, new cells that will become subject to new source performance standards will be designed for improved current efficiency and will probably have cell fluoride evolution rates considerably in excess of the cell evolution rates in most existing plants. It will be easier to achieve guideline efficiencies from existing cells than to meet emission limits for new cells that have much greater uncontrolled emission rates. It can, therefore, happen that an occasional old plant may have a lower guideline fluoride emission rate than a new plant subject to NSPS; but such a rate will not be unreasonable to attain.

Another commenter stated that particulate and fluoride emissions control in anode bake plants is well demonstrated and cited the use of wet electrostatic precipitator (ESP) or dry scrubber controls. The document was therefore reworded to emphasize the availability of this technology. He also cited the growing problem of sulfur dioxide evolution, and believed that the document should address sulfur dioxide control and the impact of fluoride control devices on its emission to the atmosphere. Control of particulates and sulfur dioxide is achieved by NSPS and not by section 111(d) of the Clean Air Act. The EPA will consider sulfur dioxide emissions during the next NSPS review study of the primary aluminum industry. If this study reveals an important sulfur dioxide problem and a feasible emission control, steps will be taken to control sulfur dioxide. In the same vein, specific control of particulate matter, rather than incidental control, may later be investigated, as was recommended by this commenter. The same commenter also pointed out that particulate roof emissions are significantly affected by alumina ore charging and cell hopper loading designs and operating practices. The guideline document text has been adjusted to emphasize these facts.

Miscellaneous

The Clean Air Act applies to three general categories of pollutants emitted from stationary sources. The first category consists of pollutants (often referred to as "criteria pollutants") for which air quality criteria, national ambient air quality standards, and State implementation plans are established under sections 108–110 of the Act. The second category consists of pollutants listed and controlled as hazardous pollutants under section 112 of the Act.

The third category consists of pollutants that are (or may be) harmful to public health or welfare but are not or cannot be controlled under sections 108–110 or 112. Section 111(d) requires control of existing sources of such pollutants whenever standards of performance (for those pollutants) are established under section 111(b) for new sources of the same type. For convenience of reference, such pollutants are referred to as "designated pollutants." Standards of performance for fluoride emissions from new primary aluminum reduction plants were promulgated on January 26, 1976 (41 FR 3826); therefore a guideline document has been prepared for control of fluoride emissions from existing primary aluminum reduction plants and is being made available to the public.

Subpart B of 40 CFR Part 60 sets forth the procedures and requirements for submittal of State plans for control of designated pollutants from designated facilities under section 111(d) of the Act. A summary of Subpart B and a discussion of the basic concepts underlying it appear in the preamble published in connection with its promulgation (40 FR 53340) November 17, 1975. In brief, Subpart B provides that after a standard of performance applicable to emissions of a designated pollutant from new sources is promulgated, the Administrator will publish a draft guideline document containing information pertinent to the control of the same pollutant from designated (i.e., existing) facilities. He will also publish a notice of availability of the draft guideline document, and invite comments on its contents. After publication of a final guideline document for the pollutant in question, the States will have 9 months to develop and submit plans for control of that pollutant from designated facilities. Within 4 months after the date for submission of plans, the Administrator will approve or disapprove each plan (or portion thereof). If a State plan (or portion thereof) is disapproved, the Administrator will promulgate a plan (or portion thereof) within 6 months after

the date for plan submission. These and related provisions of Subpart B are basically patterned after section 110 of the Act and 40 CFR Part 51 (concerning adoption and submittal of State implementation plans under section 110).

As discussed in the preamble to Subpart B, a distinction is drawn between designated pollutants which may cause or contribute to endangerment of public health (referred to as "health-related pollutants") and those for which adverse effects on public health have not been demonstrated (referred to as "welfare-related pollutants"). For health-related pollutants, emission standards and compliance schedules in State plans must ordinarily be at least as stringent as the corresponding emission guidelines and compliance times in EPA's guideline documents. As provided in Subpart B, States may apply less stringent requirements when economic factors or limitations make such application significantly more reasonable. For welfare-related pollutants, States may balance the emission guidelines, compliance times, and other information in EPA's guideline documents against factors of public concern in developing their plans, as explained more fully in the preamble to Subpart B and in the introductory portion of each guideline document. Thus, the States have more flexibility in establishing plans for welfare-related pollutants than is provided for plans involving pollutants that may affect public health.

For reasons discussed in the guideline document, the Administator has determined that atmospheric fluoride emissions in the primary aluminum industry may cause or contribute to endangerment of the public welfare (i.e., of livestock and vegetation), but that adverse effects on public health have not been demonstrated. This determination is consistent with the determination made in conjunction with the final guideline document for phosphate fertilizer plants which was made available on March 1, 1977 (42 FR 12022). As indicated above, this means that fluoride emissions will be considered a welfare-related pollutant and the States will have greater flexibility in developing their plans than would be the case if public health might be affected.

The emission guidelines and compliance times specified in the guideline document reflect the Administrator's judgment on: (1) the degree of emission reduction achievable through the application of the best system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated for existing primary aluminum reduction plants; and (2) the time within which those systems can be purchased and installed.

Dated: April 7, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-11637 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

federal register

Thursday
April 17, 1980

Part V

Department of Transportation

Urban Mass Transportation Administration

Public Hearing Requirements for Service Changes and Fare Changes

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR 635

[Docket No. 80–C]

Public Hearing Requirements for Service Changes and Fare Changes

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Final rule.

SUMMARY: The Urban Mass Transportation Administration (UMTA) is issuing regulations to implement Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended. This section of the Act requires recipients of section 5 funds to hold public hearings or to provide an opportunity for a public hearing prior to changes in fares and prior to substantial changes in service.

DATES:

1. This regulation is effective on: May 17, 1980.

2. Comments on § 635.7 must be received by: June 1, 1980.

ADDRESS: Comments must be submitted to UMTA Docket No. 80–C, 400–7th Street, S.W., Washington, D.C. 20590. All comments and suggestions received will be available for examination in room 9320 at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Charlotte Adams, Office of Program Analysis, (202) 472–6997.

SUPPLEMENTARY INFORMATION: All comments received before the expiration of the comment period will be utilized to determine if further revisions to § 635.7 are necessary.

A notice of proposed rulemaking was published on July 16, 1979 (44 FR 41272). Comments were invited through August 30, 1979. A total of twenty-nine written comments were received. In arriving at the final regulation, UMTA has given consideration to all comments received. Review of the comments received indicated the desirability of making changes in the regulations as they were proposed. The sections of this final regulation which have been revised or were the subject of major interest are discussed below.

The Administrator has determined that this regulation is not a significant regulation under the criteria in the DOT Order for Improving Government Regulations (44 FR 11042, February 26, 1979).

Under the DOT Order, a full evaluation is not warranted because the expected economic impact of the regulations is minimal. The regulations set out the procedural standards for, and implement, a public hearing requirement which is mandated by the statute.

Discussion of the Comments Received and of Changes to the Regulations

Several comments were received concerning the "retroactive" nature of the proposed regulations. Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended (the Act) became effective on November 6, 1978. At that time, transit authorities were bound by its provisions. If a fare change or substantial change in service has taken place since November 6, 1978, a public hearing should have been held prior to the change in order to meet the requirements of the law.

The regulations are not retroactive. The regulations require that each recipient of Section 5 funds execute and submit the assurance that is set out in the Appendix to the regulations. The regulations further provide that this assurance be submitted even if the recipient previously submitted an assurance to UMTA.

UMTA recognizes that most if not all grantees will have submitted an assurance prior to the effective date of the regulations. The new assurance required by § 635.3 of the regulations will supersede the previously required assurance once the new assurance is executed and submitted. Therefore, the recipient will be bound by the terms of the new assurance. However, if a recipient previously violated the terms of an earlier assurance required by UMTA, one or more of the sanctions set out in § 635.11 may be imposed.

In response to the notice, some concern was expressed that the requirement that a public hearing be held only if there is an increase in fares which would affect 25% or more of the total ridership of a transit system contradicted the statutory language of Section 5(i)(3). The Act states that assurances must be made that "any public transit system receiving financial assistance under such project will not change any fare." The regulations have therefore been changed and now require a public hearing prior to any changes in any fares, whether an increase or a decrease. A one day reduced fare or free fare promotion is not considered a fare change under Section 5(i)(3).

One comment recommended that the hearing requirment not be applied to public mass transportation systems receiving only capital assistance under Section 5. There is no indication that Congress intended Section 5(i)(3) to apply only to those mass transportation providers receiving operating assistance under Section 5. Therefore, the applicability of the regulations has not been changed. The regulations apply to *all* recipients of Section 5 funds.

We were also requested to define the word "affect" as it is used in the regulations. We have attempted many ways of doing so, but none have proven consistently clear in their application because of the many inherent variables in local situations. Because of the impossibility of arriving at one definition that would be universally applicable, UMTA has not provided a definition of "affect" at this time, but has chosen instead to measure it as an impact upon transit service. UMTA will be available to evaluate each situation on a case-by-case basis. Based on these evaluations, we will determine if changes to the regulations are necessary to define "affect" or change its measure.

One comment received specifically requested that we provide for review and publishing of revisions to all the regulations based on feedback received from transit authorities. In this regard, in addition to specific comments on § 635.7 requested below, we encourage transit authorities to make specific recommendations to us after they have held a public hearing following the requirements of these regulations. We will closely monitor the implementation of the regulations and propose changes that appear to be necessary.

Comments were received concerning the definition of ridership in § 635.2(e) of the proposed regulation and the inconsistency of its meaning as defined, and with the same definition under Section 15 of the Act. Similar comments were received concerning the definitions of a transit route mile and a transit revenue vehicle mile. The definition of ridership as the number of unlinked passenger trips is identical to that contained in the Section 15 definition: the number of revenue passenger trips counted each time a vehicle is boarded. In other words, if one passenger takes a trip which involves 3 transfers, the trip is considered to be 3 unlinked passenger trips or one linked passenger trip. The definitions of transit route mile and transit revenue vehicle mile as published in the proposed Section 5(i)(3) regulation are indentical to those published in reporting regulations dated December 18, 1979 (43 FR 58928), which implemented the 1978 amendments to Section 15 of the Act. In calculating

transit revenue vehicle miles, it should be noted that a train with five cars is considered five vehicles.

Several comments were received requesting that a definition for "service change" be provided. This has been done in § 635.2. Many of the comments were concerned with adjustments in time schedules and headways. The definition accommodates the expressed concerns by defining service change to include changes which affect the frequency of service.

Two commentors requested that proposed § 635.3 be clarified to indicate that the assurance could be submitted as one of serveral one-time submissions required by UMTA. This was the original intent of this section and it has been rewritten to clarify its intent. However, because the requirements of the regulations have been revised, thus necessitating revised language in the assurance, all recipients must submit the new assurance.

Comments were received which questioned whether a change affecting 10% of transit route miles, 10% transit revenue vehicle miles, or 25% of the ridership *of a system* was a sufficiently accurate interpretation of a substantial change in service as used in the Act. In order to accommodate these concerns and to assure broadened public participation in the mass transit decisionmaking process, the percentage tests for service changes in proposed § 635.7 have been revised. The tests are now measured as a change affecting 25% or more of the transit route miles, transit revenue vehicle miles, or ridership *of a transit route* rather than an entire system. A definition of transit route has been set out in § 635.2. In defining transit route, we have stated that it is one that is "specifically labeled." In this regard, it should be noted that an express service and a local service which traverse the same physical area are two distinct transit routes.

UMTA has decided to provide for public comment on the switch from percentage changes affecting a "transit system" to percentage changes affecting a "transit route." Comments must be sent to the address listed above. As stated previously, we will evaluate the comments recived to determine if further revisions to § 635.7 are necessary.

Several comments pointed out that transit authorities regularly implement standard service variations on a seasonal basis and that no public hearing should be required for these variations. Section 635.7(c) excludes seasonal variations from the public hearing requirement provided that the changes are standard seasonal variations such as a change made at the beginning and the end of every school year or additions of standard additional service during the December holiday shopping season. These seasonal changes must be the same from year to year in order to be exempted from the public hearing requirement. However, if the number, timing, or type of standard seasonal variations change, then a public hearing is required if the percentage tests of § 635.7(a) are met.

A new § 635.7(b) has been added to clarify that a hearing must be held if the cumulative total of changes in an operator's fiscal year reaches the levels set in § 635.7(a).

Several comments were received concerning § 635.7(b), as set forth in the proposed rule, which provides that UMTA may require a hearing in specific circumstances even if the "percentage tests" of § 635.7(a) are not met. The comments mainly addressed the intent of this requirement, and pointed out that the regulations lacked clarity in that only one example of specific circumstances was cited, and that significant public controversy was not defined. It was pointed out that the lack of clarity and its resulting uncertainty would interfere with a transit authority's ability to make changes. It was also pointed out that the proposal could require a hearing after a change had been put into effect. The revised regulations have set up objective tests to be used in determining whether or not a hearing is required when there is a service change. It is felt that these tests will cover any service change that has "profound consequences for the public," the concern expressed by Congress in developing Section 5(i)(3). We also feel that we are unable, at this time, to adequately define "significant public controversy" as it applies in all cases. Therefore, the requirement that a hearing be held in specific circumstances that do not meet the percentage tests has been deleted. However, we expect that recipients will evaluate their proposed service changes to determine if significant public controversy would be generated. We urge recipients faced with significant public controversy to conduct public hearings even if the percentage levels of our regulations are not reached.

Several comments were received concerning proposed § 635.7(c) which deals with public hearing requirements in emergency situations. It was pointed out that the proposed requirement for prior UMTA approval does not allow a transit authority sufficient flexibility to deal with the emergency situation in a timely manner. Also, it was pointed out that many emergency situations are likely to be temporary and a public hearing would serve no useful purpose.

Two changes have been made in the regulations (new § 635.7(d)) to address these concerns. First, prior UMTA approval is no longer required before an emergency service change is made. However, UMTA must be notified within five working days of the institution of the service change. Examples of emergency service changes include those made because of a power failure for a rail or fixed guideway system, the collapse of a bridge over which several bus routes pass, or inadequate supplies of fuel. Second, no public hearing is required if the emergency change lasts less than 90 days.

A few comments were received concerning the applicability of the public hearing requirement to experimental fares and service. In response to this concern, a new § 635.7(e) is added to allow experimental services (but not fares) for a period of 180 days without a public hearing being held. As stated previously, any fare change requires a public hearing. If, at the end of that time, it is decided that the experimental service should become permanent, the service that existed prior to the change must be reinstituted and a public hearing held in accordance with the procedures outlined in § 635.9. However, a hearing may be held prior to the institution of or during the period of the experimental services. The hearing could be for the purpose of alerting the public to the experiment and to the intentions of the transit authority at the end of the experiment. If it is clear that the experimental service may be made permanent, then this hearing would be sufficient and a new hearing would not have to be held at the end of the experimental period. In addition, a definition of experimental service has been added. For the purposes of these regulations, experimental service is a new transit route (as defined in these regulations) or an addition to an existing transit route.

One commentor asked whether a change in the proposed effective date of a service change or fare change which occurs after the public hearing requires that a new hearing be held. A reasonable delay in implementation of a change would not require a new hearing. However, a substantial delay in implementing a change which was not foreseen at the time of the public hearing may require a new hearing. We will not revise the regulations at this time but will revise them if it becomes

apparent that delay in effective dates is causing significant public controversy.

Comments were received which raised various issues concerning local or state requirements that differ from the proposed requirements in § 635.9.

The first concerned local or state requirements that provide for less than the 30 day notice requirement in proposed § 635.9(b). The intent is to provide the public adequate notice and if local or state requirements require less than 30 days notice, UMTA will defer to that requirement and allow a single publication. Accordingly, § 635.9(b) is revised to reflect this substitution of local or state requirements.

A second issue was raised concerning changes which resulted from Interstate Commerce Commission (ICC), local public utility commission (PUC), or state legislative action. The commentors pointed out that frequently changes are mandated by these bodies and a transit authority is not free to reject the changes. Thus, the public hearing, as originally proposed, might prove useless. UMTA recognizes this problem but is concerned that the statutory mandate that the views of the public be considered be followed. Therefore, the regulations are being changed to allow ICC, PUC, or legislative action to meet the hearing requirements if a public hearing is held before these bodies (in the case of a state legislature, before the appropriate Committee) and if notice of this hearing and of the contemplated changes is published. This change is made in recognition of the fact that these bodies are legitimate public forums. It is expected that these bodies will consider the views expressed before them prior to mandating changes.

A final issue concerns whether UMTA would require a separate public hearing if a transit authority is required by local or state law to hold a hearing before changing fares or services. UMTA had intended this situation to be addressed by the alternate hearing permitted by proposed § 635.9(d). This section is being revised to clarify this intent.

Several comments were received recommending deletion of proposed § 635.9(d) which would require the distribution of the notice of the hearing to local government officials. It is felt that this is an administrative burden and is unnecessary given the general publication requirements of the regulations. In light of UMTA's aim to reduce "red tape" and administrative burdens on grantees, we agree that this requirement be deleted.

The requirement for publishing a description of the proposed service change or fare change in proposed § 635.9(c) was criticized as being too vague. The commentor felt that this required the publication of an entire schedule in the newspaper. The intent of the regulation is that a description of changes be published. For example, if the service change provides that a bus will run every 15 minutes rather than every 30 minutes then this fact would appear in the notice. The actual scheduled times would not have to be published. No change to the proposed regulation is needed because it is felt that it is clear and adequate as written.

One commentor recommended that UMTA require that the notice of public hearing be placed on every bus or rail car affected or be handed out to each passenger. We feel that the placement of the notice on buses and rail cars has merit. However, we believe it to be a local decision as to whether this practice is followed. While we urge transit authorities to follow this practice, we will not, at this time, make it a requirement.

One commentor indicated that it felt "that there is no need to withhold approval of applications for UMTA funds under sections other than Section 5" for failure to comply with the Section 5(i)(3) requirements because the sanctions relating to Section 5 grants are adequate. UMTA agrees with this comment. Therefore, proposed § 635.11(b)(3) has been deleted.

Accordingly, Title 49 of the Code of Federal Regulations is amended by adding a new Part 635, Subpart A, to read as follows:

Subpart A—Public Hearing Requirements for Fare Changes and Substantial Service Changes

Sec.

635.1 Purpose.
635.2 Definitions.
635.3 Assurances.
635.7 When hearing is required.
635.9 Hearing requirements.
635.11 Sanctions.
Appendix A—Assurance format.

Authority: 49 U.S.C. 1604(i)(3) (Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended); 49 CFR 1.51.

§ 635.1 Purpose.

(a) Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended (hereinafter referred to as the Act), requires that recipients of Section 5 funds must make "assurances satisfactory to the Secretary that any public mass transportation system receiving financial assistance under such project will not change any fare and will not substantially change any service except (1) after having held public hearings or having afforded an adequate opportunity for such hearings, after adequate public notice, (2) after having given proper consideration to views and comments expressed in such hearings, and (3) after having given consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service."

(b) This Subpart sets out the regulations implementing the statutory requirement that a public hearing be held for changes in fares and substantial changes in service.

§ 635.2 Definitions.

As used in this Subpart:

(a) Recipient means a Governor or entity designated as a recipient under Section 5(b) of the Urban Mass Transportation Act of 1964, as amended. The recipient undertakes the legal responsibility for carrying out Section 5 projects directly by lease, by contract, or otherwise.

(b) A transit route is a route over which a transit vehicle travels which is specifically labelled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals.

(c) A transit route mile is a distance of one statute mile along a route regularly travelled by transit vehicles while available for the general public to carry passengers. The length of a route is the round trip distance traversed in traveling completely over the route and returning to the starting point to begin another circuit of the route. If a route is only defined in one direction, then this one-directional distance is the route length.

(d) A transit revenue vehicle mile is a distance of one statute mile travelled while a transit vehicle is available to the general public to carry passengers.

(e) Ridership means the number of unlinked revenue passenger trips carried. An unlinked passenger trip does not include any transfers. (A single trip by a transit user involving three vehicles and using two transfers is three unlinked passenger trips.)

(f) A service change is any addition or deletion resulting in the physical realignment of a transit route, or a change in the type or frequency of service provided in a specific, regularly scheduled transit route.

(g) Experimental service change is an addition of service to an existing transit route, or the establishment of a new transit route.

§ 635.3 Assurances.

(a) Each recipient of Section 5 funds must execute and submit the assurance in Appendix A of this Subpart. This assurance must be executed and

submitted even though the recipient has previously submitted an assurance prior to May 17, 1980. The new assurance will replace any previously submitted assurance.

(b) The assurance may be incorporated in the one-time submission of standard assurances required under UMTA Circular C 9050.1 (Section 5 operating grants) or UMTA Circular C 9100.1 (Section 5 capital grants).

(c) Each recipient must abide by the terms and conditions stated in the assurance.

§ 635.7 When hearing is required.

(a) Except as provided elsewhere in this section, a hearing required by Section 5(i)(3) of the Act must be held when—

(1) There is a change in any fare (a one day reduced fare or free fare promotion is *not* a fare change);

(2) There is any change in service which directly affects—

(i) 25% or more of the number of transit route miles of a route;

(ii) 25% or more of the number of transit revenue vehicle miles of a route computed on a daily basis for the day of the week for which the change is made; or

(iii) 25% or more of the ridership of a route computed on a daily basis for the day of the week for which the change is made; or

(3) A new transit route is established.

(b) If a number of changes on a route in an operator's fiscal year add up to the percentages in paragraph (a) of this section, a hearing must be held prior to the last change.

(c) Standard seasonal variations are exempt from the hearing requirement unless the number, timing or type of standard seasonal variations change.

(d) In an emergency situation, a service change may be implemented immediately without a public hearing being held. The recipient must notify the Regional Director concerning the change within five working days of its implementation. A public hearing on the changes must be held within 60 days of implementation, unless the change is to be in effect for 90 days or less.

(e) Experimental service changes may be instituted for 180 days or less without a public hearing being held. If, at the end of the experimental period, it is determined that the experimental service change should become permanent, the service that existed prior to the change must be reinstituted and a public hearing held in accordance with § 635.9. However, the hearing may be held prior to the institution of, or during the period of, the experimental service change and will satisfy the requirement for a final public hearing if the hearing notice required by § 635.9 states that the experiment may become permanent at the end of the experimental period.

§ 635.9 Hearing requirements.

(a) Prior to the institution of a fare change or to a service change that falls within the levels established in § 635.7, each recipient shall ensure that a notice of intent to hold the public hearing is published in a newspaper of general circulation in the urbanized area. The notice must also be published in newspapers oriented to specific groups or neighborhoods that may be affected.

(b) The notice must be published at less 30 days prior to the hearing. If local or state law requires the publication of a notice less than 30 days prior to a hearing, this requirement may be substituted for the 30 day requirement.

(c) The notice must contain—(1) a description of the contemplated service changes, or the fare change, as appropriate, and (2) the time and place of the hearing. If a hearing required by § 635.7(b) is held, the notice must describe the last change being contemplated, and the prior changes that were made.

(d) The public hearing requirement of Section 5(i)(3) of the Act may be satisfied if a fare change or substantial change in service is addressed at a public hearing which is mandated by local or state law or is addressed at an open meeting of a city council or a transit authority board of directors at which public comment is accepted. The requirements of paragraphs (a) to (c) of this section must be followed for the hearing.

(e) If a fare change or substantial service change is mandated by the Interstate Commerce Commission, a public utility commission or equivalent, a state legislature or other public legislative body, the public hearing requirement of Section 5(i)(3) of the Act may be satisfied if the public is afforded the opportunity to appear before these bodies to present their views. The procedures and requirements for appearance before these bodies may be followed; however, the requirements of paragraph (a) to (c) of this section must be followed for such a hearing. The recipient must appear before these bodies to present its views concerning the proposed fare or service change.

§ 635.11 Sanctions.

(a) If a fare change or substantial service change is instituted without the requirements of Section 5(i)(3) of the Act being met, the recipient has breached the grant agreement.

(b) When a recipient has breached an agreement because of noncompliance with Section 5(i)(3) of the Act, the UMTA Administrator may impose one or more of the following sanctions:

(1) Require that the fare in place prior to the fare change be reinstituted or that the service change be cancelled—

(i) Until there is compliance with Section 5(i)(3); or

(ii) For a period of time equal to the period between the fare change or service change and the date of compliance.

(2) Deny approval of the following fiscal year's Section 5 application until there is compliance with Section 5(i)(3).

(3) Suspend all payments under all active Section 5 grants until there is compliance with Section 5(i)(3). Under this sanction, the recipient will not suffer a loss of funds but will be unable to receive UMTA Section 5 funds from the date of notification until the date of compliance. Funding after that time can cover the period during which payments were suspended.

(4) Declare all costs incurred during the period of noncompliance with Section 5(i)(3) ineligible for Section 5 assistance.

Appendix A.—Format for Assurance of Compliance With Section 5(i)(3) Changes to Fares and Service Levels

The recipient of Section 5 funds hereby certifies that for any public mass transportation system receiving financial assistance under this project no fare changes or substantial changes in service as defined in 49 CFR 635.7 have been adopted since May 17, 1980, and assures that no fare changes or substantial changes in service as defined in 49 CFR 635.7 will be instituted, except—

(a) After a public hearing is held or an opportunity for such hearing is afforded, after adequate public notice;

(b) After proper consideration to views and comments expressed in such hearing is given; and

(c) After consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service is given.

Date: _____

Signed: _____

Title: _____

Organization: _____

((49 U.S.C. 1604(i)(3); 49 CFR 1.51)

Dated: April 11, 1980.

Theodore C. Lutz,

Administrator.

[FR Doc. 80-11900 Filed 4-16-80; 8:45 am]

BILLING CODE 4910-57-M

federal register

Thursday
April 17, 1980

Part VI

Environmental Protection Agency

Standards of Performance for New Stationary Sources: Secondary Lead Smelters; Review of Standards

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1415-3]

Standards of Performance for New Stationary Sources: Secondary Lead Smelters; Review of Standards

AGENCY: Environmental Protection Agency.

ACTION: Review of standards.

SUMMARY: EPA has reviewed the standards of performance for secondary lead smelters (40 CFR 60.120). The review is required under the Clean Air Act, as amended August 1977. The purpose of this notice is to announce EPA's plans to undertake a program which will be designed, depending upon its findings, to develop fugitive particulate matter emission standards and SO_2 standards applicable to secondary lead smelters.

DATE: Comments must be received by June 16, 1980.

ADDRESS: Comments should be submitted to the Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket No. A-79-20.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Ajax, telephone: (919) 541-5271. The document "A Review of Standards of Performance for New Stationary Sources—Secondary Lead Smelters," EPA-450/3-79-015, is available upon request from Mr. Robert Ajax (MD-13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Introduction

On June 11, 1973, the Environmental Protection Agency proposed a standard under Section 111 of the Clean Air Act to control particulate matter emissions from secondary lead smelters. The standard, promulgated on March 8, 1974, and amended on April 17 and October 6, 1975, applies to any secondary lead smelter under construction, modification, or reconstruction on or after June 11, 1973. The specific lead smelter facilities subject to the standard are reverberatory furnaces (stationary, rotating, rocking, or tilting), blast (cupola) furnaces and pot furnaces of more than 550-lb charging capacity. Furnaces for smelting lead alloy for newspaper linotype are subject to the standards if they meet the same size requirement as applied to pot furnaces.

The Clean Air Act Amendments of 1977 require that the Administrator of EPA review and, if appropriate, revise established standards of performance for new stationary sources at least every 4 years (Section 111(b)(1)(B)). Following the adoption of the amendments, EPA contracted with the MITRE Corporation to undertake a survey of available literature and information pertaining to secondary lead processes, emissions and control technologies, including results from tests of new lead smelters to assess the need for revision of the standard. The survey involved visits to each EPA Regional Office as well as review of recent literature and study results, but did not include visits to plants. Based principally on this review, EPA plans to begin a program to develop standards which would limit the emission of fugitive particulate matter, and sulfur dioxide from secondary lead smelters. This program will include an extensive technical investigation and assessment. Final decisions pertaining to whether standards should be adopted and the level of any such standards will not be made until after these investigations and assessments are completed. The time required to develop these standards for proposal will be approximately 2 years.

Industry Review

Secondary lead produced by smelting of scrap accounts for roughly half of all lead produced in the United States. After a record output of over 626,000 tons in 1976, secondary lead output declined in 1977 to between 588,000 and 600,000 tons. However, production of lead from both primary and secondary sources is expected to grow at an annual rate of slightly under 2 percent or by about 50 percent between 1976 and 2000. This compares with an average annual increase in demand for lead from 1967 to 1976 of about 3 percent. It is expected that the relative share of the market held by secondary lead production will remain near the 50 percent level.

It is estimated, based on an assumed secondary smelter capacity of 50 ton/day, that on the average, two new plants and one to two modified smelters will become subject to NSPS each year. This estimate is consistent with the latest Bureau of Mines data (1978) which show six plants completed or scheduled for completion in the 1977-1979 period (including major expansions of existing plants). Through 1978, six plants have been identified which have come on line subject to the standard.

The secondary lead market is dominated by a few companies. In addition, the trend is toward fewer and larger plants as evidenced by the decrease in the total number of smelters from 160 in 1967 to about 115 in 1975. Overall, the average annual output per smelter is in the range of 5,700 to 6,000 tons. Geographically, the industry is somewhat dispersed with secondary lead smelters located in all of the ten EPA regions.

Emissions and Control Technology

Process Particulate Emissions. The present standard of performance limits the emission of particulate matter from blast or reverberatory furnaces to 50 mg/dscm (0.022 gr/dscf) and to less than 20 percent opacity. In addition, the standard limits the opacity of emissions from pot furnaces to less than 10 percent opacity. For a typical reverberatory or blast furnace with uncontolled emissions of 147 lbs/ton and 193 lbs/ton of feed material respectively, the standard limits emissions to one and 2 lbs/ton. This compares to an estimated controlled emission level of 21 and 28 lbs/ton in the absence of the new source standard. In this review, results from four compliance tests were obtained. The results from reverberatory and blast furnace tests were 0.015 gr/dscf and 0.0135 gr/dscf respectively.

Lead Emissions. The present standard of performance does not specifically limit the atmospheric emission of lead from secondary lead furnaces. However, lead is controlled by the same devices employed to limit particulate matter emissions. Reported lead emission data, although variable, indicate uncontrolled lead emissions to be approximately 23 percent of the total particulate matter emissions. Controlled lead emissions measured in six tests conducted on emissions from seven furnaces were found to range in concentration from 0.009 to 0.0846 lb/ton with five of the six below 0.04 lb/ton. In another survey of 11 controlled secondary lead smelters in the Chicago area, an emission rate of 0.002 lbs lead/ton of product was reported. Results of a further test at a baghouse controlled reverberatory furnace indicated particulate matter and lead concentrations of 0.016 and 0.001 gr/dscf, respectively. The variability in these data and the lack of other simultaneous inlet and outlet data do not allow a precise statement of relative control effectiveness. However, the data do consistently indicate that the ratio of lead to particulate emissions from controlled furnaces is not higher than the ratio (i.e., 23 percent) for uncontrolled furnaces.

Fugitive Emissions. In addition to the material discharged through the stack of a secondary lead furnace, particulate

and gaseous matter may be emitted into the atmosphere in and around a plant from other operations. Some of these fugitive emissions are process-related, e.g., when materials escape from the hoods provided around potential outlet points of a furnace. Others result from auxiliary operations. No fugitive emission points, whether related to processing or to auxiliary operations at the site, are currently subject to specific control under NSPS for secondary lead smelters.

In some situations, fugitive emissions may be high. For example, the high concentration of lead, particularly in the soil, close to two Toronto smelters was ascribed by Canadian investigators to "low-level, dust-producing operations rather than * * * stack fumes." In apparently extreme situations, fugitive particulate emissions from processing may amount to over 15 lb/ton of charge from reverberatory furnaces and as much as 12 lb/ton from blast furnaces. These rates, although much lower than uncontrolled emission rates from furnace stacks, are substantially higher than rates from stacks meeting the NSPS.

Several techniques have been applied to reduce fugitive emission rates and recently significant improvements in the technology for controlling fugitive emissions from both process- and site-related operations in secondary smelting of lead have been reported in Denmark. The methodology uses improved furnaces that minimize the escape of dusts during smelting and also enable baghouse contents to be recharged as collected, thereby eliminating the accumulation of these fines in storage piles where they are subject to transport into the environment. Specialized waste management and housekeeping procedures are used in conjuction with the furnaces to reduce the opportunity for emissions from storage of raw materials and other sources on the site. The technology has been investigated by the EPA Industrial Environmental Research Laboratory in Cincinnati in connection with the National Institute of Occupational Safety and Health (NIOSH). Testing of the furnaces has been conducted under the joint auspices of EPA and NIOSH at a plant in Denmark. Initial reports indicate the technology as having high potential for application in reducing fugitive emissions from secondary lead smelters in the United States.

Sulfur Dioxide. The rate of uncontrolled emissions of SO_2 from secondary lead smelters is approximately 76 lb/ton of lead produced for blast furnaces and of 114 lb/ton for reverberatory furnaces. A reverberatory furnace of 50 tons/day (2.08 tons/hr) would emit about 2.8 tons of SO_2 each day and a blast furnace of the same capacity about 1.9 tons. Assuming an equal mix between blast and reverberatory furnace production, the total secondary lead production in 1975 of 658,500 tons would have resulted in about 31,000 tons of SO_2. Currently, no NSPS for SO_2 from secondary lead smelters are in effect.

SO_2 control is not normally practiced at lead smelters. However, both regenerative SO_2 control systems which are used in the primary smelting industry to control SO_2 and produce sulfuric acid, and non-regenerative scrubbing systems used to control SO_2 emissions from steam generators are potentially applicable to SO_2 control at secondary lead smelters. A more detailed engineering assessment is needed to further assess the applicability of these technologies to determine the best demonstrated control technology and an appropriate level for any standard. In addition, the cost of SO_2 control and the associated economic impact require further study as these may be the primary consideration in analyzing the feasibility of control.

Conclusions

EPA believes that the information obtained in this review of the secondary lead industry does not provide a basis for determining conclusively that the standard should be revised nor at what level any revised standard should be set. However, the available data show that a project should be undertaken to further assess the need for and, as appropriate to develop standards limiting fugitive particulate matter (including lead) and sulfur dioxide emissions from secondary lead plants.

The available particulate matter compliance test data obtained in this review are consistent with the test data used by EPA in establishing the present standard and, although very limited, these data, added to the data used in developing the present standard support the validity of the present standard. Similarly, the data available on lead emissions from furnace stacks suggest that the particulate matter standard is adequate to require installation of control systems which represent best available control technology for both particulate matter and lead. Therefore, a separate standard for lead is considered unnecessary. EPA will welcome any additional data pertaining to this decision on the particulate matter standard and on lead emissions. In addition, EPA in the planned standards development discussed below, will seek to obtain additional recent compliance test data and will assess this in terms of the current standard.

The project to assess the need for and, as appropriate, to develop fugitive particulate matter and sulfur dioxide standards will be undertaken by EPA's Emission Standards and Engineering Division. This project is expected to begin early in 1980 and will follow a standardized approach which involves detailed engineering and economic assessments preceeding proposal of any standards. Standards resulting from this project would be proposed for comment in early 1982.

Dated: April 9, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-11666 Filed 4-16-80; 8:45 am]

BILLING CODE 6560-01-M

federal register

Thursday
April 17, 1980

Part VII

Department of Agriculture

Commodity Credit Corporation

1978 and 1979 Subsequent Crop Programs

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support Regulations, 1978 and Subsequent Crops, Corn Supplement]

1978 and Subsequent Crops Corn Loan and Purchase Program, Amendment 1

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the 1979 corn price support program to provide that corn producers who did not otherwise comply with the 1979-crop set-aside and normal crop acreage requirements issued by the Secretary of Agriculture shall be eligible on a first-come first-served basis, to obtain Commodity Credit Corporation loans on their 1979-crop corn, if such producer signs an agreement to enter such corn placed under loan in the Grain Reserve Program authorized by 7 CFR 1421.630 *et. seq.* (45 FR 3023). This provision will be applicable to 10 million tons of 1979 crop corn or such lesser quantity as may be announced by the Secretary. This action is being taken in order to isolate additional corn stocks from the marketplace in order to stabilize markets prices. The action is authorized by Pub. L. 96–234 which was signed by the President on April 11, 1980.

DATES: This regulation shall become effective April 16, 1980.

ADDRESS: Director, Price Support and Loan Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harold L. Jamison, Head, Commodity Loan Section, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013, 202–447–7973. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option will be available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant." The Secretary has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because of the urgency to stabilize market prices. Further, pursuant to administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and, good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

On January 4, 1980, the President of the United States announced, among other actions, that all exports of domestically produced gains from the United States to the Soviet Union, in excess of 8 million metric tons per year, were being restricted in accordance with the Export Administration Act of 1979 (Pub. L. 96–72, 93 Stat. 503, effective September 29, 1979).

In view of the determinations made by the President to limit exportation of domestically produced grains to the Soviet Union, and in view of the fact that there were large quantities of these grains which would otherwise enter the marketplace and thus depress market prices, several actions were undertaken in order to stabilize and maintain market prices so that the burden of the actions taken by the President would not fall unfairly on farmers.

Market prices have not returned to levels expected before the export restrictions to the Soviet Union were announced. Therefore, in accordance with the recently enacted statutory authority (Pub. L. 96–234), producers of 1979-crop corn who did not comply with the set-aside and normal crop acreage requirements for the 1979 crop are being given the opportunity to obtain a Commodity Credit Corportation loan if they agree to enter such corn in the Grain Reserve Program. This action is being undertaken to remove surplus stocks of corn form the marketplace in order to stabilize market prices.

Final Rule

Accordingly, the regulations at 7 CFR 1421.91(a)(2) are amended effective with respect to the 1979 crop of corn to read as folows:

§ 1421.91 Eligible corn.

(a) General. * * *

(2) The corn must have also been produced by a producer who has complied with the set-aside and normal crop acreage requirements, if any, as prescribed in parts 718, 722, 728, 730, 775, and 791 of this title and any amendments thereto, *Provided, however,* That, with respect to 10 million tons of 1979-crop corn or such lesser quantity as may be announced by the Secretary, producers of 1979-crop corn who did not comply with such set-aside and normal crop acreage requirements shall be eligible, on a first-come first-served basis, to obtain price support loans if such producers first agree to place such corn in the Grain Reserve Program authorized by 7 CFR 1421.630–1421.644 (45 FR 3023).

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 105A, 401, 63 Stat. 1051, as amended (7 U.S.C., 1444 c, 1421).)

Signed at Washington, D.C., on April 16, 1980.

Bob Bergland,

Secretary.

[FR Doc. 80–12047 Filed 4–16–80; 11:17 am]

BILLING CODE 3410–05–M

---

7 CFR Part 1421

[CCC Grain Price Support Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops]

Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops, Amendment 2

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops, 7 CFR 1421.630, *et. seq.*, (45 FR 3023), as amended, to provide that corn producers who did not otherwise comply with the 1979 crop set-aside and normal crop acreage requirements issued by the Secretary of Agriculture, and who are authorized to obtain 1979-crop corn Commodity Credit Corporation price support loans upon first agreeing to place such corn in the Grain Reserve Program, shall not be eligible for waiver of first-year interest charges on such loans. The action to permit producers who did not otherwise comply with the 1979 crop set-aside and normal crop acreage requirements to obtain 1979-crop corn Commodity Credit Corporation loans and place such commodity in the Grain Reserve Program is being taken in order to

isolate additional stocks from the marketplace in order to stabilize market prices. Such producers, however, are not eligible for waiver of first-year interest charges since they did not comply with the set-aside and normal crop acreage requirements for 1979 crops.

DATES: This regulation shall become effective April 16, 1980.

ADDRESS: Director, Price Support and Loan Division, ASCS, USDA P.O. Box 2412, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harold L. Jamison, Head, Commodity Loan Section, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013, 202–447–7973. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option will be available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant." The Secretary has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because of the urgency to stabilize market prices. Further, pursuant to administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and, good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

On January 4, 1980, the President of the United States announced, among other actions, that all exports of domestically produced grains from the United States to the Soviet Union, in excess of 8 million metric tons per year, were being restricted in accordance with the Export Administration Act of 1979 (Pub. L. 96–72, 93 Stat. 503, effective September 29, 1979).

In view of the determinations made by the President to limit exportation of domestically produced grains to the Soviet Union, and in view of the fact that there were large quantities of these grains which would otherwide enter the marketplace and thus depress market prices, several actions were undertaken in order to stabilize and maintain market prices so that the burden of the actions taken by the President would not fall unfairly on farmers.

Market prices have not returned to levels expected before the export restrictions to the Soviet Union were announced. Therefore, in accordance with the recently enacted statutory authority of Pub. L. 96–234, producers of 1979-crop corn who did not comply with the set-aside and normal crop acreage requirements for the 1979 crops are being given the opportunity to obtain a Commodity Credit Corporation loan and enter such corn in the Grain Reserve Program. This action is being undertaken to remove surplus stocks of corn from the marketplace in order to stabilize market prices.

Such producers are not eligible for waiver of first-year interest charges since they did not comply with the set-aside and normal crop acreage requirements for 1979 crops.

Final Rule

Accordingly, the regulations at 7 CFR 1421.641 are amended effective with respect to the 1979 crop of corn to read as follows:

§ 1421.641 Interest.

(a) Each grain reserve loan shall bear interest during the first year of the grain reserve agreement at the rate recorded on the regular loan document or such lower rate as may be later announced in a separate notice(s) published in the **Federal Register.** However, such interest will be waived on the first 512 million bushels of corn which enter the new Grain Reserve Program, *Provided, however,* that 1979-crop corn placed in the reserve by producers who did not comply with the set-aside and normal crop acreage requirements for 1979 crops shall not be eligible for the waiver of interest during the first year of the reserve period. For corn which was entered into the previous reserve program after October 22, 1979, and which is entered into the new Grain Reserve Program by the producer executing a new grain reserve agreement on or before March 31, 1980, the interest waiver will be effective the latter of January 7, 1980, or the date the previous grain reserve agreement was approved.

Signed at Washington, D.C., on April 16, 1980.

Bob Bergland,

Secretary.

[FR Doc. 80–12046 Filed 4–16–80; 11:17 am]

BILLING CODE 3410–05–M

Reader Aids

Federal Register

Vol. 45, No. 76

Thursday, April 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.

Federal Register, Daily Issue:

202-783-3238	Subscription orders and problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Index and Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Index and Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, APRIL

21199-21606.....1
21607-22008.....2
22009-22872.....3
22873-23400.....4
23401-23630.....7
23631-24098.....8
24099-24438.....9
24439-24850.....10
24851-25036.....11
25037-25370.....14
25371-25786.....15
25787-26016.....16
26017-26310.....17

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
305.....23703

3 CFR

Executive Orders:

Administrative Orders:
No 80-15 of April 2, 1980.....26017
12172 (Amended by EO 12206.....24101
12205.....24099
12206.....24101
12207.....25373
12208.....25789

Proclamations:
4667 (See Proc. 4750).....26019
4740.....21199
4741.....21201
4742.....21607
4743.....22009
4744.....22864
4744 (Amended by Proc. 4748).....25371
4745.....24851
4746.....24853
4747.....25037
4748.....25371
4749.....25787
4750.....26019

4 CFR

31.....22873
33.....22873
34.....22873

Proposed Rules:
418.....25067

5 CFR

213.....22873
335.....24855
351.....24855
432.....24855
752.....24855
771.....24855
831.....24856
831.....22953, 23631
870.....23631
871.....23631
890.....23631
891.....23631
2500.....22873
2504.....22049

Proposed Rules:
410.....24899
2424.....25067

6 CFR

705.....21259, 21609
706.....21609
707.....21609

7 CFR

2.....21610, 25039
20.....24103, 24439
25.....23401
271.....21998, 22873, 23288
272.....21998, 22873
273.....21998, 22873, 23288
274.....21998, 22873, 23288
275.....23637, 25375
278.....23288
301.....21260, 24856
410.....25791
905.....24440
907.....22011, 24441, 26021
908.....22011, 23638, 24442, 26021
910.....22882, 24858
928.....23638
979.....24105
985.....25039
991.....24441
1004.....23401
1032.....23401
1050.....23401
1062.....23401
1068.....23405
1421.....26308
1446.....24442
1472.....24858
1701.....22883
2859.....23639

Proposed Rules:
414.....25073
415.....25068
760.....24899
971.....24489
999.....24167
1036.....24167
1097.....24492
1102.....24492
1108.....24492
1124.....25407
1260.....25078
1425.....24492
1427.....23449
1701.....24900-24901
2900.....25408

8 CFR

212.....24849
214.....23641, 24859, 25791, 26015
245.....26015
248.....23641, 26015
299.....21610

9 CFR

51.....24860
92.....24860
331.....24861

Proposed Rules:
83 22954

10 CFR
0 26022
205 ..... 21203, 24861, 25375
211 ..... 21204, 22012
212 21206
Proposed Rules:
2 26071
19 21261
20 26072
51 24168
205 25780
435 25097
461 24092
477 24516

11 CFR
Ch. I 21209, 23642, 25378
100 ..... 21210, 21211
101 21211
102 21211
103 21211
104 21211
106 21211
108 21211
109 21211
110 ..... 21210, 21211
111 21211
112 21211
113 21211
114 ..... 21210, 21211

12 CFR
26 24384
205 25379
207 24106
212 24384
220 24106
221 24106
224 24106
229 ..... 22883, 23642, 24444, 24842
265 24447
304 22885
328 23645
330 23645
331 23645
348 24384
523 21211
533 24446
545 ..... 24108, 24446
555 24446
563f 24384
564 26024
590 24112
701 22888
711 24384
Proposed Rules:
17 25078
308 22955
545 24178
701 26073

13 CFR
101 21611
107 25794
121 ..... 21262, 22950
309 21611
Proposed Rules:
28 21261
121 ..... 21649, 23704
124 22971

14 CFR
21 25046
23 25046
36 25046
39 ..... 24448-24454, 25047, 26030-26032
71 ..... 23406, 24455, 25054, 26033, 26034
75 22013
91 25046
95 25055
97 24456
121 25046
135 25046
139 25046
159 ..... 21211, 22014
221 24115
302 26034
304 26035
315 23646
374a 25795
385 ..... 21612, 26035
387 26035
399 24115
1241 23406
Proposed Rules:
Ch. I 25350
Ch. V 23465
39 ..... 24493, 25039, 26075, 26078
71 ..... 22052, 23457-23465, 26079-26082
152 26091
199 26091
207 26083
208 26083
211 26084
212 26083
214 26083
215 ..... 24494-24498, 25079 26084
73 24498
91 25355
221 25817
250 25817
255 25817
298 25817
374a 25824
380 26084
385 26084
399 24178

15 CFR
369 24862
371 21612
377 21615
379 21612
385 ..... 21612, 24458
399 ..... 21612, 24458
Proposed Rules:
377 25034

16 CFR
2 21622
3 21622
13 ..... 21214, 22018, 22020, 22021, 24122
305 26035
803 21215
1015 22022
Proposed Rules:
Ch. I 22972
13 ..... 23466, 24901
419 24499
437 ..... 23705, 24499
1307 25409

17 CFR
239 23651
240 23651
249 23651
Proposed Rules:
1 22974
201 24499
210 24499
229 ..... 23470, 24499
230 ..... 23470, 24499
231 24499
239 24499
240 ..... 23470, 24499
241 24499
249 24499
250 23470
270 23470
274 24500
275 25080

18 CFR
0 21216
1 21216
2 21216
3 21623
46 23413
141 21623
157 21216
260 21623
271 24123
272 24123
274 24124
282 ..... 22891, 22952
284 21216
292 23661
294 23684
375 21216
376 21216
410 22892
701 24459
713 24863-24864
1307 22893
Proposed Rules:
2 22053
282 ..... 22110, 22974, 25825
710 25302
711 25302
713 25302
714 25302
716 25302

19 CFR
353 ..... 23684, 24126-24127
355 23685
Proposed Rules:
210 24192
211 24192

20 CFR
404 ..... 22023, 25060, 25383
654 22901
Proposed Rules:
655 24902
675 ..... 23296, 24903
676 ..... 23296, 24903
677 ..... 23296, 24903
678 ..... 23296, 24903
679 ..... 23296, 24903

21 CFR
Ch. II 24128
2 22901
5 22902
14 21225
58 24865
81 22904
101 22904
172 22914
177 22915
178 25388
182 22914
184 22914
186 22914
201 25760
207 25760
314 25760
436 22921
440 22921
442 22918
510 ..... 22922, 24865
520 22920
540 22923
558 ..... 22922, 23686, 24865
561 21227
573 22920
861 23686
Proposed Rules:
320 22974
561 25098
601 25652
610 22975
630 25652
640 22975
1304 24198
1306 24199

22 CFR
41 24849
46 24436

23 CFR
Proposed Rules:
450 26091
628 24505
645 26280
658 26091
1204 26091

24 CFR
115 24866
201 23686
213 23686
234 23686
510 24802
803 23419
880 22923
888 23419
Proposed Rules:
510 24808
570 ..... 24044, 25827
885 24903

25 CFR
Ch. III 22924
700 25389
Proposed Rules:
171 24200
177 24200
182 24200

26 CFR
1 24128
31 24128
150 23384
Proposed Rules:
1 ..... 24200-24207, 26092

3 24205
31 ..... 24205, 24207
53 24205
301 24207

27 CFR

Proposed Rules:
4 22977

28 CFR

0 22023
527 23364
549 23364
551 23364

Proposed Rules:
Ch. I 26098
552 23367
572 23364

29 CFR

1604 25024
1613 ..... 24130, 25796
2520 ..... 24866, 25404
2610 21228

Proposed Rules:
1 21263
4 21263
5 21264
29 25410
1405 24507
1425 21264
1910 ..... 21265, 22977
1918 21265
1926 ..... 21265, 22977
1928 21265

30 CFR

11 23990
70 23990
71 23990
75 23990
90 23990
715 25998
816 ..... 25998, 26001
817 ..... 25998, 26001
926 21550

Proposed Rules:
Ch. VII 24210
70 24008
71 24009
90 24017
716 25992
783 25990
785 25992
816 25990
817 25990

31 CFR

316 21880
342 21988
535 ..... 24408, 24432

Proposed Rules:
Ch. II 25827

32 CFR

169a 22924
238 21228
630 25060
866 26037
888 26037
889 25060
953 23423
1700 21634

33 CFR

175 22110
207 24460
325 22112

Proposed Rules:
100 23472
110 25081
117 ..... 23473, 24508, 25082
165 25081
175 24509

36 CFR

7 22023
222 24133
1202 25796

38 CFR

3 ..... 25391, 25392
14 21242
36 ..... 21242, 23687, 24138

Proposed Rules:
14 22978
17 22979
21 21653
36 25411

40 CFR

22 24360
52 ..... 21634, 23424, 24139–, 24140, 24460, 24869, 26038
60 23374
80 24360
81 ..... 21244, 22929, 24469, 24869, 25063
86 26044
100 26046
120 21246
122 21635
125 21635
168 24360
180 ..... 21247, 22931, 23424, 24877, 26048
226 24360

Proposed Rules:
30 23706
51 21592
52 ..... 21266, 21271, 21282, 21290, 21292, 21297, 21592, 22981, 22982, 22987, 23473, 24509, 25087, 26101
58 21301
59 21592
60 ..... 21302, 26304
61 25828
65 22987
81 24510
125 21303
180 25100
401 21655
425 24211
446 23707
712 23473
761 25828

41 CFR

Ch. I 23688
3–1 ..... 25393, 25394
3–2 25393
3–3 25393
3–7 25394
9–1 24376
9–3 24376
9–7 24376
9–16 24376
9–50 24376
101–20 22932
101–21 22932

Proposed Rules:
Ch. III 24211

42 CFR

Subchapter C 24878
110 24352
405 ..... 22933, 24838
442 22933
489 22933

Proposed Rules:
74 25412
122 24511
123 24511
405 ..... 25412, 25829
431 22988
460 21657

43 CFR

7 24471

Proposed Rules:
17 24074

Public Land Orders:
2595 (Amended by PLO 5715) 21248
5653 (Revoked by PLO 5716) 24890
5654 (Revoked by PLO 5716) 24890
5712 (Corrected by PLO 5717) 25064
5715 21248
5717 25064
5718 25064

44 CFR

64 ..... 22941, 26049
65 ..... 22942, 26051
67 ..... 22024, 22027, 25798
205 26052

Proposed Rules:
67 ..... 22114, 22116, 22988, 22994, 25831–25834

45 CFR

Ch. I 22494
Ch. XIV 22494
Ch. XV 22494
100b 22648
100d 22634
116a 22654
116d 22660
119 22680
120 22680
123 23208
123a 23208
123b 23208
123c 23208
123d 23208
123e 23208
123f 23208
123g 23208
123h 23208
123i 23208
134 23602
160b 22690
160c 22702
160f 22730
160g 22742
161b 22750
161c 22742
161e 22758
161f 22764
161h 22770
161m 23200
163 22702
163a 22702
163b 22702
163c 22702
163d 22702
166 22776
166a 22776
166b 22776
166c 22776
182 22803
184 24040
195 22690
195a 22690
195b 22690
205 25397
235 25397
1050 25064

Proposed Rules:
Ch. XI 23473
100a 21303
100b 21303
105 22806
121d 22806
121e 22806
121f 22806
121h 22806
121k 22806
131 22806
132 22806
133 22806
136 22806
146 22806
146a 22806
148 22806
151 24070
154 22806
155 22806
157 22806
158 22806
159 22806
164 22806
169 22806
172 22806
173 22806
179 22806
182 22806
182a 22806
185 25028
191 22806
194 22806
197 22806
198 22806
1076 26102
1300 23474
1480 21657

46 CFR

30 ..... 23425, 25065
33 24471
34 22040
35 24471
71 24471
75 24471
76 22040
78 24471
91 24471
94 24471
95 22040
97 24471
160 24471
162 22040
167 22040
189 24471

192.....24471
193.....22040
196.....24471
221.....21635
308.....22041
525.....25798
530.....25798
540.....23428

Proposed Rules:

30.....23475, 25083
151.....23475, 25083
160.....22116
536.....23708
538.....23708

47 CFR

0.....22945, 25398, 25399
2.....24154
15.....24154
22.....25802
64.....26054
73.....21636–21638, 23430–23439, 25400, 25401, 25806, 25808, 26059
74.....26059
76.....23440

Proposed Rules:

2.....21306, 21661, 25412 25844
15.....23478
22.....21306
61.....24212
67.....24212
73.....21661, 23478–234830, 24213–24214, 25414
81.....21661
83.....21661
87.....25415
90.....25412, 25844
97.....25418

48 CFR

Proposed Rules:

49.....21306

49 CFR

1.....26068
23.....23441
71.....25065
192.....23441
395.....22042
571.....22044
575.....23441, 23442
635.....26298
1014.....22945
1033.....21248–21255, 21639, 21641, 21643, 22945, 23444–23447, 23690–23701, 24487, 24890–24897, 25401, 25402, 25810–25812
1047.....22948
1100.....26069

Proposed Rules:

172.....25083
173.....25083
177.....25083
178.....25083
179.....25083
192.....22118
258.....26091
260.....26091
325.....22120
531.....24511
571.....24517
613.....26091
640.....22121
1041.....25419
1307.....21662
1310.....21662

50 CFR

17.....21828, 24088, 24904
21.....25065
23.....22848
26.....21256, 22047, 25813
230.....22948
285.....25814
450.....23354
451.....23354
452.....23354
453.....23354
611.....21256, 21845
651.....22949, 25403
655.....21845
656.....21256
671.....25815

Proposed Rules:

Ch. VI.....25844
23.....23370
216.....23002
611.....21307, 22121, 22144, 22121, 25421, 25845
656.....22144
657.....21307
671.....25421

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
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

ENVIRONMENTAL PROTECTION AGENCY

17146 3–18–80 / Missouri; revision of air quality implementation plan

FEDERAL EMERGENCY MANAGEMENT AGENCY

17148 3–18–80 / Post employment conflicts of interest; implementation of regulations

NUCLEAR REGULATORY COMMISSION

17129 3–18–80 / Privacy Act regulations; exemptions

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing April 16, 1980

The first cumulative list of Public Laws for the second session of the 96th Congress can be found in the Reader Aids section of this issue.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: May 16 and 30; June 13 and 27; July 11 and 25; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

BOSTON, MASS.

WHEN: April 24; at 9 a.m.
WHERE: Room 2003A, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.
WHEN: April 25; at 9 a.m.
WHERE: Room E226, Executive Dining Room, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203. (identical sessions).
RESERVATIONS: Call the Boston Federal Information Center, 617–223–7121.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions.)
WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007.
RESERVATIONS: Call Dorothy Gemallo, 212–264–3514.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m. (identical sessions.)
WHERE: Room 125, Hale Boggs Federal Bldg. (identical sessions.) 500 Camp Street, New Orleans, La.
RESERVATIONS: Call Mary Malouse, 504–589–6601.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)
WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.
RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801–524–5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.
WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.
RESERVATIONS: Call the Seattle Federal Information Center, 206–442–0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)
WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.
RESERVATIONS: Call Ardean Merrifield, 312–353–0339.

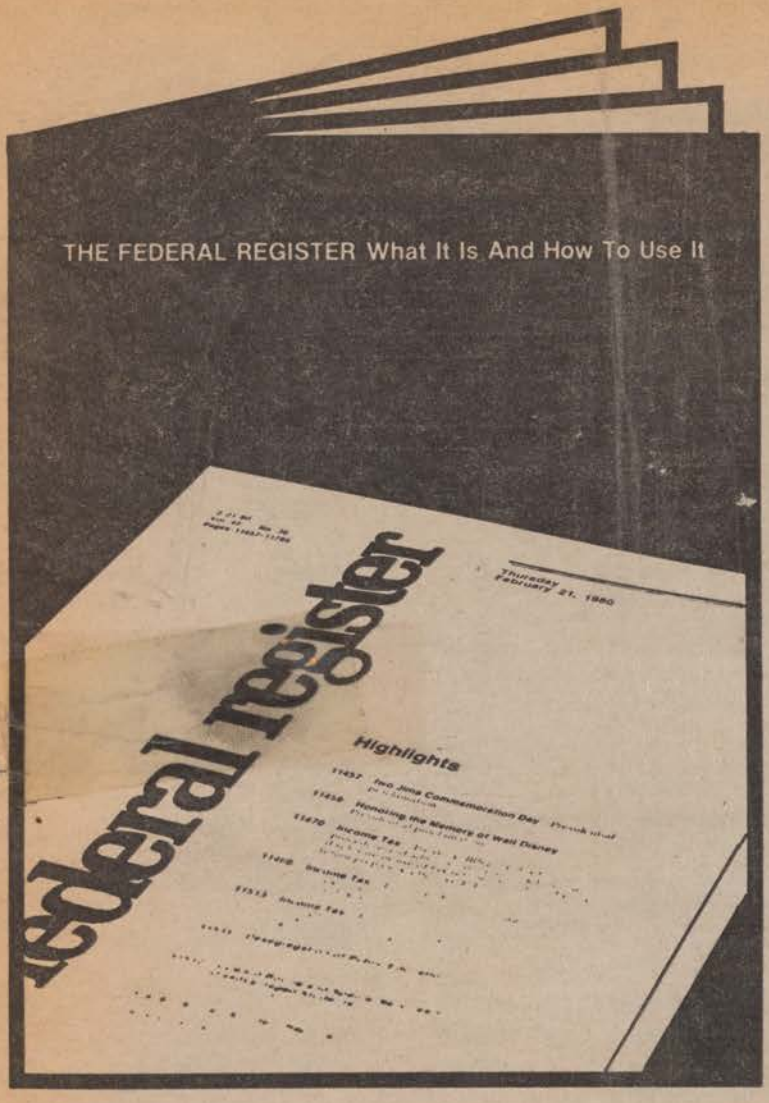
Public Laws

This is the first cumulative list of public laws for the second session of the 96th Congress. When additional laws have been enacted in numbers sufficient to justify an update, a second cumulative list will be published, probably in October or November. A third and final complete list will be published soon after the end of the second session of the 96th Congress. The continuing listing of public laws published after enactment in the "Reader Aids" section of the **Federal Register** will be maintained on a current basis. Any comments may be addressed to the Director, Office of the Federal Register, Washington, D.C. 20408.

Approval Date	Bill No.	Public Law No.	U.S. Statutes at Large	Subject Matter	Price
Jan. 28	H.J.Res. 478	96-188	94:3	To extend by sixty days the expiration date of the Defense Production Act of 1950.	1.00
Feb. 8	H.R. 4320	96-189	94:4	To consent to the amended Bear River Compact between the States of Utah, Idaho, and Wyoming.	1.25
Feb. 12	S. 423	96-190	94:17	Dispute Resolution Act.	1.25
Feb. 15	H.R. 5176	96-191	94:27	General Accounting Office Personnel Act of 1980.	1.00
	S. 1300	96-192	94:35	International Air Transportation Competition Act of 1979.	1.25
Feb. 18	H.R. 2440	96-193	94:50	Aviation Safety and Noise Abatement Act of 1979.	1.25
Feb. 21	S.J.Res. 108	96-194	94:61	To validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups.	1.00
Feb. 25	S. 1452	96-195	94:63	To extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance.	1.00
Feb. 28	H.J.Res. 469	96-196	94:64	Designating February 19, 1980, as "Iwo Jima Commemoration Day."	1.00
	H.J.Res. 477	96-197	94:65	To authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the twenty-fifth anniversary of his contribution to the American dream.	1.00
Mar. 5	H.J.Res. 267	96-198	94:66	To provide for designation of Friday, March 7, 1980, as "Teacher Day, United States of America".	1.00
	H.R. 3757	96-199	94:67	To establish the Channel Islands National Park, and for other purposes.	1.25
Mar. 6	S.J.Res. 109	96-200	94:78	To provide for the designation of October 3, 1980, as "American Enterprise Day".	1.00
	H.R. 6374	96-201	94:79	To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ambassador Kenneth Taylor.	1.00
Mar. 8	S.J.Res. 43	96-202	94:80	To proclaim March 21, 1980, "National Ergy Education Day".	1.00
Mar. 10	S. 1850	96-203	94:81	To authorize the conveyance of lands in the city of Hot Springs, Arkansas.	1.00
Mar. 11	H.J.Res. 434	96-204	94:83	To authorize and request the President to issue a proclamation designating April 6 through 12, 1980, "National Medic Alert Week".	1.00
Mar. 12	H.R. 3756	96-205	94:84	To authorize appropriations for certain insular areas of the United States, and for other purposes.	1.25
Mar. 13	S.J.Res. 149	96-206	94:93	To recognize the Honorable Carl Vinson on the occasion of the christening of the United States Ship Carl Vinson, March 15, 1980.	1.00
	H.J.Res. 493	96-207	94:94	Providing for the appointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution.	1.00
	H.J.Res. 494	96-208	94:95	Providing for the appointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution.	1.00
Mar. 14	H.R. 4337	96-209	94:96	To provide for the transfer of the Foreign Claims Settlement Commission of the United States to the United States Department of Justice as a separate agency in that Department; to provide for the authority and responsibility of the Department of Justice to supply to the Foreign Claims Settlement Commission certain administrative support services without altering the adjudicatory independence of the Commission; to change the terms of office and method of appointment of the members of the Commission; and for other purposes.	1.00

Approval Date	Bill No.	Public Law No.	U.S. Statutes at Large	Subject Matter	Price
Mar. 17	H.R. 5913	96-210	94:100	To amend section 502(a) of the Merchant Marine Act, 1936.	1.00
	S. 1792	96-211	94:101	To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Simon Wiesenthal.	1.00
	S. 643	96-212	94:102	Refugee Act of 1980.	1.50
Mar. 18	H.R. 3398	96-213	94:119	Agricultural Adjustment Act of 1980.	1.00
Mar. 24	S. 2225	96-214	94:122	To provide that receipts from certain sales of items by the Sergeant at Arms of the Senate to Senators and committees and offices of the Senate shall be credited to the appropriation from which such items were purchased.	1.00
Mar. 25	S. 1454	96-215	94:123	To authorize the voluntary interservice transfer of officers between the commissioned corps of the National Oceanic and Atmospheric Administration and the Armed Forces, to authorize advance payments of pay and allowances to officers of such corps under the same conditions that apply to advance payments to members of the Armed Forces, and to provide officers of such corps the same unemployment compensation benefits that apply to members of the Armed Forces.	1.00
Mar. 27	S. 1682	96-216	94:125	To amend the Act of August 9, 1955 (69 Stat. 539)(25 U.S.C. 415), as amended, to authorize a ninety-nine-year lease for the Moses Allotment Numbered 10, Chelan County, Washington.	1.00
	S. 2222	96-217	94:126	To extend the time for commencing actions on behalf of an Indian tribe, band, or group, or on behalf of an individual Indian whose land is held in trust or restricted status.	1.00
Mar. 28	H.J.Res. 414	96-218	94:127	Authorizing the President to proclaim May 1, 1980, "National Bicycling Day".	1.00
	H.J.Res. 514	96-219	94:128	Making additional funds available by transfer for the fiscal year ending September 30, 1980, for the Federal Trade Commission.	1.00
Mar. 30	S. 2269	96-220	94:129	To extend the Emergency Agricultural Credit Adjustment Act of 1978, and for other purposes.	1.00
Mar. 31	H.R. 4986	96-221	94:132	Depository Institutions Deregulation and Monetary Control Act of 1980.	3.00
Apr. 1	H.R. 2797	96-222	94:194	Technical Corrections Act of 1979.	2.00
Apr. 2	H.R. 3919	96-223	94:229	Crude Oil Windfall Profit Tax Act of 1980.	3.25
	H.J.Res. 463	96-224	94:309	Designating the week of October 5 through October 11, 1980, as "National Diabetes Week".	1.00
Apr. 3	H.J.Res. 520	96-225	94:310	To extend by sixty days the expiration date of the Defense Production Act of 1950.	1.00
	H.R. 24	96-226	94:311	General Accounting Office Act of 1980.	1.00
	H.R. 4996	96-227	94:317	Paiute Indian Tribe of Utah Restoration Act.	1.00
	S. 1515	96-228	94:323	To authorize the striking of Bicentennial medals.	1.00
Apr. 7	H.R. 2676	96-229	94:325	Environmental Research, Development, and Demonstration Authorization Act of 1980.	1.00
Apr. 8	H.R. 6585	96-230	94:329	To extend the reorganization authority of the President under chapter 9 of title 5.	1.00
	S.J. Res. 131	96-231	94:330	Designating April 10, 1980, as "ORT Centennial Day".	1.00
Apr. 10	H.R. 5794	96-232	94:331	To designate the building known as the Federal Building in Evansville, Indiana, as the "Winfield K. Denton Building".	1.00
	S.J. Res. 97	96-233	94:332	Designating April 13 through April 19 as "Days of Remembrance of Victims of the Holocaust".	1.00
Apr. 11	S. 2427	96-234	94:333	To encourage greater participation in the farmer-held reserve program for corn and wheat, and for other purposes.	1.00
Apr. 12	H.R. 3824	96-235	94:335	To amend the District of Columbia Self-Government and Governmental Reorganization Act to authorize the Council of the District of Columbia to delegate its authority to issue revenue bonds for undertakings in the area of housing to any housing finance agency established by it and to provide that payments of such bonds may be made without further approval.	1.00

NOW AVAILABLE !



The Federal Register: What It Is and How To Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem, and a discussion of how the consumer can be a participant in the regulatory process.

Price $3.50

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA®

master charge THE INTERBANK CARD

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me_____copies of **The Federal Register - What It Is and How To Use It,** at $3.50 per copy, Stock No. 022-003-01041-6.

Name—First, Last

Company name or additional address line

Street address

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only

Quantity		Charges
_____	Enclosed	
_____	To be mailed	
	Subscriptions	
	Postage	
	Foreign handling	
	MMOB	
	OPNR	
_____	UPNS	
_____	Discount	
_____	Refund	